

From: "Dusty R. Johnston" <drj@vernoncollege.edu>
Sent: Wednesday, June 12, 2024, 2:27 PM
To: "budgetandpolicyreports@gov.texas.gov" <budgetandpolicyreports@gov.texas.gov>
Cc: "tabatha.vasquez@gov.texas.gov" <tabatha.vasquez@gov.texas.gov>;
"michelle.watts@gov.texas.gov" <michelle.watts@gov.texas.gov>
Subject: GA 44 compliance information

[EXTERNAL SENDER] - Do not click on links or open attachments in unexpected messages.

The following addition to the Vernon College Student Handbook and Employee Handbook was approved by the Vernon College Board of Trustees today June 12, 2024.

No employee (student) shall discriminate against students, other employees, or community members on the basis of race, gender, religion, self-identification, creed, national origin, or disability. This includes "Antisemitism" (as defined by HB 3257) meaning "a certain perception of Jews that may be expressed as a hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish community institutions and religious facilities."

Antisemitism is not protected by free speech. In accordance with Texas Executive order GA-44, any discrimination or violation free speech can result in appropriate employee disciplinary action.

Contact me if I need to provide additional documentation or respond in another format.

Dusty R. Johnston, Ed. D.

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"Live Simply, Love Generously, Care Deeply, Speak Kindly"

"All that is necessary for evil to triumph is for good men to do nothing"

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From: "Hellyer, Brenda" <Brenda.Hellyer@sjcd.edu>
Sent: Tuesday, June 18, 2024, 5:56 PM
To: "budgetandpolicyreports@gov.texas.gov" <budgetandpolicyreports@gov.texas.gov>;
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Cc: "Hellyer, Brenda" <Brenda.Hellyer@sjcd.edu>; "Reiland, Mandi" <Mandi.Reiland@sjcd.edu>
Subject: GA-44 Response for San Jacinto College
Attachments: VII-7003-A-Expressive-Activities.pdf; VII-7003-A-a-Expressive-Activities.pdf

[EXTERNAL SENDER] - Do not click on links or open attachments in unexpected messages.

Good afternoon,

This communication will serve to advise you that San Jacinto College has complied with Governor Abbott's Executive Order GA-44. The College assessed its policy and procedure to ensure that the language is sufficient to address the concerns expressed by the Governor. In conjunction with that review, the College amended its procedure to include the required definition of "antisemitism" to guide students and employees. Changes were effective May 22, 2024. The policy and procedure are posted on the College's website. In addition, all employees were notified of the amendment.

Attached for your file are Policy VII.7003.A, Expressive Activities, and Procedure VII.7003.A.a, Expressive Activities. The new definition of "antisemitism" is highlighted in yellow on page 2 of the procedure.

The Executive Order also directs that institutions provide evidence that the policies are being enforced. The College's student conduct staff, campus police, and other campus leaders have received training on our policies and the requirements of Section 51.9315 of the Texas Education Code. San Jacinto College has not experienced any student or community protests on these issues on our campuses, and no antisemitic incidents have been reported.

Thank you,

Brenda Hellyer



Brenda Hellyer, Ed.D.

San Jacinto College

Chancellor

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Procedure VII.7003.A.a, Expressive Activities

Associated Policy

Policy VII.7003.A, Expressive Activities

Procedures

I. Overview

- A.** San Jacinto College is committed to fostering a learning environment where free inquiry and expression are encouraged. The College recognizes the right to assemble, speak, carry signs, and distribute literature and petitions. In accordance with the rules specified in this Procedure, students, employees, and members of the general public, individually or in organized groups, may engage in expressive activities in the College's outdoor common areas, subject to reasonable restrictions of time, place, and manner. The College will not discriminate on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement or administration of these rules.
- B.** The College may not take action against a student or employee organization or deny these organizations any benefit generally available to other student or employee organizations at the College on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organizations or of any expressive activities of the organizations.
- C.** The College expects that persons engaging in expressive activities will demonstrate respect for the safety of persons and property, respect for those who may disagree with their message, and compliance with College policies and applicable local, state, and federal laws. As permitted by law, San Jacinto College imposes reasonable time, place, and manner restrictions on all persons engaging in expressive activities. The College will not tolerate expressive activities that are unlawful, that materially and substantially disrupt the College's activities, programs, or operations, that unduly interfere with the expressive activities of others on campus, that constitute Prohibited Expression under Section III of this Procedure, or that violate the College's policies and procedures or applicable local, state, or federal law. Individuals who violate these rules, policies, or laws are subject to immediate removal from the campus and other appropriate and lawful sanctions. See Section XIII, Violations and Sanctions.
- D.** The location of expressive activities will depend upon the factors listed in these rules, including the size of the audience for the activity (both participants and spectators). Decisions required to be made by College officials will be based on these rules and will not be based on the content or viewpoint of a proposed expressive activity or on any anticipated controversy related to the proposed event. Expressive activities permitted under these rules do not imply official endorsement by the College.

E. General Prohibitions: The Chancellor, Deputy Chancellor and College President, or other designated College representatives retain the authority to enforce this Procedure. The following rules are intended to protect the health and safety of all persons, to protect property from damage, to manage resources, and to protect the educational mission of the College. Individuals and organizations engaging in expressive activities shall not:

- interfere with the free entry to or exit from a building, structure, or facility;
- interfere with the flow of pedestrians or vehicular traffic on sidewalks or streets or at places of ingress and egress to and from property, buildings, or facilities;
- deny the use of offices or other facilities to the students, faculty, staff, or guests of the College;
- threaten or endanger the safety of any person on a campus;
- engage in conduct that is likely to result in damage or defacement to or destruction of College property or to cause disruption in utilities;
- create a sustained or repeated noise disturbance that substantially interferes with a speaker's ability to communicate with others and/or the rights of others to listen;
- attempt to prevent a College event or other lawful assembly by the threat or use of force or violence; or
- use or display an open flame or fireworks.

F. This Procedure applies to expressive activities that are not part of an official activity, program, or operation of the College or its departments. Teaching and other official functions of the College will have priority in allocating the use of space on campus.

II. Definitions

A. *Amplified sound:* The use of any loudspeaker, loudspeaker system, sound amplifier, or any other machine or device that produces, reproduces, or amplifies sound.

B. *Antisemitism:* This term has the meaning found in Section 448.001 of the Texas Government Code, which means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. This definition is provided in accordance with Executive Order ~~GA~~ (2024).

C. *College:* The San Jacinto College and any of its campuses or buildings.

D. *College department:* Any academic or non-academic unit or division or any other official College entity.

E. *College grounds or premises:* Any College-owned, leased, or maintained property and buildings, including, but not limited to, the College's South Campus, Central Campus, North Campus, Maritime Campus, Generation Park Campus, and District Administration Building.

- F. *Commercial activity*: The selling or advertising of objects or services by an individual, organization, or company for personal gain or for the financial benefit of owners or investors. “Commercial activity” does not include words or symbols on an individual’s personal apparel, or a bumper sticker placed on a car by its owner.
- G. *Common outdoor area*: Outdoor space at the College that is not being used for a College purpose or educational function or a College-sponsored or affiliated event or function, whether temporary or permanent. “Common outdoor area” generally includes plazas, sidewalks, lawns, and courtyards. “Common outdoor area” does not include the outside surface of College buildings or surfaces associated with or connected to a College building or structure or space dedicated to temporary outdoor exhibits, College structures, or College construction sites.
- H. *Expressive activity*: Any speech or expressive conduct (oral or written) protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
- I. *Non-profit group*: A group whose purpose is to serve a public or mutual benefit other than the pursuit or accumulation of profits for owners or investors. The term includes, but is not limited to, registered student organizations, public charities, social welfare agencies, religious organizations, and organizations exempt from federal income tax.
- J. *“Off-campus person or organization” and “member of the general public”*: A person or organization that is not an academic or administrative unit or department of the College or a registered or officially recognized student, faculty, or staff organization.
- K. *Official College event or activity*: Any event, program, or activity sponsored by a College department or division in the course of fulfilling its College mission; educational activities that occur within the classroom; or events that occur within the regular or recurring sphere of activity of a College department or division.
- L. *Organized Expressive Activity*: Any rally, parade, demonstration, memorial or vigil, stationary structure or display, concert or other similar event designed to attract a gathering of twenty-five or more people during a specified period of time. The term also includes a stationary structure, display, or activity that is scheduled to be in the same location for two or more hours in a single day and that is intended to distribute or is prepared to distribute literature or materials to twenty-five or more people.
- M. *Registered student organization*: A student organization officially registered with the Office of Student Engagement & Support at the College.

III. Prohibited Expression

The following types of expression are not protected expression. Individuals and organizations that engage in Prohibited Expression are subject to removal from College grounds and are subject to other appropriate and lawful sanctions. Students and

employees are subject to discipline in accordance with the regular disciplinary policies and procedures of the College.

- A. *Obscenity*: A writing, visual image, or performance is obscene as defined in Section 43.21 of the Texas Penal Code (or its successor provisions).
- B. *Incitement to imminent violations of the law*: Conduct, whether oral, written, or demonstrative, that incites or is directed at producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law.
- C. *Defamation*: Defamation is a false statement of fact about another individual that holds the individual up to hatred, ridicule, or contempt and that is not otherwise privileged. Defamation can be written (libel) or oral (slander). If the defamed person is a private individual, the question is whether the speaker knew or should have known that the statement was false. If the defamed person is a public official or public figure, the question is whether the statement was made with knowledge of the falsity or with reckless disregard of the truth.
- D. *True threat*: A serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals. The speaker of a true threat need not intend to inflict actual harm; the question is whether the speaker consciously disregarded a substantial risk that the communications would be viewed as threatening violence.
- E. *Acts of Intimidation*: A type of true threat where a speaker directs a threat to a person or group of persons with the intent of placing the victim(s) in fear of bodily harm or death.

IV. Use of Outdoor Space

A. Time, Place, and Manner for Outdoor Expression

Common outdoor areas are traditional public forums. Students, employees, student organizations, members of the general public, and off-campus organizations may engage in expressive activities in common outdoor areas without prior approval or reservation. Individuals and organizations that engage in expressive conduct shall comply with these Procedures, including the General Prohibitions in Section I. The following conduct is prohibited in outdoor common areas:

- a. The person's conduct is unlawful (see Section III, Prohibited Expression);
- b. The activity is commercial activity;
- c. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
- d. There is inclement weather, a public health warning, terror alert, or other emergency;
- e. The use would materially and substantially disrupt or disturb the regular academic program or other operations of the College;
- f. The use would result in damage to or defacement of property;
- g. The activity violates College policy or procedure or violates a local, state, or federal law.

Additionally, no person engaging in expressive activities shall engage in conduct that constitutes harassment of another person. “Harassment” in this Procedure means: (i) hostile, threatening, or intimidating conduct or speech, whether oral, written, or symbolic, (ii) that is directed at specific individual(s), and (iii) is sufficiently severe, pervasive or persistent, and objectively offensive that it would cause an ordinary and reasonable person to fear violence or bodily harm or would unreasonably interfere with the other individual’s ability to access or participate in or benefit from the activity, program, services, or privilege provided by the College.

In addition, students and employees are subject to other policies and procedures of the College that prohibit discriminatory harassment based on membership in a protected class recognized under state or federal law. These policies and procedures address conduct that is sufficiently severe or pervasive to create an objectively hostile campus or academic environment that unreasonably interferes with or diminishes another individual’s ability to participate in or benefit from an activity, program, service, or privilege provided by the College District. These policies and procedures include the College’s Sexual Misconduct Policy and Procedures (see Board Policy III.3006.D and Procedure III.3006.D.a) and policies and procedures that prohibit discrimination and harassment on the basis of race, color, national origin, religion, sex, disability, age, veteran/military status, and other legally protected classes (see Board Policy IV.4002.G and Complaint Procedure 300 of the Student Handbook). Discrimination based on race, color, or national origin includes discrimination and harassment based on a person’s actual or perceived: (i) shared ancestry or ethnic characteristics; or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity; this definition encompasses antisemitism and discrimination based on religion, including but not limited to discrimination against students who are Jewish, Muslim, Sikh, Hindu, Christian, Buddhist, or other religions when based on shared ancestry, ethnic characteristics, or citizenship or residency in a country with a dominant religion or distinct religious identity.

The rules against harassing expressive activity should be interpreted as narrowly as possible to preserve their constitutionality and to avoid chilling the exercise of constitutionally protected speech. Opinions and arguments of a political, religious, ideological, or academic nature are not harassment merely because some listeners are offended or upset by the opinion or argument.

The right to engage in expressive activities does not encompass selling literature, products, or services or seeking donations. Student organizations may engage in such activities on a non-profit basis in accordance with the Student Handbook.

B. Gatherings of 25 or More People

If the expected attendance at an assembly or gathering is 25 or more people (see the definition of “Organized Expressive Activity” above), the persons or organizations planning the activity are encouraged to seek a reservation of an outdoor campus area that is suited to their assembly’s anticipated size (both participants and spectators) as stated in Section IV(C) below. Campus maps reflecting locations suitable for large gatherings are available from the Office of Student Engagement & Support. Regardless of whether a

person or organization seeks a reservation, they are encouraged to provide at least 48 hours' notice to the Office of Student Engagement & Support to enable the College to efficiently allocate resources, manage conflicting activities, and assign campus security, maintenance, and other staff as needed to maintain safety, order, and cleanliness. Contact information for the Office of Student Engagement & Support on each campus can be found at <https://www.sanjac.edu/student-life/>.

C. Areas Where Outdoor Expressive Activity May Not Take Place

The College will regulate outdoor expressive activity under criteria that is content and viewpoint neutral and is narrowly tailored to serve a significant institutional interest. In addition to the prohibitions stated elsewhere in these Procedures, an outdoor expressive activity may not take place:

- a. In areas already reserved for an official College event during the specific times reserved for the official College event;
- b. In areas already reserved for an event by a person or organization that has made a reservation through the Office of Student Engagement & Support;
- c. In areas that block free movement of pedestrian or vehicle traffic;
- d. In areas that prevent or substantially hinder entry or exit of a campus building;
or
- e. In any areas on campus during times that the College campus is closed to the public.

D. Reserving Space for Expressive Activity in an Outdoor Common Area

While no approval or reservation is required to engage in expressive activity in an outdoor common area, individuals have the ability to reserve an outdoor space on campus in order to guarantee their desired space of expression is kept available to them during the specific date/time of their planned activity. A person or organization that reserves an area in advance pursuant to this Procedure has the right to the reserved space for the time covered by the reservation. Other persons or organizations using the same space without a reservation must yield the space immediately at the beginning of the other group's reserved time. A specific location may be reserved for a single day up to eight hours between the hours of 8 a.m. 6 p.m. To make reservations for an outdoor expressive activity, individuals must:

- a. Contact the Student Engagement & Support Office on the campus of their planned activity and complete an Outdoor Expressive Activity Reservation Form. Contact information for the Student Engagement and Support Office is found at <https://www.sanjac.edu/student-life/>.
- b. Student Engagement and Support will verify whether the space is already reserved for the desired date/time and notify the requestor within three business days. While there is no limit to the frequency that an individual or organization may engage in expressive activity on campus, an individual or organization may reserve a specific location in advance only four times per calendar month. This rule is imposed to ensure that all eligible persons or

organizations have a reasonable opportunity to reserve a space. Fostering diverse use of resources is a significant interest. Registered student organizations and/or College employees are given priority over off-campus organizations and members of the public if a campus receives two or more applications on the same day seeking to reserve the same location at the same or conflicting times. In the event of conflicting applications between multiple registered student organizations and/or College employees, applications will be selected using a neutral, random method. In the event of conflicting applications between organizations not affiliated with the College, applications will be selected using a neutral, random method.

- c. If a desired space has not been reserved, then a request for same-day usage can be submitted to the Student Engagement & Support Office on a first-come, first-served basis. All applications actually received between 8:30 AM and 4:00 PM on the same day will be eligible for selection using a neutral, random method. Conflicting applications will be addressed as stated in the preceding paragraph.
- d. Individuals reserving an outdoor space may not assign or delegate any control or responsibility of that reservation to any other person, agent, or third party without prior written approval of the respective campus Student Engagement & Support Coordinator. All individuals requesting a reservation must identify themselves to the Student Engagement & Support Coordinator or designee, provide contact information, and serve as the contact person for the event or activity. Reservations for a space for a specific type of outdoor expressive activity may not be used for a different activity without written approval of the respective campus Student Engagement & Support Coordinator.
- e. The Student Engagement & Support Coordinator, or his or her designee, will approve or deny a requested reservation within three business days of receiving the application. Applicants must supply the following information:
 - Date of application;
 - Proposed date(s) of the reservation;
 - Proposed start and finish times;
 - Proposed location;
 - Name of the activity;
 - Anticipated attendance;
 - Advertising methods;
 - Description of the activities planned;
 - Campus sponsoring organization name, if any;
 - Contact person name, address, phone number, and email address; and
 - Applicant's signature.

An application may be denied for the following reasons:

1. the applicant failed to supply requested information on the application;
2. the requested area is not available because it has already been reserved;
3. the application contains a material misrepresentation of fact;
4. the applicant is ineligible due to a previous violation of these regulations

- within the previous six months (including prior non-compliance, including but not limited to, failure to remove personal items and trash during a prior expressive activity);
5. the proposed use is not suitable for the location because the anticipated attendance exceeds the reasonable capacity of the space;
 6. the proposed use is not suitable for the location because the design or dimensions of the activity will substantially interfere with pedestrian access, traffic flow, or public safety;
 7. the proposed use would constitute an immediate and actual danger to the peace or security of the College and/or the local community, that available law enforcement officials could not control with reasonable efforts;
 8. the proposed use would constitute a material and substantial disruption to the regular academic program or other operation of the College;
 9. the proposed use conflicts with previously scheduled activities and events in the same area;
 10. the applicant is under disciplinary sanction for other violations of College policy or procedure that has resulted in a loss of College privileges; and/or
 11. the proposed activity is commercial in nature.

The decision to grant or deny a reservation will not be based on the content or viewpoint of the organized expressive activity or upon the expected reaction of others to the activity. If the request to reserve is denied, the applicant may appeal in writing to the Dean of the Office of Student Rights and Responsibilities or designee who shall rule promptly in writing (generally within three business days of the appeal). The email address of the Office of Student Rights and Responsibilities is studentrights@sjcd.edu. The decision of the Dean of the Office of Student Rights and Responsibilities is final.

E. Other Conditions

Amplified sound is allowed in outdoor common areas, but bullhorns are prohibited. Noise levels may not unduly interfere with classes, meetings, or other activities in progress. Making sustained or repeated noise in a manner that unduly interferes with a speaker's ability to communicate his/her message is not permitted. A person responsible for a structure or display must remain with the structure or display at all times.

Should the size of any gathering exceed the maximum number of participants that is safe for a given location, including a reserved space, participants will be directed by campus officials to relocate to an area on campus that is better suited to the size of the gathering to the extent relocation is practicable.

The College may move a scheduled or reserved event to a different location upon the occurrence of:

- a. circumstances beyond the control of the College, such as facility infrastructure disruption and/or inclement weather;
- b. unanticipated needs of the College for use of the space for College purposes;
- c. substantial changes in the needs or size of the scheduled event; or

- d. subsequent disruption to previously scheduled College events.

The Student Engagement & Support Office will consult with the organizer of the scheduled event (if available) to consider other feasible locations or the rescheduling of the event. The Student Engagement & Support Office will move the event to an agreed-upon location or to the nearest suitable location. The College is not responsible for any costs incurred by the organizers of the scheduled event that may result from a change in location.

Each individual or organization that reserves an outdoor space is responsible for cleaning up and removing personal items, paper, and trash that is placed in the area or dropped on the ground during the activity. Failure to comply may result in loss of the privilege to reserve space for six months. Subsequent violations may result in other conditions or sanctions, including loss of the privilege to reserve space for longer than six months. Students and employees are subject to discipline pursuant to regular College disciplinary procedures.

V. Distribution of Literature and Carrying Signs

Individuals and organizations, whether or not affiliated with San Jacinto College, may distribute literature, newspapers, brochures, books, handbills, and other printed material in common outdoor areas in accordance with these Procedures. No prior approval is required.

All literature must comply with the following rules:

- Literature or other printed materials must be distributed in person.
- Literature or other printed materials must not be forced upon others.
- Literature shall not be placed on vehicles in a College parking lot without the permission of the owner of the vehicle.
- The materials must not constitute prohibited “harassment” as defined in Section IV(A) above.
- The materials must not infringe upon intellectual property rights of the College, including College trademarks.
- The free flow of pedestrian, vehicular, or other traffic must not be obstructed at any point at any time. Entrances and exits shall not be blocked, and pedestrians shall have sufficient space to safely maneuver around the individual(s) offering literature or material.
- Groups or individuals are responsible for ensuring that literature/printed materials do not litter the area and are responsible for cleaning up discarded or leftover literature.
- Literature/printed materials cannot promote commercial activities.
- Individuals and organizations may not distribute or use confetti or glitter in outdoor common areas.

Individuals and organizations may display signs only by carrying them in their hands or otherwise attaching them to their persons or wheelchairs. No advance permission is required. Signs on sticks or poles are not allowed. Student organizations may post signs

on campus as permitted by the Student Handbook.

VI. Reservation of Indoor Space

The buildings and facilities owned or controlled by the San Jacinto College District generally are not traditional public forums open for assembly, debate, demonstrations, or similar activities by members of the general public or by students or employees of the College. The buildings and facilities of the College are intended primarily for the support of the instructional programs of the College and for the support of programs conducted or sponsored by the College's academic and administrative departments or organizations affiliated with those departments. The responsibility of the College to operate and maintain an effective and efficient institution of higher education requires that the College regulate the time, place, and manner of assembly, speech, and other expressive activities inside the buildings of the College.

As used in this Procedure, buildings and facilities includes the outside surface of College buildings and surfaces associated or connected to a College building or structure, including an attached porch or portico.

A. Authorized Uses

The College allows the reservation of a table (also known as a booth) in certain designated areas of certain campus buildings for certain limited purposes. Tables/booths may be reserved by individual students, student organizations, employees, and employee organizations. Tables/booths also may be reserved by non-profit organizations that are not affiliated with the College so long as their purpose is non-commercial in nature. Authorized uses include the distribution of literature to promote a College event or non-profit community event; to provide information about matters of public concern; to provide information about the organization or its activities; and to recruit new members.

Applicants may not assign or delegate any control or responsibility to any other applicant or co-sponsor, agent, or third party without prior written approval of the respective campus Student Engagement & Support Coordinator. All individuals requesting a reservation must identify themselves, provide contact information, and serve as the contact person for the event or activity. Reservations of an indoor expressive activity space may not be used for a different activity without written approval of the respective campus Student Engagement & Support Coordinator. Indoor site availability is determined by the days and times that the building is open to the public.

Designated indoor sites:

Central Campus

- *Newton Student Center northwest lobby*

Maritime Campus

- *First floor lobby area adjacent to the main entrance*

North Campus

- *Slovacek Student Center 1st floor west entrance*

Generation Park Campus

- *First floor lobby area adjacent to the main entrance*

South Campus

- *Bruce Student Center, 1st floor west atrium adjacent to stairway*

District Building 1

- *First Floor Lobby area outside of and adjacent to the Boardroom (A-1.104)*

B. Restrictions on Use of Space

The tables/booths may not be used for a commercial purpose or for selling literature, products, or services or seeking donations. Student organizations may sell goods and services or seek donations on a non-profit basis in accordance with the Student Handbook.

C. Table/Booth Restrictions

Persons distributing information at a reserved table/booth must remain within three feet of their reserved table space. Tables/booths may not be moved and must remain in the location designated by the College. Signs and displays at reserved tables/booths may not extend beyond three (3) feet of the reserved table space and may not exceed six (6) feet in height. Under no circumstances may any stationary display, exhibit, or structure present a significant safety hazard or threat to public safety. A member of the group reserving the table/booth must remain with the table/booth at all times.

D. Distribution of Printed Materials

Literature or other printed materials must be distributed in person. Individuals and organizations must comply with the rules for distributing literature as stated in Section V.

E. Restrictions on Amplified Sound

Amplified sound is allowed but bull-horns are prohibited. Only hand-held, portable devices are allowed, and noise levels may not unduly interfere with or disrupt classes, meetings, or other activities in progress. Amplified sound may be prohibited if the sound is audible in nearby occupied classrooms or offices with the doors closed. Making sustained or repeated noise in a manner that substantially interferes or disrupts with a speaker's ability to communicate his/her message is not permitted.

F. Space Availability

The space available for reserved tables/booths is limited. Other than the designated table/booth located in the student centers, all other indoor areas on campus may only

be reserved by official College departments or organizations. To ensure that all eligible groups have a reasonable opportunity to reserve a table/booth, eligible individuals and organizations will be limited to a maximum of four advance reservations per space each month. Eligible individuals or a group may inquire with the Student Engagement & Support Coordinators/Event Services Coordinator about same-day table/booth availability beginning at 8:30 AM. If the designated space has not been reserved then an application for that same-day usage can be submitted and accepted on a first-come, first-served basis. All applications actually received between 8:30 AM. and 4:00 PM. on the same day will be eligible for selection using the neutral, random method.

G. Application Process

Eligible individuals or groups may request the use of indoor space by completing an application. Applications are available at the Student Engagement & Support Offices. The requesting group or individual must submit a completed Application to Reserve Indoor Space for Organized Expressive Activity to the relevant campus. Reservations must be made at least five business days in advance of the planned event but no more than sixty days in advance of the planned event. Reservations are accepted on a first-come, first-served basis. An application is “received” for purpose of this section if it is actually received between the hours of 8:30 AM. and 4:00 PM. Reservations may be sent via email, but such reservations are not considered received until opened. Registered student organizations and/or College employees are given priority over off-campus organizations and members of the public if a campus receives two or more applications on the same day seeking to reserve the same location at the same or conflicting times. In the event of conflicting applications between multiple registered student organizations and/or College employees, applications will be selected using a neutral, random method. In the event of conflicting applications between organizations not affiliated with the College, applications will be selected using a neutral, random method.

The Student Engagement & Support Coordinator, or his or her designee, will approve or deny a requested reservation within three business days of receiving the application. Applicants must supply the following information:

- Date of application;
- Proposed date(s) of the reservation;
- Proposed start and finish times;
- Proposed location;
- Name of the activity;
- Anticipated attendance;
- Advertising methods;
- Description of the activities planned for the table/booth and the dimensions of any display or exhibit;
- Campus sponsoring organization name, if any;
- Contact person name, address, phone number, and email address; and

- Applicant's signature.

An application may be denied for the following reasons:

- the applicant failed to supply requested information on the application;
- the requested space is not available because it has already been reserved;
- the application contains a material misrepresentation of fact;
- the applicant is ineligible due to a previous violation of these regulations within the previous six months (including prior non-compliances, including but not limited to, failure to remove personal items and trash during prior expressive activity requests);
- the proposed use is not suitable for the location because the anticipated attendance exceeds the reasonable capacity of the space;
- the proposed use is not suitable for the location because the design or dimensions of the display will substantially interfere with pedestrian access, traffic flow, or public safety;
- the proposed use would constitute an immediate and actual danger to the peace or security of the College and/or the local community, that available law enforcement officials could not control with reasonable efforts;
- the proposed use would constitute a material and substantial disruption to the regular academic program or other operation of the College;
- the proposed use conflicts with previously scheduled activities and events in the same area; and/or
- the proposed activity is commercial in nature.

Additionally, the campus Administration may move a scheduled event to a different location upon the occurrence of:

- circumstances beyond the control of the College, such as facility infrastructure disruption and/or inclement weather;
- unanticipated needs of the College for use of the space for College purposes;
- substantial changes in the needs or size of the scheduled event; and/or
- disruption to previously scheduled College events.

The Administration will consult with the organizer of the scheduled event to consider other feasible locations. The Administration will move the event to an agreed-upon location or to the nearest suitable location, which may include an outdoor location if available. The College is not responsible for any costs incurred by the organizers of the scheduled event that may result from a change in location.

The decision to grant or deny a reservation will not be based on the content or viewpoint of the organized expressive activity or upon the expected reaction of others to the activity. If the request to reserve is denied, the applicant may appeal in writing to the Dean of Compliance and Judicial Affairs who shall rule promptly in writing (generally within three business days of the appeal).

VII. Presenting Identification to College Officials

The College respects the right of individuals to engage in expressive activities in an anonymous manner. However, there are occasions when it is necessary for a College official to ask an individual to identify himself or herself. These occasions could include, for example, taking action to preserve the peace, to quell a disturbance, to investigate noncompliance with these Procedures, to confirm or modify a reservation or a gathering, or to obtain information regarding violations of other College policies or procedures.

Pursuant to the authority conferred upon the Board of Trustees by Texas Education Code Section 51.209, in order to protect the safety and welfare of students, employees, and other participants in the programs and activities of San Jacinto College and to protect the property and buildings of the College, it shall be a violation of these Procedures for any person who is on any property or in a building owned or controlled by San Jacinto College to refuse to identify himself or herself in response to a request by an authorized representative or any peace officer of San Jacinto College acting pursuant to authority of Texas law. An “institutional representative” is any member of the Board of Trustees; any College administrator or manager; or any peace officer or security officer of the College acting pursuant to authority of Texas law.

A person identifies himself or herself by stating truthfully: (1) his or her name and complete address, as substantiated by a current driver’s license or other official documentation, and whether they are a student or employee of the College; and (2) his or her legitimate business on San Jacinto College. Legitimate business includes engaging in assembly, speech, and other expressive activities as authorized by law or this Procedure.

A person who refuses to identify themselves in accordance with this Procedure may be required to leave the premises and may be subject to arrest for trespass. Students, faculty, or staff who refuse to identify themselves in accordance with this Procedure also are subject to disciplinary action pursuant to the College’s regular disciplinary procedures.

Additionally, as stated in Section 51.232 of the Texas Education Code, during periods of disruption, as determined by the Chancellor, Deputy Chancellor, Associate Vice Chancellor of Student Services, or other official designated by the Chancellor, to maintain order on the campus or facility, the College may require that any person on the campus or facility present evidence of his or her identification, or if the person is a student or employee of the institution, his student or employee official institutional identification card, or other evidence of the individual’s relationship with the College. If a person refuses or fails upon request to present evidence of their identification, and if it reasonably appears that the person has no legitimate reason to be on the campus or facility, the person may be ejected from the campus or facility.

College officials will not discriminate on the basis of a political, religious,

philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement or administration of these rules.

VIII. Violations and Sanctions; Discipline Procedures and Appeals

When a College employee observes a violation of these Procedures, the preferred first step is for the employee to encourage the alleged violator to comply with the rule being violated, especially in instances in which public safety is not threatened. If an individual continues to violate a rule or procedure after receiving a warning, but the activity is otherwise peaceful, staff and campus police should evaluate all facts and circumstances and determine whether to intervene immediately. For example, if the activity is about to end, intervention may be more disruptive than allowing the activity to end on its own. The decision whether and when to intervene shall be made without consideration of the viewpoint of the speaker.

Students who violate these Procedures are subject to discipline under the Code of Student Conduct in the Student Handbook. Sanctions may include loss of privileges, suspension, and expulsion. Employees who violate these Procedures are subject to discipline under the College’s applicable employment procedures, and sanctions may include loss of privileges, suspension, and termination. A violation of this Procedure includes unduly interfering with the lawful expressive activities of others.

Students who wish to file a complaint alleging a violation of this Procedure may file a complaint with the Office of Students Rights and Responsibilities under Complaint Procedure 200 in the Student Handbook. Employees who wish to file a complaint alleging a violation of this Procedure may file a complaint under Board Policy IV.4002.F.a and Procedure IV.4002.F.a, *Employee Concerns and Grievances*. A student or employee who complies with an on-the-scene order or directive that limits or prevents an expressive activity may test the propriety of the order or directive by filing a grievance or complaint.

Members of the public and off-campus organizations that violate these Procedures are subject to criminal trespass charges, arrest, and other lawful measures. Members of the public and off-campus organizations who wish to file a complaint alleging a violation of this Procedure may file a complaint with the Office of Student Rights and Responsibilities at studentrights@sjcd.edu. The decision of the Dean of the Office of Student Rights and Responsibilities is final.

Date of SLT Approval	May 1, 2024
Effective Date	May 22, 2024
Associated Policy	Policy VII.7003.A, Expressive Activities
Primary Owner of Policy Associated with the Procedure	Deputy Chancellor & President

Secondary Owner of Associate Vice Chancellor, Student Services
Policy Associated
with the Procedure

Policy VII.7003.A, Expressive Activities

Purpose

The purpose of this policy, and the associated procedure, is to provide guidance to the San Jacinto College community regarding freedom of expression that occurs on the College campuses and the District Administration buildings.

Policy

San Jacinto College is committed to fostering a learning environment where free inquiry and expression are encouraged. The College expects that persons engaging in organized expressive activities will demonstrate respect for the safety of persons and property, respect for those who may disagree with their message, and compliance with College policies and applicable local, state, and federal laws.

The College recognizes that freedom of speech is a fundamental right. Per Texas Education Code Section 51.9315, freedom of expression is of critical importance and requires the College to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus.

The College recognizes freedom of speech and assembly as central to the mission of institutions of higher education and ensures that all persons may assemble peaceably on College campuses and the District Administration buildings for expressive activities, including to listen to or observe the expressive activities of others.

Notwithstanding these rights and freedoms, the College adopts a policy that imposes reasonable restrictions on the time, place, and manner of expressive activities on the College's campuses and the District Administration buildings.

Definitions

Expressive Activities: Any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

Associated Procedures

Procedure VII.7003.A.a, Expressive Activities

Date of Board Approval	This policy became effective as of December 9, 2020, under the Chancellor's authority granted by the Board under Policy II.2000.A, Policy and Procedure Development, Review, Revision, and Rescission. Permanent affirmation of the change followed the standard policy review process at the next regularly scheduled meetings of the Board with approval on March 1, 2021
Effective Date	December 9, 2020
Primary Owner	Deputy Chancellor & President
Secondary Owner	Associate Vice Chancellor, Student Services

From: "Fontenot, Daryl" <dfontenot@Lee.Edu>
Sent: Monday, June 24, 2024, 10:04 PM
To: "budgetandpolicyreports@gov.texas.gov" <budgetandpolicyreports@gov.texas.gov>;
"tabatha.vasquez@gov.texas.gov" <tabatha.vasquez@gov.texas.gov>; "michelle.watts@gov.texas.gov"
<michelle.watts@gov.texas.gov>
Subject: Executive order GA -44
Attachments: FLA(LOCAL).pdf; FLA-R Freedom of Expression_Approved.pdf

[EXTERNAL SENDER] - Do not click on links or open attachments in unexpected messages.

To Whom It May Concern:

This communication will serve to advise you that Lee College has complied with Governor Abbott's Executive Order GA-44. The College assessed its policies and procedures to ensure that the language is sufficient to address the concerns expressed by the Governor. In conjunction with that review, the College amended its procedures, including adding the required definition of "antisemitism" to guide students and employees. Punishments have been identified to support enforcement. Changes are effective June 24, 2024. The relevant policies and procedures are posted on the College's website. In addition, all employees are receiving a copy of the amendment.

Attached for your files are Board Policy FLA Local

(<https://pol.tasb.org/PolicyOnline/PolicyDetails?key=579&code=FLA#localTabContent>) and

Administrative Procedure FLA-R (www.lee.edu/hr/files/admin-regs/fla-r-freedom-of-expression). The new definition of "antisemitism" is highlighted in yellow on page 1 of the procedure.

The Executive Order also directs that institutions provide evidence that the policies are being enforced. The College's student conduct staff, campus police, and other campus leaders have received training on our policies and the requirements of Section 51.9315 of the Texas Education Code. The College's provost has reviewed disciplinary cases and identified no violations of free speech policies, evidencing effective enforcement of same. Lee College has not experienced any student or community protests on these issues on our campuses, and no antisemitic incidents have been reported.

Thank you.

Daryl Fontenot

Chair, Board of Regents

Lee College

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Note: For expression and use of College District facilities and
JURX Q G W P S O R \ H H V D Q G H P S O R \ H H R U J D Q
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Distribution of Literature

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any College District student or recognized student organization, except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by students or registered student organizations that is not sponsored by the College District.

Materials distributed under the supervision of instructional personnel as a part of instruction or other authorized classroom activities shall not be governed by this policy.

Limitations on Content

Materials shall not be distributed by students or recognized student organizations on College District property if:

1. The materials are obscene, where the materials fall within the definition of obscene as defined in Section 43.21 of the Texas Penal Code or successor provisions, and is within the constitutional definition of obscenity as set forth in the decisions of the United States Supreme Court.
2. The materials contain defamatory statements about public figures or others.
3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
4. The materials are considered prohibited harassment. [See DIAA, DIAB, FFDA, and FFDB]
5. The materials constitute nonpermissible solicitation. [See FI]
6. The materials infringe upon intellectual property rights of the College District. [See CT]

Time, Place, and Manner Restrictions

Distribution of the materials shall be conducted in a manner that:

1. Is not disruptive; [See FLB]

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2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;
4. Does not coerce, badger, or intimidate a person;
5. Does not interfere with the rights of others; and
6. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

The provost and vice president, academics and student affairs or designee shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by students or recognized student organizations to students or others in College District facilities and in areas that are not considered common outdoor areas.

Posting of Signs

For the purposes of this policy, "sign" shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; and "posting" shall be defined as any means used for displaying a sign.

A student or recognized student organization shall seek prior approval from the vice president of student affairs prior to posting a sign on College District property. Signs without an approved stamp, that promote or advertise outdated events, or that violate content guidelines shall be removed.

Except for signs that violate the restrictions in this policy and administrative procedures, a student or registered student organization may publicly post a sign on College District property in common outdoor areas and in areas or locations designated by the provost and vice president, academics and student affairs or designee. No object other than a sign may be posted on College District property.

Removal

A sign posted in accordance with this section shall not be removed without permission from the provost and vice president, academics and student affairs or designee or designee, the student, or the recognized student organization.

Disclaimer

Materials distributed by a recognized student organization must include a disclaimer indicating that the materials are not sponsored by the College District and do not represent the views of the College District or College District officials, faculty, or staff.

Facilities Use

The facilities and grounds of the College District shall be made available to students or recognized student organizations when such use does not conflict with policies and procedures of the College District. The requesting student or student organization, if applicable, shall pay expenses based on a fee schedule approved by the Board.

Requests

To request permission to meet or host a speaker in College District facilities, advisers for recognized student organizations shall complete the facility rental form and submit it to the information services specialist. Organizations shall be required to acknowledge that they understand and will abide by all College District policies and procedures.

Approval

When considering facilities requests, nondiscrimination and free speech shall be protected. The applicant shall be notified in writing if the request is denied based on the following:

1. The facility is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation;
4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District or off-site property;
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group; or
9. The proposed activity is not in the best interest of the College District.

*Common
Outdoor Area
Exception*

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Students and student organizations may engage in expressive activities in common outdoor areas, unless:

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1. The person's conduct is unlawful;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

Announcements
and Publicity

In accordance with administrative procedures, all students and recognized student organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.

Identification

Students distributing materials on campus or using College District facilities shall provide identification when requested to do so by a College District representative.

Violations of Policy

Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, confiscation of nonconforming materials, suspension of a student's or registered student organization's use of College District facilities, and/or other disciplinary action in accordance with the College District's discipline policies and procedures.

Interference with
Expression

Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures [see DH, FM, and FMA].

Appeals

Decisions made by the administration under this policy may be appealed following the student appeal process in the College District's catalog.

Publication

This policy and associated procedures must be posted on the College District's website and distributed in the student and employee handbooks and other appropriate publications. They must also be distributed to students at orientation.

**COMMITMENT TO
FREE INQUIRY AND
EXPRESSION**

Lee College is committed to fostering an environment where free inquiry and expression are encouraged. Freedom of Expression activities apply to students, employees, and members of the community who wish to engage in literature distribution, poster displays, sign displays, visual/artistic exhibitions, expressive performances, petitioning, public speaking, or similar activities. Individuals and groups will demonstrate civility, safety concerns for persons and property, respect for those who may disagree with their message, and regard for other educational and learning activities as described in this regulation.

DEFINITIONS

Amplified sound: Refers to sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. It includes the use of any loudspeaker, loudspeaker system, sound amplifier, bull horn, or any other machine or device that produces, reproduces, or amplifies sound. Shouting, chanting, and acoustic musical instruments are exempt from this definition but are subject to general rules on disruption.

Antisemitism: Refers to the meaning found in Section 448.001 of the Texas Government Code, which “means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.” This definition is provided in accordance with Executive Order GA-44 (2024).

Common outdoor area: Refers to outdoor space that is not regularly used for dedicated College District business, does not have an educational function, and/or is not currently being used for a College District activity, program, or function. The term does not include the outside surfaces of a College District building, surfaces associated with or connected to a College District building, a College District structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, sites under construction, or vehicles that are on property owned or controlled by the College District. Common outdoor areas are designated by state law as traditional public forums.

Expressive activity: Any speech or expressive conduct (oral or written) protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

Official College event or activity: Any event, program, or activity sponsored by a College District department or division in the course of fulfilling its College District mission; educational activities that occur within the classroom; or events that occur within the regular or

recurring sphere of activity of a College District department or division. Any program or event sponsored by an academic or administrative unit of the College will have priority in the use of space and facilities over any speech, expression, or assembly that is not sponsored by an academic or administrative unit.

**NO ENDORSEMENT
BY THE COLLEGE**

The permission to conduct expressive activities in common outdoor areas does not imply official endorsement by the College. Groups and individuals engaged in expressive activities are responsible for the content of the expression.

**DISTRIBUTION OF
MATERIALS AND
LITERATURE**

Materials and literature can be distributed as an expressive activity; however, materials and literature cannot be placed on the surface of a building or in any other location that is not a common outdoor area. Individuals and groups that distribute materials and literature are required to remove all such materials and literature from the area where the expressive activity occurred immediately after the conclusion of the activity.

Individuals and groups that wish to place materials and literature in places such as bulletin boards that are not common outdoor areas must receive approval from the Information Services Specialist, located in the Student Success and Advising Center in Rundell Hall – Room 100 (facilities@lee.edu).

**COMMON OUTDOOR
AREAS THAT CAN
BE RESERVED FOR
EXPRESSIVE
ACTIVITY**

Outdoor activity areas may be used for expressive activity without a reservation; however, an individual or group with a reservation will have exclusive use and priority over other individuals or groups. Outdoor areas that can be reserved include the Gazebo, the patio adjacent to Moler Hall, and the Friends of Lee College Mall. Requests to reserve an outdoor expressive area must be submitted to the Information Services Specialist, located in the Student Success and Advising Center in Rundell Hall – Room 100 (facilities@lee.edu). Reservations should be made at least five business days in advance of the proposed activity. Other reservations for meeting rooms, classrooms, and activity spaces may also be made through the Information Services Specialist.

**AREAS WHERE
EXPRESSIVE
ACTIVITY IN
COMMON OUTDOOR
AREAS MAY NOT
TAKE PLACE**

The College District will regulate expressive activity in common outdoor areas under criteria that is content and viewpoint neutral and is narrowly tailored to serve a significant institutional interest. In addition to the prohibitions stated elsewhere in Local Policy and in this Regulation, an outdoor expressive activity may not take place:

- A. In areas already reserved for an official College event during the specific times reserved for the official College event;

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- B. In areas already reserved for an event by a person or organization that has made a reservation in accordance with Board Policy FLA (LOCAL) and this regulation;
- C. In areas that block free movement of pedestrian or vehicle traffic;
- D. In areas that prevent or substantially hinder entry or exit of a campus building; or
- E. In any areas on campus during times that the College campus is closed to the public.

**TIME, PLACE,
MANNER RULES
FOR COMMON
OUTDOOR AREAS**

In addition to the prohibitions stated in Local Policy, the following time, place, and manner rules will apply to expressive activities in common outdoor areas:

- A. No person or organization may engage in expressive activity within a ten-foot clearance around points of entry and the perimeter of College District buildings, facilities, and garages.
- B. When engaging in expressive activities in outdoor common areas, individuals shall not:
 - interfere with the free entry to or exit from a building, structure, or facility;
 - interfere with the flow of pedestrians or vehicular traffic on sidewalks or streets or at places of ingress and egress to and from property, buildings, parking lots, or facilities;
 - deny the use of offices or other facilities to the students, faculty, staff, or guests of the College District;
 - threaten or endanger the safety of any person on a campus;
 - engage in conduct that is likely to result in damage or defacement to or destruction of College District property or to cause disruption in utilities;
 - create a sustained or repeated noise disturbance that substantially interferes with a speaker's ability to communicate with others and/or the rights of others to listen;
 - attempt to prevent a College District event or other lawful assembly by the threat or use of force or violence; or
 - use or display an open flame or fireworks.
- C. Except during final examination periods, amplified sound is allowed in outdoor common areas between 8 a.m. to 8 p.m., but bullhorns are prohibited. Noise levels may not unduly interfere with or disrupt classes, meetings, or other nearby activities in progress.

Making sustained or repeated noise in a manner that unduly interferes with a speaker's ability to communicate their message is not permitted.

- D. The following items are prohibited on campus:
1. A mask, facial covering, or disguise that conceals the identity of the wearer that is calculated to obstruct the enforcement of these rules or the law, or to intimidate, hinder or interrupt a College District employee or police officer in the lawful performance of their duties;
 2. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including but not limited to sticks, poles, clubs, swords, shields, or rigid signs that can be used as a shield, without written permission from the Associate Vice President of Student Services or designee unless authorized by federal, State or local laws;
 3. Body-armor or make-shift body-armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body-armor, without written permission from the Associate Vice President of Student Services or designee; and
 4. Open flame, unless approved in advance by the Fire Marshal.

**MAINTENANCE OF
PEACE AND ORDER;
EVALUATION OF
DISORDER AND
DISRUPTION**

In cases of marginal or unintentional disruption, the College District administrator or peace officer should encourage the alleged violator to comply with the rule being violated, especially in instances in which public safety is not threatened. If an individual continues to violate a rule or procedure after receiving a warning, but the activity is otherwise peaceful, staff and campus police should evaluate all facts and circumstances and determine whether to intervene immediately. For example, if the activity is about to end, intervention may be more disruptive than allowing the activity to end on its own.

The College District appreciates that, except in extreme cases, interference and disruption will require evaluation of the context. Intentional physical interference with another's movement or position is nearly always disruptive in any context. Interfering with traffic depends on the volume of traffic and the size of the passageway. Disruptive noise will depend on the activity disrupted. Any distracting sound or noise that disrupts a memorial service, library, or graduation ceremony is less likely to disrupt an athletic event. Occasional heckling of speaker may not disrupt the giving of a political speech,

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FLA-R
Administrative Regulation

but persistent heckling that prevents listeners from hearing the speaker does disrupt a political speech. A College official's decision whether and when to intervene shall be made without consideration of the viewpoint of the speaker.

POLICY ITEM NO. 8.2.b.

Approval of Amendment to Policies Concerning Expression and Standards of Conduct– DGC, DH, FLA, FLB, and GD (LOCAL)

The Chancellor recommends the following revisions to local policy to implement changes necessitated by Executive Order No. GA-44, issued by Governor Greg Abbott on March 27, 2024, and relating to antisemitism.

Effective Date

Upon Board Approval

LOCAL POLICY	EXPLANATORY NOTES
DGC, FLA, and GD – Expression	Revisions to local policy would: <ul style="list-style-type: none">• Add the definition of antisemitism to policies applicable to employees, students, and the community;• Revise the limitations on expression included therein to apply to expression that constitutes prohibited harassment, including discriminatory harassment, or antisemitism.
DH and FLA – Standards of Conduct	Revisions to local policy would add to the list of prohibited activities included in the Employee Standards of Conduct and the Student Code of Conduct the following: <ul style="list-style-type: none">• Engagement in antisemitic speech or acts.

Note: For expression and use of College District facilities and grounds by students and registered student organizations, see FLA. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD. For use of the College District's internal mail system, see CHE.

Definitions

For purposes of this policy, "antisemitism" shall have the meaning prescribed by Texas Government Code, Section 448.001(2). [See DGC (LEGAL)]

Academic Freedom

Faculty members are entitled to academic freedom in the conduct of research and teaching and are tasked with the associated responsibilities. To this end, the College District endorses the academic freedom principles set forth in the [Statement of Principles on Academic Freedom and Tenure \(PDF\)](#)¹ published by the Association of American Colleges and Universities and the American Association of University Professors.

Limitations on Content

Materials shall not be distributed by an employee or employee organization on College District property if:

1. The materials are obscene;
2. The materials contain defamatory statements about public figures or others;
3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action;
- ~~4. The materials are considered prohibited harassment [see DIA series and FFD series];~~
4. The materials are or contain expression that is unlawful or disruptive to the operations of the College District, including, but not limited to, materials or expression that is considered prohibited harassment (to include discriminatory harassment) or antisemitism.
5. The materials constitute ~~nonpermissible-impermissible~~ solicitation; or
6. The materials infringe upon intellectual property rights of the College District [see CT].

~~6.~~

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

**Time, Place, and
Manner Restrictions**

Distribution of materials shall be conducted in a manner that:

1. Is not disruptive to College District operations;
2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;
4. Does not interfere with the rights of others; and
5. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

The Chancellor or designee shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by employees or employee organizations to employees or others in College District facilities and areas that are not considered common outdoor areas.

**Use of Facilities and
Grounds**

The facilities and grounds of the College District shall be made available to employees or employee organizations when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting employees or employee organization shall pay all expenses incurred by their use of the facilities in accordance with a fee schedule developed by the Board.

Approval

The Chancellor or designee shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the employees' or employee organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

3. The proposed use includes ~~nonpermissible~~ impermissible solicitation;
4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; ~~or~~
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group; ~~or~~
- 8-9. The proposed use would constitute expression that is unlawful or disruptive to the operations of the College District, including, but not limited to, expression that is considered prohibited harassment (to include discriminatory harassment) or antisemitism.

The Chancellor or designee shall provide the applicant a written statement of the grounds for rejection if a request is denied.

*Common
Outdoor Area
Exception*

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Employees and employee organizations may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is ~~unlawfu~~ unlawful, including, but not limited to, expression that is considered prohibited harassment (to include discriminatory harassment) or ;antisemitism;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

Violations

Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, suspension of an employee's or employee organization's use of College District facilities as permitted by this policy and/or other disciplinary action ~~in accordance with the College District's policies and procedures and the employee handbook~~ up to and including termination of employment.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

Violations

Employees shall comply with the standards of conduct set out in this policy, with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as College District employees, and with all applicable federal and state laws, including, but not limited to, those relating to:

1. False reporting or failure to promptly report an incident of sexual misconduct [See DIAA (LOCAL)]; and
2. Unless required by law, engagement in any action prohibited by Chapter 51 of the Texas Education Code and related to diversity, equity and inclusion (DEI) programs and activities, including:
 - a. establishing or maintaining a DEI office or hiring an employee or contractor to perform such duties;
 - b. compelling or otherwise soliciting a DEI statement from any person or giving preferential treatment or consideration based on a DEI statement;
 - c. Giving preference on the basis of race, sex, color, ethnicity or national origin to any employee, applicant or participant in any college function; and
 - d. Mandating DEI training as a condition of enrolling or performing any institutional function, unless the training is otherwise permitted by applicable law.

3. Expression that is considered unlawful or disruptive to the operations of the College District, including, but not limited to, expression that is considered harassment (to include discriminatory harassment) or antisemitism. [See DGC (LOCAL)]

Violations of law or College District policies, regulations, procedures or guidelines may result in disciplinary action, up to and including termination of employment. The Chancellor shall promulgate the necessary regulations and/or procedures for implementation and enforcement of this policy.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

Note: For expression and use of College District facilities and grounds by employees and employee organizations, see DGC. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD.

Definitions

For purposes of this policy, "antisemitism" shall have the meaning prescribed by Texas Government Code, Section 448.001(2). [See DGC (LEGAL)]

Distribution of Literature

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any College District student or registered student organization [see FKC], except in accordance with this policy.

Limitations on Content

Materials shall not be distributed by students or registered student organizations on College District property if:

1. The materials are obscene.
2. The materials contain defamatory statements about public figures or others.
3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
4. ~~The materials are considered prohibited harassment. [See DIAA, DIAB, FFDA, and FFDB]~~The materials are or contain expression that is unlawful or disruptive to the operations of the College District, including, but not limited to, materials or expression that is considered prohibited harassment (to include discriminatory harassment) or antisemitism.
5. The materials constitute ~~nonpermissible~~ impermissible solicitation. [See FI]
6. The materials infringe upon intellectual property rights of the College District. [See CT]

Use of Facilities and Grounds

The facilities and grounds of the College District shall be made available to students or registered student organizations [see FKC] when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting students or

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

student organization shall pay all expenses incurred by their use of facilities in accordance with a fee schedule developed by the Board.

Approval

The Chancellor or designee shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the student's or registered student organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes ~~nonpermissible~~ impermissible solicitation [see FI];
4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; ~~or~~
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group; ~~or~~
9. The proposed use would constitute expression that is unlawful or disruptive to the operations of the College District, including but not limited to expression that is considered prohibited harassment (to include discriminatory harassment) or antisemitism.

~~8.~~

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

The Chancellor or designee shall provide the applicant a written statement of the grounds for rejection if a request is denied.

*Common
Outdoor Area
Exception*

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Students and student organizations may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful, including but not limited to expression that is considered prohibited harassment (to include discriminatory harassment) or antisemitism ;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

Violations of Policy

Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, confiscation of nonconforming materials, suspension of a student's or registered student organization's use of College District facilities as permitted by this policy, and/or other disciplinary action ~~in accordance with the College District's discipline policies and procedures~~ up to an including suspension and/or expulsion [see FM and FMA].

Prohibited Behavior

All students shall obey the law, show respect for properly constituted authority, and observe correct standards of conduct. In addition to activities prohibited by law or by other published College District policies and regulations, the following types of behavior are expressly prohibited:

21. Bullying, harassment (to include discriminatory harassment), and/or conduct or expression (verbal or written) that is considered prohibited antisemitism (see FLA(LOCAL)) or threatens or endangers the health or safety of any person. This includes Cyberbullying, which is willful harassment and/or intimidation of a person through the use of digital technologies, including but not limited to, email, blogs, texting, social websites, chat rooms, "sexting," instant messaging, recording another person without his or her consent, and transmitting images of another person without his or her consent.

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES

GD
(LOCAL)

Common Outdoor
Area Exception

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Community members and organizations may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful, including, but not limited to, expression that is considered prohibited harassment (to include discriminatory harassment) or antisemitism, as that term is defined in Texas Government Code, Section 448.001(2); [See GD (LEGAL)]
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.



SOUTH PLAINS COLLEGE

DATE: May 1, 2024

TO: To Whom it May Concern

FROM: Mike Box, Board of Regents Chairman



Texas Governor Executive Order No. GA-44 relating to addressing acts of antisemitism in higher education institutions impacts the following areas of South Plains College policies and procedures. The blue text is added text to existing policies and procedures as indicated below.

POLICY FJ: Freedom of Expression Policy Guidelines for Expression

13. Antisemitic speech and acts will not be tolerated. Per Texas Government Code 448.001 "Antisemitism" means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.

State of Texas Governor Executive Order GA-44 dated March 27, 2024, includes no tolerance for antisemitic incitement, threats, and fighting words against individuals identifying as Jewish. Violation of this policy will result in disciplinary actions in accordance with any of the following areas of misconduct: bigotry, bullying, discrimination/harassment (possibly under Policy FH), disruptions, violent behavior, or others. Sanctions as severe as expulsion may occur.

STUDENT GUIDE: Student Rights & Responsibilities: Rights and Freedoms Freedom of Inquiry and Expression

Students are guaranteed the freedom of discussion, inquiry, and expression, both publicly and privately, in the classroom and through speakers sponsored by student organizations. They are subject to all city, state, and federal laws, as well as SPC regulations which pertain to these freedoms.

Antisemitic speech and acts will not be tolerated. Per Texas Government Code 448.001 "Antisemitism" means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.

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Student Services personnel and security personnel have been notified of this requirement and have been instructed to enforce it fully.



TEXARKANA
COLLEGE

May 20, 2024

Office of the Governor of the State of Texas
Budget and Policy Division
RE: GA-44 Texarkana College Response

Texarkana College (TC) certifies compliance with Executive Order No. GA-44 relating to addressing acts of antisemitism at our institution.

As outlined in GA-44:

1. Texarkana College has reviewed and updated free speech policies to address the sharp rise in antisemitic speech and acts on university campuses and has established appropriate punishments, including expulsion from the institution.

The following has been added to the TC Catalog & Student Handbook, available in PDF form and found on the TC website at [Table of Contents - Catalog & Student Handbook \(texarkanacollege.edu\)](#)

E. Guidance for Free Speech on Campus

In response to Executive Order GA-44 issued by Governor Greg Abbott, our community college reaffirms its commitment to fostering a safe and accessible campus environment. We condemn all forms of antisemitism, which is defined as "a certain perception of Jews, which may be expressed as hatred toward Jews" as outlined in Section 448.001 of the Texas Government Code, and uphold the values of respect, tolerance, and academic freedom. As directed by the Executive Order, our institution has updated its free speech policies to address the rise in antisemitic speech and actions on university campuses. We enforce these policies diligently to ensure that all students feel secure in expressing their views while upholding the standards of respectful discourse. Acts of antisemitism can and will lead to appropriate punishment, up to and including expulsion.

2. Texarkana College ensures that these policies are being enforced on campus and that groups such as the Palestine Solidarity Committee and Students for Justice in Palestine are disciplined for violating these policies.

A comparable statement has been added to the TC Employee Handbook and Compensation Plan, thus outlining the expectation for both students and staff. This information is available to all employees in print and on the college website at [Human Resources - Texarkana College](#)

Employee Standards of Conduct

Employees of Texarkana College are responsible for reviewing policies regarding Standards of Conduct, including DH (Employee Standards of Conduct), DHA (Employee Standards of Conduct: Searches and Alcohol/Drug Testing), and DHB (Employee Standards of Conduct: Child Abuse and Neglect Reporting). These policies and others can be found at <https://www.texarkanacollege.edu/about/leadership-faculty-staff/board-of-trustees/>.

In response to Executive Order GA-44 issued by Governor Greg Abbott, our community college reaffirms its commitment to fostering a safe and accessible campus environment. We condemn all forms of antisemitism, which is defined as "a certain perception of Jews, which may be expressed as hatred toward Jews" as outlined in Section 448.001 of the Texas Government Code, and uphold the values of respect, tolerance, and academic freedom. As directed by the Executive Order, our institution has updated its free speech policies to address the rise in antisemitic speech and actions on university campuses. We enforce these policies diligently to ensure that all students and staff feel secure in expressing their views while upholding the standards of respectful discourse. Acts of antisemitism can and will lead to appropriate punishment, up to and including expulsion (students) or termination (employees).

Campus Administration, Leadership, and Peace Officers employed by Texarkana College have all been specifically informed of this executive order and are aware of their responsibility in the enforcement of the order.

- 3. Texarkana College has included the definition of antisemitism as defined in the Texas Government Code Section 448.01 to guide personnel and students on what constitutes antisemitic speech.

As shown previously in excerpts from the Catalog & Student Handbook and the TC Employee Handbook and Compensation Plan, the definition is provided.

Texarkana College is committed to providing the most secure and inviting educational experience to our students, faculty and staff. We continue to strive to provide a safe environment for this experience.

I hereby certify that the above information is correct, and that Texarkana College is in compliance with Executive Order No. GA-44.

Signature of Institution President: Jason Smith 5-20-24
Jason Smith, President Date

Signature of Board Chair: Derrick McGary 5-20-24
Derrick McGary, President of Board of Trustees Date

Policy VII.7003.A, Expressive Activities

Purpose

The purpose of this policy, and the associated procedure, is to provide guidance to the San Jacinto College community regarding freedom of expression that occurs on the College campuses and the District Administration buildings.

Policy

San Jacinto College is committed to fostering a learning environment where free inquiry and expression are encouraged. The College expects that persons engaging in organized expressive activities will demonstrate respect for the safety of persons and property, respect for those who may disagree with their message, and compliance with College policies and applicable local, state, and federal laws.

The College recognizes that freedom of speech is a fundamental right. Per Texas Education Code Section 51.9315, freedom of expression is of critical importance and requires the College to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus.

The College recognizes freedom of speech and assembly as central to the mission of institutions of higher education and ensures that all persons may assemble peaceably on College campuses and the District Administration buildings for expressive activities, including to listen to or observe the expressive activities of others.

Notwithstanding these rights and freedoms, the College adopts a policy that imposes reasonable restrictions on the time, place, and manner of expressive activities on the College's campuses and the District Administration buildings.

Definitions

Expressive Activities: Any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

Associated Procedures

Procedure VII.7003.A.a, Expressive Activities

Date of Board Approval	This policy became effective as of December 9, 2020, under the Chancellor's authority granted by the Board under Policy II.2000.A, Policy and Procedure Development, Review, Revision, and Rescission. Permanent affirmation of the change followed the standard policy review process at the next regularly scheduled meetings of the Board with approval on March 1, 2021
Effective Date	December 9, 2020
Primary Owner	Deputy Chancellor & President
Secondary Owner	Associate Vice Chancellor, Student Services

Procedure VII.7003.A.a, Expressive Activities

Associated Policy

Policy VII.7003.A, Expressive Activities

Procedures

I. Overview

- A.** San Jacinto College is committed to fostering a learning environment where free inquiry and expression are encouraged. The College recognizes the right to assemble, speak, carry signs, and distribute literature and petitions. In accordance with the rules specified in this Procedure, students, employees, and members of the general public, individually or in organized groups, may engage in expressive activities in the College's outdoor common areas, subject to reasonable restrictions of time, place, and manner. The College will not discriminate on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement or administration of these rules.
- B.** The College may not take action against a student or employee organization or deny these organizations any benefit generally available to other student or employee organizations at the College on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organizations or of any expressive activities of the organizations.
- C.** The College expects that persons engaging in expressive activities will demonstrate respect for the safety of persons and property, respect for those who may disagree with their message, and compliance with College policies and applicable local, state, and federal laws. As permitted by law, San Jacinto College imposes reasonable time, place, and manner restrictions on all persons engaging in expressive activities. The College will not tolerate expressive activities that are unlawful, that materially and substantially disrupt the College's activities, programs, or operations, that unduly interfere with the expressive activities of others on campus, that constitute Prohibited Expression under Section III of this Procedure, or that violate the College's policies and procedures or applicable local, state, or federal law. Individuals who violate these rules, policies, or laws are subject to immediate removal from the campus and other appropriate and lawful sanctions. See Section XIII, Violations and Sanctions.
- D.** The location of expressive activities will depend upon the factors listed in these rules, including the size of the audience for the activity (both participants and spectators). Decisions required to be made by College officials will be based on these rules and will not be based on the content or viewpoint of a proposed expressive activity or on any anticipated controversy related to the proposed event. Expressive activities permitted under these rules do not imply official endorsement by the College.

- E. General Prohibitions:** The Chancellor, Deputy Chancellor and College President, or other designated College representatives retain the authority to enforce this Procedure. The following rules are intended to protect the health and safety of all persons, to protect property from damage, to manage resources, and to protect the educational mission of the College. Individuals and organizations engaging in expressive activities shall not:
- interfere with the free entry to or exit from a building, structure, or facility;
 - interfere with the flow of pedestrians or vehicular traffic on sidewalks or streets or at places of ingress and egress to and from property, buildings, or facilities;
 - deny the use of offices or other facilities to the students, faculty, staff, or guests of the College;
 - threaten or endanger the safety of any person on a campus;
 - engage in conduct that is likely to result in damage or defacement to or destruction of College property or to cause disruption in utilities;
 - create a sustained or repeated noise disturbance that substantially interferes with a speaker’s ability to communicate with others and/or the rights of others to listen;
 - attempt to prevent a College event or other lawful assembly by the threat or use of force or violence; or
 - use or display an open flame or fireworks.
- F.** This Procedure applies to expressive activities that are not part of an official activity, program, or operation of the College or its departments. Teaching and other official functions of the College will have priority in allocating the use of space on campus.

II. Definitions

- A. *Amplified sound:* The use of any loudspeaker, loudspeaker system, sound amplifier, or any other machine or device that produces, reproduces, or amplifies sound.
- B. *Antisemitism:* This term has the meaning found in Section 448.001 of the Texas Government Code, which “means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.” This definition is provided in accordance with Executive Order GA-44 (2024).
- C. *College:* The San Jacinto College and any of its campuses or buildings.
- D. *College department:* Any academic or non-academic unit or division or any other official College entity.
- E. *College grounds or premises:* Any College-owned, leased, or maintained property and buildings, including, but not limited to, the College’s South Campus, Central Campus, North Campus, Maritime Campus, Generation Park Campus, and District Administration Building.

- F. *Commercial activity*: The selling or advertising of objects or services by an individual, organization, or company for personal gain or for the financial benefit of owners or investors. “Commercial activity” does not include words or symbols on an individual’s personal apparel, or a bumper sticker placed on a car by its owner.
- G. *Common outdoor area*: Outdoor space at the College that is not being used for a College purpose or educational function or a College-sponsored or affiliated event or function, whether temporary or permanent. “Common outdoor area” generally includes plazas, sidewalks, lawns, and courtyards. “Common outdoor area” does not include the outside surface of College buildings or surfaces associated with or connected to a College building or structure or space dedicated to temporary outdoor exhibits, College structures, or College construction sites.
- H. *Expressive activity*: Any speech or expressive conduct (oral or written) protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
- I. *Non-profit group*: A group whose purpose is to serve a public or mutual benefit other than the pursuit or accumulation of profits for owners or investors. The term includes, but is not limited to, registered student organizations, public charities, social welfare agencies, religious organizations, and organizations exempt from federal income tax.
- J. *“Off-campus person or organization” and “member of the general public”*: A person or organization that is not an academic or administrative unit or department of the College or a registered or officially recognized student, faculty, or staff organization.
- K. *Official College event or activity*: Any event, program, or activity sponsored by a College department or division in the course of fulfilling its College mission; educational activities that occur within the classroom; or events that occur within the regular or recurring sphere of activity of a College department or division.
- L. *Organized Expressive Activity*: Any rally, parade, demonstration, memorial or vigil, stationary structure or display, concert or other similar event designed to attract a gathering of twenty-five or more people during a specified period of time. The term also includes a stationary structure, display, or activity that is scheduled to be in the same location for two or more hours in a single day and that is intended to distribute or is prepared to distribute literature or materials to twenty-five or more people.
- M. *Registered student organization*: A student organization officially registered with the Office of Student Engagement & Support at the College.

III. Prohibited Expression

The following types of expression are not protected expression. Individuals and organizations that engage in Prohibited Expression are subject to removal from College grounds and are subject to other appropriate and lawful sanctions. Students and

employees are subject to discipline in accordance with the regular disciplinary policies and procedures of the College.

- A. *Obscenity*: A writing, visual image, or performance is obscene as defined in Section 43.21 of the Texas Penal Code (or its successor provisions).
- B. *Incitement to imminent violations of the law*: Conduct, whether oral, written, or demonstrative, that incites or is directed at producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law.
- C. *Defamation*: Defamation is a false statement of fact about another individual that holds the individual up to hatred, ridicule, or contempt and that is not otherwise privileged. Defamation can be written (libel) or oral (slander). If the defamed person is a private individual, the question is whether the speaker knew or should have known that the statement was false. If the defamed person is a public official or public figure, the question is whether the statement was made with knowledge of the falsity or with reckless disregard of the truth.
- D. *True threat*: A serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals. The speaker of a true threat need not intend to inflict actual harm; the question is whether the speaker consciously disregarded a substantial risk that the communications would be viewed as threatening violence.
- E. *Acts of Intimidation*: A type of true threat where a speaker directs a threat to a person or group of persons with the intent of placing the victim(s) in fear of bodily harm or death.

IV. Use of Outdoor Space

A. Time, Place, and Manner for Outdoor Expression

Common outdoor areas are traditional public forums. Students, employees, student organizations, members of the general public, and off-campus organizations may engage in expressive activities in common outdoor areas without prior approval or reservation. Individuals and organizations that engage in expressive conduct shall comply with these Procedures, including the General Prohibitions in Section I. The following conduct is prohibited in outdoor common areas:

- a. The person's conduct is unlawful (see Section III, Prohibited Expression);
- b. The activity is commercial activity;
- c. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
- d. There is inclement weather, a public health warning, terror alert, or other emergency;
- e. The use would materially and substantially disrupt or disturb the regular academic program or other operations of the College;
- f. The use would result in damage to or defacement of property;
- g. The activity violates College policy or procedure or violates a local, state, or federal law.

Additionally, no person engaging in expressive activities shall engage in conduct that constitutes harassment of another person. “Harassment” in this Procedure means: (i) hostile, threatening, or intimidating conduct or speech, whether oral, written, or symbolic, (ii) that is directed at specific individual(s), and (iii) is sufficiently severe, pervasive or persistent, and objectively offensive that it would cause an ordinary and reasonable person to fear violence or bodily harm or would unreasonably interfere with the other individual’s ability to access or participate in or benefit from the activity, program, services, or privilege provided by the College.

In addition, students and employees are subject to other policies and procedures of the College that prohibit discriminatory harassment based on membership in a protected class recognized under state or federal law. These policies and procedures address conduct that is sufficiently severe or pervasive to create an objectively hostile campus or academic environment that unreasonably interferes with or diminishes another individual’s ability to participate in or benefit from an activity, program, service, or privilege provided by the College District. These policies and procedures include the College’s Sexual Misconduct Policy and Procedures (see Board Policy III.3006.D and Procedure III.3006.D.a) and policies and procedures that prohibit discrimination and harassment on the basis of race, color, national origin, religion, sex, disability, age, veteran/military status, and other legally protected classes (see Board Policy IV.4002.G and Complaint Procedure 300 of the Student Handbook). Discrimination based on race, color, or national origin includes discrimination and harassment based on a person’s actual or perceived: (i) shared ancestry or ethnic characteristics; or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity; this definition encompasses antisemitism and discrimination based on religion, including but not limited to discrimination against students who are Jewish, Muslim, Sikh, Hindu, Christian, Buddhist, or other religions when based on shared ancestry, ethnic characteristics, or citizenship or residency in a country with a dominant religion or distinct religious identity.

The rules against harassing expressive activity should be interpreted as narrowly as possible to preserve their constitutionality and to avoid chilling the exercise of constitutionally protected speech. Opinions and arguments of a political, religious, ideological, or academic nature are not harassment merely because some listeners are offended or upset by the opinion or argument.

The right to engage in expressive activities does not encompass selling literature, products, or services or seeking donations. Student organizations may engage in such activities on a non-profit basis in accordance with the Student Handbook.

B. Gatherings of 25 or More People

If the expected attendance at an assembly or gathering is 25 or more people (see the definition of “Organized Expressive Activity” above), the persons or organizations planning the activity are encouraged to seek a reservation of an outdoor campus area that is suited to their assembly’s anticipated size (both participants and spectators) as stated in Section IV(C) below. Campus maps reflecting locations suitable for large gatherings are available from the Office of Student Engagement & Support. Regardless of whether a

person or organization seeks a reservation, they are encouraged to provide at least 48 hours' notice to the Office of Student Engagement & Support to enable the College to efficiently allocate resources, manage conflicting activities, and assign campus security, maintenance, and other staff as needed to maintain safety, order, and cleanliness. Contact information for the Office of Student Engagement & Support on each campus can be found at <https://www.sanjac.edu/student-life/>.

C. Areas Where Outdoor Expressive Activity May Not Take Place

The College will regulate outdoor expressive activity under criteria that is content and viewpoint neutral and is narrowly tailored to serve a significant institutional interest. In addition to the prohibitions stated elsewhere in these Procedures, an outdoor expressive activity may not take place:

- a. In areas already reserved for an official College event during the specific times reserved for the official College event;
- b. In areas already reserved for an event by a person or organization that has made a reservation through the Office of Student Engagement & Support;
- c. In areas that block free movement of pedestrian or vehicle traffic;
- d. In areas that prevent or substantially hinder entry or exit of a campus building;
or
- e. In any areas on campus during times that the College campus is closed to the public.

D. Reserving Space for Expressive Activity in an Outdoor Common Area

While no approval or reservation is required to engage in expressive activity in an outdoor common area, individuals have the ability to reserve an outdoor space on campus in order to guarantee their desired space of expression is kept available to them during the specific date/time of their planned activity. A person or organization that reserves an area in advance pursuant to this Procedure has the right to the reserved space for the time covered by the reservation. Other persons or organizations using the same space without a reservation must yield the space immediately at the beginning of the other group's reserved time. A specific location may be reserved for a single day up to eight hours between the hours of 8 a.m. 6 p.m. To make reservations for an outdoor expressive activity, individuals must:

- a. Contact the Student Engagement & Support Office on the campus of their planned activity and complete an Outdoor Expressive Activity Reservation Form. Contact information for the Student Engagement and Support Office is found at <https://www.sanjac.edu/student-life/>.
- b. Student Engagement and Support will verify whether the space is already reserved for the desired date/time and notify the requestor within three business days. While there is no limit to the frequency that an individual or organization may engage in expressive activity on campus, an individual or organization may reserve a specific location in advance only four times per calendar month. This rule is imposed to ensure that all eligible persons or

organizations have a reasonable opportunity to reserve a space. Fostering diverse use of resources is a significant interest. Registered student organizations and/or College employees are given priority over off-campus organizations and members of the public if a campus receives two or more applications on the same day seeking to reserve the same location at the same or conflicting times. In the event of conflicting applications between multiple registered student organizations and/or College employees, applications will be selected using a neutral, random method. In the event of conflicting applications between organizations not affiliated with the College, applications will be selected using a neutral, random method.

- c. If a desired space has not been reserved, then a request for same-day usage can be submitted to the Student Engagement & Support Office on a first-come, first-served basis. All applications actually received between 8:30 AM and 4:00 PM on the same day will be eligible for selection using a neutral, random method. Conflicting applications will be addressed as stated in the preceding paragraph.
- d. Individuals reserving an outdoor space may not assign or delegate any control or responsibility of that reservation to any other person, agent, or third party without prior written approval of the respective campus Student Engagement & Support Coordinator. All individuals requesting a reservation must identify themselves to the Student Engagement & Support Coordinator or designee, provide contact information, and serve as the contact person for the event or activity. Reservations for a space for a specific type of outdoor expressive activity may not be used for a different activity without written approval of the respective campus Student Engagement & Support Coordinator.
- e. The Student Engagement & Support Coordinator, or his or her designee, will approve or deny a requested reservation within three business days of receiving the application. Applicants must supply the following information:
 - Date of application;
 - Proposed date(s) of the reservation;
 - Proposed start and finish times;
 - Proposed location;
 - Name of the activity;
 - Anticipated attendance;
 - Advertising methods;
 - Description of the activities planned;
 - Campus sponsoring organization name, if any;
 - Contact person name, address, phone number, and email address; and
 - Applicant's signature.

An application may be denied for the following reasons:

1. the applicant failed to supply requested information on the application;
2. the requested area is not available because it has already been reserved;
3. the application contains a material misrepresentation of fact;
4. the applicant is ineligible due to a previous violation of these regulations

- within the previous six months (including prior non-compliance, including but not limited to, failure to remove personal items and trash during a prior expressive activity);
5. the proposed use is not suitable for the location because the anticipated attendance exceeds the reasonable capacity of the space;
 6. the proposed use is not suitable for the location because the design or dimensions of the activity will substantially interfere with pedestrian access, traffic flow, or public safety;
 7. the proposed use would constitute an immediate and actual danger to the peace or security of the College and/or the local community, that available law enforcement officials could not control with reasonable efforts;
 8. the proposed use would constitute a material and substantial disruption to the regular academic program or other operation of the College;
 9. the proposed use conflicts with previously scheduled activities and events in the same area;
 10. the applicant is under disciplinary sanction for other violations of College policy or procedure that has resulted in a loss of College privileges; and/or
 11. the proposed activity is commercial in nature.

The decision to grant or deny a reservation will not be based on the content or viewpoint of the organized expressive activity or upon the expected reaction of others to the activity. If the request to reserve is denied, the applicant may appeal in writing to the Dean of the Office of Student Rights and Responsibilities or designee who shall rule promptly in writing (generally within three business days of the appeal). The email address of the Office of Student Rights and Responsibilities is studentrights@sjcd.edu. The decision of the Dean of the Office of Student Rights and Responsibilities is final.

E. Other Conditions

Amplified sound is allowed in outdoor common areas, but bullhorns are prohibited. Noise levels may not unduly interfere with classes, meetings, or other activities in progress. Making sustained or repeated noise in a manner that unduly interferes with a speaker's ability to communicate his/her message is not permitted. A person responsible for a structure or display must remain with the structure or display at all times.

Should the size of any gathering exceed the maximum number of participants that is safe for a given location, including a reserved space, participants will be directed by campus officials to relocate to an area on campus that is better suited to the size of the gathering to the extent relocation is practicable.

The College may move a scheduled or reserved event to a different location upon the occurrence of:

- a. circumstances beyond the control of the College, such as facility infrastructure disruption and/or inclement weather;
- b. unanticipated needs of the College for use of the space for College purposes;
- c. substantial changes in the needs or size of the scheduled event; or

- d. subsequent disruption to previously scheduled College events.

The Student Engagement & Support Office will consult with the organizer of the scheduled event (if available) to consider other feasible locations or the rescheduling of the event. The Student Engagement & Support Office will move the event to an agreed-upon location or to the nearest suitable location. The College is not responsible for any costs incurred by the organizers of the scheduled event that may result from a change in location.

Each individual or organization that reserves an outdoor space is responsible for cleaning up and removing personal items, paper, and trash that is placed in the area or dropped on the ground during the activity. Failure to comply may result in loss of the privilege to reserve space for six months. Subsequent violations may result in other conditions or sanctions, including loss of the privilege to reserve space for longer than six months. Students and employees are subject to discipline pursuant to regular College disciplinary procedures.

V. Distribution of Literature and Carrying Signs

Individuals and organizations, whether or not affiliated with San Jacinto College, may distribute literature, newspapers, brochures, books, handbills, and other printed material in common outdoor areas in accordance with these Procedures. No prior approval is required.

All literature must comply with the following rules:

- Literature or other printed materials must be distributed in person.
- Literature or other printed materials must not be forced upon others.
- Literature shall not be placed on vehicles in a College parking lot without the permission of the owner of the vehicle.
- The materials must not constitute prohibited “harassment” as defined in Section IV(A) above.
- The materials must not infringe upon intellectual property rights of the College, including College trademarks.
- The free flow of pedestrian, vehicular, or other traffic must not be obstructed at any point at any time. Entrances and exits shall not be blocked, and pedestrians shall have sufficient space to safely maneuver around the individual(s) offering literature or material.
- Groups or individuals are responsible for ensuring that literature/printed materials do not litter the area and are responsible for cleaning up discarded or leftover literature.
- Literature/printed materials cannot promote commercial activities.
- Individuals and organizations may not distribute or use confetti or glitter in outdoor common areas.

Individuals and organizations may display signs only by carrying them in their hands or otherwise attaching them to their persons or wheelchairs. No advance permission is required. Signs on sticks or poles are not allowed. Student organizations may post signs

on campus as permitted by the Student Handbook.

VI. Reservation of Indoor Space

The buildings and facilities owned or controlled by the San Jacinto College District generally are not traditional public forums open for assembly, debate, demonstrations, or similar activities by members of the general public or by students or employees of the College. The buildings and facilities of the College are intended primarily for the support of the instructional programs of the College and for the support of programs conducted or sponsored by the College's academic and administrative departments or organizations affiliated with those departments. The responsibility of the College to operate and maintain an effective and efficient institution of higher education requires that the College regulate the time, place, and manner of assembly, speech, and other expressive activities inside the buildings of the College.

As used in this Procedure, buildings and facilities includes the outside surface of College buildings and surfaces associated or connected to a College building or structure, including an attached porch or portico.

A. Authorized Uses

The College allows the reservation of a table (also known as a booth) in certain designated areas of certain campus buildings for certain limited purposes. Tables/booths may be reserved by individual students, student organizations, employees, and employee organizations. Tables/booths also may be reserved by non-profit organizations that are not affiliated with the College so long as their purpose is non-commercial in nature. Authorized uses include the distribution of literature to promote a College event or non-profit community event; to provide information about matters of public concern; to provide information about the organization or its activities; and to recruit new members.

Applicants may not assign or delegate any control or responsibility to any other applicant or co-sponsor, agent, or third party without prior written approval of the respective campus Student Engagement & Support Coordinator. All individuals requesting a reservation must identify themselves, provide contact information, and serve as the contact person for the event or activity. Reservations of an indoor expressive activity space may not be used for a different activity without written approval of the respective campus Student Engagement & Support Coordinator. Indoor site availability is determined by the days and times that the building is open to the public.

Designated indoor sites:

Central Campus

- *Newton Student Center northwest lobby*

Maritime Campus

- *First floor lobby area adjacent to the main entrance*

North Campus

- *Slovacek Student Center 1st floor west entrance*

Generation Park Campus

- *First floor lobby area adjacent to the main entrance*

South Campus

- *Bruce Student Center, 1st floor west atrium adjacent to stairway*

District Building 1

- *First Floor Lobby area outside of and adjacent to the Boardroom (A-1.104)*

B. Restrictions on Use of Space

The tables/booths may not be used for a commercial purpose or for selling literature, products, or services or seeking donations. Student organizations may sell goods and services or seek donations on a non-profit basis in accordance with the Student Handbook.

C. Table/Booth Restrictions

Persons distributing information at a reserved table/booth must remain within three feet of their reserved table space. Tables/booths may not be moved and must remain in the location designated by the College. Signs and displays at reserved tables/booths may not extend beyond three (3) feet of the reserved table space and may not exceed six (6) feet in height. Under no circumstances may any stationary display, exhibit, or structure present a significant safety hazard or threat to public safety. A member of the group reserving the table/booth must remain with the table/booth at all times.

D. Distribution of Printed Materials

Literature or other printed materials must be distributed in person. Individuals and organizations must comply with the rules for distributing literature as stated in Section V.

E. Restrictions on Amplified Sound

Amplified sound is allowed but bull-horns are prohibited. Only hand-held, portable devices are allowed, and noise levels may not unduly interfere with or disrupt classes, meetings, or other activities in progress. Amplified sound may be prohibited if the sound is audible in nearby occupied classrooms or offices with the doors closed. Making sustained or repeated noise in a manner that substantially interferes or disrupts with a speaker's ability to communicate his/her message is not permitted.

F. Space Availability

The space available for reserved tables/booths is limited. Other than the designated table/booth located in the student centers, all other indoor areas on campus may only

be reserved by official College departments or organizations. To ensure that all eligible groups have a reasonable opportunity to reserve a table/booth, eligible individuals and organizations will be limited to a maximum of four advance reservations per space each month. Eligible individuals or a group may inquire with the Student Engagement & Support Coordinators/Event Services Coordinator about same-day table/booth availability beginning at 8:30 AM. If the designated space has not been reserved then an application for that same-day usage can be submitted and accepted on a first-come, first-served basis. All applications actually received between 8:30 AM. and 4:00 PM. on the same day will be eligible for selection using the neutral, random method.

G. Application Process

Eligible individuals or groups may request the use of indoor space by completing an application. Applications are available at the Student Engagement & Support Offices. The requesting group or individual must submit a completed Application to Reserve Indoor Space for Organized Expressive Activity to the relevant campus. Reservations must be made at least five business days in advance of the planned event but no more than sixty days in advance of the planned event. Reservations are accepted on a first-come, first-served basis. An application is “received” for purpose of this section if it is actually received between the hours of 8:30 AM. and 4:00 PM. Reservations may be sent via email, but such reservations are not considered received until opened. Registered student organizations and/or College employees are given priority over off-campus organizations and members of the public if a campus receives two or more applications on the same day seeking to reserve the same location at the same or conflicting times. In the event of conflicting applications between multiple registered student organizations and/or College employees, applications will be selected using a neutral, random method. In the event of conflicting applications between organizations not affiliated with the College, applications will be selected using a neutral, random method.

The Student Engagement & Support Coordinator, or his or her designee, will approve or deny a requested reservation within three business days of receiving the application. Applicants must supply the following information:

- Date of application;
- Proposed date(s) of the reservation;
- Proposed start and finish times;
- Proposed location;
- Name of the activity;
- Anticipated attendance;
- Advertising methods;
- Description of the activities planned for the table/booth and the dimensions of any display or exhibit;
- Campus sponsoring organization name, if any;
- Contact person name, address, phone number, and email address; and

- Applicant's signature.

An application may be denied for the following reasons:

- the applicant failed to supply requested information on the application;
- the requested space is not available because it has already been reserved;
- the application contains a material misrepresentation of fact;
- the applicant is ineligible due to a previous violation of these regulations within the previous six months (including prior non-compliances, including but not limited to, failure to remove personal items and trash during prior expressive activity requests);
- the proposed use is not suitable for the location because the anticipated attendance exceeds the reasonable capacity of the space;
- the proposed use is not suitable for the location because the design or dimensions of the display will substantially interfere with pedestrian access, traffic flow, or public safety;
- the proposed use would constitute an immediate and actual danger to the peace or security of the College and/or the local community, that available law enforcement officials could not control with reasonable efforts;
- the proposed use would constitute a material and substantial disruption to the regular academic program or other operation of the College;
- the proposed use conflicts with previously scheduled activities and events in the same area; and/or
- the proposed activity is commercial in nature.

Additionally, the campus Administration may move a scheduled event to a different location upon the occurrence of:

- circumstances beyond the control of the College, such as facility infrastructure disruption and/or inclement weather;
- unanticipated needs of the College for use of the space for College purposes;
- substantial changes in the needs or size of the scheduled event; and/or
- disruption to previously scheduled College events.

The Administration will consult with the organizer of the scheduled event to consider other feasible locations. The Administration will move the event to an agreed-upon location or to the nearest suitable location, which may include an outdoor location if available. The College is not responsible for any costs incurred by the organizers of the scheduled event that may result from a change in location.

The decision to grant or deny a reservation will not be based on the content or viewpoint of the organized expressive activity or upon the expected reaction of others to the activity. If the request to reserve is denied, the applicant may appeal in writing to the Dean of Compliance and Judicial Affairs who shall rule promptly in writing (generally within three business days of the appeal).

VII. Presenting Identification to College Officials

The College respects the right of individuals to engage in expressive activities in an anonymous manner. However, there are occasions when it is necessary for a College official to ask an individual to identify himself or herself. These occasions could include, for example, taking action to preserve the peace, to quell a disturbance, to investigate noncompliance with these Procedures, to confirm or modify a reservation or a gathering, or to obtain information regarding violations of other College policies or procedures.

Pursuant to the authority conferred upon the Board of Trustees by Texas Education Code Section 51.209, in order to protect the safety and welfare of students, employees, and other participants in the programs and activities of San Jacinto College and to protect the property and buildings of the College, it shall be a violation of these Procedures for any person who is on any property or in a building owned or controlled by San Jacinto College to refuse to identify himself or herself in response to a request by an authorized representative or any peace officer of San Jacinto College acting pursuant to authority of Texas law. An “institutional representative” is any member of the Board of Trustees; any College administrator or manager; or any peace officer or security officer of the College acting pursuant to authority of Texas law.

A person identifies himself or herself by stating truthfully: (1) his or her name and complete address, as substantiated by a current driver’s license or other official documentation, and whether they are a student or employee of the College; and (2) his or her legitimate business on San Jacinto College. Legitimate business includes engaging in assembly, speech, and other expressive activities as authorized by law or this Procedure.

A person who refuses to identify themselves in accordance with this Procedure may be required to leave the premises and may be subject to arrest for trespass. Students, faculty, or staff who refuse to identify themselves in accordance with this Procedure also are subject to disciplinary action pursuant to the College’s regular disciplinary procedures.

Additionally, as stated in Section 51.232 of the Texas Education Code, during periods of disruption, as determined by the Chancellor, Deputy Chancellor, Associate Vice Chancellor of Student Services, or other official designated by the Chancellor, to maintain order on the campus or facility, the College may require that any person on the campus or facility present evidence of his or her identification, or if the person is a student or employee of the institution, his student or employee official institutional identification card, or other evidence of the individual’s relationship with the College. If a person refuses or fails upon request to present evidence of their identification, and if it reasonably appears that the person has no legitimate reason to be on the campus or facility, the person may be ejected from the campus or facility.

College officials will not discriminate on the basis of a political, religious,

philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement or administration of these rules.

VIII. Violations and Sanctions; Discipline Procedures and Appeals

When a College employee observes a violation of these Procedures, the preferred first step is for the employee to encourage the alleged violator to comply with the rule being violated, especially in instances in which public safety is not threatened. If an individual continues to violate a rule or procedure after receiving a warning, but the activity is otherwise peaceful, staff and campus police should evaluate all facts and circumstances and determine whether to intervene immediately. For example, if the activity is about to end, intervention may be more disruptive than allowing the activity to end on its own. The decision whether and when to intervene shall be made without consideration of the viewpoint of the speaker.

Students who violate these Procedures are subject to discipline under the Code of Student Conduct in the Student Handbook. Sanctions may include loss of privileges, suspension, and expulsion. Employees who violate these Procedures are subject to discipline under the College’s applicable employment procedures, and sanctions may include loss of privileges, suspension, and termination. A violation of this Procedure includes unduly interfering with the lawful expressive activities of others.

Students who wish to file a complaint alleging a violation of this Procedure may file a complaint with the Office of Students Rights and Responsibilities under Complaint Procedure 200 in the Student Handbook. Employees who wish to file a complaint alleging a violation of this Procedure may file a complaint under Board Policy IV.4002.F.a and Procedure IV.4002.F.a, *Employee Concerns and Grievances*. A student or employee who complies with an on-the-scene order or directive that limits or prevents an expressive activity may test the propriety of the order or directive by filing a grievance or complaint.

Members of the public and off-campus organizations that violate these Procedures are subject to criminal trespass charges, arrest, and other lawful measures. Members of the public and off-campus organizations who wish to file a complaint alleging a violation of this Procedure may file a complaint with the Office of Student Rights and Responsibilities at studentrights@sjcd.edu. The decision of the Dean of the Office of Student Rights and Responsibilities is final.

Date of SLT Approval	May 1, 2024
Effective Date	May 22, 2024
Associated Policy	Policy VII.7003.A, Expressive Activities
Primary Owner of Policy Associated with the Procedure	Deputy Chancellor & President

Secondary Owner of Associate Vice Chancellor, Student Services
Policy Associated
with the Procedure



HOWARD COLLEGE
— MAKING DREAMS REAL —

Office of the President

June 18, 2024

Office of the Governor of the State of Texas
Budget and Policy Division
RE: GA-44 Howard College Response

Howard College certifies compliance with Executive Order No. GA-44 relating to addressing acts of antisemitism at our institution following the directive of the Governor as outlined below.

NOW, THEREFORE, I, Greg Abbott, Governor of Texas by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, hereby direct all Texas higher education institutions to do the following:

- 1. Review and update free speech policies to address the sharp rise in antisemitic speech and acts on university campuses and establish appropriate punishments, including expulsion from the institution.***
- 2. Ensure that these policies are being enforced on campuses and that groups such as the Palestine Solidarity Committee and Students for Justice in Palestine are disciplined for violating these policies.***
- 3. Include the definition of antisemitism, adopted by the State of Texas in Section 448.001 of the Texas Government Code, in university free speech policies to guide university personnel and students on what constitutes antisemitic speech.***

As outlined in the GA-44 directive:

- Howard College administration reviewed and updated free speech policies in the student and employee handbooks. These revisions were submitted to the Board of Trustees for approval on June 10, 2024, and are attached for review:
 - Board agenda/June 10, 2024
 - Student Handbook proposed changes to existing policy.
 - Employee Handbook new policy/free speech was covered in the Student Handbook previously. The new policy has information from the Student Handbook and specific information for employees.
- The Board of Trustees approved these policy changes on June 10, 2024. Highlights of the Board meeting are forwarded to employees after Board meetings prior to approval of the minutes at the following Board meeting (see email and attachments). This effort is made to keep employees updated on changes to the handbooks and other important information.
- Links to the college website with the changes to the Student and Employee Handbooks as approved by the Board of Trustees on June 10.
<https://howardcollege.edu/>
<https://catalog.howardcollege.edu/index.php?catoid=22;>
<https://catalog.howardcollege.edu/index.php?catoid=19>

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Start Small, Dream Big, at Howard College!



HOWARD COLLEGE
— MAKING DREAMS REAL —

Office of the President

4. Periodic All-District Zoom meetings are held with all employees. This new policy will be part of the agenda for the August 30 meeting as we begin the new academic year.

Howard College is committed to follow the directive of the Governor in order to provide a safe and secure learning environment for the college community in general.

I hereby certify that the above information is correct, and that Howard College is in compliance with Executive Order No. GA-44.

Signature of College President: *Cheryl T. Sparks* Date: 6/17/24
Cheryl T. Sparks, President

Signature of Board Chair: *John Freeman* Date: 6/19/24
Dr. John Freeman, President of Board of Trustees

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**BOARD OF TRUSTEES
HOWARD COUNTY JUNIOR COLLEGE DISTRICT
1001 BIRDWELL LANE
BIG SPRING, TEXAS**

EXECUTIVE SESSION/REGULAR MEETING
TIME: 11:00 a.m. Executive Session
11:45 a.m. Lunch – Tumbleweed Room
12:30 p.m. Regular Meeting
DATE: Monday, June 10, 2024
PLACE: Board Room/Student Union Building
and By Telephone
USA Toll-Free: 1-888-204-5987
Access Code: 3148424#
(See more details below)

AGENDA

Howard College will convene as posted to consider and take formal action, if necessary, on the following agenda items:

I. CALL TO ORDER

II. EXECUTIVE SESSION (Personnel/551.074)

- A. Personnel Matters

III. RECONVENE

- A. Invocation
- B. Recognition of Guests

IV. COMMUNICATION TO THE BOARD

V. APPROVAL OF ROUTINE MATTERS

- A. Minutes of Regular Meeting held on April 29, 2024
- B. Financials for April 2024
- C. Monthly Reports of Auxiliary Services
- D. Personnel Matters
- E. Internal Audit Report

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

- A. Visioning/Future Directions
 - 1. District
 - a. Oath of Office/Statement of Officer/Certificate of Election
 - b. Election of Officers
 - c. Trustee Foundation Appointments
 - d. Final Facilities Master Plan 2024 Presentation
 - e. Fair Labor Standards Act (FLSA) Changes
 - 2. Big Spring
 - 3. Lamesa
 - 4. San Angelo
 - 5. SWCD
- B. Performance Measures/Outcomes
 - 1. Access
 - a. Rural Promise Update
 - b. Adult Education & Literacy (AEL) Program Changes Update
 - 2. Student Success

3. Community and Workforce Development
 - a. Federal Correctional Institute (FCI) Educational Program
4. Performance Excellence
- C. Monitoring
 1. Purchasing
 - a. RFP #24-005 SWCD Dorm Shower Replacement Project
 - b. RFP #24-003 Big Spring Campus Coliseum Air Handling Unit (AHU) Replacement & Utility Transformer Replacement Project
 - c. Region 18 Purchasing Cooperative Membership Interlocal Agreement
 2. Resolution Authorizing the Auction of Howard County Trustee Property to the Highest Bidder for Cash, Without Reservation
 3. **Handbook and Catalog Changes**
 4. Construction/Renovation Projects
 - a. San Angelo Electrical/Plumbing Lab Update
 - b. Paving Project Update
 - c. Lamesa Projects Update
 - d. SWCD Dental Lab Technology (DLT) Update
 5. President's Report
 - a. Upcoming Activities
 - b. Recognitions
- D. Board Education and Development
 1. Legislative and General Updates
 2. Board Training/Cybersecurity Training
- E. Meeting Evaluation and Future Agenda Items

VIII. CHAIR'S REPORT

IX. ADJOURNMENT

EXECUTIVE SESSION: There may be an executive session to discuss litigation, property, gifts, personnel, security, or economic development negotiations pursuant to Government Code Section 551.071, 551.072, 551.073, 551.074, 551.076, 551.087.

The Board of Trustees, administration, and guests gather for lunch at 11:45 a.m. on the day of the Board meeting in the Tumbleweed Room in the Student Union Building on the Howard College campus. This is a social function unrelated to public business with no deliberation of items listed on the agenda.

The meeting will be called to order at 11:00 a.m. for an executive session and 12:30 p.m. for the Regular Meeting. To listen to the meeting beginning at 12:30 p.m., call the following number:

Join the conference call for audio

USA Toll-Free: 1-888-204-5987

Access Code: 3148424#

Related documents are available on the Howard College website at <https://howardcollege.edu/home/about/board-of-trustees/>.

Prior to two minutes before the call to order at 12:30 p.m., your phone will be automatically muted when you join the meeting and music will be playing. A short overview of procedures will be given prior to the start. Phones will then be muted for the meeting to begin. Opportunity will be given for public comment. Recording will be available on the website after the meeting.

Student Expressive Activity and Use of College Facilities

~~In accordance with law and policy, Howard College recognizes a student's right to freedom of speech, peaceful assembly, petition and association. Students may not disrupt the operations of the college or interfere with the rights of others to exercise their constitutional freedoms. Students are expected to exercise these rights with respect for the college's standards of conduct. Students and faculty alike should enable a climate of mutual respect and civility while fostering the freedom to debate and discuss the merits of competing ideas.~~

Howard College recognizes freedom of speech and expressive activity as a fundamental right and seeks to ensure free, robust, and uninhibited debate and deliberation by students. Students and registered student organizations are expected to exercise these rights with respect for the College's standards of conduct and should enable a climate of mutual respect and civility while fostering the freedom to debate and discuss the merits of competing ideas, including to listen to or observe the expressive activities of others.

Definitions:

Expressive activity is defined as any speech or expressive conduct protected by the First Amendment to the U.S. Constitution or by Section 8, Article I, of the Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech. *(as defined in Education Code Sec. 51.9315(2))*

Antisemitism is defined as a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. *(as defined in Government Code Sec 448.001(2))*

Amplified sound is defined as sound volume that is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on amplified sound but are subject to general rules on disruption/noise violation.

Purpose

Students and registered student organizations and employees may engage in expressive activity on campus grounds during college business hours without the need for prior reservation or registration except as set ~~in~~ ~~out in this and other applicable college policies.~~

Expressive activity does not include **expression that violates federal or state law or is disruptive to the operations of the College, including but not limited to expression that is considered harassment (to include discriminatory harassment) or antisemitism.**

Materials shall not be distributed by students or registered student organizations on college property if the materials are obscene, contain defamatory statements about public figures or others, constitute impermissible solicitation, advocate imminent lawless or disruptive action or are likely to incite or produce such action. Materials that infringe upon intellectual property rights of the College are not permitted.

~~speech that is likely to incite or produce imminent lawless action, expression that consists of fighting words, or threats of physical harm. Expressive activity may not create a vehicular or other safety hazard or constitute disruptive activity, defamation, riotous conduct, or obscenity as those terms are defined by federal or state law and may not impede access to other expressive activity, such as blocking the audience's view or preventing the audience from hearing a speaker. Displaying a sign, gesturing, wearing symbolic clothing or otherwise protesting silently is permissible anywhere unless it is a disruptive activity as defined by federal or state law.~~

~~College facilities and campus grounds may not be used by individuals or organizations not directly connected with the college except as permitted by this section.~~

Reservation of Campus Grounds for Expressive Activity

~~Campus grounds generally are open to students, employees, and sponsoring organizations for expressive activity during college business hours. However, these individuals and organizations are encouraged to reserve areas on campus that are designated for expressive activity when the activity is promoted in advance or when the activity may reasonably be anticipated to draw a crowd of 25 or more people. Designated areas may be reserved on a first-come, first-serve basis and are subject to the reservation procedures published by the Judicial Officer and set out in this policy. Only the individuals or sponsoring organization that reserves a designated space may use the area for expressive activity during the reserved period. A reservation is required for use of amplified sound and/or outdoor structure. Student sponsoring organizations are required~~

Amended June 10, 2024 in accordance with Governor's Executive Order GA-44

~~to reserve a designated area for expressive activity by a sponsored guest. Only student sponsoring organizations may invite sponsored guests to use campus grounds for expressive activity. A request to reserve space for use by a sponsored guest must be made no fewer than eight business days in advance of the sponsored activity.~~

The facilities and grounds of the College shall be made available to students or registered student organizations when such use does not conflict with use by, or any of the policies and procedures of, the College. The requesting students or registered student organizations may incur expenses when reserving facilities for non-college related activities in accordance with a fee schedule developed by the Board.

The College's common outdoor areas (operated and either owned or leased by the College) are deemed traditional public forums and are not subject to the approval procedures. Students and registered student organizations may engage in expressive activities in common outdoor areas unless:

1. The student's conduct is unlawful to include materials or expression that is considered prohibited harassment (to include discriminatory harassment) or antisemitism;
2. The use would constitute an immediate and actual danger to the peace or security of the College that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the functioning of the College;
- or
4. The use would result in damage to or defacement of property.

Note: Per Section 61.003 (a) of the Texas Elections Code, a person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party. Electioneering includes the posting, use, or distribution of political signs or literature.

Expressive activities on college grounds do not imply endorsement by the College.

~~In order~~ To allow reasonable access to designated areas, **students and registered student organizations** may reserve these ~~locations~~ **college facilities for** a total of fifteen days and no more than five consecutive days in a semester **for use of expressive activity**. The Judicial Officer is responsible for administration of this policy, including:

Amended June 10, 2024 in accordance with Governor's Executive Order GA-44

1. Identifying locations and establishing times for use as designated areas and identifying locations and establishing times for use of amplified sound;
2. Managing requests for reservation of campus grounds under this policy;
3. Relocating expressive activities as allowed under this policy;
4. Developing procedures for reserving areas for expressive activity and use of amplified sound and for registering for parades, marches and rallies;
5. Creating forms for use in reserving designated areas, using amplified sound, and registering for parades, marches, and rallies; and
6. Publishing the locations, times, procedures, and forms required under this policy at the beginning of each academic year.

The Judicial Officer will act on requests to reserve designated areas and to register for a parade, march, or rally no later than two business days after a properly submitted request is received. If a request is denied, the Judicial Officer will, where feasible, propose measures to address any defects in the request. When the basis for denial is receipt of an earlier request for the same location and time, the Judicial Officer will inform the **student or registered student organization** whose request is denied of other dates, times and locations that are available for reservation.

Advance reservation is required before amplified sound may be used on campus grounds (see ~~Use of Amplification Equipment~~ **Amplified Sound** section of this handbook).

The Judicial Officer or designee shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the expressive activity likely to be associated with the student's or registered student organization's use of the facility or the expected reaction of others. If a reservation request is denied, the rationale for the decision will be provided in writing. The denial of a reservation request can be appealed to the Chief Student Success/Public Information Officer (See **Appeal of Decisions Related to Expressive Activity).**

At the time of the request the following information will be required:

- Location, date, and time requested for the event.
- General purpose of the event.

Amended June 10, 2024 in accordance with Governor's Executive Order GA-44

- List of planned activities (i.e., speech or rally, march with signs, distribution of literature, sit-in).
- Contact information for the person or organization sponsoring the event, as well as contact information for an individual who will be present during the event.
- Special equipment requested.
- Anticipated attendance (i.e., number of people).

For registered student organizations, an officer of the registered student organization must be present for the duration of the event.

Use of Amplified Sound

Students and registered student organizations may use amplified sound on college campuses at designated times and locations, in accordance with college policies and procedures with advance notice and reservation.

Note: Per Section 61.004 of the Texas Elections Code, a person commits an offense if, during the voting period and within 1,000 feet of a building in which a polling place is located, the person operates a sound amplification device or a vehicle with a loudspeaker while the device or loudspeaker is being used for the purpose of making a political speech or electioneering for or against any candidate, measure, or political party.

Reason for Denial of a Reservation

Requests to reserve a designated area, to use amplified sound, or to register a route for a parade, march or rally may not be denied based on the content of the proposed expressive activity. Requests may be denied for reasons **including but not limited to the following:**

1. An earlier request to reserve the same location and time has been made;
2. The designated area or an adjacent area has been reserved for an official college function or the designated area is no longer suitable for use due to a conflict with a nearby official college function;
3. The reservation or registration form is incomplete;
4. The request exceeds more than fifteen days ~~in a semester~~ or is for more than five consecutive days **in a semester**;

5. The proposed route of a march, parade or rally will cross space that has been reserved for an official college function or space that otherwise has been reserved in accordance with this policy or the proposed route will substantially interrupt the safe and orderly movement of traffic or create a safety hazard; or
6. The request was submitted by ~~an individual or organization~~ **a student or registered student organization** that is not permitted to reserve space on campus under this policy;
7. **The proposed use would constitute an immediate and actual danger to the peace or security of the College that available law enforcement officials could not control with reasonable efforts; or**
8. **The proposed use would constitute expression that is unlawful or disruptive to the operations of the College, including but not limited to expressions that is considered prohibited harassment (to include discriminatory harassment) or antisemitism.**

Relocation of Expressive Activities

~~Individuals~~ **Students** and **registered student** organizations engaged in ~~freedom of expression~~ **expressive** activities on campus may be required to relocate under circumstances **included but not limited to the following:**

1. The location selected for the activity is inadequate for the purpose for which it will be used (either too close to buildings, not big enough for event, etc.);
2. The activity substantially interferes with either vehicular or pedestrian traffic;
3. The activity blocks the ingress or egress to buildings;
4. The space is not available due to a prior reservation;
5. The activity conflicts with a previously planned college activity;
6. The activity creates a sustained or repeated noise.
7. The activity presents an unreasonable danger to the health or safety of the applicant or other individuals.
8. The activity is prohibited by local, state, or federal law; or
9. The activity prevents fire protection, law enforcement, or emergency medical service providers from access to areas on campus.

Outdoor Exhibits and Structures

Amended June 10, 2024 in accordance with Governor's Executive Order GA-44

~~Outdoor exhibits and structures may be placed only in designated areas, except that individuals may place displays on easel-type supports on campus grounds that are open and accessible for expressive activity. Outdoor exhibits and structures are subject to the following limitations:~~

- ~~1. May not exceed twenty-five feet in length or width or fifteen feet in height,~~
- ~~2. May not extend into or onto any sidewalks or walkways in such a way as to interfere with pedestrian or vehicular traffic or otherwise present an unreasonable threat to public safety.~~
- ~~3. The interior of three-dimensional structures or exhibits must be fully visible from at least one side of the exhibit or structure, and no exhibit or structure may provide opportunity for individuals to be completely secluded from view.~~

~~Exception to the dimension regulations shall be granted by the Judicial Officer upon a showing by the individual or organization seeking the exception that the exhibit will not present a safety hazard and will not interfere with pedestrian or vehicular traffic. Proof that the individual or organization has insurance to cover injury or damage to persons or property is not grounds for an exception to the dimension regulations.~~

Subject to Discipline

~~Students engaged in expressive activities may be subject to discipline under the Student Standards of Conduct & Disciplinary Policy for the following actions:~~

- ~~1. Activities that are illegal.~~
- ~~2. Activities that deny the rights of other students, faculty, and staff of the college.~~
- ~~3. Activities that substantially obstruct or restrict the free movement of persons on any part of the college campus, including the free entry or exit from college facilities.~~
- ~~4. Activities that deny the use of office or other facilities to students, faculty, staff or guests of the college.~~
- ~~5. Activities that threaten or endanger the health or safety of any person on the college campus.~~
- ~~6. Activities that include the use of obscenities, libelous statements, or "fighting words" as defined by law;~~
- ~~7. Activities that result in damage to or destruction of college property; and~~
- ~~8. Activities that attempt to prevent a college event or other lawful assembly by the threat of use of force or violence.~~

Amended June 10, 2024 in accordance with Governor's Executive Order GA-44

All students and registered student organizations participating in expressive activity are expected to comply with state and federal laws, municipal ordinances, and applicable Howard College policies and procedures, including but not limited to this regulation. Students or registered student organizations who unduly interfere with the expressive activities of others on campus will be subject to the disciplinary policies and procedures. All students and registered student organizations who violate this regulation will be subject to disciplinary action as outlined in the applicable Student Code of Conduct and Disciplinary Policy. Violation of this regulation may result in immediate removal from the campus, expulsion from the College and/or any other action deemed appropriate under Howard College policy and applicable law.

Responsibilities of Decisions Related to Expressive Activity

~~Sponsoring~~ **Students and registered student organizations** are responsible for ensuring that **their** sponsored guests read and understand all obligations set out in this and all other applicable college policies. ~~Members of the college community may be held individually responsible and sponsoring organizations may be held collectively accountable for any violations of college policies.~~

Sponsored guests who do not comply with this or other applicable college policies automatically forfeit their reservations and must immediately vacate college property. Repeat violations of this policy by a sponsored guest may result in loss of privilege for the sponsored guests as determined by the Judicial Officer.

Appeal of Decisions Related to Expressive Activity

~~Students, employees,~~ and **registered student organizations** whose requests for use of campus grounds for expressive activity are denied may appeal the decision to the ~~Vice President of Academic and Student Affairs~~ **Chief Student Success/Public Information Officer**.

The appeal must be made in writing and state the specific reason(s) the individual **student** or **student** organization disagrees with the decision. The appeal should include all information the individual **student** or **student** organization believes will assist the ~~Vice President of Academic and Student Affairs~~ **Chief Student Success/Public Information Officer** in deciding the matter.

~~The Vice President for Student Affairs~~ **Chief Student Success/Public Information Officer** will issue a decision on the appeal within three business days of its receipt. The decision is final.

Howard College Employee Handbook

Policy 1.15 Employee Expression and Use of College Facilities and Grounds

Adoption Date: June 10, 2024

In response to Executive Order GA-44 issued by Governor Greg Abbott on March 27, 2024, and in concert with existing law, Howard College reaffirms its commitment to fostering a safe and accessible campus environment. We condemn all forms of antisemitism, which is defined as "a certain perception of Jews, which may be expressed as hatred toward Jews" as outlined in Section 448.001 of the Texas Government Code, and uphold the values of respect, tolerance, and academic freedom. We enforce these policies diligently to ensure that all employees feel secure in expressing their views while upholding the standards of respectful discourse.

Use of college facilities and grounds may not:

1. Constitute expression that is unlawful or disruptive to the operations of the College, including, but not limited to, expression that is considered prohibited harassment (to include discriminatory harassment) or antisemitism.
2. Constitute an immediate and actual danger to the peace or security of the College.
3. Materially or substantially disrupt or disturb the regular college activities.
4. Result in damage to or defacement of property.

Employee Violations

Failure to comply with this policy and associated procedures shall result in appropriate disciplinary action, including but not limited to, suspension of an employee's or employee organization's use of college facilities as permitted by this policy and/or other disciplinary action up to and including termination of employment.

Community Expression and Use of College Facilities

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Community members and organizations may engage in expressive activities in common outdoor areas, unless:

1. Constitute expression that is unlawful or disruptive to the operations of the College, including, but not limited to, expression that is considered prohibited harassment (to include discriminatory harassment) or antisemitism.
2. Constitute an immediate and actual danger to the peace or security of the College.
3. Materially or substantially disrupt or disturb the regular college activities.
4. Result in damage to or defacement of property.

Expressive activities on college grounds do not imply endorsement by the College.

Contact the Human Resources office for more information. Employees will follow the same procedures as outlined in the Student Handbook.

HIGHLIGHTS
BOARD OF TRUSTEES MEETING
June 10, 2024

The Board of Trustees of the Howard County Junior College District met for an executive session and regular board meeting in the Board Room of the Student Union Building at the Big Spring campus on Monday, June 10, 2024.

Chairman Dr. John Freeman called the meeting to order at 11:08 a.m. Shortly after calling the meeting to order, the Board moved into Executive Session to discuss personnel. Upon conclusion of the Executive Session at 12:11 p.m., the Board recessed for lunch. The regular meeting was open to the public in the Board Room on the Big Spring Campus. The regular meeting was recorded but due to technical difficulties the broadcast was interrupted partially through the meeting. The recording will be available on the website. Minutes will also be available on the website.

Chairman Dr. John Freeman called the regular meeting to order at 12:54 p.m. Mr. Calvio gave the invocation.

- Next, Dr. Freeman recognized guests. Dr. Sparks noted that Kaye Barr, wife of Maxwell Barr, was in attendance to witness Mr. Barr's swearing in as a reelected Trustee. Savannah Robinson of the Big Spring Herald and Laurie Kincannon, the incoming Chief Human Resources Officer were also welcomed.
- Next, the public was invited to address the Board. There were no comments.
- Next, Trustees approved routine matters, including the minutes of the regular meeting on April 29, 2024, the Financials for April 2024, monthly report of auxiliary services, personnel matters, and an internal audit report.
- Next, Trustees moved to New Business, Visioning/Future Directions.
- Next, Mr. Maxwell Barr and Mr. Adrian Calvio took the oath of office as the elected trustees for Precincts 4 and 3 respectively. Both gentlemen had been reelected in the uncontested election.
- Next, Trustees elected to leave the leadership of the Board as it was presently constituted, with Dr. John Freeman as Chair, Mr. Maxwell Barr as Vice-Chair, and Mr. Adrian Calvio as Secretary.
- Next, Trustees made a change to trustee foundation appointments. Mr. Ben Zeichick was approved to serve on the Howard College at San Angelo Foundation Board and Dr. Marisha Beck was approved to serve on the Southwest Collegiate Institute for the Deaf Foundation Board. All other assignments were approved as presently constituted.
- Next, Phil Furqueron and Terry Hansen presented the Final Facilities Master Plan 2024, describing it as a rewarding exercise and a valuable resource for the district. Development of the plan involved comprehensive surveys conducted among students, faculty, staff, and the community, with approximately 450 responses received. Site evaluations were carried out at each campus, offering a detailed view of current conditions.

Terry highlighted the survey process, noting the simplification to 15 main questions compared to previous survey instruments used in earlier plans. The responses and comments included in the report, provide an objective view of the campuses. Building evaluations are meticulously detailed in the report.

Phil directed attention to the building evaluations beginning on page 115, covering overall site conditions, landscaping, systems, interiors, fire protection and safety, and accessibility, with a comments section for notable observations.

Terry emphasized that the planning process outlines each building's assessment, offering a basis for future work on any facility at Howard College. The Master Plan also informs the deferred maintenance list, which is used during budget preparation and tracks progress and projects.

They also noted the document's detailed cost analysis, based on current regional data used by contractors, engineers, and architects. Phil's contributions include a current plan of the existing campus and a conceptual plan for future developments, along with phasing and cost estimates.

Customized plans for each campus were developed based on revenue sources. Phil emphasized the extensive information in the phasing spreadsheets, which are expected to be widely used.

Terry reflected on the 2007 plan's completion, where each item was color-coded and tracked. The new plan offers a 30,000-foot view and is redesigned to be intuitive, based on user experience and substantial input received during the process. The team expressed pride in the document and its usability.

Dr. Sparks complimented Phil and Terry on the high quality of the plan and explained that they were selected because of their extensive experience with building projects at the College district as well as the fact that they both had their hearts in the project and care deeply about the future of Howard College.

- Next, Dr. Sparks discussed recent changes to the Fair Labor Standards Act (FLSA) by the U.S. Department of Labor, which updated the salary threshold for exemption status. The new rule takes effect on July 1, 2024, with an initial increase, followed by a more significant increase in January 2025. Dr. Sparks provided a brief overview, noting that some positions in the district will be impacted.

Rhonda Kernick, Chief HR Officer, began analyzing these changes in May as the college awaited state guidance. Despite speculation that the Governor might address the fiscal impact for Texas, recent feedback indicates no state action will be taken. As a result, the college has been reviewing salary schedules and impacted positions in detail.

The entire non-exempt and professional exempt schedules are under review to determine the best course of action. With the changes taking effect on July 1 for phase one and January 1 for phase two, the college will begin working with individual employees over the next few weeks. Dr. Sparks emphasized the fiscal impact of these changes, which will be addressed during the budgeting process and discussed in more detail at the July 29th Board meeting.

- Next, Trustees moved to Performance Measures/Outcomes.
- Next, Brenda Kay Madore provided a brief update on the Rural Promise project. The program has been named Open Roads Promise driven by Howard College. Marketing efforts and various meetings are ongoing, with program details being finalized by a cross-sectional team. Additionally, a new position, Dean of High School Partnerships, has been created and posted. This role will manage the day-to-day operations of the Promise program as well as oversee dual credit responsibilities.
- Next, Dr. Sparks related that Adult Education & Literacy (AEL) grants have experienced changes in the way they are being allocated. There is now only one grant for the district instead of individual grants available for campuses. Addressing the changes in the AEL grant has to be submitted by the 1st of July and efforts are underway to determine best delivery for the district.
- Next, Trustees moved to Monitoring.

➤ Next, Dr. Sparks explained that due to the funding model changes for community colleges and the impacts of COVID-19, disruptions to operations and funding at the Federal Correctional Institution (FCI) have been experienced. Over the past few years, discussions have been ongoing with the FCI. A bridge contract will cover the rest of this year, with a bid process expected for the next five years. The new funding model, with its performance tier funding, is challenging to implement at the federal prison. The college hopes for an RFP that can be pursued, though it may not be released until 2025 due to the election year. Several faculty members are affected by these changes, and alternative approaches are being considered to continue the program. Trustees affirmed the action that Dr. Sparks had already taken with contract negotiations to complete this fiscal year.

➤ Next, Trustees approved RFP #24-005 SWCD Dorm Shower Replacement Project. Funds were allocated for the project in this budget. Steve Smith and Phil Furqueron provided rationale for the recommendation.

Steve reported that three contractors submitted bids, and they recommend Mid-Tex from Midland. They are pleased with the quality of the contractors who bid, with Mid-Tex offering a competitive bid. The project involves replacing 26 showers installed back in 1997, with no asbestos abatement required.

The replacement will also include the installation of strobes to indicate when bathrooms are in use, along with new valves, doors, and toilets. Maintenance requested porcelain tiles instead of fiberglass for durability. The grading criteria for the bids were made available to board members, with points assigned accordingly.

Sparks inquired about the start date. Work is expected to begin in approximately two weeks. The project might be phased depending on material availability. This initiative comes from the Master Plan and has been prompted by student feedback.

➤ Next, Trustees approved RFP #24-003 Big Spring Campus Coliseum Air Handling Unit (AHU) Replacement & Utility Transformer Replacement Project.

This project, previously separated into different projects, focuses on replacing three utility transformers and four or eight air handling units (AHUs) at the Big Spring Campus Coliseum. Initially, there were difficulties in securing bids for the transformers and AHUs due to long lead times. However, combining these into a larger project resulted in more interest from contractors.

Five contractors submitted bids, though two were incomplete. The base proposal included replacing four rooftop units at the Coliseum with an alternate to replace the additional four units. The final recommendation expanded this to all eight units for cost efficiency and to avoid repeated staging costs. The RFP justification included discussion about the advantages of using rebuilt transformers with a three-year warranty over new ones with a one-year warranty. Rebuilt transformers have an eight-month lead time, compared to twelve months for new ones.

Sparks emphasized the need for all eight AHUs, noting the discomfort in the Coliseum due to outdated units from 1977/78, which are difficult to repair. Currently, only three out of eight units function for heating, and five to six for cooling, affecting events such as basketball games. This past winter, a conference game had to be relocated due to cold conditions.

To address this, funds were allocated last summer from the budget and pulled from the fund balance. Additional funding sources include CARES payments and increased interest monies and tax collection, though there remains a shortfall of about \$500,000. Voting to approve the project now allows for ordering, with the cost included in next year's budget.

June 10, 2024

Fabian Serrano indicated that contractors are open to using rebuilt transformers, with two of the three needed already found. This project aligns with the Facilities Master Plan, and the coliseum serves as an important community relocation site. Future plans include possibly applying for a state grant for a backup generator.

The board directed continued discussions on rebuilt versus new transformers and authorized moving forward with engineers to ensure compatibility and gave administrative authority to make the final decision based on expert guidance. The project, was justified based on the contractor's experience, staff availability, and past performance. This project will significantly improve conditions in the Coliseum and ensure reliability for community use. Administration will report the final decision at the next Board meeting.

- Next, Trustees approved the Region 18 Purchasing Cooperative Membership Interlocal Agreement. This is an annual requirement for participation in the Cooperative.
- Next, Trustees approved a Resolution Authorizing the Auction of Howard County Trustee Property to the Highest Bidder for Cash, Without Reservation. Two properties had been submitted for approval.
- Next, Trustees approved handbook and catalog changes (see attached). Catalog changes are needed for the upcoming academic year and a new policy addressing the Executive Order by the Governor on antisemitism were included.
- Next, Trustees received a brief update on the San Angelo Electrical/Plumbing Lab. Shane Taiclet reported that the electrical wiring is almost complete, the sheetrock is up, and texture is almost done.
- Next, Fabian Serrano gave an update on the joint paving project that is being planned for the Big Spring campus with the City. The work will commence in earnest in July.
- Next, Monica Castro gave an update on projects slated for the Lamesa campus. The vestibule door will be complete by the end of June. In the next budget year they will be working on the landing and ramp. This is another item on the Facilities Master Plan that will be marked as completed.
- Next, Dr. Sparks and Jeff Anderson gave a brief update on the SWCD Dental Lab Technology (DLT) renovations. Jeff and faculty member Carlos Medrano had traveled to a Dental Lab in Houston to gain insight on needed upgrades.
- Next, Dr. Sparks reviewed upcoming activities with Trustees. The next Board Meeting will be July 29. There will be a budget workshop on August 12, a tax hearing (if needed) on August 19, and the regular meeting on August 26.
- Next, she informed Trustees that Jeryn Ellerd had advanced to the NIRA finals in Team Roping. Several theater students had been recognized for their performances in Joseph and the Amazing Technicolor Dream Coat.
- Next, Dr. Sparks briefly updated Trustees on legislative matters. Funding projections have been released. We are analyzing that data.
- Next, Trustees discussed the annually required cybersecurity training. Rhonda verified who had received the link and provided instructions on how to access the training. It needs to be completed by July.

There being no other business, the Trustees adjourned at 2:27 p.m.

Report of the Chairwoman of the Texas State Technical College Board of Regents pursuant to Executive Order GA 44

Relating to addressing acts of antisemitism in institutions of higher education.

June 19, 2024

Whereas, in response to acts of antisemitism at institutions of higher education in Texas, on March 27, 2024, pursuant to his powers as Governor of the State of Texas, Governor Greg Abbott issued Executive Order No. GA-44 (the “Order”). Governor Abbott cited the terrorist attack by Hamas on Israel in October of 2023, which killed over 1,200 people and resulted in the taking of over 250 hostages. The Order specifically addresses the increased antisemitic incidents on college campuses, including graffiti, protests, and chants calling for the destruction of Israel; and


Whereas, the State of Texas and Texas State Technical College (“TSTC”) unequivocally support free speech on TSTC’s campuses, but this freedom comes with responsibilities. Such speech can never incite violence, encourage people to violate the law, harass other students or Texans, or disrupt the core educational purpose of TSTC. To that end, Texas Education Code [51.9315\(f\)](#) requires TSTC to adopt policies detailing students’ responsibilities regarding free expression on campus, and Texas Education Code [51.9315\(c\)\(2\)](#) provides that students should not participate in, and TSTC should not allow, expression that is unlawful or disrupts the operations of the institution; and

Whereas, the TSTC administration and the Board of Regents unequivocally denounce harassment in any form, including antisemitism and the harassment of Jewish students on TSTC’s campuses; and

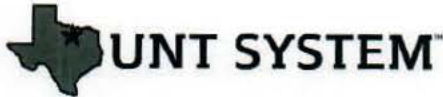
Whereas, in the Order, Governor Abbott requested that TSTC (1) review and update free speech policies to address antisemitism and establish punishments for violators, (2) enforce these policies and discipline groups that violate them, and (3) include the definition of “antisemitism” from Texas Government Code 448.001 in its free speech policies.

Now, Therefore, I, Chairwoman of the Board of Regents of TSTC, Dr. Tiffany Tremont, do report to the Office of the Governor, [Budget and Policy Division](#), to confirm that TSTC has reviewed and updated its free speech policies to address antisemitism and establish punishments for violators. TSTC Statewide Standard, [Educational Services, 3.23 Student Rights and Responsibilities](#), has been updated to include the definition of “antisemitism” from [Texas Government Code, §448.001](#), and additionally sets forth appropriate punishments for violating this policy up to and including expulsion from TSTC. The TSTC administration will enforce this policy on all TSTC campuses. I would further report that prior to, and since, the Governor’s Order, none of TSTC’s campuses reported any antisemitic incidents or any incident similar to those which caused the Governor to issue Executive Order GA 44.

Signature of the Board Chair: 
Date: June 17, 2024

Signature of the Board Secretary & TSTC General Counsel: 
Date: June 19, 2024

Date submitted to the Office of the Governor, Budget and Policy Division: June 19, 2024



UNT
UNT | HEALTH SCIENCE CENTER
UNT | DALLAS
UNT | SYSTEM OFFICE

OFFICE OF THE BOARD OF REGENTS

Laura Wright - Chair

To: Office of the Governor, Budget and Policy Division

From: Laura Wright, Chair, University of North Texas System Board of Regents
Laura S. Wright

Date: June 20, 2024

RE: Report on Free Speech Policy Revisions Pursuant to Executive Order GA-44

The Governor's Executive Order GA-44, relating to addressing acts of antisemitism in institutions of higher education, directed university systems to report actions taken to ensure compliance.

After amending the campus Free Speech policies to conform to the requirements of the Governor's Executive Order GA-44, the University of North Texas, the University of North Texas at Dallas, and the University of North Texas Health Science Center presented the revised policies to the UNT System Board of Regents for review at their quarterly board meeting. The UNT System Board of Regents unanimously approved the amended policies on May 16, 2024. A redline copy of each of the campus policies is attached as an Appendix to this report.

Further, to ensure that violations of these policies include antisemitic speech and result in appropriate punishment, the campuses added revisions to their respective Student Code of Conduct to specify acts based on antisemitism are explicitly included under the categories of misconduct.

Categories of Misconduct

Students or Student Groups may be disciplined for attempting to or engaging in the misconduct listed below. Conduct affecting health, safety or welfare, including but not limited to –

1. Engaging in physical or verbal abuse, fighting, threats, intimidation, coercion, or any other conduct that threatens or endangers the health, safety or welfare of any person. Speech protected by the Constitutions of the United States and Texas is not a violation of this provision. Fighting words and statements which reasonably threaten or endanger the health and safety of any person are not protected speech (including those acts based on antisemitism).

Additionally, the Student Code of Conduct provides a range of punishments for acts of misconduct, including expulsion from the institution. An expelled student is permanently barred from the university premises and the expulsion is permanently noted on the student's transcript.

Thank you for the opportunity to respond, and please feel free to contact me should you have questions or need anything in addition. You also can direct questions concerning the policies and report to Alan Stucky, Vice Chancellor and General Counsel for the University of North Texas System at (940) 565-2717 or alan.stucky@untsystem.edu.

APPENDIX



Policy Chapter: Chapter 7 Student Affairs

Policy Number and Title: 07.006 Free Speech and Public Assembly on Campus Grounds

I. Policy Statement

The University of North Texas (UNT) recognizes that freedom of expression and public assembly are fundamental rights of all persons and are essential components of the education process. These activities promote debate and the sharing of ideas, which are the foundation of educational institutions.

The responsibility of the University to operate and maintain an effective and efficient institution of higher education requires regulation of the time, place and manner of assembly, speech, and other expressive activities on the grounds of the University. In keeping with this responsibility, students, faculty, staff and visitors are free to exercise the rights to assemble and engage in expressive activity in a constitutionally-protected manner subject only to the content-neutral regulations necessary to fulfill the mission and obligations of the University; preserve the rights of others; coordinate multiple uses of limited space; assure preservation of the campus facilities and grounds; and assure financial accountability for any damage caused by these activities.

II. Application of Policy

This policy applies to University of North Texas students, employees, organizations, and visitors to campus.

Nothing in this policy is intended to prohibit faculty members from maintaining order in the classroom.

III. Policy Definitions

A. Amplified Sound

“Amplified Sound,” in this policy, means sound that is increased or enhanced by any electric, electronic, or mechanical means. Other sound, specifically individual shouting or group chanting/singing is subject to general regulations concerning disruption of official University functions.

B. Antisemitism

“Antisemitism,” in this policy, means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

B.C. Campus Grounds

“Campus Grounds,” in this policy, means all common outdoor areas owned, leased or controlled by the University that are accessible to all students, employees, and visitors, such as sidewalks, park-like areas and malls.

G.D. Designated Areas

“Designated Areas,” in this policy, means outdoor areas of property owned, leased, or controlled by the University that may be reserved by students, employees, and visitors for expressive activity.

D.E. Employee

“Employee,” in this policy, means an individual who is employed part-time, full-time, or in a temporary capacity by the University.

E.F. Expressive Activity

“Expressive Activity,” in this policy, means the verbal or symbolic expression of an idea, thought or opinion and could include speeches, assembly, marches, parades, rallies, protests, picketing, distribution of non-commercial literature, circulation of petitions, graphic or pictorial displays or similar activities intended to communicate an idea or opinion.

~~Expressive activity does not include speech that is likely to incite or produce imminent lawless action, expression that consists of fighting words, intimidation, or threats of physical harm or expression that is obscene or commercial in nature, or discrimination, harassment, or defamation that rises to such level and can be disciplined by UNT for those reasons.~~

~~UNT recognizes that some constitutionally protected speech may be considered offensive by some or all viewers/listeners. An expressive activity does not automatically rise to the level of denying constitutional, statutory, or legal rights of others solely because a viewer/listener is offended by the idea presented. However, expressive activities that interfere with the legal rights of others are not permitted. activity does not include speech that is likely to incite or produce imminent lawless action, expression that consists of fighting words or threats of physical harm or expression that is obscene or commercial in nature.~~

F.G. Literature

“Literature,” in this policy, means any material that does not concern a commercial transaction and is produced in multiple copies for distribution or publication to an audience, including but not limited to flyers, handbills, leaflets, placards, bulletins, newspapers, and magazines, but does not include the North Texas Daily or official University material.

G.H. Official University Function

“Official University Function,” in this policy, means any activity, event, or program sponsored by an academic or administrative unit of the University.

H.I. Organization

“Organization,” in this policy, means a group composed of students, employees, or visitors who come together in pursuit of a common purpose.

H.J. Outdoor Structure or Exhibit

“Outdoor Structure or Exhibit,” in this policy, means anything built, constructed, or displayed temporarily on campus grounds as part of an expressive activity, including tents.

H.K. Student

“Student,” in this policy, means any person who is currently enrolled at the University of North Texas, and, for the purposes of this policy includes student organizations and student groups.

K.L. University Business Days

“University Business Day,” in this policy, means Monday through Friday during regular University business hours (8:00 a.m. to 5:00 p.m.).

L.M. Visitor

“Visitor,” in this policy, means a person who is not a student or employee of the University.

IV. Policy Responsibilities

A. Use of Campus Grounds

1. The facilities and campus grounds of the University are intended to be used primarily for academic and administrative activities of the University and secondarily for programs sponsored and conducted by University academic and administrative departments or organizations affiliated with those departments, including student organizations and student groups.
2. Students, employees, and visitors may engage in expressive activity on campus grounds, including by responding to the expressive activities of others, as set out in this policy.
3. Students, employees, and visitors who wish to organize parades, marches, or rallies in areas that cross thoroughfares or would stop or slow traffic must notify the Dean of Students Office at least five (5) business days in advance of the activity to ensure that the proposed route does not substantially interrupt the safe and orderly movement of traffic or create a safety hazard.
4. Visitors who plan to engage in expressive activity on campus grounds and have a reasonable expectation of attracting a crowd of 50 people or more must notify the Dean of Students Office at least five (5) business days prior to the activity so that appropriate measures can be taken to ensure the safety of the University community and minimize disruption to the learning environment.
5. Individuals or organizations not directly connected with the University may use University facilities and campus grounds as permitted by this and the University Facilities Use Coordination policies, and are responsible for reading and following these

policies, as applicable.

B. Reservation of Campus Grounds for Expressive Activities

1. Campus grounds generally are open to students, employees, and visitors for expressive activity. However, individuals and organizations are encouraged to reserve areas on campus that are designated for expressive activity. Designated areas may be reserved on a first-come, first-served basis and are subject to the reservation procedures published by the Dean of Students Office and set out in this policy. Only the individuals or organizations that reserve a designated space may use the area for expressive activity during the reserved period. A reservation is required five business days in advance for use of amplified sound, outdoor structure, and/or when a crowd of 50 or more people are anticipated.
2. To allow reasonable access to designated areas, students, employees, and visitors may reserve locations for a total of fifteen days with no more than five consecutive days in a four-month period. The Dean of Students Office is responsible for administration of this policy, including:
 - a. identifying locations and establishing times for use as designated areas;
 - b. identifying locations and establishing times for use of amplified sound;
 - c. managing requests for reservation of campus grounds under this policy;
 - d. relocating or rescheduling expressive activities as allowed under this policy;
 - e. developing procedures for reserving areas for expressive activity and use of amplified sound;
 - f. registering parades, marches, and rallies and;
 - g. publishing the locations, times, procedures, and forms required under this policy at the beginning of each academic year.

C. Use of Amplified Sound on Campus Grounds

1. Advance reservation is required before amplified sound may be used on campus grounds. Students, employees, and visitors may use amplified sound on campus grounds at the locations and times published by the Dean of Students Office. Amplified sound areas may be reserved on a first-come, first-served basis and are subject to the reservation procedures published by the Dean of Students Office and this policy.
2. Amplification in the designated areas:
 - a. Cannot exceed 92 decibels on the "A" scale at 50 feet from the source of amplification; and
 - b. Amplification will not be approved for any period during the two weeks preceding fall and spring graduation dates.

D. Prohibited Activities

The following activities are prohibited:

1. Activities that are unlawful or materially and substantially disrupt the normal operations of the University.
2. Activities that substantially interfere with vehicular or pedestrian traffic, including the ingress or egress of University facilities.
3. Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services.
4. Activities that threaten or endanger the health or safety of any person on University grounds.
5. Activities that result in damage or destruction of University property. Nothing may be affixed to or written on University buildings.
6. Activities that constitute disruptive activity, riotous conduct or obscenity as those terms are defined by federal or state law.
7. Expressive signage, gesturing, wearing symbolic clothing or otherwise protesting silently is permissible anywhere unless it is a disruptive activity as defined by federal or state law.
8. Open flames on the University campus without the written permission of UNT Risk Management.

E. Relocation of Expressive Activities

Individuals and organizations engaged in expressive activity on campus may be relocated to other areas by the Vice President for Student Affairs, the Dean of Students or, when immediate action is necessary, the University Police Department, under the following circumstances:

1. the noise generated by the activity disrupts an official University function or substantially interferes with resident housing life and activities (e.g., the activity is too close to an academic, administrative or residential building);
2. the location does not safely accommodate the number of participants;
3. the number of individuals participating in or attending the activity creates unsafe conditions for vehicular or pedestrian traffic, or parking; or blocks the ingress or egress to buildings, staircases or official university activities;
4. the space has been reserved for an official University function, has been reserved in accordance with this policy, or a reserved location is needed for an official University

function;

5. the activity creates a health, safety or welfare hazard, such as interfering with fire, police or emergency services;
6. the activity interferes with the expressive activity of another individual or organization, such as blocking the audience's view of a speaker or preventing the audience from hearing a speaker; or
7. The University reserves the right, as necessary, to impose additional reasonable time, place, and manner restrictions as circumstances arise.

F. Speakers and Approvals

1. Students and employees may invite individuals to the University to speak in accordance with this policy. The University may not consider the political, religious, philosophical, ideological or academic viewpoint, or any potential controversy an invited-speaker may generate in reviewing the engagement or in assessing a fee to use campus facilities.
2. When reviewing an invitation or assessing a fee, the University will consider the criteria:
 - a. Proposed venue and size of the expected crowd;
 - b. Anticipated needs for campus security;
 - c. Any other accommodations the University deems necessary for the speaker; and
 - d. Relevant history of compliance or noncompliance with University policies by the speaker or the requestor.
3. Use of UNT facilities must follow Facilities Use Coordination and other applicable University policies and procedures.

G. Distribution of Literature

1. Students, employees, and visitors may distribute literature on campus grounds. Individuals who distribute literature are expected to collect all literature that is left over or that is on the ground in the area in which it is distributed.
2. Literature distributed under this policy by a student, employee, or visitor cannot contain any University trademarks without the express written consent of the University.

H. Commercial Speech

Expressive activities do not include commercial speech for purposes of this policy.

I. Outdoor Exhibits and Structures

1. Outdoor exhibits and structures may be placed only in designated areas. However, individuals may place displays on existing easel-type supports on campus grounds that

are open and accessible for expressive activity. Outdoor exhibits and structures are subject to the following limitations:

- a. exhibits and structures may not exceed twenty-five feet in length or width or fifteen feet in height;
 - b. exhibits and structures may not extend onto any sidewalks or walkways in such a way as to interfere with pedestrian or vehicular traffic or otherwise present an unreasonable threat to public safety; and
 - c. the interior of three-dimensional structures or exhibits must be fully visible from at least one side of the exhibit or structure, and no exhibit or structure may provide opportunity for individuals to be completely secluded from view.
2. Individuals setting up an outdoor exhibit or structure are responsible for cleanup of the area surrounding the exhibit or structure and shall return it to its original condition at the completion of the expressive activity. Individuals involved in the setup of an outdoor exhibit or structure shall not damage UNT property or grounds
 3. Exhibits may only be set up in accordance with this policy and UNT Policy 07.029 Prohibition of Camping on University Property. The Dean of Students Office must be notified at least five (5) business days prior to the proposed activity involving an outdoor exhibit or structure.
 4. Exception to the dimension limitations may be granted by the Dean of Students Office upon a showing by the individual or organization seeking the exception that the exhibit will not present a safety hazard and will not interfere with pedestrian or vehicular traffic. Proof of insurance to cover injury or damage to persons or property does not entitle the individual or organization to an exception to the dimension limitations. Requests for exception to the outdoor exhibit dimension limitations must be made at least five (5) business days in advance of the desired display date.

J. Review of Decisions and Other Actions Related to Expressive Activity

1. Individuals who disagree with a decision regarding their use of campus grounds for expressive activity or who reasonably believe a student, employee or visitor has violated this policy may request review by the Vice President for Student Affairs. The request for review must be filed no later than 5:00 p.m. on the third business day after notice of the decision that is being challenged or within a reasonable time after the person becomes aware of a possible policy violation.
2. The request must be submitted in writing and provide:
 - a. the specific reason(s) the individual or organization disagrees with the decision or believes a policy violation has occurred, as applicable; and

- b. all information the individual or organization believes will assist the Vice President for Student Affairs in reaching a determination on the matter.
- 3. The Vice President for Student Affairs will issue a written decision within a reasonable time, usually within three (3) business days of receipt of a request. The Vice President’s decision is final.

K. Disciplinary Sanctions for Interference with Expressive Activity

~~Students~~ Students and employees who unduly interfere with expressive activities of others on campus are subject to disciplinary action under applicable student, faculty, and staff discipline policies, including, without limitation, 7.012 Code of Student Conduct, or 16.004 Prohibition of Discrimination, Harassment, and Retaliation. ~~and employees who unduly interfere with expressive activities of others on campus are subject to disciplinary action under the UNT Code of Student Conduct or applicable faculty and staff discipline policies.~~

L. Education and Resources

The University will make this policy available by:

- 1. publication on the University website and academic catalogs; and
- 2. providing the policy to all new students and employees during orientation programs and through the University policy manual.

V. Resources/Forms/Tools

- [Request to Reserve Designated Areas](#)
- [Request to Reserve Designated Areas for Parades, Marches, and Rallies](#)

VI. References and Cross-References

- [Texas Education Code § 51.9315](#)
- [UNT Policy 04.032, Solicitation](#)
- [UNT Policy 05.015 Ethics and Standards of Conduct](#)
- [UNT Policy 05.033, Staff Employee Discipline and Involuntary Termination](#)
- [UNT Policy 06.025, Faculty Misconduct and Discipline](#)
- [UNT Policy 07.012, Code of Student Conduct](#)
- [UNT Policy 07.029 Prohibition of Camping on University Property](#)
- [UNT Policy 11.001, Facilities Use Coordination](#)
- [UNT Policy 12.003, Protection of Building and Grounds](#)
- [UNT Policy 16.004 Prohibition of Discrimination, Harassment, and Retaliation](#)

VII. Revision History

Policy Contact:	Dean of Students
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Approved Date:	11/03/2009
Effective Date:	11/03/2009
Revisions:	04/17/2012, 05/27/2020, 05/13/2024

Institution:	University of North Texas at Dallas
Policy Number & Chapter Title:	07.009 Student Affairs, Education, & Funding
Policy Title:	Free Speech & Public Assembly on Campus Grounds

I. Policy Statement. The University of North Texas at Dallas (UNT Dallas) recognizes that the freedom to exchange ideas and to publicly assemble is an essential component of the educational process. Such activities promote debate and the sharing of ideas that substantially contribute to the marketplace of ideas and are a fundamental principle of educational institutions.

The responsibility of UNT Dallas to operate and maintain an effective and efficient institution of higher education requires regulation of the time, place, and manner of assembly, speech, and other expressive activity on campus grounds. In keeping with this responsibility, University students, faculty and staff, and visitors are free to engage in expressive activity at UNT Dallas in a constitutionally protected manner subject to the content-neutral regulations necessary to fulfill the mission and obligations of UNT Dallas, preserve the rights of others, coordinate multiple uses of limited space, and assure preservation of campus facilities and grounds.

II. Application of Policy. This policy applies to all members of the University community and visitors. It does not apply to official UNT Dallas academic and administrative activities and functions, and does not prohibit faculty members from maintaining order in the classroom.

III. Policy Definitions. The following definitions apply for the purposes of this policy only:

A. Amplified sound. An “amplified sound” means sound that is increased or enhanced by any electric, electronic, or mechanical means, including hand-held devices such as megaphones and sound trucks. Other sounds, specifically individual shouting or group chanting/singing is subject to general regulations concerning disruption of official university functions.

B. Antisemitism. “Antisemitism” means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

A. _____

B. C. Campus grounds. “Campus grounds” means all common outdoor areas owned, leased, or _____ controlled by UNT Dallas that are accessible to all members of the University community and _____ visitors, such as sidewalks, courtyards, and grassy areas.

D. Designated area. A “designated area” means an outdoor area of property owned, leased, or _____ controlled by the University that may be reserved by University community and visitors for _____ expressive activity.

C. _____

E. Expressive activity. An “expressive activity” means the verbal or symbolic communications of _____ an idea, thought, or opinion. It may be a speech, assembly, march, parade, rally, picketing, _____ distribution of literature, graphic/pictorial displays, or other similar forms of expression intended _____ to communicate an idea or an opinion. It does not include speech that is likely to incite or _____ produce imminent lawless action, an expression that consists of fighting words, intimidation, or _____ threats of physical harm or an expression that is defamatory, obscene, or commercial in nature, _____ or discrimination, harassment, or defamation that rises to such level and can be subject to _____ discipline by UNT Dallas for those reasons.

UNT Dallas recognizes that some constitutionally protected speech may be considered offensive by some or all viewers/listeners. An expressive activity does not automatically rise to the level of denying constitutional, statutory, or legal rights of others solely because a

viewer/listener is offended by the idea presented. However, expressive activities that interfere with the legal rights of others are not permitted.

D.F. Literature. “Literature” means any printed or digital material that is produced in for distribution or publication to an audience, including but not limited to; flyers, handbills, leaflets, placards, bulletins, newspapers, and magazines. It does not include any UNT Dallas-sanctioned student newspaper or official UNT Dallas materials.

E.G. Normal business hours. “Normal business hours” mean Monday through Friday 7:00 a.m.-11:00 p.m. and Saturday 7:00 a.m.-8:00 p.m.

F.H. Official University function. An “official University function” means any activity, event, or program by an academic or administrative unit of UNT Dallas and any activity and on-campus program sponsored by a student or an employee organization.

G.I. Organization. An “organization” means a group comprised of members of the University community or visitors who come together in pursuit of a common purpose.

H.J. Outdoor structure or exhibit. An “outdoor structure or exhibit” refers to anything built, constructed, or displayed temporarily on campus grounds as part of an expressive activity, including tents.

I.K. Student. A “student” is an individual who is currently enrolled and attending UNT Dallas.

J.L. University. “University” means the University of North Texas at Dallas.

K.M. University community. “University community” means all students enrolled and faculty and staff working at UNT Dallas, and organizations as defined in this policy.

L.N. Visitor. A “visitor” means an individual who is not a student, faculty member, or staff member.

IV. Responsibilities.

A. The Office of Events Management is responsible for the administration of this policy, including:

1. identifying locations and establishing times for use of designated areas on campus grounds;
2. establishing times for use of amplified sound on campus grounds;
3. managing requests for reservation of designated areas on campus grounds;
4. relocating expressive activities in accordance with this policy;
5. implementing procedures to request reserving designated areas on campus grounds for the purpose of conducting expressive activities;
6. communicating the locations, times, procedures, and forms required under this policy at the beginning of each academic year; and
7. ensuring this policy is included in student and employee handbooks, provided at freshman, transfer and graduate student orientation and is posted on THE UNT Dallas website.

B. Use of Campus Grounds.

1. Campus grounds at UNT Dallas are intended to be used, primarily for UNT Dallas instruction, research programs, and administrative activities and, secondarily, for programs sponsored and conducted by UNT Dallas academic and administrative departments or organizations affiliated with those departments, including student, faculty, and staff organizations.
2. Members of the University community, and visitors may engage in expressive activity on campus grounds without the need for prior reservation, except as set out in this and other applicable UNT Dallas policies. An expressive activity may not create a vehicular or other safety hazard or constitute disruptive activity, defamation, riotous conduct, obscenity, or unduly interfere with the expressive activity of others.

3. Displaying a sign, gesturing, wearing symbolic clothing, or otherwise protesting silently is permissible on campus grounds unless such activity is determined to be disruptive.
4. An individual or organization planning to organize a parade, march, rally in areas that cross streets or would stop or slow traffic must register with the Office of Student Affairs at least three (3) business days in advance of the activity in order to help ensure the proposed activity does not substantially interrupt the safe and orderly movement of traffic or create a safety hazard. A member of the University community planning to organize a parade, march, rally in areas that cross streets or would stop or slow traffic must register with the Office of Events Management at least three (3) business days in advance of the activity in order to help ensure the proposed activity does not substantially interrupt the safe and orderly movement of traffic or create a safety hazard.
5. UNT Dallas does not augment existing utilities, restrooms, equipment, or parking services to support an expressive activity on campus grounds.

C. Reservation of Designated Area for Expressive Activities.

Generally, designated areas on campus grounds are open to members of the University community, and visitors for expressive activity during the normal business hours of the University. In order to allow reasonable access to designated areas, members of the University community and visitors may request to reserve these locations a total of 15 days and no more than five (5) consecutive days in a semester.

1. **Designated Areas for Expressive Activity Anticipated to Draw a Crowd.**
Individuals and organizations are encouraged to reserve a designated area on campus grounds for an expressive activity when it is reasonably anticipated that the activity may draw a crowd of twenty-five (25) or more individuals. Designated areas are reserved on a first-come, first-serve basis, subject to the reservation procedures set out in this policy.
2. **Visitors.**
Visitors may reserve a designated area on campus grounds for the purpose of engaging in an expressive activity by submitting a request to the Office of Events Management no later than three (3) business days before the proposed expressive activity is to take place.
3. **Actions on Reservation Requests.**
The Office of Events Management will act on a request to reserve a designated areas on campus grounds no later than two (2) business days after a properly submitted request is received. If a request is denied, the Office of Events Management will, if possible, propose measures to address any defects in the request. When the basis for denial is receipt of an earlier request to reserve the same designated area and time, the Office of Events Management will inform the individual or organization of other dates, times, and locations that are available for reservation.

Responsible Party: Office of Events Management

D. Use of Amplified Sound on Campus Grounds.

1. **Advance Registration.**
Advance registration is required before amplified sound may be used on campus grounds. Members of the University community and visitors may use amplified sound on campus grounds only at designated areas and times published by the Office of Events Management. Amplified sound areas may be reserved on a first-come, first-serve basis and are subject to the reservation procedures published by the Office of Events Management.
2. **Amplification Levels.**
The amplification of sound in designated areas cannot exceed 92 decibels on the "A" scale at fifty (50) feet from its source.
3. **Limitations.**
The request to use amplified sound will not be approved for any time period during the seven (7) calendar days preceding the final week of each fall and spring semester due to

the University exam schedule.

E. Relocation of Expressive Activity.

Individuals and organizations engaged in expressive activity on campus grounds may be required to relocate to other areas by the Office of Events Management or, when immediate action is necessary, the UNT Dallas Police Department, under the following circumstances:

1. the noise generated by the activity disrupts an official UNT Dallas function or substantially interferes with official UNT Dallas activities (e.g., activity is too close to academic building);
2. the designated area does not safely accommodate the number of participants;
3. the number of individuals participating in or attending the activity creates unsafe conditions for vehicular or pedestrian traffic, parking, or blocks the ingress or egress to buildings or official UNT Dallas activities;
4. the designated area has been reserved for an official UNT Dallas function, has been reserved in accordance with this policy, or the designated area is needed for an official UNT Dallas function; or
5. the activity creates a health or welfare hazard, such as interfering with health and safety services, or inclement weather.

Responsible Party: Events Management & UNT Dallas Police Department

F. Speakers and Approvals.

1. Students and employees may invite individuals to the campus to speak in accordance with this policy. The University may not consider the political, religious, philosophical, ideological, or academic viewpoint, or any potential controversy an invited speaker may generate in reviewing the engagement in reviewing the engagement or in assessing a fee to use campus facilities.

When reviewing and invitation or assessing a fee, the University will consider the following criteria:

- a. Proposed venue and size of the expected crowd;
 - b. Anticipated needs for campus security;
 - c. Any other accommodations the University deems necessary for the speaker; and
 - d. Relevant history of compliance or non-compliance with University policies by the speaker or the requestor.
2. Use of UNT Dallas facilities must follow Facilities Use Coordination and other applicable university policies and procedures.

G. Distribution of Literature.

1. Literature to be distributed on campus grounds must be of a non-commercial nature.
2. Literature must clearly indicate the name of the individual or organization.
3. Literature distributed by an individual or organization that includes the name UNT Dallas or University of North Texas at Dallas in its name, or that contains any reference to an affiliation with UNT Dallas, must include a statement that the literature is not official UNT Dallas literature and does not represent the views or official position of UNT Dallas.
4. Distribution of literature cannot obstruct the free flow of traffic.
5. Materials may be offered to, but not forced upon, individuals.
6. The individual or organization is responsible for collecting literature that is left over or that is on the ground in the area in which it is distributed.

Responsible Party: Office of Events Management

H. Commercial Solicitation and Advertising.

Individuals and organizations may engage in commercial solicitation and advertising only as allowed under UNT Dallas policy.

I. Use of Signs and Banners During Expressive Activity.

Members of the University community, and visitors may display signs by holding them or otherwise attaching them to themselves. Displays of signs and banners, including displays on outdoor bulletin boards must comply with the applicable UNT Dallas policies.

J. Outdoor Structures or Exhibits.

1. Stationary Exhibits.

Stationary exhibits and structures may be placed only on designated areas, except that individuals may place displays on easel-type supports on campus grounds that are open and accessible for expressive activity. Stationary exhibits and structures may not exceed 25 feet in length/width or 15 feet in height and may not extend into or onto any sidewalks or walkways in such a way as to interfere with pedestrian or vehicular traffic or otherwise present an unreasonable threat to public safety. The Office of Events Management may grant exceptions to the dimension requirements upon a showing that an exhibit will not present a safety hazard and will not interfere with pedestrian or vehicular traffic. Requests for exceptions must be submitted at least five (5) business days in advance of the desired display date.

2. Enclosed Structures or Exhibits.

The interior of three-dimensional structures or exhibits must be fully visible from at least one side of the structure or exhibit and no outdoor structure or exhibit may provide opportunity for individuals to be completely hidden from view.

K. Disciplinary Sanctions for Interference with Expressive Activity.

1. Individuals and organizations are responsible for reading and understanding all obligations set out in this policy and all other applicable UNT Dallas policies.
2. Members of the University community including faculty, staff, students and student organizations who unduly interfere with or disrupt an expressive activity are subject to disciplinary action. ~~Students and student organizations are subject to discipline under the UNT Dallas Code of Student Conduct. Faculty and staff employees are subject to action~~ under the faculty or staff discipline policies, as applicable, including without limitation 7.001, Code of Conduct of Students, or 16.002, Prohibition of Discrimination, Harassment and Retaliation.
3. Visitors who do not comply with this or other applicable UNT Dallas policies will be directed to vacate the University grounds.

Responsible Party: Dean of Students, Provost, and Human Resources

L. Review of Decisions Related to Expressive Activity.

Members of the University community and visitors who disagree with a decision regarding their use of campus grounds for expressive activity or who reasonably believe a student, employee or visitor has violated this policy may request review by the Chief Financial Officer (CFO). The request for review must be filed by 5:00 p.m. on the third business day after notice of the decision that is being challenged or within a reasonable time after the person becomes aware of a possible policy violation.

The request must be submitted in writing and provide:

1. The specific reason(s) the individual or organization disagrees with the decision or believes the policy violation has occurred, as applicable; and
2. All information the individual or organization believes will assist the CFO in reaching a determination on the matter.

The CFO will issue a written decision within a reasonable time, usually within three (3) business days of a receipt of a request. The Chief Financial Officer's decision is final.

Responsible Party: Chief Financial Officer

M. Education, Training, and Resources.

1. The University will make this policy available by:
 - a. Publication on University website and in the academic catalogs; and
 - b. Providing the policy to all new students and employees during orientation programs and through the university policy manual.
2. The University will develop training materials and programs for employees and students to ensure each individual understands their responsibilities in adhering to this policy.

Responsible Party: Dean of Students and Human Resources

V. References & Cross-References.

- UNT Dallas Policy 5.021; *Disciplinary Procedures for Staff Employees*
- UNT Dallas Policy 6.011; *Faculty Discipline & Termination*
- UNT Dallas Policy 7.001; *Code of Student's Rights, Responsibilities, & Conduct*
- UNT Dallas Policy 11.006; *Facilities Use*
- UNT Dallas Procedures for Free Speech and Public Assembly in Outdoor Areas

VI. Revision History

Policy Contact:	Dean of Students
Initial Approval Date:	08/23/2010
Current Effective Date:	04/23/2012, <u>May 18, 2024</u>
Last Revision:	04/30/2020, <u>May 18, 2024</u>



Policies of the University of North Texas Health Science Center at Fort Worth

1.104 Free Speech and Public Assembly on Campus Grounds

Chapter 1 Institutional Governance

Policy Statement.

The University of North Texas Health Science Center at Fort Worth (HSC) recognizes that the freedom of expression and public assembly are fundamental rights of all persons and are essential components of the educational process. Such activities promote debate and the sharing of ideas, which are the foundation of educational institutions. This policy outlines the University of North Texas Health Science Center at Fort Worth Free Speech and Public Assembly Guidelines on Campus Grounds.

The responsibility of the University to operate and maintain an effective and efficient institution of higher education requires regulation of the time, place, and manner of assembly, speech, and other expressive activities on the grounds of the University. In keeping with this responsibility, students, faculty, staff and visitors are free to exercise the rights to assemble and engage in expressive activity in a constitutionally-protected manner subject only to the content-neutral regulations necessary to fulfill the mission and obligations of the University; preserve the rights of others; coordinate multiple uses of limited space; assure preservation of the campus facilities and grounds; and assure financial accountability for any damage caused by these activities.

Application and Purpose of Policy.

This policy applies to all HSC students, registered student organizations, employees, internal and external organizations, and external speakers and visitors. This policy does not apply to official academic and administrative activities and functions of HSC.

Definitions.

The following definitions apply for the purposes of this policy only:

1. Amplified Sound. “Amplified Sound” means sound that is increased or enhanced by any electric, electronic, or mechanical means, including handheld devices such as megaphones and sound trucks. Other sound, specifically individual shouting or group chanting/singing is subject to general regulations concerning disruption of official University functions.
2. Antisemitism. “Antisemitism” means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.
- ~~2-3.~~ Business Day. “Business Day” means 8:00 a.m. to 5:00 p.m. Monday through Friday during regular HSC business hours, not including dates when the HSC is officially closed.
4. Campus Grounds. “Campus Grounds” means all outdoor areas owned, leased or controlled by the HSC (including HSC health clinics) that are common and accessible to all students, and employees and visitors such as sidewalks, park-like areas and malls.
- ~~3-5.~~ Designated Areas. “Designated Areas” means outdoor areas of property owned, leased or controlled by the University that may be reserved by students, employees and visitors for the purpose of expressive activity.
- ~~4-6.~~ Employee. “Employee” means a person currently employed by the HSC on a full-time, part-time or

hourly basis.

- 5-7. Expressive Activity. “Expressive Activity” means the verbal or symbolic expression of an idea, thought or opinion that may include speeches, protests, assembly, marches, parades, rallied, picketing, distribution of literature, circulation of petitions, mass emails, graphic or pictorial displays and other similar activities intended to communicate an idea or an opinion. ~~Expressive activity does not include speech that is likely to incite or produce imminent lawless action, expression that consists of fighting words or threats of physical harm or expression that is defamatory, obscene or commercial in nature.~~ Expressive activity does not include speech that is likely to incite or produce imminent lawless action, expression that consists of fighting words, intimidation, threats of physical harm or expression that is obscene or commercial in nature, or discrimination, harassment, or defamation that rises to such level and can be disciplined by HSC for those reasons. HSC recognizes that some constitutionally protected speech may be considered offensive by some or all viewers/listeners. An expressive activity does not automatically rise to the level of denying constitutional, statutory, or legal rights of others solely because a viewer/listener is offended by the idea presented. However, expressive activities that interfere with the legal rights of others are not permitted.
- 6-8. Facilities. “Facilities” means any building, structure or indoor space which is owned by HSC or leased or operated under HSC authority.
- 7-9. Grievance. “Grievance” means a formal complaint expressing disagreement or dissatisfaction with the application of this policy.
- 8-10. Literature. “Literature” means any printed material that is produced in multiple copies for distribution or publication to an audience, including but not limited to flyers, handbills, leaflets, placards, bulletins, newspapers and magazines, but does not include any official HSC material.
11. Official HSC Function. “Official HSC Function” means all activities, events, and programs sponsored by an academic or administrative unit of the HSC and all on-campus activities and programs sponsored by student or employee organizations.
- 9-12. Outdoor Structure or Exhibit. “Outdoor Structure or Exhibit” means anything built, constructed or displayed temporarily on campus grounds as part of an expressive activity, including tents.
- 40-13. Registered Student Organization. “Registered Student Organization” means any organization that is mostly comprised of students enrolled at the Universityinstitution and receives a benefit from the Universityinstitution.
- 44-14. Student. “Student” means an individual who has applied for admission or readmission to HSC, who is registered or enrolled in one or more courses for credit, or who is currently not enrolled but has a continuing academic relationship with HSC. means any person who is currently enrolled and attending the HSC of North Texas Health Science Center.
- 42-15. Traditional Public Forums. “Traditional Public Forums” means common outdoor areas of the HSC that are devoted to assembly or debate such as streets, sidewalks and parks.
16. Unduly Interfere. “Unduly Interfere” means excessive and unwarranted interruption that impedes expressive activity.
- 43-17. Visitor. “Visitor” means a person who is not a student or employee of the University and includes external speakers.

Policy and Responsibilities.

1. Use of Campus Grounds and Facilities

The campus grounds and facilities of ~~the~~ HSC are intended to be used first for academic,

research, instructional and research programs programmatic, and administrative activities of ~~the~~ HSC and secondarily for programs sponsored and conducted by HSC academic, research, programmatic, and administrative departments or organizations affiliated with those departments, including registered student organizations.

Students, employees and visitors may engage in expressive activity on campus grounds, including by responding to the expressive activities of others, as set out in this policy. Expressive signage, gesturing, wearing symbolic clothing or otherwise protesting silently is permissible anywhere unless it is a disruptive activity as defined by federal or state law.

Visitors who plan to engage in expressive activity on campus grounds and have a reasonable expectation of attracting a crowd of 50 people or more must notify the Room Scheduling Office at least five (5) business days prior to the activity so that appropriate measures can be taken to ensure the safety of the University community and minimize the disruption to the learning environment.

Individuals or organizations not directly connected with the University may only use University facilities and campus grounds as permitted by this policy and the Facilities Use Policy (HSC Policy 4.202).

Expressive activity may not create a vehicular or other safety hazard or constitute disruptive activity, defamation, riotous conduct or obscenity as those terms are defined by federal or state law. Expressive activity also may not impede access to other expressive activity, such as blocking the audience's view or preventing the audience from hearing a speaker. Displaying a sign, gesturing, wearing symbolic clothing or otherwise protesting silently is permissible anywhere unless it is a disruptive activity as defined by federal or state law.

2. Reservation of Campus Grounds for Expressive Activities

Campus grounds are deemed traditional public forums and are open to students, registered student organizations, employees, visitors and external speakers for expressive activity.

~~Students and employees may engage in expressive activity on campus grounds without the need for prior reservation except as set out in this policy with respect to amplification. However, individuals and organizations are encouraged to reserve areas on campus that are designated for expressive activity. Designated areas may be reserved on a first come, first served basis and are subject to reservation procedures published through the Room Scheduling Office by following the procedures set out in the Facilities Use Policy (HSC Policy 4.202). However, if an individual or group reserves a space in advance, then the student or employee who spontaneously began expressive activities in the space can be required to relocate to another area of campus or pause expressive activities during the time frame of the reservation. Student and employees may reserve campus grounds in advance for expressive activity through the Room Scheduling Office by following the procedures set out in the Facilities Use Policy.~~

A reservation is required for use of campus grounds by external speakers for expressive activity. External speakers may reserve campus grounds for expressive activity through the Room Scheduling Office by following the procedures set out in the Facilities Use Policy (HSC Policy 4.202).

No advanced deposit or fees will be assessed for reservations of campus grounds for expressive activities. A reservation will not be denied due to the content of the proposed expressive activity.

To allow reasonable access to designated areas, students, employees, and visitors may reserve locations for a total of fifteen days with no more than five (5) consecutive days in a four (4) month period. The Room Scheduling Office is responsible for the management of the space requests including those for expressive activities, specifically:

- a. Identifying locations and establishing times for use of designated areas;
- b. Identifying locations and establishing times for use of amplified sound;
- c. Managing requests for reservation of campus grounds under this policy;

d. Relocating or rescheduling expressive activities as allowed under this policy;

e. Developing procedures for reserving areas for expressive activity and use of amplified sound;

f. Registering parades, marches, rallies and;

a-g. Publishing the locations, times, procedures, and forms required under this policy at the beginning of each academic year.

3. Reservation of Designated Areas and Campus Facilities for Expressive Activities

A reservation is required for use of designated areas and campus facilities by students, registered student organizations, employees or external speakers for expressive activity in accordance with the Facilities Use Policy (HSC Policy 4.202) and other applicable University policies and procedures.

4. Invited External Speakers

~~Student organizations~~ Students, registered student organizations and employees are permitted to invite external speakers on campus by following processes and procedures outlined by the Room Scheduling Office. In determining whether to approve ~~the utilization of a speaker to utilize~~ designated areas and campus facilities for expressive activity by an invited external speaker, or in determining the amount of a fee to be charged for use of ~~the~~ HSC's facilities for purposes of engaging in expressive activity, ~~the~~ HSC:

- a. may only consider content-neutral and viewpoint neutral criteria related to the needs of the event, such as:
 - i. the proposed venue and the expected size of the audience;
 - ii. any anticipated need for campus security;
 - iii. any necessary accommodations; and
 - iv. any relevant history of compliance or noncompliance by the requesting student organization or employee with ~~the~~ HSC's policy.

The ~~University~~ HSC may not take action against a registered student organization or deny the organization any benefit generally available to other registered student organizations at the ~~University~~ institution on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.

5. Use of Amplified Sound in Outdoor Areas

Prior approval is required for use of amplified sound.

~~The Room Scheduling Office is responsible for:~~

~~identifying locations and establishing times for use of amplified sound;~~

~~relocating expressive activities as allowed under this policy;~~

~~developing procedures for use of amplified sound;~~

~~creating forms for use in using amplified sound; and~~

~~publishing the procedures and forms required under
this policy at the beginning of each academic year.~~

The Room Scheduling Office will act on requests to use amplified sound no later than two (2) business days after a properly submitted request is received in the Room Scheduling Office. If a request is denied, the Room Scheduling Office will, where feasible, propose measures to address any defects in the request. When the basis for denial is receipt of an earlier request for the same location and time, the Room Scheduling Office will inform the individual or organization whose request is denied of other dates, times and locations that are available for reservation.

For outdoor events, all amplified noise must cease between the hours of 10:00 pm and 7:00 am Monday through Saturday and all day on Sunday.

6. Parades, Marches or Rallies for Expressive Activities

Students, student organizations, employees and external speakers who wish to organize parades, marches or rallies in areas that cross thoroughfares or would stop or slow traffic must notify the Room Scheduling Office not less than four (4) business days in advance of the activity in order to ensure that the proposed route does not substantially interrupt the safe and orderly movement of traffic or create a safety hazard.

~~For outdoor events, all amplified noise must cease between the hours of 10:00 pm and 7:00 am Monday through Saturday and all day on Sunday. All outdoor events, including parades, marches, or rallies, must comply with the expectations surrounding amplified sound.~~

7. Prohibited Activities

The following activities are prohibited:

- a. Activities that are unlawful or materially and substantially disrupt the normal operations of the University.
- b. Activities that substantially interfere with vehicular or pedestrian traffic, including ingress or egress of University facilities.
- c. Activities that substantially interfere with fire protection, law enforcement, or emergency and medical services.
- d. Activities that threaten or endanger the health or safety of any person on University grounds.
- e. Activities that result in damage or destruction of University property. Nothing may be affixed or written on University buildings.
- f. Activities that constitute disruptive activity, riotous conduct or obscenity as those terms are defined by federal or state law.

~~7.8.~~ Reason for Denial of a Reservation

A reservation may not be denied based on the content of the proposed expressive activity. Reservation requests may be denied only for the following reasons:

- a. an earlier request to reserve the same location and time has been made;
- b. the requested area or an adjacent area has been reserved for an official HSC function or the requested area is no longer suitable for use due to a conflict with a nearby official HSC function;

- c. the reservation form is incomplete;
- d. the request exceeds more than fifteen days in a fall or spring semester or is for more than five (5) consecutive days in a summer term; or
- e. the reservation request was not received within five (5) business days prior to the event.

8-9. Relocation of Expressive Activities

Individuals and organizations engaged in expressive activity on campus may be required to relocate to other areas by the Room Scheduling Office or when immediate action is necessary, ~~the~~ HSC ~~P~~olice ~~D~~epartment, under the following circumstances:

- a. the noise generated by the activity disrupts an official HSC function or substantially interferes with academic activities (e.g. the activity is too close to an academic or administrative building);
- b. the location does not safely accommodate the number of participants;
- c. the number of individuals participating in or attending the activity creates unsafe conditions for vehicular or pedestrian traffic, parking, or blocks the ingress or egress to buildings or official HSC activities;
- d. the space has been reserved for an official HSC function, has been reserved in accordance with this policy, or a reserved location is needed for an official HSC function; or
- e. the activity creates a health or welfare hazard, such as interfering with fire, police or emergency services.

f. The activity interferes with the expressive activity of another individual or organization, such as blocking the audience's view of a speaker or preventing the audience from hearing a speaker; or

e.g. The University reserves the right, as necessary, to impose additional reasonable time, place, and manner restrictions as circumstances arise.

9-10. Distribution of Literature

Students, student organizations, employees and external speakers may distribute literature on campus grounds. Individuals who distribute literature are expected to collect all literature that is leftover or that is on the ground in which it is distributed.

Literature distributed under this policy by a student, employee or visitor cannot contain any University trademarks without the expressed written consent of the University.

~~Students, student organizations, employees, and external speakers who distribute literature should be considerate about collecting any litter that may be generated as a consequence of their distributions and are expected to collect literature that is left over or that is on the ground in the area in which it is distributed.~~

~~Literature distributed under this policy by an external speaker that contains the name "University of North Texas Health Science Center" or "HSC" in its name or that contains any reference to being affiliated with the HSC, must include the statement that the literature is not official HSC literature and does not represent the views or official position of the HSC.~~

10-11. Commercial Solicitation and Advertising

Individuals and organizations may engage in commercial solicitation and advertising only if a sponsoring organization takes responsibility for the content and message. Any academic-related organizations wishing to advertise on campus grounds should receive prior approval from the appropriate college or academic department in addition to having a sponsoring organization.

41.12. Signs and Banners

Students, employees and members of student and employee organizations may display signs by holding them or otherwise attaching them to their persons. ~~Student Organizations must submit signs and banners to the Office of Student Development for approval. Otherwise, All~~ displays of signs and banners, including displays on outdoor bulletin boards and displays by external speakers, must comply with the Facilities Use Policy (HSC Policy 4.202).

42.13. Outdoor Exhibits

Stationary exhibits and structures may be placed only in designated areas, except that individuals may place displays on easel-type supports on campus grounds that are open and accessible for expressive activity. Stationary exhibits and structures may not exceed twenty-five feet in length or width or fifteen feet in height, may not extend into or onto any sidewalks or walkways in such a way as to interfere with pedestrian or vehicular traffic or otherwise present an unreasonable threat to public safety, the interior of three-dimensional structures or exhibits must be fully visible from at least one side of the exhibit or structure, and no exhibit or structure may provide opportunity for individuals to be completely secluded from view.

Individuals setting up an outdoor exhibit or structure are responsible for cleanup of the area surrounding the exhibit or structure and shall return it to its original condition at the completion of the expressive activity. Individuals involved in the setup of an outdoor exhibit or structure shall not damage HSC property or grounds.

Exception to the dimension regulations may be granted by the Room Scheduling Office upon a showing by the individual or organization seeking the exception that the exhibit will not present a safety hazard and will not interfere with pedestrian or vehicular traffic. Proof that the individual or organization has insurance to cover injury or damage to persons or property is not grounds for an exception to the dimension regulations.

Requests for exception to the outdoor exhibit regulation must be made at least ten (10) business days in advance of the desired display date.

43.14. Responsibilities of Students, Student Organizations, Employees and External Speakers

Students, registered student organizations and employees may be held individually responsible and may be held collectively accountable for any violations of HSC policies, including the Student Code of Conduct and Civility (HSC Policy 7.105)Discipline, as applicable. External speakers are responsible for following all guidelines and requirements set out in this and all other applicable HSC policies.

External speakers who do not comply with this or other applicable HSC policies automatically forfeit their reservations and must immediately vacate ~~HSC~~-property owned, leased, or controlled by HSC.

44.15. Grievance Procedure for Violations of Free Speech PolicyReview of Decisions and other Actions Related to Expressive Activity

A. Students who disagree with a decision regarding their use of campus grounds for expressive activity or who reasonably believe that a student, employee, or visitor has violated this policy may request a review by the Vice Provost for Student Affairs. The request for review must be filed no later than 5:00pm on the third business day after the notice of the decision that is being challenged or within a reasonable time after the person becomes aware of a possible policy violation.

a. The request must be submitted in writing and provide:

- i. The specific reason(s) the individual or organization disagrees with the decision or believes a policy violation has occurred, as applicable; and
- ii. All information the individual or organization believes will assist the Vice Provost for Student Affairs in reaching a determination on the matter.

a-b. The Vice Provost for Student Affairs will issue a written decision within three (3) business days of receipt of a request. The Vice Provost's decision is final. Students may submit a grievance for violations of this policy to the Vice Provost of Student

- ~~Affairs within five (5) business days from the date of the action.~~
- ~~b. Grievances should be in writing and include the following information:~~
- ~~i. Nature of the grievance.~~
 - ~~ii. Attempts made to resolve the grievance.~~
 - ~~iii. Resolution the individual or organization seeks.~~

~~c. The Vice Provost of Student Affairs will review the grievance for compliance with this policy and issue a decision within three (3) business days of its receipt and this decision is final.~~

- B. Staff may submit a grievance for violations of this policy in accordance with the [Employee-Staff Grievance Policy \(HSC Policy 5.109\)](#).
- C. Faculty may submit a grievance for violations of this policy in accordance with the Faculty Grievance and Appeal Policy [\(HSC Policy 6.106\)](#).

45.16. Disciplinary ~~Sanctions~~ Actions for Unduly Interfering with Expressive Activities

- A. It is a violation of this policy to unduly interfere with the expressive activities of others.
- B. Students or [registered](#) student organizations who unduly interfere with the expressive activities of others on campus may be subject to progressive discipline, up to expulsion, in accordance with the Student Code of Conduct and [Discipline Policy Civility \(HSC Policy 7.105\) and Prohibition Against Discrimination, Sexual Misconduct, Harassment and Related Retaliation \(HSC Policy 5.106\)](#).
- C. Employees, including faculty members, who unduly interfere with the expressive activities of others on campus may be subject to progressive discipline, up to termination of employment, in accordance with [Prohibition Against Discrimination, Sexual Misconduct, Harassment and Related Retaliation \(HSC Policy 5.106\)](#) and any other HSC policies that govern disciplinary processes.

Reference.

[Registered](#) Student Organization Handbook

[Texas Education Code §51.9315](#)

Related Policies and Procedures:

- Facilities Use Policy [\(HSC Policy 4.202\)](#)
- Student Code of Conduct and [Civility \(HSC Policy 7.105\)](#)~~Discipline Policy~~
- ~~Staff~~[Employee](#) Grievance Policy [\(HSC Policy 5.109\)](#)
- Faculty Grievance and Appeal Policy [\(HSC Policy 6.106\)](#)
- Performance Counseling and Discipline [\(HSC Policy 5.108\)](#)
- ~~Faculty~~ Discipline and Termination [\(HSC Policy 6.105\)](#)
- [Prohibition Against Discrimination, Sexual Misconduct, Harassment, and Related Retaliation \(HSC Policy 5.106\)](#)
- [Reserving Space on Campus and/or Use of Amplified Sound for Expressive Activities \(HSC Procedure 07.141p\)](#)

- [Registering Parades, Marches, or Rallies for Expressive Activities \(HSC Procedure 07.141-1\)](#)
- [Displaying Outdoor Exhibits on Campus Grounds for Expressive Activities \(HSC Procedure 07.141-1\)](#)

Reviewed by Office of the General Counsel: 09/23/2019; 02/05/2020

Approved: 10/2/2019; 05/14/2020

Effective: 09/01/2019

Revised: 05/15/2020, [5/14/24](#)

Next review due on or before: 8/31/2021

Contact Information/Policy Owner: Chief Compliance and Integrity Officer

Subject Matter Specialist (SMS): Chief Compliance and Integrity Officer



BOARD OF REGENTS
TEXAS WOMAN'S UNIVERSITY

June 21, 2024

VIA EMAIL: michelle.watts@gov.texas.gov and budgetandpolicyreports@gov.texas.gov

Office of the Governor
Budget and Policy Division
Attn: Michelle Watts, Budget and Policy Advisor
P.O. Box 12428
Austin, TX 78711

Re: Executive Order No. GA-44 – Relating to Addressing Acts of Antisemitism in Institutions of Higher Education

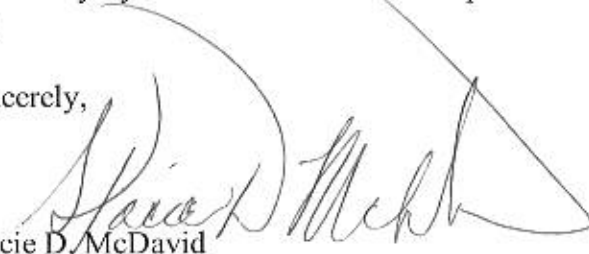
Dear Ms. Watts:

In compliance with Executive Order No. GA-44, Texas Woman's University ("TWU") System has taken the following actions:

1. Reviewed and updated its free speech policies per the requirements stated in Executive Order No. GA-44.
2. Ensured that its free speech policies are being enforced on campuses and that groups found to be in violation of these policies are disciplined for violating these policies.
3. Included the definition of antisemitism, as adopted by the State of Texas in Section 448.001 of the Texas Government Code, in TWU System's free speech policies to guide university personnel and students on what constitutes antisemitic speech.

Based on the foregoing and the attachments contained in this communication, Texas Woman's University System affirms that it is in compliance with Governor Abbott's Executive Order No. GA-44.

Sincerely,


Stacie D. McDavid
Board Chair and Presiding Officer
Board of Regents
Texas Woman's University System

Attachments:

TWU Regent Policy B.20005: Freedom of Speech and Expression Policy (Revised and Published Versions)

TWU University Regulation and Procedure 01.200: Speech, Expression, and Assembly (Revised and Published Versions)



BOARD OF REGENTS
TEXAS WOMAN'S UNIVERSITY

- Executive Order No. GA-44 Certification – Dr. Angela Bauer
- Executive Order No. GA-44 Certification – Dr. Monica Mendez Grant
- Executive Order No. GA-44 Certification – Mr. Jason Tomlinson

Texas Woman's University Regent Policy

Regent Policy Name: Freedom of Speech and Expression Policy

Regent Policy Number: Regent Policy: B.20005

POLICY STATEMENT

Texas Woman's University ("TWU") is committed to a campus environment that supports free speech and expression. TWU recognizes freedom of speech and expression as a fundamental right and seeks to ensure free, robust, and uninhibited debate and deliberations by students enrolled at TWU as well as other persons. This policy is intended to protect the expressive rights of persons guaranteed by the constitutions of the United States and the State of Texas. The policy recognizes freedom of speech and assembly as central to the mission of TWU and ensures that all persons may assemble peaceably on TWU campuses for expressive activities, including listening to or observing the expressive activities of others.

APPLICABILITY

All members of the TWU community, including students and employees, guests, and members of the public are protected by these laws and this policy and are expected to comply with this policy.

DEFINITIONS

1. "Expressive Activities" means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written materials, the carrying of signs, and the circulation of petitions. For purposes of this policy, expressive activities do not include commercial speech.
2. "Outdoor Common Areas" include the TWU public streets, sidewalks, green spaces, and similar outdoor areas that are freely accessible to the university community and the public.
3. "Traditional Public Forums" are areas that are generally available for expressive activity at any time without the need for reservation, or prior approval.

4. "Commercial Speech" is speech or writing on behalf of a business with the intent of earning revenue or a profit or promoting a business.

POLICY

I. General Guidelines and Policy Regarding Expressive Activities

Section 1 Use of Outdoor Common Areas

- 1.1 TWU's common outdoor areas are deemed traditional public forums, and any person is permitted to engage in expressive activities in those areas of the TWU campuses subject to the restrictions outlined in this policy.
- 1.2 TWU reserves the right to implement and enforce reasonable time, place, and manner restrictions regarding expressive activities including, but not limited to, those set forth below in this policy. Further, activities that are unlawful or that materially and substantially disrupt the normal operations of the TWU campuses are prohibited.
- 1.3 Students, faculty, staff, guests and the public may engage in expressive activities without prior reservation, registration, or approval, provided such activities are conducted pursuant to applicable federal and state laws as well as TWU policy.
- 1.4 Expressive activities on the TWU campuses do not imply endorsement by TWU.

Section 2 Prohibited Commercial Activities. For purposes of this policy, expressive activities do not include commercial speech. As such, commercial activities are prohibited on TWU campuses without a prior written agreement with the University.

Section 3 Other Prohibited Activities. Groups or individuals engaging in materially and substantially disruptive activities (such as harassment, including but not limited to harassment based on antisemitism¹), or those failing to comply with applicable laws or

¹ Antisemitism means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016. Texas Government Code Section 448.001.

TWU policy, may face immediate removal from TWU premises or other appropriate actions by TWU officials, including the TWU police.

Section 4 Reservation of Outdoor Common Areas. The TWU Office of Student Life may adopt operating policies and procedures regarding the reservation of outdoor common areas by individuals or groups for the purpose of engaging in expressive activities. Such operating policies and procedures must be sent to the Office of General Counsel for review. If any area of the TWU's outdoor common areas has been reserved, the reserving individual or group shall be given priority for use of such area.

Section 5 Damage Caused by Expressive Activities. Groups or individuals are responsible for any damage and harm to persons and property that arise from expressive activities.

II. Time, Place, and Manner Restrictions

Section 1 Applicable Time, Place, and Manner Restrictions. The following reasonable time, place, and manner restrictions are applicable to expressive activities in University outdoor common areas:

- 1.1 Activities that are unlawful or that materially and substantially disrupt the normal operations of TWU are prohibited.
- 1.2 Activities that materially and substantially prevent other individuals or groups from carrying out an expressive activity are prohibited.
- 1.3 Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of TWU facilities are prohibited.
- 1.4 Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services are prohibited.
- 1.5 Activities that threaten or endanger the health or safety of any person on TWU grounds are prohibited.
- 1.6 Activities that result in damage or destruction of TWU property are prohibited. With the exception of designated bulletin boards and sidewalk chalk, nothing may be affixed to or written on TWU property or grounds.
- 1.7 Activities that inherently lose First Amendment protection (e.g., defamatory statements, commercial speech, true threats/fighting words, obscenity [as defined by law] are prohibited.

- 1.8 Expressive signage, posters, displays, or structures (herein “displays”) must be hand-held, no larger than 3 feet in height by 3 feet in width. Displays, literature, and other items may not be left unattended.
- 1.9 Amplified sound shall not interfere or disrupt institutional activities. Any amplification device must be hand-held.
- 1.10 No open flames are permitted on the TWU campuses without the express written permission of TWU.
- 1.11 Any activities that are subject to licensing, code, permits or ordinance requirements must have the proper licenses or permits and satisfy such codes and ordinances (e.g., serving food and beverages).

Section 2 Additional Restrictions. The above list of reasonable time, place, and manner restrictions is not intended to be all-inclusive. TWU reserves the right, as necessary, to impose additional reasonable time, place, and manner restrictions as circumstances arise.

Section 3 Restrictions Shall be Viewpoint-Neutral. TWU decisions will not be based on political, religious, philosophical, ideological, or academic viewpoints.

Section 4 Relocation, Limitation, and Prohibition. TWU reserves the right to relocate, limit or prohibit individuals or groups engaged in expressive activities in outdoor common areas based on reasonable time, place, and manner restrictions as outlined in this policy.

III. Speaker Fees and Approvals

Section 1 Speakers. TWU faculty, staff, and student organizations have the right to invite speakers to University forums to speak. When reviewing speakers, TWU will not consider any anticipated controversy related to the event in determining fees to be charged.

Section 2 Speaker Criteria. TWU will consider content-neutral and viewpoint neutral criteria including, but not limited to, the following when reviewing speakers:

- 2.1 Proposed venue and the size of the audience;
- 2.2 Anticipated needs for security;

- 2.3 Any other necessary accommodations the University deems necessary for the speaker;
- 2.4 Relevant history of compliance or noncompliance with TWU policies by the speaker or the requestor.

IV. Disciplinary Sanctions

Section 1 Interference with Expressive Activities. Students, student organizations, faculty, or staff who unduly interfere with the expressive activities of others on campus will be subject to the disciplinary policies and procedures outlined in the applicable TWU Student Code of Conduct, Student Handbook, University Catalog, or University operating policies and procedures.

Section 2 Criminal Law. Violation of this regulation may also constitute a breach of applicable criminal law. In such circumstances, the Penal Code and Code of Criminal Procedure will apply.

V. Grievances

File A Grievance. Members of the TWU community may file a grievance regarding an alleged violation of this policy in the manner provided in the applicable TWU Student Code of Conduct, Student Handbook, University Catalog, Faculty Handbook, or TWU operating policies and procedures.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, or internal processes or procedures.

REFERENCES

First Amendment to the United States Constitution

Section 8, Article I, Texas Constitution

[Executive Order signed by Governor Greg Abbott on March 27, 2024](#)

[Texas Government Code 448.001](#)

[International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016](#)

FORMS AND TOOLS

None

Adopted: February 21, 2020

Revised: May 17, 2024

Texas Woman's University Regent Policy

Regent Policy Name: Freedom of Speech and Expression Policy

Regent Policy Number: Regent Policy: B.20005

POLICY STATEMENT

Texas Woman's University ("TWU") is committed to a campus environment that supports free speech and expression. TWU recognizes freedom of speech and expression as a fundamental right and seeks to ensure free, robust, and uninhibited debate and deliberations by students enrolled at TWU as well as other persons. This policy is intended to protect the expressive rights of persons guaranteed by the constitutions of the United States and the State of Texas. The policy recognizes freedom of speech and assembly as central to the mission of TWU and ensures that all persons may assemble peaceably on TWU campuses for expressive activities, including listening to or observing the expressive activities of others.

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All members of the TWU community, including students and employees, guests, and members of the public are protected by these laws and this policy and are expected to comply with this policy.

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2. "Outdoor Common Areas" include the TWU public streets, sidewalks, green spaces, and similar outdoor areas that are freely accessible to the university community and the public.
3. "Traditional Public Forums" are areas that are generally available for expressive activity at any time without the need for reservation, or prior approval.
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- 1.2 TWU reserves the right to implement and enforce reasonable time, place, and manner restrictions regarding expressive activities including, but not limited to, those set forth below in this policy. Further, activities that are unlawful or that materially and substantially disrupt the normal operations of the TWU campuses are prohibited.
- 1.3 Students, faculty, staff, guests and the public may engage in expressive activities without prior reservation, registration, or approval, provided such activities are conducted pursuant to applicable federal and state laws as well as TWU policy.
- 1.4 Expressive activities on the TWU campuses do not imply endorsement by TWU.

Section 2 Prohibited Commercial Activities. For purposes of this policy, expressive activities do not include commercial speech. As such, commercial activities are prohibited on TWU campuses without a prior written agreement with the University.

Section 3 Other Prohibited Activities. Groups or individuals engaging in materially and substantially disruptive activities (such as harassment, including but not limited to harassment based on antisemitism¹), or those failing to comply with applicable laws or TWU policy, may face immediate removal from TWU premises or other appropriate actions by TWU officials, including the TWU police.

¹ Antisemitism means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016. Texas Government Code Section 448.001.

- Section 4 Reservation of Outdoor Common Areas. The TWU Office of Student Life may adopt operating policies and procedures regarding the reservation of outdoor common areas by individuals or groups for the purpose of engaging in expressive activities. Such operating policies and procedures must be sent to the Office of General Counsel for review. If any area of the TWU's outdoor common areas has been reserved, the reserving individual or group shall be given priority for use of such area.
- Section 5 Damage Caused by Expressive Activities. Groups or individuals are responsible for any damage and harm to persons and property that arise from expressive activities.

II. Time, Place, and Manner Restrictions

- Section 1 Applicable Time, Place, and Manner Restrictions. The following reasonable time, place, and manner restrictions are applicable to expressive activities in University outdoor common areas:
- 1.1 Activities that are unlawful or that materially and substantially disrupt the normal operations of TWU are prohibited.
 - 1.2 Activities that materially and substantially prevent other individuals or groups from carrying out an expressive activity are prohibited.
 - 1.3 Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of TWU facilities are prohibited.
 - 1.4 Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services are prohibited.
 - 1.5 Activities that threaten or endanger the health or safety of any person on TWU grounds are prohibited.
 - 1.6 Activities that result in damage or destruction of TWU property are prohibited. With the exception of designated bulletin boards and sidewalk chalk, nothing may be affixed to or written on TWU property or grounds.
 - 1.7 Activities that inherently lose First Amendment protection (e.g., defamatory statements, commercial speech, true threats/fighting words, obscenity [as defined by law] are prohibited.
 - 1.8 Expressive signage, posters, displays, or structures (herein "displays") must be hand-held, no larger than 3 feet in height by

3 feet in width. Displays, literature, and other items may not be left unattended.

1.9 Amplified sound shall not interfere or disrupt institutional activities. Any amplification device must be hand-held.

1.10 No open flames are permitted on the TWU campuses without the express written permission of TWU.

1.11 Any activities that are subject to licensing, code, permits or ordinance requirements must have the proper licenses or permits and satisfy such codes and ordinances (e.g., serving food and beverages).

Section 2 Additional Restrictions. The above list of reasonable time, place, and manner restrictions is not intended to be all-inclusive. TWU reserves the right, as necessary, to impose additional reasonable time, place, and manner restrictions as circumstances arise.

Section 3 Restrictions Shall be Viewpoint-Neutral. TWU decisions will not be based on political, religious, philosophical, ideological, or academic viewpoints.

Section 4 Relocation, Limitation, and Prohibition. TWU reserves the right to relocate, limit or prohibit individuals or groups engaged in expressive activities in outdoor common areas based on reasonable time, place, and manner restrictions as outlined in this policy.

III. Speaker Fees and Approvals

Section 1 Speakers. TWU faculty, staff, and student organizations have the right to invite speakers to University forums to speak. When reviewing speakers, TWU will not consider any anticipated controversy related to the event in determining fees to be charged.

Section 2 Speaker Criteria. TWU will consider content-neutral and viewpoint neutral criteria including, but not limited to, the following when reviewing speakers:

2.1 Proposed venue and the size of the audience;

2.2 Anticipated needs for security;

2.3 Any other necessary accommodations the University deems necessary for the speaker;

2.4 Relevant history of compliance or noncompliance with TWU policies by the speaker or the requestor.

IV. Disciplinary Sanctions

Section 1 Interference with Expressive Activities. Students, student organizations, faculty, or staff who unduly interfere with the expressive activities of others on campus will be subject to the disciplinary policies and procedures outlined in the applicable TWU Student Code of Conduct, Student Handbook, University Catalog, or University operating policies and procedures.

Section 2 Criminal Law. Violation of this regulation may also constitute a breach of applicable criminal law. In such circumstances, the Penal Code and Code of Criminal Procedure will apply.

V. Grievances

File A Grievance. Members of the TWU community may file a grievance regarding an alleged violation of this policy in the manner provided in the applicable TWU Student Code of Conduct, Student Handbook, University Catalog, Faculty Handbook, or TWU operating policies and procedures.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, or internal processes or procedures.

REFERENCES

First Amendment to the United States Constitution

Section 8, Article I, Texas Constitution

[Executive Order signed by Governor Greg Abbott on March 27, 2024](#)

[Texas Government Code 448.001](#)

[International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016](#)

FORMS AND TOOLS

None

Adopted: February 21, 2020

Revised: (Month Day, Year)

Texas Woman's University University Regulation and Procedure

Regulation and Procedure Name: Speech, Expression, and Assembly

**Regulation and Procedure
Number: URP: 01.200**

**Policy Owner: Academic Affairs, Finance and
Administration, and Student Life**

POLICY STATEMENT

Texas Woman's University ("TWU") recognizes freedom of speech and expression as fundamental rights, and is committed to ensuring free, robust, and uninhibited debate and deliberations by TWU Students, Faculty Members, Staff Members, and members of the public. This policy is intended to protect the expressive rights of persons guaranteed by the constitutions and laws of the United States and the State of Texas, by recognizing freedom of speech and assembly as central to the mission of TWU, and by ensuring that all persons may assemble peaceably on TWU campuses for Expressive Activities, including to listen to or observe the Expressive Activities of others.

It is the responsibility of TWU to operate and maintain an effective and efficient institution of higher education. At times, this requires the regulation of the time, place, and manner of speech, assembly, and other Expressive Activities on TWU's campus. Students, Faculty Members, Staff Members, and members of the public are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, on TWU campus, subject only to the rules necessary to preserve the equal rights of others and the other functions of TWU. TWU will not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise.

Teaching, research, and other official functions of TWU will have priority in allocating the use of space on campus. This policy does not apply to official academic and administrative activities and functions of TWU.

The TWU Department of Public Safety ("DPS") may immediately enforce these rules if a violation constitutes a breach of the peace or compromises public safety.

APPLICABILITY

This policy is applicable to TWU Students, Faculty, Staff, and Guests.

DEFINITIONS

1. "A-Frame Exhibit" means a movable and self-supported sign board designed to stand on the ground and remain overnight in a temporary outdoor exhibit space. A-Frame exhibits may not exceed five feet in height or width. Structures that do not meet this criterion will be considered General Exhibits and will be subject to the rules in this policy on General Exhibits.
2. "Academic or Administrative Unit" means an office or department of TWU.
3. "Amplified Sound" means a volume that is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on Amplified Sound but are subject to general rules on Disruption.
4. "Banner" means an affixed, stationary sign between poles or affixed to a stake in ground.
5. "Commercial Speech" means a speech or writing on behalf of a business with the intent of earning revenue or a profit or promoting the business. Words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle, are not Commercial Speech within this definition. Unadorned acknowledgments or thanks to donors are not Commercial Speech within this definition.
6. "Day" means an 8:00 a.m. to 5:00 p.m. calendar day; this excludes weekends, TWU holidays, skeleton crew days, and days on which regularly scheduled classes are suspended due to emergent situations. "TWU holiday" and "skeleton crew days" mean days identified in the holiday schedule published by the Office of Human Resource Services. If a deadline defined in this policy falls on a Saturday, Sunday, TWU holiday, or skeleton crew day, that deadline will be moved to the next day.
7. "Disruption" means a speech, expression, or assembly conducted in a way that intentionally or unintentionally disrupts or interferes with: any teaching, research, administration, or other function of TWU; the flow of pedestrian and vehicular traffic on the TWU campus; or the Expressive Activities of others under the rules in this policy. Except in the most extreme cases, interference and disruption are unavoidably contextual. We cannot escape relying on the judgment and fairness of TWU authorities in particular cases. In this context where difficult enforcement judgments are unavoidable, it is especially important to remind administrators and law enforcement officials that their judgments should not be influenced by the viewpoint of those claiming disruption or of those allegedly disrupting. Potentially disruptive Events can often proceed without disruption if participants, administrators,

and law enforcement officials cooperate to avoid disruption without stopping the Event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the Event or resorting to disciplinary charges or arrest.

8. “Event” means something that occurs in a certain place during a particular interval of time. Events include but are not limited to Guest Speakers, exhibits, tables, distribution of Literature, Signs, and Public Assemblies, as those terms are defined in this policy.
9. “Expressive Activities” means a speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution. This includes assemblies, protests, speeches, the distribution of written material, the carrying of Signs, and the circulation of petitions. For purposes of this policy, Expressive Activities do not include Commercial Speech.
10. “Faculty Member and Staff Member” means any person who is employed by TWU.
11. “General Exhibit” means an object or collection of related objects, which is: designed to stand on the ground or on a raised surface, which is not a table; is designed for temporary display; and, not permanently attached to the ground. For the purposes of this policy, chalking may be considered a form of a General Exhibit.
12. “Guest Speaker” means a speaker or performer who is a guest or visitor at TWU.
13. “Harassment” means unwelcome verbal or physical conduct because of race, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, veteran status or any other characteristic protected under applicable federal or state law when such conduct creates an intimidating, hostile, or offensive environment and is:
 - a. Sufficiently severe, pervasive, or persistent that it interferes with a student’s ability to participate in or benefit from educational programs or activities; or
 - b. Sufficiently severe, pervasive, or persistent that it unreasonably interferes with an Employee’s work performance or creates an intimidating, hostile, or offensive work environment.
 - c. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of harassment for the

purpose of this policy. To constitute a policy violation, the conduct must create a work or educational environment that would be intimidating, hostile, or offensive to reasonable people. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work or educational performance.

14. "Limited Public Forum" means a TWU property, both indoors and outdoors, that is not part of the outdoor common area. This includes spaces dedicated to temporary outdoor Banners, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, residential outdoor spaces managed by TWU Housing and Dining.
15. "Literature" means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informal matter, that is produced in multiple copies for distribution to potential readers.
16. "Off-Campus person or Organization" means any person, organization, or business that is not:
 - a. An Academic or Administrative Unit.
 - b. A Registered Student, Faculty, or Staff Organization.
 - c. A Student, Faculty Member, or Staff Member.
17. "Outdoor Common Areas" means TWU's public streets, sidewalks, green space, and similar outdoor areas that are freely accessible to the TWU community and the public. These areas are not used for dedicated TWU business or an Event, an educational function, or a research function on a permanent basis. They do not include the outside surfaces of a TWU building, surfaces associated with or connected to a TWU building, a TWU structure, spaces dedicated to temporary outdoor Banners, spaces dedicated to temporary outdoor exhibits, or any other space within TWU's Limited Public Forums. Outdoor Common Areas are designated by state law as Traditional Public Forums.
18. "Publicly Assemble and Public Assembly" means any gathering of persons, including discussions, rallies and demonstrations.
19. "Registered Student, Faculty, or Staff Organization" means a student organization (sponsored or registered) under URP 06.400: Student Organizations and any faculty and/or staff organization recognized by the Chancellor's Office.

20. "Room or Space" means any room or space, indoors or outdoors, owned or controlled by TWU.
21. "Sign" means any method of visually displaying a message to others.
22. "Student" means any individual who, at the time of the Expressive Activity, has accepted an offer of admission to TWU; has an open academic program; is taking courses at TWU, either full-time or part-time and pursuing undergraduate, graduate, or professional studies; is auditing a class; or has any other continuing relationship with TWU. This includes new students at orientation, individuals not currently enrolled but who are still seeking a degree from TWU, dual credit students, non-degree seeking students, individuals who have completed coursework but are awaiting conferral of a degree, and any other individual enrolled in a course offered by TWU. For the purposes of this Policy, an individual who allegedly provided false information or omitted information on an application shall be considered a student. Generally speaking, academic programs undergraduate students close after one year of non-enrollment and academic programs for graduate students close after two years of non-enrollment.
23. "Temporary Banner Space" means a designated outdoor or indoor display area reserved for Students, Faculty Members, Staff Members, and Registered Student, Faculty, or Staff Organizations' use, as managed by TWU, where a TWU-affiliated person's or organization's temporary Banner may be affixed for multiple days under this policy. These areas are part of TWU's Limited Public Forum, as that term is defined in this policy.
24. "Temporary Exhibit Space" means a designated indoor or outdoor display area reserved for TWU-affiliated persons' and organizations' use, as managed by TWU, where a TWU person or organization may erect a temporary exhibit. These areas are part of TWU's Limited Public Forum, as that term is defined in this policy.
25. "Temporary Public Forums" means areas that are generally available for Expressive Activity at any time without the need for reservation, or prior approval. Traditional Public Forums include Outdoor Common Areas, as defined in this policy.
26. "Vice President of Student Life" means TWU's Vice President of Student Life, or his or her delegate or representative.

REGULATION AND PROCEDURE

I. Time, Place, and Manner Restrictions

- A. TWU reserves the right to implement and enforce reasonable "time, place, and manner restrictions" regarding Expressive Activities including those set forth in this policy:

1. TWU's Outdoor Common Areas are deemed Traditional Public Forums. Individuals may engage in Expressive Activities in TWU's Outdoor Common Areas without prior reservation, registration, or approval, provided such activities are conducted in compliance with applicable law as well as TWU policy.
2. Members of the public are able to engage in Expressive Activities only in Outdoor Common Areas of the TWU campus, subject to the time, place, and manner restrictions which are necessary to preserve the teaching, research, and other official functions of TWU.
3. Any program or Event sponsored by an Academic or Administrative Unit of TWU will have priority in the use of space and facilities over any speech, expression, and assembly that is not sponsored by an Academic or Administrative Unit.
4. TWU's Division of Student Life may adopt operating policies and procedures regarding the reservation of Outdoor Common Areas by individuals or groups for the purpose of engaging in Expressive Activities. Such operating policies and procedures must be consistent with this policy and must be sent to the Office of General Counsel for review. If any area of TWU's Outdoor Common Areas has been reserved, the individual or group with a reservation shall be given priority for use of such area.
5. Activities that are unlawful or that materially and substantially disrupt the normal operations of TWU are prohibited. Groups or individuals engaging in materially and substantially disruptive activities, or those failing to comply with the applicable laws or TWU policy, may face immediate removal from TWU premises and/or other appropriate actions by TWU officials, including TWU DPS.
6. Activities that materially and substantially prevent other individuals or groups from carrying out an Expressive Activity on campus are prohibited.
7. Activities that substantially interfere with vehicular or pedestrian traffic, including the ingress or egress of TWU facilities are prohibited.
8. Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services are prohibited.
9. Activities that threaten or endanger the health or safety of any person on TWU grounds are prohibited.

10. Activities that result in damage or destruction of TWU property are prohibited. Nothing may be affixed to or written on TWU property or grounds, unless expressly permitted under this policy. No speech, expression, or assembly may be conducted in a way that damages, defaces, marks, discolors, or alters in any way property of TWU or of any person who has not authorized the speaker to damage or deface his or her property. No person may damage, deface, mark, discolor, alter, or interfere with any Sign, table, or General Exhibit posted or displayed by another person or organization acting under the rules in this policy.
11. Activities that are not protected by the First Amendment (e.g., defamatory statements, Commercial Speech, true threats/fighting words, obscenity, as defined by law) are prohibited.
12. Amplified Sound shall not interfere or disrupt TWU activities. Any amplification device must be hand-held.
13. Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and satisfy such codes and ordinances.
14. Expressive Activities on TWU's grounds do not imply endorsement by TWU.
15. For purposes of this policy, Expressive Activities do not include Commercial Speech. As such, Commercial Speech is prohibited on TWU grounds without a prior written agreement with TWU.
16. Groups or individuals are responsible for any damage and harm to persons and property that arise from Expressive Activities.
17. Registered Student, Faculty, and Staff Organizations may not invite the public-at-large to Events in TWU buildings, facilities, or locations that are not Outdoor Common Areas without prior TWU approval.
18. Banners placed under this policy will be done at the expense of the faculty, staff or student or student organization.

B. The above list of reasonable time, place, and manner restrictions is not intended to be all-inclusive. TWU reserves the right, as necessary, to impose additional reasonable time, place, and manner restrictions as circumstances arise. TWU reserves the right to relocate, limit, or prohibit individuals or groups engaged in Expressive Activities based on the reasonable time, place, and manner restrictions outlined in this policy. The actions of TWU officials in implementing this policy cannot regulate speech

more restrictively than they regulate other activities that cause Disruption to official TWU activities and/or functions. Additionally, such actions should not restrict speech more than is reasonably necessary to serve the purpose of this policy and should not ban unobtrusive forms of communication with no potential for Disruption.

- C. TWU decisions shall be viewpoint-neutral and not based on political, religious, philosophical, ideological, or academic viewpoints.

II. Additional Prohibited Actions or Expression

A. Prohibited Actions

The following restrictions are intended to protect the health and safety of all persons on TWU campus, to maintain the free flow of pedestrian traffic in and out of TWU buildings, and to further the educational mission of TWU:

- 1. Masks

A mask, facial covering, or disguise that conceals the identity of the wearer that is calculated to obstruct the enforcement of these rules or the law, or to intimidate, hinder or interrupt a TWU official, TWU officer, or other person in the lawful performance of their duty.

- 2. Weapons

The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including sticks, poles, clubs, swords, shields, or rigid Signs that can be used as a shield, without written permission from the Vice President of Student Life or his or her designee, unless authorized by federal, state, or local laws, or TWU policy.

- 3. Body Armor

Body armor or makeshift body armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body armor, without prior written permission from the Vice President of Student Life or his or her designee.

- 4. Open Flames

No open flames are permitted on the TWU campus without the prior written permission of the Vice President of Student Life or his or her designee.

5. Points of Entry

No Person or organization may engage in an Expressive Activity within a ten-foot clearance around points of entry and the perimeter of all TWU buildings.

B. Prohibited Expression

1. Obscenity

A writing, image, or performance is obscene if it falls within the definition of obscene as defined in section 43.21 of the Texas Penal Code or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

2. Incitement to Imminent Violations of Law

No person will make, distribute, or display on the TWU campus any statements directed to inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law.

3. Coercing Attention

No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication. No person may persist in requesting or demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication.

4. Defamation

- a. No person shall publish to a third party any statement that defames any other person.
- b. A statement defames another person if it is:
 - i. Published to a third party other than the subject of the statement or their legal representative
 - ii. Of and concerning that person
 - iii. A false statement of fact
 - iv. Holding that person up to hatred, ridicule, or contempt

- v. Made negligently, if the person is a private figure or, if the person is a public official or public figure, with knowledge of falsity or reckless disregard of the truth
- vi. The proximate cause of damages
- vii. Not privileged.

5. Harassment

No person will engage in conduct that constitutes harassment of another person or make, distribute, or display on the TWU campus or through TWU information resources any statement that constitutes harassment of any other person (such as harassment based on antisemitism¹). This prohibition applies to all speech at TWU, all speech made using TWU resources, including speech that is part of teaching, research, or other official functions of TWU whether in person or not, and whether oral, written, or symbolic.

III. Commercial Speech

- A. No person or organization will make, distribute, or display on the TWU campus any statement that promotes, offers, or advertises any product or service for sale or lease that includes commercial identifiers, such as for-profit logos, trademarks, and service marks, or that requests any gift or contribution, except as expressly authorized in this policy.
- B. Commercial Speech is permitted by Students, Faculty Members, Staff Members, and Registered Student, Faculty, and Staff Organizations for the following purposes:

1. Non-Profit Organization

A Registered Student, Faculty, or Staff Organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions, for the following purposes: for the benefit of the Registered Student, Faculty, or Staff Organization; for the benefit of another Registered Student, Faculty, or Staff Organization; or, for the benefit of an organization that is tax-exempt under Section 501(c)(3) of the Internal Revenue Code. No organization may

¹ Antisemitism means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016. Texas Government Code Section 448.001.

sell items obtained on consignment. No organization may request contributions for an off-campus tax-exempt organization for more than fourteen days in any fiscal year.

2. Raffle Tickets

A Registered Student Organization that is a qualified organization as that term is defined in the Texas Charitable Raffle Enabling Act, Chapter 2002 of the Texas Occupations Code, or successor provisions, may sell charitable raffle tickets in accordance with that Act.

3. Admission Fees

A Registered Student, Faculty, or Staff Organization may collect admission fees for programs scheduled in accordance with TWU policy.

4. Personal Advertisements

Students, Faculty Members, and Staff Members may post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used, but only on a bulletin board designated for that purpose by an Academic or Administrative Unit in a space that the unit occupies or controls. Any Academic or Administrative Unit that designates a bulletin board for this purpose may regulate the use of that bulletin board under the guidelines in this policy.

5. Film

A registered Student, Faculty, or Staff Organization may host a public performance of a film scheduled in advance in accordance with TWU policy. All Registered Student, Faculty, or Staff Organizations that exhibit films on campus must obtain a Public Performance License for the individual film(s) from a licensing agent. This license is required even if the exhibition of the film is offered to the public for free and is educational in nature. Registered Student, Faculty, or Staff Organizations will be required to follow the process proscribed by the film distributor to obtain approval to exhibit the film. Federal Copyright Laws protect all films viewed in public areas regardless of format. There are a few exceptions. Registered Student, Faculty, or Staff Organizations may exhibit a film publicly if:

- a. The film is in the Public Domain

- b. The Registered Student, Faculty, or Staff Organization has written permission from the film's producer or other holder of the right to grant such permission; or
- c. The film is obtained from a company that provides a Public Performance License with the purchase or rental of the film

IV. Literature

A. General Rule on Distribution of Literature

Registered Student, Faculty, and Staff Organizations and Academic or Administrative Units may sell, distribute, or display Literature on campus, subject to the guidelines in this policy. Students, Faculty Members, and Staff Members may distribute or display Literature, subject to the guidelines in this policy, but may not sell it. In either case, no advance permission is required. Members of the public may distribute Literature in the Outdoor Common Areas, subject to guidelines in this policy, but may not sell Literature.

B. Not-for-Profit Literature Only

A Registered Student, Faculty, or Staff Organization may sell publications operated for profit as part of a fund-raiser authorized by, and subject to the limits of, the guidelines in this policy and URP 06.400: Student Organizations Fundraising. Otherwise, except as expressly authorized by TWU Regent policy or by contract with TWU, no person or organization may sell, distribute, or display on campus any publication operated for profit. A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, inures to the benefit of any private shareholder or individual.

C. Limits on Advertising Literature

1. Registered Student, Faculty, and Staff Organizations, and Academic or Administrative Units, may sell, distribute, or display Literature that contains advertising, subject to the limits below. Individual Students, Faculty Members, and Staff Members may distribute or display such Literature, but may not sell it.
2. Literature distributed on campus may contain the following advertising:
 - a. Advertising for a Registered Student, Faculty, or Staff Organization, or an Academic or Administrative Unit.
 - b. Advertising for an organization that is tax exempt under section 501 (c)(3) of the Internal Revenue Code.

- c. Paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising.
3. All other advertising in Literature distributed on campus is prohibited.

D. Clean up of Abandoned Literature

Any person or organization distributing Literature on campus will be responsible for picking up all copies dropped on the ground in the area where the Literature was distributed. Literature left behind after a reasonable amount of time may be disposed of by TWU staff.

V. Signs and Banners

A. General Rule on Signs

Subject to the guidelines in this policy, a TWU-affiliated person or organization may display a Sign by holding or carrying it, or by displaying it at a table or by posting it on a bulletin board, or other designated location.

B. Hand-Held Signs

1. Individuals or organizations may display a Sign on campus by holding or carrying it by hand or otherwise attaching it to their person. Any person holding or carrying a Sign will exercise due care to avoid bumping, hitting, or injuring any other person.
2. Hand-held Signs constructed of materials that create a hazard to other people are not permitted. Signs constructed of rigid materials, including sticks, poles, wood, metal, hard plastic, or other materials that could be construed as a hazard are not permitted.
3. Any person holding or carrying a Sign at a speech, performance, or other Event will exercise due care to avoid blocking the view of any other person observing the speech, performance, or Event. Depending on the venue, this may mean that Signs may be displayed only around the perimeter of a room or an audience.
4. A law enforcement officer or other authorized TWU employee, may take reasonable steps to ensure compliance with this policy, including warning any person that his or her Sign is being handled in violation of this policy. If the violation persists after a clear warning, the law enforcement officer or other authorized TWU employee may confiscate the Sign. A law enforcement officer may take any action necessary to keep the peace including issuing a criminal trespass warning to the violator.

C. Banners

1. Hand-Held Banners

Individuals and organizations are permitted to display a hand-held Banner carried by two or more individuals without poles in the Outdoor Common Areas. Banners on poles are not permitted.

2. Temporary Banner Space Designations

The Division of Student Life will designate Temporary Banner Spaces where banners may be placed. These spaces will be in outdoor locations not occupied or controlled by any other Academic or Administrative Unit.

3. Space Priority

Academic or Administrative Units and Registered Student, Faculty, or Staff Organizations may hang Banners in locations designated by TWU. Advance permission is required from the Academic or Administrative Unit responsible for the location, and advance reservations are usually required. Academic or Administrative Units advertising official TWU Events or programs may be given priority. In locations administered by Academic or Administrative Units other than the Division of Student Life, organizations affiliated with the Academic or Administrative Unit administering the location may be given priority.

4. Time Limits

In locations administered by the Division of Student Life, each Banner may be hung for one week. The Banner may be renewed from week to week if space is available. Other Academic or Administrative Units administering a location for Banners may limit the time each Banner may hang. Any such time limit will be applied without discrimination to all organizations, except that Academic or Administrative Units may be given preference. The Academic or Administrative Unit responsible for a Banner location may require that the physical work of hanging the Banners be performed only by Department of Facilities Services employees or other appropriate TWU personnel.

5. Members of Public Prohibited from Hanging Banners

Temporary Banner Space designations are not open to members of the public.

VI. Signs in Other Designated Locations (Including Departmental Bulletin Boards)

Each Academic or Administrative Unit may establish rules regarding the posting of Signs in spaces that Academic or Administrative Unit occupies and controls, subject to the following requirements:

A. Signs in spaces occupied by Academic or Administrative Units may be:

1. Confined to bulletin boards or other designated locations
2. Subject to viewpoint-neutral rules designed to facilitate fair and equal opportunities to post Signs, including limitations on the size of Signs, limitations on how long they may be posted, requirements that each Sign show the date it was posted and the name of the person or organization who posted it.
3. Confined to official statements or business of the Academic or Administrative Unit, or to certain subject matters of interest within the Academic or Administrative Unit, or to Signs posted by persons or organizations affiliated with the Academic or Administrative Unit.

B. Each Academic or Administrative Unit will post on or near each bulletin board or other designated location that it administers:

1. Either the rules applicable to that bulletin board or location, or a particular office or internet website where the rules applicable to that bulletin board or location may be found; and
2. If a stamp or initials are required on Signs before they are posted on that bulletin board or location, the name and office location of the person whose stamp or initials are required.

C. Within the scope of the subject matters permitted on a particular bulletin board or other designated location, no Academic or Administrative Unit will discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed on a Sign.

D. This Section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official TWU business.

VII. Tables

- A. Subject to the restrictions outlined in this Policy, individuals and organizations may set up tables in the Outdoor Common Areas on the TWU campus.

- B. TWU-affiliated persons and organizations may reserve tables for use within TWU buildings or other limited forum venues from which to display Literature, disseminate information and opinions, and raise funds, subject to the guidelines in this policy.
- C. Individuals and entities sponsoring a table will be responsible for removing litter from the area around the table before vacating the space.

VIII. Exhibits

- A. Academic or Administrative Units, Students, Faculty Members, Staff Members, or Registered Student, Faculty, and Staff Organizations may erect General Exhibits and A-Frame Exhibits, subject to the guidelines in this policy. Advance permission is required from the Division of Student Life, except that an Academic or Administrative Units may authorize indoor exhibits in a space that it occupies and controls. Members of the public may not erect exhibits.
- B. Any Academic or Administrative Unit, Student, Faculty Member, Staff Member, or Registered Student, Faculty, or Staff Organization sponsoring an exhibit will be responsible for removing litter from the area around the exhibit before vacating the space.

C. Application Process

An Academic or Administrative Unit, Student, Faculty Member, Staff Member, or Registered Student, Faculty, or Staff Organization desiring to display an outdoor General Exhibit or A-Frame Exhibit will apply on a form prescribed by the Student Union and Conference Services Office and will abide by the expectations indicated on the application.

D. Liability

Any Student, Faculty Member, Staff Member, or Registered Student, Faculty, or Staff Organization sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. TWU will not be liable for any damage that may occur to the exhibit, and any Registered Student, Faculty, or Staff Organization sponsoring the exhibit will indemnify TWU for any claims arising from the exhibit's presence on campus.

IX. Amplified Sound

A. General Rule on Amplified Sound

Individuals and organizations may use Amplified Sound on campus at designated times and locations, subject to the rules in this policy, with

advance permission from TWU. This section creates limited exceptions to the general rule on Disruption.

B. Regulation and Scheduling of Amplified Sound

1. The Division of Student Life may prescribe rules concerning scheduling, sound levels, the location of speakers and the direction in which they are pointed, and other rules to facilitate the use of weekday Amplified Sound areas, to mediate any conflict with TWU functions and other nearby activities, and to manage environmental impact. All such rules will be reasonable and nondiscriminatory.

a. Reservations

i. Individuals and organizations wishing to use a weekday Amplified Sound area must reserve the area. Reservations by TWU-affiliated persons and organizations must be made with the Division of Student Life on a form prescribed by the Division of Student Life. The Division of Student Life will approve a properly completed application or email request to reserve an Amplified Sound area, unless the application or request must be disapproved under the criteria listed in this policy. Reservations by members of the public must be submitted to the following email address: conferenceservices@twu.edu.

ii. The Division of Student Life may limit the number, frequency, or duration of reservations for each applicant to ensure reasonable access for all persons and organizations desiring to use Amplified Sound on weekdays.

b. When Amplified Sound areas are not reserved for use for an assembly including Amplified Sound, they are available for use, for permitted Expressive Activity, without reservation as part of the Outdoor Common Areas. Any person or organization using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of its reserved time.

c. Individuals and organizations using Amplified Sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area. Should the size of the assembly exceed the maximum number of participants that is safe for a given

location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.

C. Amplified Sound Indoors

Students, Faculty Members, Staff Members, or Registered Student, Faculty, and Staff Organizations may use Amplified Sound indoors. Amplified Sound sufficient to be heard throughout the room may be used in any room in any building, but the Vice President for Student Life or designee may limit or prohibit sound that would be disruptive outside the room. Reservations may be required.

X. Public Assemblies

A. General Rules on Public Assemblies

Individuals and organizations may Publicly Assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this policy and to the rules on use of TWU property. No advance permission is required in the Outdoor Common Areas.

B. Reservations of Space

1. Outdoor Common Areas reservations:

- a. Individuals and organizations may reserve a space to assemble in the Outdoor Common Areas, as defined by this policy.
- b. Reservations by Students, Faculty Members, Staff Members, or Registered Student, Faculty, and Staff Organizations must be made with the Division of Student Life on a form prescribed by the Division of Student Life. Members of the public may reserve space by making a request to conferenceservices@twu.edu.
- c. Requests for a reservation for such assemblies will be approved in accordance with this policy.
- d. If the expected attendance at an assembly is twenty-five or more people, advance notice of no less than two weeks is recommended to ensure the requested space may be reserved. Persons and organizations are encouraged to seek a reservation of a space that is suited to their assembly's anticipated size.

2. Limited Public Forum Areas Reservations:
 - a. Registered Student, Faculty, or Staff Organizations and Academic or Administrative Units may reserve a space to assemble in the Limited Public Forum areas, as defined by this policy.
 - b. The Division of Student Life will receive applications for reservations of a space within the Limited Public Forum areas. Applications for a reservation for such assemblies will be processed under the provisions of this policy.
 - c. If the expected attendance at an Event with a Guest Speaker is twenty-five or more people, advance notice of no less than two weeks is required.
3. Any person or organization with a reservation has the right to the reserved Room or Space for the time covered by the reservation. Any person or organization using or occupying the Room or Space without a reservation must yield control of the Room or Space in time to permit any user with a reservation to begin using the Room or Space promptly at the beginning of its reserved time.
4. Should the size of any assembly exceed the maximum number of participants that is safe for a given location, including a reserved space, assembly participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly to the extent relocation is practicable.
5. While reservations are not always required, they are strongly encouraged. Without a reservation, a person or organization may find the facility locked or the space in use by another person or organization.

C. Notices and Consultation

1. Persons or organizations may Publicly Assemble on TWU campus in any place where, at the time of the assembly, the persons assembling are permitted to be.
2. Persons or organizations that are planning a Public Assembly in an Outdoor Common Area with or without a Guest Speaker and expected attendance of more than twenty-five participants, including potential counter-demonstrators, are encouraged to provide advance notice of no less than two weeks to the Division of Student Life to help TWU improve the safety and success of the Expressive Activity. Members of the public may provide this notice by emailing specialeventscommittee@twu.edu.

- a. If there is uncertainty about applicable TWU rules, the appropriateness of the planned location, or possible conflict with other Events, persons and organizations are encouraged to consult the Division of Student Life.
 - b. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly, or the assembly may be rescheduled for another time and location.
3. TWU persons or organizations planning an Event in the Limited Public Forum areas with or without a Guest Speaker and an expected attendance of more than twenty-five participants, are required to provide advanced notice of no less than two weeks to the Division of Student Life to help TWU improve the safety and success of the Expressive Activity. Notice will be provided on a form prescribed by the Division of Student Life. If there is uncertainty about applicable TWU rules, the appropriateness of the planned location, or possible conflict with other Events, persons and organizations are encouraged to consult the Division of Student Life. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly, or the assembly may be rescheduled for another time and location.
4. The notice and consultation requirements of this section do not apply to assemblies planned by Academic or Administrative Units.
5. The notice and consultation requirements of this section applicable to TWU Students, faculty, staff and organizations may be waived by the Vice President of Student Life or his or her designee.
6. Registered Student, Faculty, and Staff Organizations are afforded privileges not available to individual faculty, staff, and Students. Individuals may not reserve indoor space on campus.

XI. Guest Speakers

A. Location and Form of Presentation

1. Subject to the rules in this policy, individuals and organizations may present Guest Speakers in areas of the TWU campus in accordance with the procedures in this section. No reservation or prior approval is necessary in traditional public forums;

but notice and reservations are encouraged for assemblies of twenty-five or more people.

2. Registered Student, Faculty, and Staff Organizations and Academic or Administrative Units may present Guest Speakers in the Limited Public Forums of the TWU campus. A Guest Speaker may present a speech or performance, or lead a discussion of specified duration, at a time announced in advance, in a fixed indoor location approved by the Division of Student Life.
3. Individuals may not present a Guest Speaker in TWU buildings or TWU facilities.
4. When reviewing a request to reserve space to present a Guest Speaker in a traditional public forum or to present a Guest Speaker in a Limited Public Forum, TWU will not consider any anticipated controversy related to the Event in determining fees to be charged. TWU will consider content-neutral and viewpoint-neutral criteria when reviewing Guest Speakers, including the following:
 - a. Proposed venue and the size of the audience;
 - b. Anticipated needs for security;
 - c. Any other necessary accommodations TWU deems necessary for the Guest Speaker; and
 - d. Relevant history of compliance or noncompliance with TWU policies by the Guest Speaker or the requestor.

B. Application for TWU Building or Facility Space for Presentation of guest Speakers

In accordance with this policy, all Registered Student, Faculty, and Staff Organizations that wish to present a Guest Speaker in a TWU building or facility space will apply through a prescribed process, at least two weeks before the scheduled Event or any planned advertising for the Event, whichever is earlier:

1. A Registered Student Organization that wishes to present a Guest Speaker will apply to the Division of Student Life at least two weeks before the scheduled Event or any planned advertising for the Event, whichever is earlier. The application will be combined with an application to reserve the use of a TWU Room or Space for the Event. The Vice President of Student Life or designee will approve an application properly made unless it must be disapproved under the criteria in this policy.

2. A Registered Faculty Organization that wishes to present a Guest Speaker will apply to the Office of the Executive Vice President for Academic Affairs and Provost and at least two weeks before the scheduled Event or any planned advertising for the Event, whichever is earlier. The application will be combined with an application to reserve the use of a TWU Room or Space for the Event. The provost will approve an application properly made in consultation with the Vice President of Student Life unless it must be disapproved under the criteria in this policy.
3. A Registered Staff Organization that wishes to present a Guest Speaker will apply to the TWU Chief Financial Officer at least two weeks before the scheduled Event or any planned advertising for the Event, whichever is earlier. The application will be combined with an application to reserve the use of a TWU Room or Space for the Event. The Chief Financial Officer will approve an application properly made in consultation with the Vice President of Student Life or designee unless it must be disapproved under the criteria in this policy.

C. Obligations of Presenting Organization

Registered Student, Faculty, and Staff Organizations that present a Guest Speaker in a TWU building or facility must make clear that:

1. The organization, and not TWU, invited the Guest Speaker; and
2. The views expressed by the Guest Speaker are his or her own and do not necessarily represent the views of TWU.

D. Prohibition on Guest Speakers

1. A Guest Speaker may not:
 - a. Accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
 - b. Help staff a table or exhibit set up outside the common outdoor areas or in TWU building or facilities.
2. No Registered Student, Faculty, or Staff Organization may present a Guest Speaker in violation of the prohibitions against Commercial Speech.

XII. Responding to Speech, Expression, and Assembly

A. General Rule on Responding

1. Individuals and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this section.
2. Responders may not damage or deface Signs or exhibits, disrupt Public Assemblies, block the view of participants, or prevent speakers from being heard.
3. Means of response that are permitted in many locations and without advance permission or reservation, such as Signs, distribution of Literature, and Public Assembly without Amplified Sound, may be used immediately and in any location authorized in this section.
4. Means of response that require advance permission or reservation, such as Temporary Banners, A-Frame Exhibits, General Exhibits, and Amplified Sound, may be used as soon as the needed permission or reservation may be arranged. Temporary Banner Space, Temporary Outdoor Exhibit space, and some Amplified Sound areas may be unavailable on short notice because of earlier reservations, but the Vice President of Student Life or designee will expedite approval of available Temporary Banner Spaces, available Temporary Outdoor Exhibit spaces, and Amplified Sound areas where necessary to permit appropriate response to other speech, assembly, or expression.
5. Means of response that are confined to authorized locations, such as Banners, Exhibits, and Amplified Sound, may be used only in those locations. It is not possible to respond to Amplified Sound with Amplified Sound in the same location; similarly, if an Exhibit or Public Assembly is in a location where Amplified Sound is not permitted, it is not possible to respond with Amplified Sound in that location. In either case, it is possible to respond with Amplified Sound in another location and to use Signs or distribution of Literature to advertise the response at the other location.

B. Police Protection

1. It is the responsibility of TWU to protect the safety of all persons on campus and to provide police protection for speakers, Public Assemblies, persons staffing or viewing exhibits, and other Events. The normal patrolling of officers during regular duty areas in the area of such Events will be at the cost of TWU. When the magnitude, timing, or nature of an Event in a TWU building, TWU facility, or other areas of TWU's Limited Public Forum requires

overtime hours from police officers (including contract hours for officers hired from other departments or private security agencies), TWU will charge the cost of overtime or contract officers to the person or organization sponsoring the Event or exhibit that requires overtime police protection. The purpose is to charge for police overtime where reasonably possible, but not to charge for police overtime made necessary by the content of speech at the Event or by the controversy associated with any Event.

- a. TWU persons or organizations planning such Events should budget for the cost of police protection. A reasonable and nondiscriminatory fee for overtime police work will be charged to the Registered Student, Faculty, or Staff Organization for Events in a TWU building, TWU facility, or other area of TWU's Limited Public Forum that require overtime police protection; and
 - b. Charge a price for admission; or
 - c. Have a paid speaker, band, or other Off-Campus Person or Organization for services at the Event.
2. TWU will have the sole power to decide, after reasonable consultation with the person or organization planning the Event, whether and to what extent overtime police protection is required. No fee will be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the Event. All fees will be based on the number of officers required for an uncontroversial Event of the same size and kind, in the same place and at the same time of day, handling the same amount of cash.
 3. Nothing in this Section applies to any interdepartmental charge or transfer among units or accounts funded by TWU.

C. Enforcement

1. Section 51.9315 of the Texas Education Code ("Section 51.9315") prohibits Students, Registered Student Organizations, and Faculty from unduly interfering with the Expressive Activities of others on campus.
2. Students wishing to make a grievance regarding a violation of Section 51.9315 may report it via [TWU's Ethics & Compliance Hotline](#).
3. A Student who violates a prohibition in this policy may be disciplined under the procedures in the URP 06.200: Student Code

of Conduct. A Registered Student Organization that violates a prohibition in this policy may also be disciplined under the procedures in the Student Code of Conduct.

4. A Faculty Member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules, including URP 02.330: Faculty Responsibilities, Standards of Conduct, and Disciplinary Processes. If no such procedures exist, violations by Faculty Members will be referred to the Office of the Executive Vice President for Academic Affairs and Provost.
5. A Staff Member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules, including URP 05.600: Staff Standards of Conduct and Disciplinary Process. If no such procedures exist, violations by Staff Members will be referred to the Office of Human Resources.
6. Authorized TWU employees may prevent imminently threatened violations, or end ongoing violations, of a prohibition of this policy, by explanation and persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively, or additionally, they may initiate disciplinary proceedings. Discretion regarding the means and necessity of enforcement will be vested in the chief of police, or in TWU employees designated by the Chancellor and President, as appropriate, but such discretion will be exercised without regard to the viewpoint of any speaker.
7. TWU Students, Faculty Members, Staff Members, and Registered Student, Faculty, and Staff Organizations on the TWU campus will comply with instructions from TWU administrators and law enforcement officials at the scene. A TWU-affiliated person or organization that complies with instructions limiting speech, expression, or assembly may test the propriety of that order in an appeal.
8. Members of the public or organizations not affiliated with TWU that are on the TWU campus and violate a prohibition in this policy may be subject to criminal trespass charges, arrest, or other lawful measures.

D. Appeals

1. A TWU-affiliated person or organization that is denied permission for an activity requiring advance permission under this policy may appeal the denial of permission under the policies identified below.

2. A TWU-affiliated person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth business day after complying with the order, file an appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal will be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.
3. An appeal authorized by this policy will be filed and heard under the procedures and in the manner set forth in either the URP 06.200: Student Code of Conduct, URP 05.600: Staff Standards of Conduct and Disciplinary Process, and URP 02.330: Faculty Responsibilities, Standards of Conduct, and Disciplinary Processes, whichever applies to the appellant.

XIII. Retaliation

- A. Retaliation against a person who reports a potential violation under this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to an individual's employment or education.
- B. TWU will take appropriate steps to assure a person who in good faith reports, complains about, or participates in an investigation under this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with TWU's Ethics & Compliance Hotline.

Ethics & Compliance Hotline Contact Information

1. Online: [Lighthouse TWU Website](#)
2. English: 844-406-0004
3. Spanish: 800-216-1288
4. Email: reports@lighthouse-services.com (must include TWU in report)
5. Fax: 215-689-3885 (must include TWU in report)

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

[URP 06.400: Student Organizations](#)

[URP 06.200: Student Code of Conduct](#)

[URP 02.330: Faculty Responsibilities, Standards of Conduct, and Disciplinary Processes](#)

[URP 05.600: Staff Standards of Conduct and Disciplinary Process](#)

[Executive Order signed by Governor Greg Abbott on March 27, 2024](#)

[Texas Government Code 448.001](#)

[International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016](#)

FORMS AND TOOLS

None

<p>Publication Date: 07/02/2021</p> <p>Revised: 07/30/2021; 05/19/2023; 05/20/2024</p>
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Texas Woman's University University Regulation and Procedure

Regulation and Procedure Name: Speech, Expression, and Assembly

**Regulation and Procedure
Number: URP: 01.200**

**Policy Owner: Academic Affairs, Finance and
Administration, and Student Life**

POLICY STATEMENT

Texas Woman's University ("TWU") recognizes freedom of speech and expression as fundamental rights, and is committed to ensuring free, robust, and uninhibited debate and deliberations by TWU Students, Faculty Members, Staff Members, and members of the public. This policy is intended to protect the expressive rights of persons guaranteed by the constitutions and laws of the United States and the State of Texas, by recognizing freedom of speech and assembly as central to the mission of TWU, and by ensuring that all persons may assemble peaceably on TWU campuses for Expressive Activities, including to listen to or observe the Expressive Activities of others.

It is the responsibility of TWU to operate and maintain an effective and efficient institution of higher education. At times, this requires the regulation of the time, place, and manner of speech, assembly, and other Expressive Activities on TWU's campus. Students, Faculty Members, Staff Members, and members of the public are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, on TWU campus, subject only to the rules necessary to preserve the equal rights of others and the other functions of TWU. TWU will not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise.

Teaching, research, and other official functions of TWU will have priority in allocating the use of space on campus. This policy does not apply to official academic and administrative activities and functions of TWU.

The TWU Department of Public Safety ("DPS") may immediately enforce these rules if a violation constitutes a breach of the peace or compromises public safety.

APPLICABILITY

This policy is applicable to TWU Students, Faculty, Staff, and Guests.

DEFINITIONS

1. "A-Frame Exhibit" means a movable and self-supported sign board designed to stand on the ground and remain overnight in a temporary outdoor exhibit space. A-Frame exhibits may not exceed five feet in height or width. Structures that do not meet this criterion will be considered General Exhibits and will be subject to the rules in this policy on General Exhibits.
2. "Academic or Administrative Unit" means an office or department of TWU.
3. "Amplified Sound" means a volume that is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on Amplified Sound but are subject to general rules on Disruption.
4. "Banner" means an affixed, stationary sign between poles or affixed to a stake in ground.
5. "Commercial Speech" means a speech or writing on behalf of a business with the intent of earning revenue or a profit or promoting the business. Words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle, are not Commercial Speech within this definition. Unadorned acknowledgments or thanks to donors are not Commercial Speech within this definition.
6. "Day" means an 8:00 a.m. to 5:00 p.m. calendar day; this excludes weekends, TWU holidays, skeleton crew days, and days on which regularly scheduled classes are suspended due to emergent situations. "TWU holiday" and "skeleton crew days" mean days identified in the holiday schedule published by the Office of Human Resource Services. If a deadline defined in this policy falls on a Saturday, Sunday, TWU holiday, or skeleton crew day, that deadline will be moved to the next day.
7. "Disruption" means a speech, expression, or assembly conducted in a way that intentionally or unintentionally disrupts or interferes with: any teaching, research, administration, or other function of TWU; the flow of pedestrian and vehicular traffic on the TWU campus; or the Expressive Activities of others under the rules in this policy. Except in the most extreme cases, interference and disruption are unavoidably contextual. We cannot escape relying on the judgment and fairness of TWU authorities in particular cases. In this context where difficult enforcement judgments are unavoidable, it is especially important to remind administrators and law enforcement officials that their judgments should not be influenced by the viewpoint of those claiming disruption or of those allegedly disrupting. Potentially disruptive Events can often proceed without disruption if participants, administrators,

and law enforcement officials cooperate to avoid disruption without stopping the Event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the Event or resorting to disciplinary charges or arrest.

8. "Event" means something that occurs in a certain place during a particular interval of time. Events include but are not limited to Guest Speakers, exhibits, tables, distribution of Literature, Signs, and Public Assemblies, as those terms are defined in this policy.
9. "Expressive Activities" means a speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution. This includes assemblies, protests, speeches, the distribution of written material, the carrying of Signs, and the circulation of petitions. For purposes of this policy, Expressive Activities do not include Commercial Speech.
10. "Faculty Member and Staff Member" means any person who is employed by TWU.
11. "General Exhibit" means an object or collection of related objects, which is: designed to stand on the ground or on a raised surface, which is not a table; is designed for temporary display; and, not permanently attached to the ground. For the purposes of this policy, chalking may be considered a form of a General Exhibit.
12. "Guest Speaker" means a speaker or performer who is a guest or visitor at TWU.
13. "Harassment" means unwelcome verbal or physical conduct because of race, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, veteran status or any other characteristic protected under applicable federal or state law when such conduct creates an intimidating, hostile, or offensive environment and is:
 - a. Sufficiently severe, pervasive, or persistent that it interferes with a student's ability to participate in or benefit from educational programs or activities; or
 - b. Sufficiently severe, pervasive, or persistent that it unreasonably interferes with an Employee's work performance or creates an intimidating, hostile, or offensive work environment.
 - b.c. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of harassment for the

purpose of this policy. To constitute a policy violation, the conduct must create a work or educational environment that would be intimidating, hostile, or offensive to reasonable people. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work or educational performance.

~~12.~~14. “Limited Public Forum” means a TWU property, both indoors and outdoors, that is not part of the outdoor common area. This includes spaces dedicated to temporary outdoor Banners, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, residential outdoor spaces managed by TWU Housing and Dining.

~~13.~~15. “Literature” means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informal matter, that is produced in multiple copies for distribution to potential readers.

~~14.~~16. “Off-Campus person or Organization” means any person, organization, or business that is not:

~~e.~~d. ____ An Academic or Administrative Unit.

~~d.~~e. ____ A Registered Student, Faculty, or Staff Organization.

~~e.~~f. ____ A Student, Faculty Member, or Staff Member.

~~15.~~17. “Outdoor Common Areas” means TWU’s public streets, sidewalks, green space, and similar outdoor areas that are freely accessible to the TWU community and the public. These areas are not used for dedicated TWU business or an Event, an educational function, or a research function on a permanent basis. They do not include the outside surfaces of a TWU building, surfaces associated with or connected to a TWU building, a TWU structure, spaces dedicated to temporary outdoor Banners, spaces dedicated to temporary outdoor exhibits, or any other space within TWU’s Limited Public Forums. Outdoor Common Areas are designated by state law as Traditional Public Forums.

~~16.~~18. “Publicly Assemble and Public Assembly” means any gathering of persons, including discussions, rallies and demonstrations.

~~17.~~19. “Registered Student, Faculty, or Staff Organization” means a student organization (sponsored or registered) under URP 06.400: Student Organizations and any faculty and/or staff organization recognized by the Chancellor’s Office.

~~18-20.~~ “Room or Space” means any room or space, indoors or outdoors, owned or controlled by TWU.

~~19-21.~~ “Sign” means any method of visually displaying a message to others.

~~20-22.~~ “Student” means any individual who, at the time of the Expressive Activity, has accepted an offer of admission to TWU; has an open academic program; is taking courses at TWU, either full-time or part-time and pursuing undergraduate, graduate, or professional studies; is auditing a class; or has any other continuing relationship with TWU. This includes new students at orientation, individuals not currently enrolled but who are still seeking a degree from TWU, dual credit students, non-degree seeking students, individuals who have completed coursework but are awaiting conferral of a degree, and any other individual enrolled in a course offered by TWU. For the purposes of this Policy, an individual who allegedly provided false information or omitted information on an application shall be considered a student. Generally speaking, academic programs undergraduate students close after one year of non-enrollment and academic programs for graduate students close after two years of non-enrollment.

~~21-23.~~ “Temporary Banner Space” means a designated outdoor or indoor display area reserved for Students, Faculty Members, Staff Members, and Registered Student, Faculty, or Staff Organizations’ use, as managed by TWU, where a TWU-affiliated person’s or organization’s temporary Banner may be affixed for multiple days under this policy. These areas are part of TWU’s Limited Public Forum, as that term is defined in this policy.

~~22-24.~~ “Temporary Exhibit Space” means a designated indoor or outdoor display area reserved for TWU-affiliated persons’ and organizations’ use, as managed by TWU, where a TWU person or organization may erect a temporary exhibit. These areas are part of TWU’s Limited Public Forum, as that term is defined in this policy.

~~23-25.~~ “Temporary Public Forums” means areas that are generally available for Expressive Activity at any time without the need for reservation, or prior approval. Traditional Public Forums include Outdoor Common Areas, as defined in this policy.

~~24-26.~~ “Vice President of Student Life” means TWU’s Vice President of Student Life, or his or her delegate or representative.

REGULATION AND PROCEDURE

I. Time, Place, and Manner Restrictions

- A. TWU reserves the right to implement and enforce reasonable “time, place, and manner restrictions” regarding Expressive Activities including those set forth in this policy:

1. TWU's Outdoor Common Areas are deemed Traditional Public Forums. Individuals may engage in Expressive Activities in TWU's Outdoor Common Areas without prior reservation, registration, or approval, provided such activities are conducted in compliance with applicable law as well as TWU policy.
2. Members of the public are able to engage in Expressive Activities only in Outdoor Common Areas of the TWU campus, subject to the time, place, and manner restrictions which are necessary to preserve the teaching, research, and other official functions of TWU.
3. Any program or Event sponsored by an Academic or Administrative Unit of TWU will have priority in the use of space and facilities over any speech, expression, and assembly that is not sponsored by an Academic or Administrative Unit.
4. TWU's Division of Student Life may adopt operating policies and procedures regarding the reservation of Outdoor Common Areas by individuals or groups for the purpose of engaging in Expressive Activities. Such operating policies and procedures must be consistent with this policy and must be sent to the Office of General Counsel for review. If any area of TWU's Outdoor Common Areas has been reserved, the individual or group with a reservation shall be given priority for use of such area.
5. Activities that are unlawful or that materially and substantially disrupt the normal operations of TWU are prohibited. Groups or individuals engaging in materially and substantially disruptive activities, or those failing to comply with the applicable laws or TWU policy, may face immediate removal from TWU premises and/or other appropriate actions by TWU officials, including TWU DPS.
6. Activities that materially and substantially prevent other individuals or groups from carrying out an Expressive Activity on campus are prohibited.
7. Activities that substantially interfere with vehicular or pedestrian traffic, including the ingress or egress of TWU facilities are prohibited.
8. Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services are prohibited.
9. Activities that threaten or endanger the health or safety of any person on TWU grounds are prohibited.

10. Activities that result in damage or destruction of TWU property are prohibited. Nothing may be affixed to or written on TWU property or grounds, unless expressly permitted under this policy. No speech, expression, or assembly may be conducted in a way that damages, defaces, marks, discolors, or alters in any way property of TWU or of any person who has not authorized the speaker to damage or deface his or her property. No person may damage, deface, mark, discolor, alter, or interfere with any Sign, table, or General Exhibit posted or displayed by another person or organization acting under the rules in this policy.
11. Activities that are not protected by the First Amendment (e.g., defamatory statements, Commercial Speech, true threats/fighting words, obscenity, as defined by law) are prohibited.
12. Amplified Sound shall not interfere or disrupt TWU activities. Any amplification device must be hand-held.
13. Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and satisfy such codes and ordinances.
14. Expressive Activities on TWU's grounds do not imply endorsement by TWU.
15. For purposes of this policy, Expressive Activities do not include Commercial Speech. As such, Commercial Speech is prohibited on TWU grounds without a prior written agreement with TWU.
16. Groups or individuals are responsible for any damage and harm to persons and property that arise from Expressive Activities.
17. Registered Student, Faculty, and Staff Organizations may not invite the public-at-large to Events in TWU buildings, facilities, or locations that are not Outdoor Common Areas without prior TWU approval.
18. Banners placed under this policy will be done at the expense of the faculty, staff or student or student organization.

B. The above list of reasonable time, place, and manner restrictions is not intended to be all-inclusive. TWU reserves the right, as necessary, to impose additional reasonable time, place, and manner restrictions as circumstances arise. TWU reserves the right to relocate, limit, or prohibit individuals or groups engaged in Expressive Activities based on the reasonable time, place, and manner restrictions outlined in this policy. The actions of TWU officials in implementing this policy cannot regulate speech

more restrictively than they regulate other activities that cause Disruption to official TWU activities and/or functions. Additionally, such actions should not restrict speech more than is reasonably necessary to serve the purpose of this policy and should not ban unobtrusive forms of communication with no potential for Disruption.

- C. TWU decisions shall be viewpoint-neutral and not based on political, religious, philosophical, ideological, or academic viewpoints.

II. Additional Prohibited Actions or Expression

A. Prohibited Actions

The following restrictions are intended to protect the health and safety of all persons on TWU campus, to maintain the free flow of pedestrian traffic in and out of TWU buildings, and to further the educational mission of TWU:

1. Masks

A mask, facial covering, or disguise that conceals the identity of the wearer that is calculated to obstruct the enforcement of these rules or the law, or to intimidate, hinder or interrupt a TWU official, TWU officer, or other person in the lawful performance of their duty.

2. Weapons

The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including sticks, poles, clubs, swords, shields, or rigid Signs that can be used as a shield, without written permission from the Vice President of Student Life or his or her designee, unless authorized by federal, state, or local laws, or TWU policy.

3. Body Armor

Body armor or makeshift body armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body armor, without prior written permission from the Vice President of Student Life or his or her designee.

4. Open Flames

No open flames are permitted on the TWU campus without the prior written permission of the Vice President of Student Life or his or her designee.

5. Points of Entry

No Person or organization may engage in an Expressive Activity within a ten-foot clearance around points of entry and the perimeter of all TWU buildings.

B. Prohibited Expression

1. Obscenity

A writing, image, or performance is obscene if it falls within the definition of obscene as defined in section 43.21 of the Texas Penal Code or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

2. Incitement to Imminent Violations of Law

No person will make, distribute, or display on the TWU campus any statements directed to inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law.

3. Coercing Attention

No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication. No person may persist in requesting or demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication.

4. Defamation

a. No person shall publish to a third party any statement that defames any other person.

b. A statement defames another person if it is:

i. Published to a third party other than the subject of the statement or their legal representative

ii. Of and concerning that person

iii. A false statement of fact

iv. Holding that person up to hatred, ridicule, or contempt

- v. Made negligently, if the person is a private figure or, if the person is a public official or public figure, with knowledge of falsity or reckless disregard of the truth
- vi. The proximate cause of damages
- vii. Not privileged.

5. Harassment

No person will engage in conduct that constitutes harassment of another person or make, distribute, or display on the TWU campus or through TWU information resources any statement that constitutes harassment of any other person (such as harassment based on antisemitism¹). This prohibition applies to all speech at TWU, all speech made using TWU resources, including speech that is part of teaching, research, or other official functions of TWU whether in person or not, and whether oral, written, or symbolic.

III. Commercial Speech

- A. No person or organization will make, distribute, or display on the TWU campus any statement that promotes, offers, or advertises any product or service for sale or lease that includes commercial identifiers, such as for-profit logos, trademarks, and service marks, or that requests any gift or contribution, except as expressly authorized in this policy.
- B. Commercial Speech is permitted by Students, Faculty Members, Staff Members, and Registered Student, Faculty, and Staff Organizations for the following purposes:

1. Non-Profit Organization

A Registered Student, Faculty, or Staff Organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions, for the following purposes: for the benefit of the Registered Student, Faculty, or Staff Organization; for the benefit of another Registered Student, Faculty, or Staff Organization; or, for the benefit of an organization that is tax-exempt under Section 501(c)(3) of the Internal Revenue Code. No organization may

¹ Antisemitism means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016. Texas Government Code Section 448.001.

sell items obtained on consignment. No organization may request contributions for an off-campus tax-exempt organization for more than fourteen days in any fiscal year.

2. Raffle Tickets

A Registered Student Organization that is a qualified organization as that term is defined in the Texas Charitable Raffle Enabling Act, Chapter 2002 of the Texas Occupations Code, or successor provisions, may sell charitable raffle tickets in accordance with that Act.

3. Admission Fees

A Registered Student, Faculty, or Staff Organization may collect admission fees for programs scheduled in accordance with TWU policy.

4. Personal Advertisements

Students, Faculty Members, and Staff Members may post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used, but only on a bulletin board designated for that purpose by an Academic or Administrative Unit in a space that the unit occupies or controls. Any Academic or Administrative Unit that designates a bulletin board for this purpose may regulate the use of that bulletin board under the guidelines in this policy.

5. Film

A registered Student, Faculty, or Staff Organization may host a public performance of a film scheduled in advance in accordance with TWU policy. All Registered Student, Faculty, or Staff Organizations that exhibit films on campus must obtain a Public Performance License for the individual film(s) from a licensing agent. This license is required even if the exhibition of the film is offered to the public for free and is educational in nature. Registered Student, Faculty, or Staff Organizations will be required to follow the process proscribed by the film distributor to obtain approval to exhibit the film. Federal Copyright Laws protect all films viewed in public areas regardless of format. There are a few exceptions. Registered Student, Faculty, or Staff Organizations may exhibit a film publicly if:

- a. The film is in the Public Domain

- b. The Registered Student, Faculty, or Staff Organization has written permission from the film's producer or other holder of the right to grant such permission; or
- c. The film is obtained from a company that provides a Public Performance License with the purchase or rental of the film

IV. Literature

A. General Rule on Distribution of Literature

Registered Student, Faculty, and Staff Organizations and Academic or Administrative Units may sell, distribute, or display Literature on campus, subject to the guidelines in this policy. Students, Faculty Members, and Staff Members may distribute or display Literature, subject to the guidelines in this policy, but may not sell it. In either case, no advance permission is required. Members of the public may distribute Literature in the Outdoor Common Areas, subject to guidelines in this policy, but may not sell Literature.

B. Not-for-Profit Literature Only

A Registered Student, Faculty, or Staff Organization may sell publications operated for profit as part of a fund-raiser authorized by, and subject to the limits of, the guidelines in this policy and URP 06.400: Student Organizations Fundraising. Otherwise, except as expressly authorized by TWU Regent policy or by contract with TWU, no person or organization may sell, distribute, or display on campus any publication operated for profit. A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, inures to the benefit of any private shareholder or individual.

C. Limits on Advertising Literature

1. Registered Student, Faculty, and Staff Organizations, and Academic or Administrative Units, may sell, distribute, or display Literature that contains advertising, subject to the limits below. Individual Students, Faculty Members, and Staff Members may distribute or display such Literature, but may not sell it.
2. Literature distributed on campus may contain the following advertising:
 - a. Advertising for a Registered Student, Faculty, or Staff Organization, or an Academic or Administrative Unit.
 - b. Advertising for an organization that is tax exempt under section 501 (c)(3) of the Internal Revenue Code.

- c. Paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising.
3. All other advertising in Literature distributed on campus is prohibited.

D. Clean up of Abandoned Literature

Any person or organization distributing Literature on campus will be responsible for picking up all copies dropped on the ground in the area where the Literature was distributed. Literature left behind after a reasonable amount of time may be disposed of by TWU staff.

V. Signs and Banners

A. General Rule on Signs

Subject to the guidelines in this policy, a TWU-affiliated person or organization may display a Sign by holding or carrying it, or by displaying it at a table or by posting it on a bulletin board, or other designated location.

B. Hand-Held Signs

1. Individuals or organizations may display a Sign on campus by holding or carrying it by hand or otherwise attaching it to their person. Any person holding or carrying a Sign will exercise due care to avoid bumping, hitting, or injuring any other person.
2. Hand-held Signs constructed of materials that create a hazard to other people are not permitted. Signs constructed of rigid materials, including sticks, poles, wood, metal, hard plastic, or other materials that could be construed as a hazard are not permitted.
3. Any person holding or carrying a Sign at a speech, performance, or other Event will exercise due care to avoid blocking the view of any other person observing the speech, performance, or Event. Depending on the venue, this may mean that Signs may be displayed only around the perimeter of a room or an audience.
4. A law enforcement officer or other authorized TWU employee, may take reasonable steps to ensure compliance with this policy, including warning any person that his or her Sign is being handled in violation of this policy. If the violation persists after a clear warning, the law enforcement officer or other authorized TWU employee may confiscate the Sign. A law enforcement officer may take any action necessary to keep the peace including issuing a criminal trespass warning to the violator.

C. Banners

1. Hand-Held Banners

Individuals and organizations are permitted to display a hand-held Banner carried by two or more individuals without poles in the Outdoor Common Areas. Banners on poles are not permitted.

2. Temporary Banner Space Designations

The Division of Student Life will designate Temporary Banner Spaces where banners may be placed. These spaces will be in outdoor locations not occupied or controlled by any other Academic or Administrative Unit.

3. Space Priority

Academic or Administrative Units and Registered Student, Faculty, or Staff Organizations may hang Banners in locations designated by TWU. Advance permission is required from the Academic or Administrative Unit responsible for the location, and advance reservations are usually required. Academic or Administrative Units advertising official TWU Events or programs may be given priority. In locations administered by Academic or Administrative Units other than the Division of Student Life, organizations affiliated with the Academic or Administrative Unit administering the location may be given priority.

4. Time Limits

In locations administered by the Division of Student Life, each Banner may be hung for one week. The Banner may be renewed from week to week if space is available. Other Academic or Administrative Units administering a location for Banners may limit the time each Banner may hang. Any such time limit will be applied without discrimination to all organizations, except that Academic or Administrative Units may be given preference. The Academic or Administrative Unit responsible for a Banner location may require that the physical work of hanging the Banners be performed only by Department of Facilities Services employees or other appropriate TWU personnel.

5. Members of Public Prohibited from Hanging Banners

Temporary Banner Space designations are not open to members of the public.

VI. Signs in Other Designated Locations (Including Departmental Bulletin Boards)

Each Academic or Administrative Unit may establish rules regarding the posting of Signs in spaces that Academic or Administrative Unit occupies and controls, subject to the following requirements:

A. Signs in spaces occupied by Academic or Administrative Units may be:

1. Confined to bulletin boards or other designated locations
2. Subject to viewpoint-neutral rules designed to facilitate fair and equal opportunities to post Signs, including limitations on the size of Signs, limitations on how long they may be posted, requirements that each Sign show the date it was posted and the name of the person or organization who posted it.
3. Confined to official statements or business of the Academic or Administrative Unit, or to certain subject matters of interest within the Academic or Administrative Unit, or to Signs posted by persons or organizations affiliated with the Academic or Administrative Unit.

B. Each Academic or Administrative Unit will post on or near each bulletin board or other designated location that it administers:

1. Either the rules applicable to that bulletin board or location, or a particular office or internet website where the rules applicable to that bulletin board or location may be found; and
2. If a stamp or initials are required on Signs before they are posted on that bulletin board or location, the name and office location of the person whose stamp or initials are required.

C. Within the scope of the subject matters permitted on a particular bulletin board or other designated location, no Academic or Administrative Unit will discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed on a Sign.

D. This Section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official TWU business.

VII. Tables

- A. Subject to the restrictions outlined in this Policy, individuals and organizations may set up tables in the Outdoor Common Areas on the TWU campus.

- B. TWU-affiliated persons and organizations may reserve tables for use within TWU buildings or other limited forum venues from which to display Literature, disseminate information and opinions, and raise funds, subject to the guidelines in this policy.
- C. Individuals and entities sponsoring a table will be responsible for removing litter from the area around the table before vacating the space.

VIII. Exhibits

- A. Academic or Administrative Units, Students, Faculty Members, Staff Members, or Registered Student, Faculty, and Staff Organizations may erect General Exhibits and A-Frame Exhibits, subject to the guidelines in this policy. Advance permission is required from the Division of Student Life, except that an Academic or Administrative Units may authorize indoor exhibits in a space that it occupies and controls. Members of the public may not erect exhibits.
- B. Any Academic or Administrative Unit, Student, Faculty Member, Staff Member, or Registered Student, Faculty, or Staff Organization sponsoring an exhibit will be responsible for removing litter from the area around the exhibit before vacating the space.

C. Application Process

An Academic or Administrative Unit, Student, Faculty Member, Staff Member, or Registered Student, Faculty, or Staff Organization desiring to display an outdoor General Exhibit or A-Frame Exhibit will apply on a form prescribed by the Student Union and Conference Services Office and will abide by the expectations indicated on the application.

D. Liability

Any Student, Faculty Member, Staff Member, or Registered Student, Faculty, or Staff Organization sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. TWU will not be liable for any damage that may occur to the exhibit, and any Registered Student, Faculty, or Staff Organization sponsoring the exhibit will indemnify TWU for any claims arising from the exhibit's presence on campus.

IX. Amplified Sound

A. General Rule on Amplified Sound

Individuals and organizations may use Amplified Sound on campus at designated times and locations, subject to the rules in this policy, with

advance permission from TWU. This section creates limited exceptions to the general rule on Disruption.

B. Regulation and Scheduling of Amplified Sound

1. The Division of Student Life may prescribe rules concerning scheduling, sound levels, the location of speakers and the direction in which they are pointed, and other rules to facilitate the use of weekday Amplified Sound areas, to mediate any conflict with TWU functions and other nearby activities, and to manage environmental impact. All such rules will be reasonable and nondiscriminatory.

a. Reservations

i. Individuals and organizations wishing to use a weekday Amplified Sound area must reserve the area. Reservations by TWU-affiliated persons and organizations must be made with the Division of Student Life on a form prescribed by the Division of Student Life. The Division of Student Life will approve a properly completed application or email request to reserve an Amplified Sound area, unless the application or request must be disapproved under the criteria listed in this policy. Reservations by members of the public must be submitted to the following email address: conferenceservices@twu.edu.

ii. The Division of Student Life may limit the number, frequency, or duration of reservations for each applicant to ensure reasonable access for all persons and organizations desiring to use Amplified Sound on weekdays.

b. When Amplified Sound areas are not reserved for use for an assembly including Amplified Sound, they are available for use, for permitted Expressive Activity, without reservation as part of the Outdoor Common Areas. Any person or organization using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of its reserved time.

c. Individuals and organizations using Amplified Sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area. Should the size of the assembly exceed the maximum number of participants that is safe for a given

location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.

C. Amplified Sound Indoors

Students, Faculty Members, Staff Members, or Registered Student, Faculty, and Staff Organizations may use Amplified Sound indoors. Amplified Sound sufficient to be heard throughout the room may be used in any room in any building, but the Vice President for Student Life or designee may limit or prohibit sound that would be disruptive outside the room. Reservations may be required.

X. Public Assemblies

A. General Rules on Public Assemblies

Individuals and organizations may Publicly Assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this policy and to the rules on use of TWU property. No advance permission is required in the Outdoor Common Areas.

B. Reservations of Space

1. Outdoor Common Areas reservations:

- a. Individuals and organizations may reserve a space to assemble in the Outdoor Common Areas, as defined by this policy.
- b. Reservations by Students, Faculty Members, Staff Members, or Registered Student, Faculty, and Staff Organizations must be made with the Division of Student Life on a form prescribed by the Division of Student Life. Members of the public may reserve space by making a request to conferenceservices@twu.edu.
- c. Requests for a reservation for such assemblies will be approved in accordance with this policy.
- d. If the expected attendance at an assembly is twenty-five or more people, advance notice of no less than two weeks is recommended to ensure the requested space may be reserved. Persons and organizations are encouraged to seek a reservation of a space that is suited to their assembly's anticipated size.

2. Limited Public Forum Areas Reservations:
 - a. Registered Student, Faculty, or Staff Organizations and Academic or Administrative Units may reserve a space to assemble in the Limited Public Forum areas, as defined by this policy.
 - b. The Division of Student Life will receive applications for reservations of a space within the Limited Public Forum areas. Applications for a reservation for such assemblies will be processed under the provisions of this policy.
 - c. If the expected attendance at an Event with a Guest Speaker is twenty-five or more people, advance notice of no less than two weeks is required.
3. Any person or organization with a reservation has the right to the reserved Room or Space for the time covered by the reservation. Any person or organization using or occupying the Room or Space without a reservation must yield control of the Room or Space in time to permit any user with a reservation to begin using the Room or Space promptly at the beginning of its reserved time.
4. Should the size of any assembly exceed the maximum number of participants that is safe for a given location, including a reserved space, assembly participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly to the extent relocation is practicable.
5. While reservations are not always required, they are strongly encouraged. Without a reservation, a person or organization may find the facility locked or the space in use by another person or organization.

C. Notices and Consultation

1. Persons or organizations may Publicly Assemble on TWU campus in any place where, at the time of the assembly, the persons assembling are permitted to be.
2. Persons or organizations that are planning a Public Assembly in an Outdoor Common Area with or without a Guest Speaker and expected attendance of more than twenty-five participants, including potential counter-demonstrators, are encouraged to provide advance notice of no less than two weeks to the Division of Student Life to help TWU improve the safety and success of the Expressive Activity. Members of the public may provide this notice by emailing specialeventscommittee@twu.edu.

- a. If there is uncertainty about applicable TWU rules, the appropriateness of the planned location, or possible conflict with other Events, persons and organizations are encouraged to consult the Division of Student Life.
 - b. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly, or the assembly may be rescheduled for another time and location.
3. TWU persons or organizations planning an Event in the Limited Public Forum areas with or without a Guest Speaker and an expected attendance of more than twenty-five participants, are required to provide advanced notice of no less than two weeks to the Division of Student Life to help TWU improve the safety and success of the Expressive Activity. Notice will be provided on a form prescribed by the Division of Student Life. If there is uncertainty about applicable TWU rules, the appropriateness of the planned location, or possible conflict with other Events, persons and organizations are encouraged to consult the Division of Student Life. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly, or the assembly may be rescheduled for another time and location.
4. The notice and consultation requirements of this section do not apply to assemblies planned by Academic or Administrative Units.
5. The notice and consultation requirements of this section applicable to TWU Students, faculty, staff and organizations may be waived by the Vice President of Student Life or his or her designee.
6. Registered Student, Faculty, and Staff Organizations are afforded privileges not available to individual faculty, staff, and Students. Individuals may not reserve indoor space on campus.

XI. Guest Speakers

A. Location and Form of Presentation

1. Subject to the rules in this policy, individuals and organizations may present Guest Speakers in areas of the TWU campus in accordance with the procedures in this section. No reservation or prior approval is necessary in traditional public forums;

but notice and reservations are encouraged for assemblies of twenty-five or more people.

2. Registered Student, Faculty, and Staff Organizations and Academic or Administrative Units may present Guest Speakers in the Limited Public Forums of the TWU campus. A Guest Speaker may present a speech or performance, or lead a discussion of specified duration, at a time announced in advance, in a fixed indoor location approved by the Division of Student Life.
3. Individuals may not present a Guest Speaker in TWU buildings or TWU facilities.
4. When reviewing a request to reserve space to present a Guest Speaker in a traditional public forum or to present a Guest Speaker in a Limited Public Forum, TWU will not consider any anticipated controversy related to the Event in determining fees to be charged. TWU will consider content-neutral and viewpoint-neutral criteria when reviewing Guest Speakers, including the following:
 - a. Proposed venue and the size of the audience;
 - b. Anticipated needs for security;
 - c. Any other necessary accommodations TWU deems necessary for the Guest Speaker; and
 - d. Relevant history of compliance or noncompliance with TWU policies by the Guest Speaker or the requestor.

B. Application for TWU Building or Facility Space for Presentation of guest Speakers

In accordance with this policy, all Registered Student, Faculty, and Staff Organizations that wish to present a Guest Speaker in a TWU building or facility space will apply through a prescribed process, at least two weeks before the scheduled Event or any planned advertising for the Event, whichever is earlier:

1. A Registered Student Organization that wishes to present a Guest Speaker will apply to the Division of Student Life at least two weeks before the scheduled Event or any planned advertising for the Event, whichever is earlier. The application will be combined with an application to reserve the use of a TWU Room or Space for the Event. The Vice President of Student Life or designee will approve an application properly made unless it must be disapproved under the criteria in this policy.

2. A Registered Faculty Organization that wishes to present a Guest Speaker will apply to the Office of the Executive Vice President for Academic Affairs and Provost and at least two weeks before the scheduled Event or any planned advertising for the Event, whichever is earlier. The application will be combined with an application to reserve the use of a TWU Room or Space for the Event. The provost will approve an application properly made in consultation with the Vice President of Student Life unless it must be disapproved under the criteria in this policy.
3. A Registered Staff Organization that wishes to present a Guest Speaker will apply to the TWU Chief Financial Officer at least two weeks before the scheduled Event or any planned advertising for the Event, whichever is earlier. The application will be combined with an application to reserve the use of a TWU Room or Space for the Event. The Chief Financial Officer will approve an application properly made in consultation with the Vice President of Student Life or designee unless it must be disapproved under the criteria in this policy.

C. Obligations of Presenting Organization

Registered Student, Faculty, and Staff Organizations that present a Guest Speaker in a TWU building or facility must make clear that:

1. The organization, and not TWU, invited the Guest Speaker;
and
2. The views expressed by the Guest Speaker are his or her own and do not necessarily represent the views of TWU.

D. Prohibition on Guest Speakers

1. A Guest Speaker may not:
 - a. Accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
 - b. Help staff a table or exhibit set up outside the common outdoor areas or in TWU building or facilities.
2. No Registered Student, Faculty, or Staff Organization may present a Guest Speaker in violation of the prohibitions against Commercial Speech.

XII. Responding to Speech, Expression, and Assembly

A. General Rule on Responding

1. Individuals and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this section.
2. Responders may not damage or deface Signs or exhibits, disrupt Public Assemblies, block the view of participants, or prevent speakers from being heard.
3. Means of response that are permitted in many locations and without advance permission or reservation, such as Signs, distribution of Literature, and Public Assembly without Amplified Sound, may be used immediately and in any location authorized in this section.
4. Means of response that require advance permission or reservation, such as Temporary Banners, A-Frame Exhibits, General Exhibits, and Amplified Sound, may be used as soon as the needed permission or reservation may be arranged. Temporary Banner Space, Temporary Outdoor Exhibit space, and some Amplified Sound areas may be unavailable on short notice because of earlier reservations, but the Vice President of Student Life or designee will expedite approval of available Temporary Banner Spaces, available Temporary Outdoor Exhibit spaces, and Amplified Sound areas where necessary to permit appropriate response to other speech, assembly, or expression.
5. Means of response that are confined to authorized locations, such as Banners, Exhibits, and Amplified Sound, may be used only in those locations. It is not possible to respond to Amplified Sound with Amplified Sound in the same location; similarly, if an Exhibit or Public Assembly is in a location where Amplified Sound is not permitted, it is not possible to respond with Amplified Sound in that location. In either case, it is possible to respond with Amplified Sound in another location and to use Signs or distribution of Literature to advertise the response at the other location.

B. Police Protection

1. It is the responsibility of TWU to protect the safety of all persons on campus and to provide police protection for speakers, Public Assemblies, persons staffing or viewing exhibits, and other Events. The normal patrolling of officers during regular duty areas in the area of such Events will be at the cost of TWU. When the magnitude, timing, or nature of an Event in a TWU building, TWU facility, or other areas of TWU's Limited Public Forum requires

overtime hours from police officers (including contract hours for officers hired from other departments or private security agencies), TWU will charge the cost of overtime or contract officers to the person or organization sponsoring the Event or exhibit that requires overtime police protection. The purpose is to charge for police overtime where reasonably possible, but not to charge for police overtime made necessary by the content of speech at the Event or by the controversy associated with any Event.

- a. TWU persons or organizations planning such Events should budget for the cost of police protection. A reasonable and nondiscriminatory fee for overtime police work will be charged to the Registered Student, Faculty, or Staff Organization for Events in a TWU building, TWU facility, or other area of TWU's Limited Public Forum that require overtime police protection; and
 - b. Charge a price for admission; or
 - c. Have a paid speaker, band, or other Off-Campus Person or Organization for services at the Event.
2. TWU will have the sole power to decide, after reasonable consultation with the person or organization planning the Event, whether and to what extent overtime police protection is required. No fee will be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the Event. All fees will be based on the number of officers required for an uncontroversial Event of the same size and kind, in the same place and at the same time of day, handling the same amount of cash.
 3. Nothing in this Section applies to any interdepartmental charge or transfer among units or accounts funded by TWU.

C. Enforcement

1. Section 51.9315 of the Texas Education Code ("Section 51.9315") prohibits Students, Registered Student Organizations, and Faculty from unduly interfering with the Expressive Activities of others on campus.
2. Students wishing to make a grievance regarding a violation of Section 51.9315 may report it via [TWU's Ethics & Compliance Hotline](#).
3. A Student who violates a prohibition in this policy may be disciplined under the procedures in the URP 06.200: Student Code

of Conduct. A Registered Student Organization that violates a prohibition in this policy may also be disciplined under the procedures in the Student Code of Conduct.

4. A Faculty Member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules, including URP 02.330: Faculty Responsibilities, Standards of Conduct, and Disciplinary Processes. If no such procedures exist, violations by Faculty Members will be referred to the Office of the Executive Vice President for Academic Affairs and Provost.
5. A Staff Member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules, including URP 05.600: Staff Standards of Conduct and Disciplinary Process. If no such procedures exist, violations by Staff Members will be referred to the Office of Human Resources.
6. Authorized TWU employees may prevent imminently threatened violations, or end ongoing violations, of a prohibition of this policy, by explanation and persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively, or additionally, they may initiate disciplinary proceedings. Discretion regarding the means and necessity of enforcement will be vested in the chief of police, or in TWU employees designated by the Chancellor and President, as appropriate, but such discretion will be exercised without regard to the viewpoint of any speaker.
7. TWU Students, Faculty Members, Staff Members, and Registered Student, Faculty, and Staff Organizations on the TWU campus will comply with instructions from TWU administrators and law enforcement officials at the scene. A TWU-affiliated person or organization that complies with instructions limiting speech, expression, or assembly may test the propriety of that order in an appeal.
8. Members of the public or organizations not affiliated with TWU that are on the TWU campus and violate a prohibition in this policy may be subject to criminal trespass charges, arrest, or other lawful measures.

D. Appeals

1. A TWU-affiliated person or organization that is denied permission for an activity requiring advance permission under this policy may appeal the denial of permission under the policies identified below.

2. A TWU-affiliated person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth business day after complying with the order, file an appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal will be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.
3. An appeal authorized by this policy will be filed and heard under the procedures and in the manner set forth in either the URP 06.200: Student Code of Conduct, URP 05.600: Staff Standards of Conduct and Disciplinary Process, and URP 02.330: Faculty Responsibilities, Standards of Conduct, and Disciplinary Processes, whichever applies to the appellant.

XIII. Retaliation

- A. Retaliation against a person who reports a potential violation under this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to an individual's employment or education.
- B. TWU will take appropriate steps to assure a person who in good faith reports, complains about, or participates in an investigation under this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with TWU's Ethics & Compliance Hotline.

Ethics & Compliance Hotline Contact Information

1. Online: [Lighthouse TWU Website](#)
2. English: 844-406-0004
3. Spanish: 800-216-1288
4. Email: reports@lighthouse-services.com (must include TWU in report)
5. Fax: 215-689-3885 (must include TWU in report)

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

[URP 06.400: Student Organizations](#)

[URP 06.200: Student Code of Conduct](#)

[URP 02.330: Faculty Responsibilities, Standards of Conduct, and Disciplinary Processes](#)

[URP 05.600: Staff Standards of Conduct and Disciplinary Process](#)

[Executive Order signed by Governor Greg Abbott on March 27, 2024](#)

[Texas Government Code 448.001](#)

[International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016](#)

FORMS AND TOOLS

None

Publication Date: 07/02/2021

Revised: 07/30/2021; 05/19/2023



Office of the Executive Vice President
for Academic Affairs and Provost

CERTIFICATION

This is to certify that I am the Executive Vice President for Academic Affairs and Provost at Texas Woman's University. In addition, I am a Policy Owner for Texas Woman's University Regulation and Procedure 01.200: Speech, Expression, and Assembly. As a Policy Owner of this policy, it is my responsibility to ensure the enforcement and compliance of this policy by members of the Texas Woman's University community.

Based on the foregoing, I certify that the published Texas Woman's University Regulation and Procedure 01.200: Speech, Expression, and Assembly and Texas Woman's University Regent Policy B.20005: Freedom of Speech and Expression are being enforced on the campuses of Texas Woman's University.

Signed this 11th day of June, 2024.

Angela Bauer, Ph.D.
Executive Vice President for Academic Affairs and Provost
Texas Woman's University



CERTIFICATION

This is to certify that I am the Vice President for Student Life at Texas Woman's University. In addition, I am a Policy Owner for Texas Woman's University Regulation and Procedure 01.200: Speech, Expression, and Assembly. As a Policy Owner of this policy, it is my responsibility to ensure the enforcement and compliance of this policy by members of the Texas Woman's University community.

Based on the foregoing, I certify that the published Texas Woman's University Regulation and Procedure 01.200: Speech, Expression, and Assembly and Texas Woman's University Regent Policy B.20005: Freedom of Speech and Expression are being enforced on the campuses of Texas Woman's University.

Signed this 11th day of June, 2024.

A handwritten signature in blue ink that reads 'Monica Mendez-Grant'.

Monica Mendez-Grant Ed.D.
Vice President for Student Life
Texas Woman's University



CERTIFICATION

This is to certify that I am the Vice President for Administration and Finance and Chief Financial and Operating Officer at Texas Woman's University. In addition, I am a Policy Owner for Texas Woman's University Regulation and Procedure 01.200: Speech, Expression, and Assembly. As a Policy Owner of this policy, it is my responsibility to ensure the enforcement and compliance of this policy by members of the Texas Woman's University community.

Based on the foregoing, I certify that the published Texas Woman's University Regulation and Procedure 01.200: Speech, Expression, and Assembly and Texas Woman's University Regent Policy B.20005: Freedom of Speech and Expression are being enforced on the campuses of Texas Woman's University.

Signed this 11th day of June, 2024.

A handwritten signature in blue ink, reading 'Jason Tomlinson', written over a solid black horizontal line.

Jason Tomlinson
Vice President for Administration and Finance and
Chief Financial and Operating Officer
Texas Woman's University

Report on Executive Order GA-44

Executive Summary

This report outlines the actions taken by Laredo College to comply with Executive Order GA-44, issued by Governor Greg Abbott on March 27, 2024. The order addresses antisemitism in higher education institutions. This report provides details on the review and update of free speech policies, enforcement measures, budgetary implications, and outcomes achieved.

Introduction

Executive Order GA-44 mandates all Texas higher education institutions to revise their free speech policies to specifically address antisemitism, enforce these policies, and incorporate the state's definition of antisemitism. This report covers the compliance actions taken by Laredo College.

Review and Update of Free Speech Policies:

Actions Taken

- Conducted a comprehensive review of existing free speech policies at Laredo College.
- Updated the following policies to address antisemitic speech and acts:
 - DGC (Local)Employee Rights and Privileges: Employee Expression and Use of College Facilities
 - FLA (Local)Student Rights and Responsibilities: Student Expression and Use of College Facilities
 - GD (Local)Community Expression and Use of College Facilities
- Added the definition of antisemitism to policies applicable to employees, students, and the community.
- Revised limitations on expression to apply to speech that constitutes prohibited harassment.

Documentation:

Attached revised policy documents

Timeline:

- Policy review initiated: April 1, 2024

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GOVERNOR'S BUDGET OFFICE

- Policies adopted by the Laredo College Board of Trustees: May 30, 2024

Enforced Disciplinary Actions Against Groups and Individuals Violating These Policies.

Actions Taken:

- Revisions to local policies included
 - DH (Local) - Employee Standards of Conduct
 - FLA (Local) - Student Rights and Responsibilities: Student Conduct
- Prohibited activities in Employee Standards of Conduct and Student Code of Conduct now include engagement in antisemitic speech or acts.

Incidents and Actions:

- There have been no reported incidents of antisemitic speech or acts; therefore, no disciplinary actions have been taken.

Inclusion of the Definition of Antisemitism:

Actions Taken:

- Incorporated the definition of antisemitism, as adopted by the State of Texas in Section 448.001 of the Texas Government Code, into the university free speech policies.
- Provided guidelines for university personnel and students on what constitutes antisemitic speech.

Documentation:

- Definition included in policy documents see attachments

Conclusion

Laredo College is in compliance with Executive Order GA-44 by updating policies, enforcing disciplinary measures, and addressing antisemitism on campuses. Continued efforts and resources are essential to maintain a safe and inclusive environment for all students. Laredo College will continue monitoring and reporting incidents to ensure compliance and the well-being of its community.

Attachments:

- DH (Local): Employee Standards of Conduct
- DGC (Local): Employee Rights and Privileges – Employee Expression and Use of College Facilities
- FLA (Local): Student Rights and Responsibilities – Student Expression and Use of College Facilities
- FLB (Local): Student Rights and Responsibilities – Student Conduct
- GD (Local): Community Expression and Use of College Facilities
- May 30, 2024, Regular Monthly Board of Trustees Meeting – Agenda
- May 28, 2024, Program/Policy Committee Meeting - Agenda



Lupita Zepeda

President of the Laredo College Board of Trustees

Laredo College

June 14, 2024



The notice for this meeting was posted in compliance with the Texas Open Meetings Act at the Webb County Justice Center on 5/24/2024, at 11:41 a.m.

**LAREDO COLLEGE DISTRICT - Fort McIntosh Campus
Regular Monthly Board Meeting of Laredo College
Thursday, May 30, 2024, at 6:00 p.m.**

In compliance with state law, the public is hereby notified that the Board of Trustees of the Laredo College District will have a regular Monthly Board of Trustees Meeting on Thursday, May 30, 2024, at 6:00 p.m. in the Samuel A. Meyer Board Room located at the Elpha Lee West Building Room 105, at the Fort McIntosh Campus, West End Washington Street, Laredo, Texas. One or more Board members may attend and participate in the regular meeting by telephone or videoconference. Laredo College District intends to and will have a quorum of the Board of Trustees present in the Samuel A. Meyer Board Room.

Members of the public and Laredo College employees who wish to view a live-stream of the Board meeting may access it by clicking on the following Zoom Webinar link:

Link to Join Zoom Webinar: <https://zoom.us/join>

Webinar ID: 833 9441 3497

REGULAR MONTHLY BOARD OF TRUSTEES MEETING – AGENDA

1. Call to Order
2. Roll Call
3. Approval of the Minutes of the Regular Monthly Board Meeting of April 25, 2024
4. **Public Testimony** – *Individuals who wish to participate during the portion of the meeting designated for public comment shall sign up in person at least 15 minutes before the meeting begins and shall indicate the agenda item or topic on which they wish to address the Board. An individual's comments to the Board shall not exceed three minutes per meeting.*
5. **RECOGNITIONS, INTRODUCTIONS OF PERSONNEL, AND NEW PERSONNEL ACTIONS FOR THE MONTH**
 - 5.A. Medical Assistant National Certification Exam Passing Rate – *Dr. Marisela Rodriguez Tijerina/Ms. Graciela Gonzales*
 - 5.B. Heating, Ventilation, Air Conditioning, and Refrigeration (HVAC) Equipment Distribution – *Ms. Brenda Martinez/Ms. Sandra Cortez*
 - 5.C. HVAC Excellence Programmatic Accreditation for Heating, Ventilation, Air Conditioning, and Refrigeration Program – *Dr. Heriberto Hernandez/Mr. Jesus Contreras*
 - 5.D. Police Week Recognition – *Dr. David V. Arreazola*

9. DISCUSSION AND POSSIBLE ACTION

- 9.A. Approval of Resolution Honoring Laredo College's National Junior College Athletic Association Esports (NJCAA) National Valorant Tournament Champions – *Ms. Lupita Zepeda*

10. INFORMATION ITEMS

- 10.A. Foreign Trade Zone Designation Request – *Dr. Minita Ramirez*
10.B. Student Success Report – *Dr. Fred Solis/ Ms. Jessica Treviño*
10.C. Presentation of 2024-2025 Student Handbooks for Division of Academic Affairs – *Dr. Marisela Rodriguez Tijerina*
10.D. Laredo College Graduation Highlights – *Graduation Committee*
10.E. Health Sciences Summer Camp – *Ms. Gracie Gonzalez*
10.F. Implementation of New Salary Thresholds for Exempt Employees Under the Federal Labor Standards Act (FLSA) – *Ms. Veronica Cardenas*

11. EXECUTIVE SESSION

- 11.A. Laredo College Faculty Member's Request for Appearance Before the Board of Trustees in Response to the Board's Nonrenewal of the Employee's Employment Contract as per Laredo College Board Policy DMAB(LOCAL)-TERM CONTRACTS: NONRENEWAL. Closed Session Pursuant to Texas Government Code Sections 551.071 and 551.074.
11.B. Closed Session Discussion Pursuant to Texas Government Code Sections 551.071 and 551.074 to Discuss Recommendation for the Nonrenewal of Employment Contract of a Laredo College Faculty Member Under Board Policy DMAB(LOCAL)-TERM CONTRACTS: NONRENEWAL, and Related Legal Issues
11.C. Pursuant to Texas Government Code Section 551.071, the Board will consult with its legal counsel regarding pending litigation in the matter styled Civil Action No. 5:21-cv-00160; *Cynthia Aradillas v. Laredo College*; In the United States District Court for the Southern District of Texas, Laredo Division
11.D. Review the Board Self-Evaluation Instrument as per Laredo College Board Policy BCG(LOCAL)-Board Internal Organization: Board Evaluation
11.E. Initiation of the Annual Evaluation of the College President Pursuant to Laredo College Board Policy BFE(LOCAL)-CHIEF EXECUTIVE OFFICER: EVALUATION, including Establishing Goals and Procedures, Discussing Evaluation Criteria and Instrument, and Setting a Timeline to Conduct the Evaluation. Closed Session Pursuant to Texas Government Code Section 551.074

12. DISCUSSION AND POSSIBLE ACTION

- 12.A. Laredo College Faculty Member's Request for Appearance Before the Board of Trustees in Response to the Board's Nonrenewal of the Employee's Employment Contract as per Laredo College Board Policy DMAB(LOCAL)-TERM CONTRACTS: NONRENEWAL
12.B. Nonrenewal of Employment Contract of a Laredo College Faculty Member



The notice for this meeting was posted in compliance with the Texas Open Meetings Act at the Webb County Justice Center on 5/24/2024, at 11:41 a.m.

Laredo College District – Fort McIntosh Campus

Program/Policy Committee Meeting
Tuesday, May 28, 2024 at 5:30 p.m.

The meeting will be held in the Samuel A. Meyer Board Room located at the Elpha Lee West Building Room 105, at the Fort McIntosh Campus, West End Washington Street, Laredo, Texas.

Members of the public and Laredo College employees who wish to view a live-stream of the Program/Policy Committee meeting may access it by clicking on the following Zoom Webinar link:

Link to Join Zoom Webinar: https://zoom.us/join

Webinar ID: 893 1504 7865

AGENDA

- 1. Call to Order
2. Roll Call
3. Approval of Senate Bill 17 FY 2024 Compliance Certification – Dr. David V. Arreazola

4. Affirm Executive Order No. GA-44 Relating to Addressing Acts of Antisemitism in Institutions of Higher Education, and Approve Modifications to LOCAL Policies (see list below) – Dr. David V. Arreazola

Table with 2 columns: Policy and Action. Rows include DGC, DH, FLA, FLB, and GD policies regarding employee and student rights and college facilities.

5. TASB Board Policy Update 47: Review Updated LEGAL Policies and Act on LOCAL Policies (see list below) – Dr. David V. Arreazola

Table with 2 columns: Policy and Action. Rows include CC, CHA, CS, DBA, DBB, DC, DH, DK, DMC, EBA, and GK policies covering budget, security, employment, and accreditation.

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

Note: For expression and use of College District facilities and grounds by students and registered student organizations, see FLA. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD. For use of the College District's internal mail system, see CHE.

Definitions

For purposes of this policy, "antisemitism" shall mean a certain perception of Jews that may be expressed as hatred towards Jews. The terms includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community instructions and religious facilities. Examples of antisemitism are included within the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016. See Texas Government Code Section 448.001(2).

Academic Freedom

Faculty members are entitled to academic freedom in the conduct of research and teaching and are tasked with the associated responsibilities. To this end, the College District endorses the academic freedom principles set forth in the [Statement of Principles on Academic Freedom and Tenure \(PDF\)](#)¹ published by the Association of American Colleges and Universities and the American Association of University Professors.

The Board shall address faculty academic freedom and the associated responsibilities in appropriate College District publications.

Complaints regarding alleged violations of the right to academic freedom shall be filed in accordance with DGBA(LOCAL).

Distribution of Literature

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any employee or employee organization, except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by an employee or employee organization.

Limitations on Content

Materials shall not be distributed by an employee or employee organization on College District property if:

1. The materials are obscene;
2. The materials contain defamatory statements about public figures or others;

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

3. The materials advocate imminent lawless or disruptive action and are likely to incite violence, encourage people to violate the law, or disrupt the core educational purpose of the College District; or produce such action;
4. ~~The materials are considered prohibited harassment [see DIA series and FFD series];~~
- 5.4. ~~The materials contain are expression that is unlawful or materially or substantially disrupts the functioning of the College District, including, but not limited to, materials that are considered prohibited harassment such as antisemitism [see DIA series and FFD series];~~
- 6.5. ~~The materials constitute nonpermissible solicitation [see DHC]; or~~
- 7.6. ~~The materials infringe upon intellectual property rights of the College District [see CT].~~

Time, Place, and Manner Restrictions

Distribution of materials shall be conducted in a manner that:

1. Is not disruptive to College District operations;
2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;
4. Does not interfere with the rights of others; and
5. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

The office of strategic and external initiatives shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by employees or employee organizations to employees or others in College District facilities and areas that are not considered common outdoor areas.

Use of Facilities and Grounds

The facilities and grounds of the College District shall be made available to employees or employee organizations when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting employees or employee organization shall pay all expenses incurred by their use of the facilities in accordance with a fee schedule developed by the Board.

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

An "employee organization" is an organization composed only of College District faculty and staff or an employee professional organization.

Requests

To request permission to meet or host a speaker in College District facilities, interested employees or employee organizations shall file a written request with the office of strategic and external initiatives in accordance with administrative procedures.

The employees or the employee organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Approval

The office of strategic and external initiatives shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the employees' or employee organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation [see DHC];
4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; ~~or~~
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group;

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

9. The proposed use would advocate imminent lawless or disruptive action and is likely to incite violence, encourage people to violate the law, or disrupt the core educational purpose of the College District; or -

~~8-10.~~ The proposed use would constitute expression that is unlawful or materially or substantially disrupts the functioning of the College District, including, but not limited to, expression that is considered prohibited harassment and antisemitic discrimination and harassment. ~~such as antisemitism.~~

The office of strategic and external initiatives shall provide the applicant a written statement of the grounds for rejection if a request is denied.

*Common
Outdoor Area
Exception*

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Employees and employee organizations may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful including, but not limited to, expression that is considered prohibited harassment and antisemitic discrimination and harassment ~~such as antisemitism;~~
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

Announcements
and Publicity

In accordance with administrative procedures, all employees and employee organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.

Identification

Employees and employee organizations using College District facilities must provide identification when requested to do so by a College District representative.

Violations

Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, suspension of an employee's or employee organization's use of College District facilities and/or other disciplinary action in accordance with the College District's policies and procedures and the employee handbook, up to and including termination of employment.

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

Interference with Expression	Faculty, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures, <u>up to and including termination of employment or expulsion</u> —[See DH, FM, and FMA]
Appeals	Decisions made by the administration under this policy may be appealed in accordance with DGBA(LOCAL) and FLD(LOCAL) as applicable.
Publication	This policy and associated procedures must be posted on the College District's website and distributed in the employee and student handbooks and other appropriate publications.

¹ 1940 Statement of Principles on Academic Freedom and Tenure (PDF):
<https://www.aaup.org/file/1940%20Statement.pdf>

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

All College District employees shall perform their duties in accordance with state and federal law, College District policy, and ethical standards.

All College District personnel shall recognize and respect the rights of students, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the College District.

Employees wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

Ethical Standards

The College District holds all employees to the ethical standards ~~expressed~~ set out in this policy.

As a Citizen

An employee shall treat all persons with dignity and respect.

An employee shall accept all rights and responsibilities of citizenship, always avoiding use of the privileges of the employee's public position for private or partisan advantage.

As an Educator

An employee shall strive to help each student realize the student's full potential as a learner and as a human being.

An employee shall by example and action encourage and defend the unfettered pursuit of truth by all persons employed by the College District in the educational enterprise and students supporting the free exchange of ideas, observing the highest standards of academic honesty and integrity, and seeking always an attitude of scholarly objectivity and tolerance of other viewpoints.

An employee shall work to enhance cooperation and collegiality among students, faculty, administrators, and other personnel.

An employee shall maintain competence through continued professional development, shall demonstrate that competence through consistently adequate performance, and shall seek to enhance that competence by accepting and appropriating constructive criticism and evaluation.

As a Colleague

An employee shall recognize and preserve the confidential nature of professional relationships, neither disclosing nor encouraging the disclosure of information or rumor, which might damage or embarrass or violate the privacy of any other person.

An employee shall support the right of all colleagues to academic freedom and due process and defend and assist a professional colleague accused of wrongdoing, incompetence, or other serious offense so long as the colleague's innocence may reasonably be maintained.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

An employee shall not support a colleague whose persistently unethical conduct or professional incompetence has been demonstrated through due process.

As a Member of the
College District

An employee shall make the most judicious and effective use of the College District's time and resources.

An employee shall fulfill the employment agreement both in spirit and in fact, shall give reasonable notice upon resignation, and shall neither accept tasks for which the employee is not qualified nor assign tasks to unqualified persons.

An employee shall support the goals and ideals of the College District and shall act in public affairs in such a manner as to bring credit to the College District.

An employee shall not engage in unlawful discrimination or harassment of students or colleagues and shall adhere to the College District's policies on unlawful discrimination and harassment and other conduct.

An employee shall observe the stated policies and procedures of the College District, reserving the right to seek revision in a judicious and appropriate manner.

An employee shall participate in the governance of the College District by accepting a fair share of committee and institutional responsibilities.

REFERENCE: derived from the [Texas Community College Teachers Association Code of Professional Ethics \(PDF\)](#).¹

Violations

Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as College District employees. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCC, DIAA, and DM series]

**Misconduct by
Certain Law
Enforcement
Personnel**

The College President or designee and the College District police department shall develop regulations, in accordance with law, addressing the investigation of allegations of misconduct by peace officers and telecommunicators.

Electronic Media

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (email), web logs (blogs), electronic forums (chat rooms), video-sharing websites, editorial comments posted on the internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and web-based applications.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

Record Retention An employee shall comply with the College District's requirements for records retention and destruction to the extent those requirements apply to electronic media. [See CIA and GCB]

Personal Use Employees shall be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media violates state or federal law or College District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Safety Requirements All employees shall adhere to College District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

Alcohol and Drugs A copy of this policy, the purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.

Employees shall be prohibited from using, possessing, controlling, manufacturing, transmitting, distributing, dispensing, selling, or being under the influence of any of the following substances while conducting College District business or while on College District property, in College District vehicles, or at College District-related activities, whether during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any performance-enhancing substance, including steroids.
5. Any designer drug.
6. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.

The transmittal, sale, or attempted sale of what is represented to be any of the above-listed substances shall also be prohibited under this policy.

An employee need not be legally intoxicated to be considered "under the influence" of alcohol or a controlled substance.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, controls, sells, transmits, distributes, or dispenses a substance listed above as part of the employee's job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use;
3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian;
4. Cultivates, possesses, transports, or sells hemp as authorized by law; or
5. Possesses, sells, or distributes Dextromethorphan.

*Alcoholic
Beverages*

Alcoholic beverages may be permitted on campus only in the private residences of faculty and staff. Alcoholic beverages shall not be permitted in student dormitories. With the prior consent of the Board or the College President, the alcohol provisions may be waived with respect to a specific location on College District property or a specific event that is sponsored by the College District.

State law shall be strictly enforced at all times on all property controlled by the College District in regard to the possession and consumption of alcoholic beverages.

Paraphernalia

The use, possession, control, manufacture, transmission, distribution, dispensation, or sale of paraphernalia related to any prohibited substance is prohibited.

Notice

Each employee shall be given a copy of the College District's notice regarding a drug-free workplace. [See DI(EXHIBIT)]

**Tobacco and
E-cigarettes**

An employee shall not use tobacco products or e-cigarettes on College District property, in College District vehicles, or at College District-related activities, unless authorized by the College President or designee. [See FLBD]

An employee shall not give or sell tobacco products or e-cigarettes to a person in violation of law.

**Arrests, Indictments,
Convictions, and
Other Adjudications**

An employee shall notify the employee's immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony or offense involving moral turpitude.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

Moral Turpitude

Moral turpitude includes but is not limited to:

1. Dishonesty, fraud, deceit, theft, or misrepresentation;
2. Deliberate violence;
3. Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
4. Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
5. Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or
6. Acts constituting abuse under the Texas Family Code.

**Statement Regarding
Consensual
Relationships**

Consensual relationships between persons of authority, such as faculty or administrators, and their students or subordinates, shall not be permitted by the College District.

**Relationships That
Could Result in
Sexual Harassment**

The type of relationship addressed in this policy is one of an amorous or sexual nature. When disparities in authority are present between two individuals involved in a consensual relationship, questions about professional responsibility and sexual harassment may arise. What might appear to be consensual, even to one of the parties involved, may in fact not be so. A faculty member exercises power over the students, and an individual in a management/supervisory position exercises power over subordinates and students through praise or criticism, performance evaluations or grades, recommendations for further studies or future employment, or conferral of other benefits; therefore, diminishing the student's or subordinate's actual freedom of choice.

Examples of consensual relationships that might be construed as sexual harassment may include, but are not limited to, situations where:

1. The subordinate party or student in the consensual relationship feels unwanted pressure to become involved in and/or to continue the relationship;
2. The subordinate party or student in the consensual relationship feels compelled to change behavior and/or job duties because of the consensual relationship; and

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

3. The consensual relationship has the purpose or effect of creating a work or academic environment in which others are negatively affected by the existence of that relationship.

In each of the above instances, the consensual relationships may be deemed sexual harassment. Consensual relationships that involve allegations of sexual harassment shall be handled according to the provisions of the applicable sexual harassment policy. [See DIA series for employees and FFD series for students]

Other Inappropriate
Consensual
Relationships

A consensual relationship between a faculty member and the student, or between an individual in a management/supervisory position and the subordinate or student, is inappropriate and shall be considered a violation of this policy, whether or not such a relationship results in sexual harassment. Although consensual relationships may not contain clear elements of sexual harassment, they can create problems including conflicts of interest, favoritism, and low morale.

Possible remedies for inappropriate consensual relationships that do not contain clear elements of sexual harassment may include:

1. For faculty member/student relationships, disciplinary action against the faculty member, up to and including termination, as these relationships shall not be permitted.
2. For all other inappropriate consensual relationships as described above:
 - a. Instructions given to the parties to terminate the relationship;
 - b. One of the parties transfers to a new department or job responsibility; or
 - c. Other disciplinary actions up to and including termination.

Reporting inappropriate consensual relationships that do not contain clear elements of sexual harassment shall follow College District policies and procedures normally used in dealing with misconduct of faculty and staff.

Prohibited
Harassment and
Discrimination

Engagement in prohibited harassment and discrimination shall be considered a violation of this policy, including but not limited to:

- a. Distribution of materials that advocate imminent lawless or disruptive action likely to incite violence, encourage people to violate the law, or disrupt the core educational purposes of the College District [see DGC (LOCAL)]; and

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

- b. Expression that is unlawful or materially or substantially disrupts the functioning of the College District, including, but not limited to, materials that are considered prohibited harassment and antisemitic prohibited harassment and discrimination. [see DGC (LOCAL)].

¹ Texas Community College Teachers Association Code of Professional Ethics (PDF): <https://drive.google.com/file/d/1hOLs-YhIWH4ccH7VtAMwks2GGy9KogIR/view><https://drive.google.com/file/d/1hOLs-YhIWH4ccH7VtAMwks2GGy9KogIR/view>

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Note: For expression and use of College District facilities and grounds by employees and employee organizations, see DGC. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD.

Definitions

For purposes of this policy, "antisemitism" shall mean a certain perception of Jews that may be expressed as hatred towards Jews. The terms includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community instructions and religious facilities. Examples of antisemitism are included within the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016. See Texas Government Code Section 448.001(2).

Distribution of Literature

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any College District student or registered student organization [see FKC], except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by students or registered student organizations that is not sponsored by the College District.

Materials distributed under the supervision of instructional personnel as a part of instruction or other authorized classroom activities shall not be governed by this policy.

Limitations on Content

Materials shall not be distributed by students or registered student organizations on College District property if:

1. The materials are obscene.
2. The materials contain defamatory statements about public figures or others.
3. The materials advocate imminent lawless or disruptive action and are likely to incite- violence, encourage people to violate the law, harass other students, or disrupt the core educational purpose of the College District ~~produce such action.~~
4. The materials- contain expression that is unlawful or materially or substantially disrupts the functioning of the College

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~~District, including, but not limited to, materials that are considered prohibited harassment and such as antisemiticism are harassment and discrimination. considered prohibited harassment.~~ [See DIAA, DIAB, FFDA, and FFDB]

5. The materials constitute nonpermissible solicitation. [See FI]
6. The materials infringe upon intellectual property rights of the College District. [See CT]

Time, Place, and
Manner Restrictions

Distribution of the materials shall be conducted in a manner that:

1. Is not disruptive; [See FLB]
2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;
4. Does not coerce, badger, or intimidate a person;
5. Does not interfere with the rights of others; and
6. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

The associate vice president of student life and engagement shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by students or registered student organizations to students or others in College District facilities and in areas that are not considered common outdoor areas.

Posting of Signs

For the purposes of this policy, "sign" shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; and "posting" shall be defined as any means used for displaying a sign.

Except for signs that violate the restrictions in this policy and administrative procedures, a student or registered student organization may publicly post a sign on College District property in common outdoor areas and in areas or locations designated by the associate vice president of student life and engagement. No object other than a sign may be posted on College District property.

Restrictions

A sign shall not be larger than 22 inches by 28 inches, unless authorized by the associate vice president of student life and engagement. A sign shall not be attached or posted:

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1. To a shrub or plant;
2. To a tree, except by string to its trunk;
3. To a permanent sign installed for another purpose;
4. To a fence or chain or its supporting structure;
5. To a brick, concrete, or masonry structure;
6. To a statue, monument, or similar structure;
7. On or adjacent to a fire hydrant; or
8. In a College District building, except on a bulletin board designated for that purpose.

Removal

A student or registered student organization shall remove each sign not later than 14 days after posting or, if it relates to an event, not longer than 24 hours after the event to which it relates has ended.

A sign posted in accordance with this section shall not be removed without permission from the associate vice president of student life and engagement, the student, or the registered student organization.

Disclaimer

Materials distributed by a registered student organization must include a disclaimer indicating that the materials are not sponsored by the College District and do not represent the views of the College District or College District officials, faculty, or staff.

Use of Facilities and Grounds

The facilities and grounds of the College District shall be made available to students or registered student organizations [see FKC] when such use does not conflict with use by, or any of the policies and procedures of, the College District.

Requests

To request permission to meet or host a speaker in College District facilities, interested students or registered student organizations shall file a written request with the associate vice president of student life and engagement in accordance with administrative procedures.

The students or the registered student organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Approval

The associate vice president of student life and engagement shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, with-

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out regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the student's or registered student organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation [see FI];
4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; ~~or~~
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group;:-
9. The proposed use would advocate imminent lawless or disruptive action and is likely to incite violence, encourage people to violate the law, harass other students, or disrupt the core educational purpose of the College District; or
- ~~8.10.~~ The proposed use would constitute expression that is unlawful or materially or substantially disrupts the functioning of the College District, including, but not limited to, expression that is considered prohibited harassment and antisemitic harassment and discrimination. such as antisemitism.

The associate vice president of student life and engagement shall provide the applicant a written statement of the grounds for rejection if a request is denied.

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*Common
Outdoor Area
Exception*

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Students and student organizations may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful including, but not limited to, expression that is considered prohibited harassment and anti-semitic harassment and discrimination, such as antisemitism;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

Announcements
and Publicity

In accordance with administrative procedures, all students and registered student organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.

Identification

Students or registered student organizations distributing materials on campus or using College District facilities shall provide identification when requested to do so by a College District representative.

Violations of Policy

Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, confiscation of nonconforming materials, suspension of a student's or registered student organization's use of College District facilities, and/or other disciplinary action in accordance with the College District's discipline policies and procedures, including expulsion [see FM].

Interference with
Expression

Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures, including termination of employment or expulsion [see DH and FM].

Appeals

Decisions made by the administration in accordance with this policy may be appealed in accordance with DGBA(LOCAL) or FLD(LOCAL), as applicable.

Publication

This policy and associated procedures must be posted on the College District's website and distributed in the student and employee handbooks and other appropriate publications. They must also be distributed to students at orientation.

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**Code of Student
Conduct and
Discipline**

The College District's primary concern is the student. It attempts to provide for all students an environment that is conducive to academic endeavor, social growth, and individual self-discipline. The College District presumes that the student has an earnest purpose and studious and courteous habits, and this presumption in the student's favor continues until, by the neglect of duty or misconduct, the student reverses it. Every student is expected to obey all federal, state, and local laws and College District regulations and is expected to familiarize himself or herself with the requirements of such laws. Any student who violates any provision of those laws shall be subject to disciplinary action, including expulsion, notwithstanding any action taken by civil authorities on account of the violation. The College District reaffirms to each student the privilege of exercising his or her rights of citizenship under the Constitution of the United States. Special care shall be taken to ensure due process and to spell out defined routes of appeal when a student feels his or her rights have been violated.

**Acquaintance with
Policies, Rules, and
Regulations**

Each student is expected to be fully acquainted with all published policies, rules, and regulations of the College District, copies of which shall be available to each student for review in the College District catalog, student handbook, and policy manual, each of which can be viewed online or at the office of the associate dean of students/Title IX coordinator. The College District will hold each student responsible for compliance with these policies, rules, and regulations.

Student

A "student" shall mean an individual who is currently enrolled in the College District and any prospective or former student who has been accepted for admission or readmission to any component institution while on the premises of any component institution.

Premises

The "premises" of the College District is defined as all real property over which the College District has possession and control.

Student Misconduct

Federal, State, and
Local Law

Violations of federal, state, or local law or College District policies, procedures, or rules, including the student handbook shall be prohibited.

Prohibited Weapons
and Devices

Possession, distribution, sale, or use of firearms, location-restricted knives, clubs, knuckles, firearm silencers, or other prohibited weapons or devices in violation of law or College District policies and procedures shall be prohibited. [See CHF]

Drugs and Alcohol

Behaviors regarding drugs and alcohol and associated paraphernalia shall be prohibited as described in policy FLBE.

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- Debts Owing a monetary debt to the College District that is considered delinquent or writing an "insufficient funds" check to the College District shall be prohibited.
- Disruptions The following behavior regarding disorderly conduct or disruptive behavior occurring on premises owned or controlled by the College District shall be prohibited:
1. Behavior of a boisterous and tumultuous character such that there is a clear and present danger of alarming persons where no legitimate reason for alarm exists.
 2. Interference with the peaceful and lawful conduct of persons under circumstances in which there is reason to believe that such conduct will cause or provoke a disturbance.
 3. Violent and forceful behavior at any time such that there is a clear and present danger that free movement of other persons will be impaired.
 4. Behavior involving personal abuse or assault when such behavior creates a clear and present danger of causing assaults or fights.
 5. Violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which there is reason to believe that such conduct will cause or provoke a disturbance.
 6. Willful and malicious behavior that interrupts the speaker of any lawful assembly or impairs the lawful right of others to participate effectively in such assembly or meeting when there is reason to believe that such conduct will cause or provoke a disturbance.
 7. Willful and malicious behavior that obstructs or causes the obstruction of any doorway, hall, or any other passageway in a College District building to such an extent that the employees, officers, and other persons, including visitors, having business with the College District are denied entrance into, exit from, or free passage in such building.
 8. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other College District activities, including public service functions, or other authorized activities on College District premises.
- Behavior Targeting Others The following behavior targeting others shall be prohibited:
1. Threatening another person, including a student or employee;

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2. Intentionally, knowingly, or negligently causing physical harm to any person;
3. Engaging in conduct that constitutes harassment, sexual assault, dating violence, stalking, or bullying directed toward another person, including a student or employee; [See DIA series, FFD series, and FFE as appropriate]
4. Hazing with or without the consent of a student; [See FLBC]
5. Initiations by organizations that include features that are dangerous, harmful, or degrading to the student, a violation of which also renders the organization subject to appropriate discipline; ~~and~~
6. Endangering the health or safety of members of the College District community or visitors to the premises;
7. Engaging in imminent lawless conduct or disruptive action and is likely to incite violence, encourage people to violate the law, harass other students, or disrupt the core educational purpose of the College District; and
- 6-8. Engaging in conduct that would constitute expression that is unlawful or materially or substantially disrupts the functioning of the College District, including, but not limited to, expression that is considered prohibited harassment and antisemitic harassment and discrimination. such as antisemitism [see FLA (LOCAL)].-

Property

The following behavior regarding property shall be prohibited:

1. Intentionally, knowingly, or negligently defacing, damaging, misusing, or destroying College District property or property owned by others;
2. Stealing from the College District or others; and
3. Theft, sabotage, destruction, distribution, or other use of the intellectual property of the College District or third parties without permission.

Directives

Failure to comply with directives given by College District personnel and failure to provide identification when requested to do so by College District personnel shall be prohibited.

Tobacco and E-cigarettes

Possession or use of tobacco products or e-cigarettes on College District property shall be prohibited. [See FLBD]

Misuse of Technology

The following behavior regarding misuse of technology shall be prohibited:

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1. Violating policies, rules, or agreements signed by the student regarding the use of technology resources;
2. Attempting to access or circumvent passwords or other security-related information of the College District, students, or employees or uploading or creating computer viruses;
3. Attempting to alter, destroy, disable, or restrict access to College District technology resources including but not limited to computers and related equipment, College District data, the data of others, or other networks connected to the College District's system without permission;
4. Using the internet or other electronic communications to threaten College District students, employees, or volunteers;
5. Sending, posting, or possessing electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal;
6. Using electronic means to engage in or encourage illegal behavior or threaten the safety of the College District, students, employees, or visitors; and
7. Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten the safety of the College District, students, employees, or visitors.

Dishonesty

The following behavior regarding dishonesty shall be prohibited:

1. Making false accusations or perpetrating hoaxes regarding the safety of the College District, students, employees, or visitors;
2. Intentionally or knowingly providing false information to the College District; and
3. Intentionally or knowingly falsifying records, passes, or other College District-related documents.

Gambling and Other Conduct

Gambling or engaging in any other conduct that College District officials might reasonably believe will substantially disrupt the College District program or incite violence shall be prohibited.

Use of Electronic Devices

The use of an electronic device shall not interfere with instructional, administrative, student, public service, and other authorized activities on College District premises. Unless prior authorization is obtained from the instructor or respective College District official, the use of an electronic device is expressly prohibited in classrooms, laboratories, clinical settings, and designated quiet

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areas on College District premises. Certain violations of this policy may be excused in the case of emergencies or other extenuating circumstances provided that prior approval is obtained from the instructor or respective College District official.

The use of electronic equipment capable of capturing still or moving images in any location where individuals may reasonably expect a right to privacy is not authorized on College District premises. Noncompliance with these provisions shall be considered a violation of Board-adopted policy and shall warrant appropriate disciplinary action.

Scholastic
Dishonesty

"Scholastic dishonesty" shall include, but not be limited to, cheating, plagiarism, and collusion.

"Cheating" shall include, but not be limited to:

1. Copying from another student's test or class work;
2. Using test materials not authorized by the person administering the test;
3. Collaborating with or seeking aid from another student during a test without permission from the test administrator;
4. Knowingly using, buying, selling, stealing, or soliciting, in whole or in part, the contents of an unadministered test, paper, or another assignment;
5. The unauthorized transporting or removal, in whole or in part, of the contents of the unadministered test;
6. Substituting for another student, or permitting another student to substitute for oneself, to take a test;
7. Bribing another person to obtain an unadministered test or information about an unadministered test; or
8. Manipulating a test, assignment, or final course grades.

"Plagiarism" shall be defined as the appropriating, buying, receiving as a gift, or obtaining by any means another's work and the unacknowledged submission or incorporation of it in one's own written work.

"Collusion" shall be defined as the unauthorized collaboration with another person in preparing written work for fulfillment of course requirements.

Procedures for discipline due to scholastic dishonesty shall be the same as for student disciplinary actions, except that all scholastic

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dishonesty actions shall be first considered and reviewed by the faculty member.

Suspended Student Restriction

No student who has been suspended from the College District for disciplinary reasons shall be permitted on the College District campus during the period of such suspension without the prior written approval of the designated administrator of the College District.

Procedure for Administration of Discipline

College District faculty and staff shall submit an alleged violation or violations of College District policies and procedures, including the rules for student conduct described in this policy, committed by a student to the designated administrator of the College District within a reasonable time following an alleged incident, not to exceed 10 College District business days. The allegations must be submitted in writing, through traditional or electronic means, and must describe the violation and any surrounding facts.

The designated administrator of the College District is the agent within the College District who has the responsibility for student conduct. The designated administrator of the College District shall be responsible to the vice president of student success and enrollment for recommending the formulation and revision of policies and enforcement procedures relating to student conduct and disposal and referral of such individual cases as may properly come before him or her.

Student Disciplinary Hearings

The designated administrator of the College District shall be responsible for conducting student disciplinary hearings. Upon receipt of a report alleging misconduct, the designated administrator of the College District shall investigate the matter, as necessary. The student shall be summoned by the designated administrator of the College District for a conference to be held within a reasonable time, not to exceed 10 College District business days, following receipt of the allegation of misconduct. A second summons may be sent if necessary. Failure of the student to report after two notices may result in suspension from the College District. Based on a review of pertinent information, it shall be the responsibility of the designated administrator of the College District to determine if a violation of the code of student conduct and discipline has occurred. After discussion with the student and after a determination that the charges are founded, the designated administrator of the College District shall assess the penalty appropriate to the charges and inform the student of such action in writing. The student shall be informed that the decision of the designated administrator of the College District may be reviewed through established appeal procedures.

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**Appeal to the
Designated Vice
President**

Within five College District business days after the decision has been made by the designated administrator of the College District, the student may give notice of appeal in writing and delivered to the office of the designated vice president. Both parties may, at the discretion of the designated vice president, submit oral or written arguments to support their positions. In order for the appeal to be considered, all the necessary documentation must be filed by the appealing party, including written arguments when appropriate, with the designated vice president within 10 College District business days after notice of appeal is given.

**Review by the
Designated Vice
President**

The designated vice president may approve, reject, or modify the decision in question. After discussion with the student, and if a determination is made that the charges are founded, the designated vice president shall assess the penalty appropriate to the charges and inform the student of such action in writing. The student shall be informed that the decision may be reviewed through established appeal procedures.

**Appeal to the
College President**

Within five College District business days after the decision has been made by the designated vice president, the student may give notice of appeal to the College President. Notice of appeal must be made in writing and delivered to the College President. Both parties may, at the discretion of the College President, submit oral or written arguments to support their positions. In order for the appeal to be considered, all the necessary documentation must be filed by the appealing party, including written arguments when appropriate, with the College President within 10 College District business days after notice of appeal is given.

**Review by the
College President**

The College President may approve, reject, or modify the decision in question. After discussion with the student, and if a determination is made that the charges are founded, the College President shall assess the penalty appropriate to the charges and inform the student of such action in writing.

Appeal to the Board

The student shall have the right to appeal his or her case to the Board by submitting a written request through the College President within 10 College District business days following the decision rendered by the College President. The appellant may be represented by legal counsel in this appeal to the Board. The meeting of the Board to hear the student's appeal shall allow sufficient time for the student appellant and the institutional representatives to present the salient facts pertaining to the issue in question. The appellant may present his or her appeal or may have counsel to present his or her appeal to the Board following due process in the hearings and a determination thereof.

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Board's Right to Review

The Board shall have the right to review any student disciplinary action and approve, reject, or modify the decision.

Interim Disciplinary Action

The designated administrator or the designated vice president of the College District may take immediate interim disciplinary action, including suspension, pending a hearing against a student for violation of a rule or regulation of the College District when the continuing presence of the student poses a danger to persons or property or an ongoing threat of disrupting the academic process. In such cases, the designated administrator or the designated vice president shall, if possible, meet with the student prior to suspension, discuss the reasons for interim suspension, and allow the student to explain his or her objections pending a full hearing.

Immediate interim disciplinary action, including suspension, may be taken against any student who owes a monetary debt that is considered delinquent to the College District. Established procedures developed by the office of the bursar shall address student conditions to resolve this monetary debt. Failure to follow these established conditions shall result in the student's removal from the College District.

Recording of Disciplinary Action

The College District shall maintain confidential records of all disciplinary actions. The College District may expunge those records within five years after the student ceases to be enrolled.

Note: For expression and use of College District facilities and distribution of literature by students and registered student organizations, see FLA. For expression and use of College District facilities by employees and employee organizations, see DGC. For use of the College District's internal mail system, see CHE.

**Use of College
District Facilities**

The grounds and facilities of the College District shall be made available to members of the College District community and community organizations, including College District support organizations, when such use is for educational, recreational, civic, or social activities and the use does not conflict with use by, or any of the policies and procedures of, the College District.

Requests

To request permission to meet in College District facilities, interested community members or organizations shall file a written request through the online institutional facilities calendar managed by the office of strategic and external initiatives in accordance with administrative procedures.

The community members or organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Approval

Requests for community use of College District facilities shall be considered on a first-come, first-served basis.

The office of strategic and external initiatives shall approve or reject the request in accordance with provisions of and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the community members' or organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is subject to a sanction [see Violations of Policy, below] prohibiting the use of the facility;
3. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;

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4. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
5. The proposed activity would disrupt or disturb the regular academic program; or
6. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property.

*Common
Outdoor Area
Exception*

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Community members and organizations may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful including, but not limited to, expression that is considered prohibited harassment and anti-semitic harassment and discrimination, such as antisemitism. For purposes of this policy, "antisemitism" shall mean a certain perception of Jews that may be expressed as hatred towards Jews. The terms includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included within the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016. See Texas Government Code Section 448.001(2);
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

For-Profit Use

The College District shall not permit individuals or for-profit organizations to use its facilities for financial gain; however, the College District shall permit private academic instruction, as well as public performances or presentations so long as no admission fee is charged, when these activities do not conflict with College District use or with this policy.

Nonprofit Use

The College District shall permit nonprofit organizations to conduct fundraising events on College District property when these activities do not conflict with College District use or with this policy.

*Campaign-
related Use*

Except to the extent a College District facility is used as an official polling place, College District facilities shall not be available for use

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	by individuals or groups for political advertising, campaign communications, or electioneering, as those terms are used in state law.
<i>No Approval Required</i>	No approval shall be required for nonschool-related recreational use of the College District's unlocked, outdoor recreational facilities, such as the track, tennis courts, and the like, when the facilities are not in use by the College District or for another scheduled purpose.
<i>Written Notice if Request Rejected</i>	The office of strategic and external initiatives shall provide the applicant a written statement of the grounds for rejection if a request is denied.
Emergency Use	In case of emergencies or disasters, the College President or designee may authorize the use of College District facilities by civil defense, health, or emergency service authorities.
Repeated Use	The College District shall permit repeated use by any community member or organization in accordance with administrative procedures.
<i>Exception</i>	Any limitations on repeated use by a community member or organization shall not apply to any group or organization when the primary participants in the activities are College District students, faculty, or staff.
Scheduling	Academic and extracurricular activities sponsored by the College District shall always have priority when any use is scheduled. The office of strategic and external initiatives shall have authority to cancel a scheduled use by a community member or organization if an unexpected conflict arises with a College District activity.
Use Agreement	Any community member or organization approved for a nonschool use of College District facilities shall be required to complete a written agreement indicating receipt and understanding of this policy and any applicable administrative regulations, and acknowledging that the College District is not liable for any personal injury or damages to personal property related to the nonschool use.
Fees for Use	A community member or organization authorized to use College District facilities shall be charged a fee for the use of designated facilities. The Board shall establish and publish a schedule of fees based on the cost of the physical operation of the facilities, as well as any applicable personnel costs for supervision, custodial services, food services, security, and technology services.

Exception

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	<p>Fees shall not be charged when College District buildings are used for public meetings sponsored by state or local governmental agencies.</p>
<p>Required Conduct</p>	<p>Community members and organizations using College District facilities shall:</p> <ol style="list-style-type: none">1. Conduct business in an orderly manner;2. Provide identification when requested to do so by a College District representative;3. Abide by all laws, policies, and procedures, including, but not limited to, those prohibiting the use, sale, or possession of alcoholic beverages, illegal drugs, and firearms, and the use of tobacco products or e-cigarettes on College District property; [See CHF and GDA]4. Make no alteration, temporary or permanent, to College District property without prior written consent from the College President; and5. Be responsible for the cost of repairing any damages incurred during use and shall be required to indemnify the College District for the cost of any such repairs.
<p>Distribution of Literature</p>	<p>Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any community member or organization, including a College District support organization except in accordance with this policy.</p> <p>The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by a community member or organization.</p>
<p>Limitations on Content</p>	<p>Materials shall not be distributed by a community member or organization on College District property if:</p> <ol style="list-style-type: none">1. The materials are obscene;2. The materials contain defamatory statements about public figures or others;3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action;4. The materials are considered prohibited harassment [see DIA series and FFD series];

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES

GD
(LOCAL)

5. The materials constitute unauthorized solicitation [see Use of College District Facilities, above]; or
6. The materials infringe upon intellectual property rights of the College District [see CT].

Time, Place, and Manner Restrictions

Distribution of materials shall be conducted in a manner that:

1. Is not disruptive [see FLB];
2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;
4. Does not coerce, badger, or intimidate a person;
5. Does not interfere with the rights of others; and
6. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

The office of strategic and external initiatives or designee shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by community members or organizations to others in College District facilities and in areas that are not considered common outdoor areas.

Posting of Signs

For the purposes of this policy, "sign" shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; and "posting" shall be defined as any means used for displaying a sign.

No signs may be posted on College District property by a community member or organization unless the posting qualifies as a permitted campaign-related use or is in a common outdoor area subject to administrative procedures.

Exception

A College District support organization may post a sign in College District facilities with prior approval of the director of public relations in accordance with the procedures developed for that purpose.

Identification

A community member or organization distributing materials on campus shall provide identification when requested to do so by a College District representative.

Violations of Policy

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES

GD
(LOCAL)

Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, the suspension of the individual's or organization's use of College District facilities and the confiscation of nonconforming materials.

**Interference with
Expression**

Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures. [See DH and FM]

Appeals

Decisions made by the administration in accordance with this policy may be appealed in accordance with GB(LOCAL), DGBA(LOCAL), and FLD(LOCAL) as applicable.

Publication

This policy and associated procedures must be posted on the College District's website and distributed in the employee and student handbooks and other appropriate publications.

June 21, 2024

Office of the Texas Governor,
Budget and Policy Division,
P.O. Box 12428
Austin, Texas 78711

RECEIVED
JUN 24 2024

GOVERNOR'S BUDGET OFFICE

RE: Governor Abbott's Executive Order GA-44

Dear Sir/Madame:

Texas State University System (TSUS), on behalf of its seven member institutions,¹ is pleased to inform you of its compliance with the requirements of Executive Order GA-44.

In accordance with Executive Order GA-44, the TSUS institutions have:

- reviewed and updated their free speech and expressive activities policies to include appropriate disciplinary measures, including expulsion from the institution,
- confirmed that the free speech and expressive activities policies are being enforced, and,
- included in the free speech and expressive activities policies the definition of antisemitism as stated in *Texas Government Code §448.001*.

A copy of each institution's revised policies is attached as confirmation and evidence of the institution's compliance with the Executive Order.

If you have any questions, please feel free to contact me or the TSUS Vice Chancellor and General Counsel, Nelly Herrera, at nelly.herrera@tsus.edu or (512) 463-9976.

Sincerely,


Alan L. Tinsley
Chair, Board of Regents

¹ The seven member institutions of the Texas State University System are Lamar University, Sam Houston State University, Sul Ross State University, Texas State University, Lamar Institute of Technology, Lamar State College Orange and Lamar State College Port Arthur.



TEXAS STATE UNIVERSITY

RECEIVED
JUN 24 2024
GOVERNOR'S BUDGET OFFICE

Expressive Activities Policy

UPPS No. 07.04.01

Issue No. 1

Effective Date: 6/20/2024

Next Review Date: 9/01/2027 (E3Y)

Sr. Reviewer: Assistant Vice President for Student Success and Executive Director of Student Involvement

POLICY STATEMENT

Texas State University is committed to upholding the First Amendment of the United States Constitution and respects individuals' rights to express their views through all forms of legally protected speech, press, religion, petition, and assembly.

01. SCOPE

- 01.01 Texas State University is a public institution and supports the free exchange of ideas which includes freedom of speech, freedom of inquiry, and freedom of dissent. Texas State is committed to upholding the First Amendment of the United States' Constitution and respects the right of individuals to express their views through all forms of legally protected speech, press, religion, petition, and assembly.
- 01.02 This policy relates to expressive activities on university-owned or leased property and provides reasonable time, place, and manner restrictions.
- 01.03 All Texas State community members and affiliates share responsibility to maintain an atmosphere conducive to scholarly, creative, and educational pursuits; to preserve the dignity and seriousness of university ceremonies; and to respect the rights of all individuals. Persons who choose to engage in expressive activities and participants who observe activities must follow this policy.

02. DEFINITIONS

- 02.01 Antisemitism – a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.
- 02.02 Camping is defined as any of the following:
 - a. sleeping outdoors, any time between the hours of 10:00 p.m. and 8:00 a.m., with or without camp paraphernalia;

- b. establishing or maintaining outdoors, anytime between the hours of 10:00 pm and 8:00 a.m., a temporary structure or exhibit for sleeping or cooking;
 - c. establishing, or attempting to establish, temporary or permanent living quarters on Texas State property other than residence halls, apartments, or other Texas State-owned or sponsored housing; and
 - d. sleeping in or under any parked vehicle.
- 02.03 Commercial Speech – speech or writing on behalf of a business with the intent of earning revenue or a profit.
- 02.04 Common Outdoor Areas – public forums that include the streets, sidewalks, or other common outdoor property owned or leased by Texas State.
- 02.05 Designated Areas – areas where amplified sound, exhibits, and temporary structures may be used or displayed within the time, place, and manner specified by the university. Reference the Amplified Sound on Campus, and Exhibits and Temporary Structures webpages to view a list of designated areas.
- 02.06 Exhibit – a display that is intended to convey a particular message, which may include posters and signs, or furniture and furnishings, such as desks, tables, boxes, and other objects.
- 02.07 Expressive Activity – any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, signage both fixed and portable, and the circulation of petitions.
- 02.08 External Speaker – an individual who is not a current student, faculty, or staff member at Texas State.
- 02.09 Limited Public Forum – exists where a government has intentionally reserved a forum only for certain groups or for the discussion of certain topics.
- 02.10 Non-Public Forums – includes the inside of buildings or outdoor classrooms, field-based research sites, educational teaching areas, and outdoor space that is used for dedicated Texas State business or an event.
- 02.11 Significant University Interest – These include:
- a. maintaining the privacy, security, health, and safety for persons on both campuses including the protection from deception, fraud, and commercial exploitation;
 - b. preserving an academic atmosphere (classes meeting in their settings should not be disrupted; quiet is necessary in areas assigned for study; university programs and activities should not be disrupted);
 - c. ensuring the unimpeded flow of pedestrian and vehicular movement through university facilities, roads, and walkways;
 - d. preventing unlawful activities on campus; or
 - e. preventing the destruction and preserving the integrity of university property.

- 02.12 Student, Faculty, and Staff Employees – registered student, currently employed faculty, and currently employed staff.
- 02.13 Temporary Structure – a physical object that is intended to convey a particular message. Temporary structures may be props and displays, such as coffins, crates, crosses, cages, and statues; furniture and furnishings, such as desks, tables, bookcases, and cabinets; shelters, such as tents, boxes, shanties, and other enclosures; and other objects. Persons may not inhabit, sleep in, camp in, or use a temporary structure as a shelter, unless prior approval is given.
- 02.14 Time, Place, Manner – public institutions may impose restrictions on expressive activity related to the time, place, and manner. Such restrictions must satisfy a three-prong test outlined by the United States Supreme Court:
- a. be content-neutral and viewpoint-neutral;
 - b. be narrowly tailored to serve a significant governmental interest; and
 - c. leave open ample alternative channels for communicating the speaker's message.
- 02.15 Traditional Public Forum – includes the common outdoor areas owned or leased by the university that are available without the need for reservation or prior approval for an expressive activity, planned or spontaneous.
- 02.16 University Official – an employee who has responsibility for making judgments and decisions on behalf of the university.

03. DEMONSTRATIONS

- 03.01 Expressive activities must not infringe upon the rights of others to engage in peaceful assembly, orderly protest, free exchange of ideas, or otherwise unreasonably interfere with the rights of others to make use of university outdoor grounds.
- 03.02 Failure to follow directives from university officials, or from University Police Department officers, may result in verbal warning, student conduct referral, or criminal charges. Examples of activities that are not allowed are covered in the Texas State Code of Student Conduct.
- 03.03 Persons may assemble lawfully to demonstrate at Texas State in common spaces. While this policy is content-neutral and viewpoint-neutral in the regulation of speech, the university reserves the right to limit, disallow, or disband an expressive activity that:
- a. incites violent action;
 - b. represents a clear and present danger or health and safety risk to the university community in the judgment of designated university officials;
 - c. fails to meet reasonable time, place, and manner restrictions;
 - d. disrupts class or other university business;
 - e. substantially disrupts routes of entry or egress to class or work; or

f. involves substantial disorder.

- 03.04 Signs with stakes are not permitted during demonstrations. Signs may be confiscated by a university official or law enforcement officer if they are used to bump, hit, or injure a person or damage property.
- 03.05 Pursuant to Texas Penal Code 48.05, camping is prohibited in a public place without appropriate consent. As such, camping and overnight stays are not permitted at Texas State without prior approval from the department of Student Involvement & Engagement (SI&E).
- 03.06 At the conclusion of the demonstration, organizers are expected to return the area to the condition it was in before the demonstration.

04. AMPLIFIED SOUND

- 04.01 To preserve the academic and core business of the university, the use of amplified sound is restricted to certain times and designated areas.
- 04.02 The use of amplified sound on campus must be approved by the appropriate department. See the Amplified Sound on Campus webpage for more information.

05. EXHIBITS AND TEMPORARY STRUCTURES

- 05.01 Persons desiring to build and/or maintain a temporary structure or display an exhibit must obtain approval through SI&E. See the Exhibits and Temporary Structures webpage for more information.
- 05.02 Persons who erect a temporary structure or display an exhibit assume full responsibility for the structure or exhibit, including all injuries or hazards that may arise from the structure or exhibit. The university shall not be liable for any damage that may occur to the structure or exhibit, and any person or organization sponsoring the structure or exhibit shall indemnify the university for any claims arising from their presence on campus.

06. DISTRIBUTING LITERATURE, HOSTING INFORMATIONAL BOOTHS, AND HANGING BANNERS

- 06.01 Persons wishing to distribute literature, host informational booths, and hang banners at Texas State must register these activities with SI&E. For more information and procedures related to literature distribution, hosting informational booths, and hanging banners on the Texas State campus, see the Literature, Booths, and Banners webpage.
- 06.02 Media on literature, distributed at informational booths, and included on banners must not:
- interfere with academic or other institutional programs that are being conducted in campus facilities;
 - interfere with the free and unimpeded flow of vehicular or pedestrian traffic on sidewalks and streets and at places of ingress and egress to and from campus buildings;

- c. harass individuals;
 - d. promote the violation of local, state, or federal law or published university policy or Texas State University System (TSUS) Rules and Regulations;
 - e. constitute disorderly conduct, disrupt classroom discussion, impede maintenance of public order, or constitute a danger to the person distributing or receiving literature;
 - f. litter or deface the campus grounds, such as chalking, graffiti, flyers in unapproved locations, etc.; or
 - g. be placed on vehicles.
- 06.03 Window clings, yard signs, indoor and outdoor floor stickers, and other marketing materials may be used in designated areas to promote special events as approved by SI&E.

07. EVENTS WITH EXTERNAL SPEAKERS

- 07.01 Individual members of the Texas State community (faculty, staff, and students) and Registered Student Organizations may invite and host external speakers.
- 07.02 To assess the impact on university operations, all organizers of events or activities with external speakers should notify SI&E. For more information on notification processes, please see the External Speaker Notification webpage. This section does not apply to events hosted in locations designed as open public forums; however, the university encourages groups hosting events with external speakers in open public forums to notify SI&E prior to the event.
- 07.03 If a sponsoring organization is presenting an external speaker, the organization has the responsibility to advertise that they invited the speaker and that the views of the guest speaker do not necessarily represent the views of Texas State or TSUS.
- 07.04 An event with an external speaker that constitutes a clear and present danger to the university's orderly operation may be subject to restriction.
- 07.05 Students, faculty, staff, and registered student organizations campaigning on behalf of candidates for public office must abide by procedures noted in Section 06. of this policy and UPPS No. 06.02.10, Elections, Voting, and Civic Engagement On-Campus.
- 07.06 Any person who chooses to protest an external speaker shall not impair the ability of any other person to participate in the event. Refer to Section 03. of this policy for information about demonstrations.

08. EXCEPTIONS, APPEALS, AND VIOLATIONS

- 08.01 Texas State has the right to grant exceptions or variances to the provisions in this policy.
- 08.02 Individuals engaging in conduct that violates university policy or the law, as determined by university officials, may be removed from campus.

08.03 Students who engage in conduct that may violate this policy or the Code of Student Conduct may be subject to disciplinary action through the Dean of Students Office.

- a. Staff who engage in violation of this policy may be subject to disciplinary actions in accordance with UPPS No. 04.04.01, General Workplace Policy.
- b. Faculty who engage in violation of this policy may be subject to disciplinary actions in accordance with the Texas State Faculty Handbook.
- c. Any property damage caused by conduct related to expressive activity may result in the assessment of fees for cleaning, repairs, and replacement of property to the organization and/or persons involved.
- d. Appeal of a decision or requests for exception under this policy should be directed to the Office of the Vice President of Student Success, or designee, at least three business days prior to the start of the activity or event. Appeals and exceptions may be submitted via the Expressive Activity Appeal/Exception Form.
- e. Persons wishing to submit a grievance regarding a violation of their freedom of expression rights should contact the Office of the Vice President of Student Success.

09. RELATED STATUTES, POLICIES, OR REQUIREMENTS

- 09.01 Texas Constitution, Section 8, Article I
- 09.02 Texas Education Code § 51.9315 - Protected Expression on Campus
- 09.03 Texas Penal Code 48.05
- 09.04 Texas State University Code of Student Conduct
- 09.05 Texas State University Faculty Handbook
- 09.06 TSUS Rules and Regulations, Chapter VII, section 3.1
- 09.07 UPPS No. 04.04.01, General Workplace Policy
- 09.08 UPPS No. 06.02.10, Elections, Voting, and Civic Engagement On-Campus
- 09.09 UPPS No. 07.04.03, Solicitation on Campus

10. REVIEWERS OF THIS UPPS

10.01 Reviewers of this UPPS include the following:

Position	Date
Assistant Vice President for Student Success and Executive Director of Student Involvement and Engagement	September 1 E3Y
Program Director, Student Involvement	September 1 E3Y

Position	Date
Director, University Police	September 1 E3Y
Director, Environmental, Health, Safety, Risk, and Emergency Management	September 1 E3Y
Director, Student Success at Round Rock	September 1 E3Y
Assistant Vice President and Executive Director of Housing and Residential Life	September 1 E3Y
Director, LBJ Student Center	September 1 E3Y

11. CERTIFICATION STATEMENT

This UPPS has been approved by following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Assistant Vice President for Student Success and Executive Director of Student Involvement and Engagement; senior reviewer of this UPPS

Vice President for Student Success

President

SAM HOUSTON STATE UNIVERSITY

RECEIVED
JUN 24 2024

GOVERNOR'S BUDGET OFFICE

Sam Houston State University
MEMBER THE TEXAS STATE UNIVERSITY SYSTEM

Expressive Activity Policy EA-1

SUBJECT: Expressive Activity

PURPOSE: The purpose of this policy is (1) to protect the free speech rights (expressive activities) of individuals on all Sam Houston State University Campuses; (2) to preserve the University's primary academic mission; and (3) to protect the health and safety of the University community. In accordance with state and federal law, as well as Chapter VII, Subparagraph 3.1 of the Texas State University System (TSUS) Rules and Regulations, the University established the following reasonable time, place, and manner restrictions. Any restriction listed below applies equally to individuals and groups, regardless of viewpoint.

In the event of a conflict between this policy and the TSUS Rules and Regulations, the Rules and Regulations shall control.

CONTENTS:

1. Definitions
2. Disruptive Activities Prohibited
3. University Grounds – Designated Traditional Public Forums
4. Speech, Expression, and Assembly
5. Reservations
6. Amplified Sound
7. Off-Campus Speakers
8. Banners, Exhibits, and Chalking
9. Violations/Reporting
10. Disciplinary Process
11. Educational Programs

1. Definitions

1. Amplified sound is sound volume increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on amplified sound but are subject to general rules on disruption/noise violation.
2. Antisemitism in this policy means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.
3. Disruptive activities mean:

1. Obstructing or restraining the passage of persons to the campus or an area of the campus or to an exit, entrance, or hallway of any building without the authorization of the SHSU administration;
2. Seizing control of an area of the SHSU Campus or any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity; or
3. Disrupting and/or preventing or attempting to prevent by force or violence or the threat of force or violence any lawful assembly authorized by the SHSU administration. Unlawful assembly is when a person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or a reasonable fear of force or violence.
4. Expressive activities mean any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
5. Grounds means all common outdoor spaces on any SHSU University Campus, including The Woodlands and the College of Osteopathic Medicine campuses.

2. Disruptive Activities Prohibited

The university strictly enforces the TSUS Rules and Regulations' prohibition of disruptive activities (see Chapter VI, Subparagraph 5.4 and Chapter VII, Subparagraph 3.7) on the SHSU Campus. Any person who violates the prohibition will be subject to any remedies provided by law and the TSUS Rules and Regulations, including, but not limited to, removal from campus, the student or employee disciplinary process, or criminal prosecution.

3. University Grounds – Designated Traditional Public Forums

1. Chapter VII, Subparagraph 3.1 of the TSUS Rules and Regulations designates all university grounds as traditional public forums. Any person may engage in expressive activities on University grounds, subject to federal and state laws, and reasonable time, place, and manner restrictions.
2. Restricted University Grounds

To ensure access to and egress from university buildings for their intended educational purpose, the outdoor areas within a ten feet circumference of university facilities, including walkways and breezeways, are reserved solely for university educational or research activities, including, but not limited to:

- Lowman Student Center (LSC) Courtyard – LSC Courtyard is located by the west entrance of the LSC and adjacent to the LSC Atrium and outdoor artwork. It provides outdoor programming space and open dining.
- University Camp
- University Residence Halls
- Sam Houston Memorial Museum (except for the Gazebo)
- The Bearkat Course

- Gibbs Ranch
- Ron & Ruth Blatchley Bell Tower
- All SHSU Parking Lots and Garages

The Administration, including University Police, may increase the circumference restriction as necessary solely to protect the health and safety of the campus community or to preserve access to campus buildings or facilities.

Individuals may utilize the areas specified in Section 5 of this policy for expressive activities.

4. Speech, Expression, and Assembly

The following time, place, and manner restrictions shall apply to all expressive activities on university grounds:

1. Expressive activities must not at any time interfere with or disrupt the academic mission of the university.
2. No table, tent, or equipment associated with an expressive activity may block or interfere with the means of entrance or egress to any SHSU building, facility, or classroom.
3. All tables and chairs must remain within the reserved space for the duration of the activity.
4. Use of amplified sound must comply with the restrictions contained in the Amplified Sound section of this policy.
5. Some areas of the university may be reserved by off-campus groups. Fees may apply.
6. Improper use of any university equipment or policy may result in loss of reservation and use privileges.
7. Expressive activities must follow the Campus Fire & Safety and Risk Management policies and procedures.

5. Reservations

Outdoor areas (grounds) available for reservations:

1. Frank Parker Plaza is the open, outdoor space situated on the south side of the Lowman Student Center between the Lowman Student Center and the Lee Drain building, as depicted. It extends in length from the east near the Sam Houston statue and to the west toward the Ron & Ruth Blatchley Bell Tower.

2. Old Main Pit is the outdoor sunken area North of Austin Hall and Northwest of Peabody Memorial Library.
3. Walker Education Gazebo is located at the corner of Avenue O and 19th Street and is part of the Sam Houston Memorial Museum Complex.

Reservations are made through the Lowman Student Center by a representative of the sponsoring organization. Reservations may be denied if the activity is scheduled at the same or similar time as a university function or meeting.

6. Amplified Sound

Use of amplified sound is permitted subject to the following:

1. Location:

Use of amplified sound is permitted only in reserved areas and with an approved LSC reservation.

2. Reservation:

An amplified sound request must be made in conjunction with a LSC reservation request for Frank Parker Plaza, Old Main Pit, and Walker Education Gazebo.

3. Hours:

Amplified sound for Frank Parker Plaza and Old Main Pit is permitted during the hours of 8:00 a.m. to 10:00 p.m., Monday-Friday. Amplified sound for Walker Education Gazebo is permitted during the hours of 8:00 a.m. to 2:00 p.m., Monday – Friday.

Equipment:

All events using amplified sound in the permitted areas are required to use the LSC sound system. No personal speakers or sound amplifiers (manual or electronic) will be permitted.

4. Frequency:

Recognized student organizations are allowed one (1) amplified sound event per week. Only one (1) amplified sound event at a time is permitted in each designated area.

5. Volume:

All sound levels will be set by the LSC based on class and campus activities schedules and are not to disrupt the academic mission of the university.

6. Off-Campus Speakers

1. Only recognized student organizations, faculty, or staff may request authorization to invite an outside speaker to speak on campus. Off-campus speakers who are not sponsored or invited by a recognized student organization, faculty, or staff, or by the SHSU administration may not speak to groups in campus facilities and buildings unless the speaker is speaking to an off-campus organization that has been approved under the procedures provided in Chapter VII, Subparagraph 3.24 of the TSUS Rules and Regulations. No invitation shall be issued to an outside speaker without the prior written approval of the Vice President of Student Affairs, the Dean of Students, or designee.

2. Any speaker request shall be made in writing to the Vice President of Student Affairs, the Dean of Students, or designee by an officer of a recognized student organization, faculty, or staff, or by an administrative officer of the Component, desiring to sponsor the proposed speaker no later than fourteen (14) business days prior to the date of the proposed speaking engagement. This request shall contain the name of the sponsoring organization; the proposed date, time, and location of the meeting; the expected size of the audience; and the topic of speech. Any request not acted upon by the Vice President of Student Affairs, the Dean of Students, or designee within five (5) business days after submission shall be deemed granted.
7. Banners, Exhibits, and Chalking
 1. Recognized student organizations, faculty, and staff may hang banners or posters, affix yard signs, and display exhibits on campus by reservation through the LSC. Banners, posters, yard signs, and displays may not be affixed, in any way, to campus trees for any purpose.
 2. Outside groups or individuals are not permitted to hang banners or posters, affix yard signs, or display exhibits on any campus property.
 3. Chalking (use of chalk to write on SHSU property) is strictly prohibited.
 8. Violations/Reporting
 1. Student violations and grievance procedures are governed by Student Grievances.
 2. Employee violations and grievance procedures are governed by Human Resources.
 3. Employee violations and reporting can also be submitted to the Office of Internal Audit.
 9. Disciplinary Process
 1. Students who violate this policy will be subject to appropriate discipline under the SHSU Student Code of Conduct.
 2. SHSU employees who violate this policy will be subject to appropriate discipline under Human Resources.
 3. SHSU faculty who violate this policy will be subject to appropriate discipline under Chapter V, Paragraph 4 of the TSUS Rules and Regulations.
 10. Educational Programs
 1. SHSU has created an Expressive Activity website for education about this policy and other useful resources. The university will review the policy no less than annually to ensure compliance with applicable laws and the TSUS Rules and Regulations.
 2. Educational training shall be available upon request and conducted no less than annually for recognized student organizations.
 3. The Dean of Students' Office shall provide an annual notice to the university community regarding First Amendment protections related to free speech (Expressive Activity) via email and post this policy on the SHSU Expressive Activity website.

SUL ROSS STATE UNIVERSITY

RECEIVED
JUN 24 2024

GOVERNOR'S BUDGET OFFICE

SRSU Policy: Freedom of Speech and Expressive Activities

SRSU Policy ID: APM 4.17

Policy Reviewed by: VP for Student Affairs

Approval Authority: Executive Cabinet

Approval Date: June 18th, 2024

Next Review Date: June 18th, 2029

PURPOSE:

The purpose of this policy is (1) to protect the free speech rights (expressive activities) of individuals on all Sul Ross State University Campuses; (2) to preserve the University's primary academic mission; and (3) to protect the health and safety of the University community. In accordance with state and federal law, as well as Chapter VII, Subparagraph 3.1 of the Texas State University System (TSUS) Rules and Regulations, the University established the following reasonable time, place, and manner restrictions. Any restriction listed below applies equally to individuals and groups, regardless of viewpoint.

In the event of a conflict between this policy and the TSUS Rules and Regulations, the Rules and Regulations shall control.

1. Definitions

- 1.1. **Amplified sound**– is sound volume that is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on amplified sound but are subject to general rules on disruption/noise violation.
- 1.2. **Antisemitism** - a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.
- 1.3. **Commercial Speech** - speech or writing on behalf of a business with the intent of earning revenue or a profit.
- 1.4. **Common Outdoor Areas** – public forums that include the streets, sidewalks, or other common outdoor property owned or leased by Sul Ross State University.
- 1.5. **Designated Areas** – areas where amplified sound, exhibits, and temporary structures may be used or displayed within the time, place, and manner specified by the University.
- 1.6. **Disruptive activities mean:**
 - 1.6.1. Obstructing or restraining the passage of persons to the campus or an area of the campus or to an exit, entrance, or hallway of any building without the authorization of the SRSU administration;

- 1.6.2. Seizing control of an area of the SRSU Campus or any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity; or
- 1.6.3. Disrupting and/or preventing or attempting to prevent by force or violence or the threat of force or violence any lawful assembly authorized by the SRSU administration. A lawful assembly is disrupted when a person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or a reasonable fear of force or violence.
- 1.7. Expressive activities– means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article 1, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
- 1.8. Grounds– means all common outdoor areas on any SRSU University Campus, including the Rio Grande, Uvalde and Eagle Pass campuses.

2. Disruptive Activities

The University strictly enforces the TSUS Rules and Regulations' prohibition of disruptive activities (see Chapter VI, Subparagraph 5.4 and Chapter VII, Subparagraph 3.7) on the SRSU Campus. Any person who violates the prohibition will be subject to any remedies provided by law and the TSUS Rules and Regulations, including, but not limited to, removal from campus, the student or employee disciplinary process, or criminal prosecution.

3. University Grounds – Designated Traditional Public Forums

Chapter VII, Subparagraph 3.1 of the TSUS Rules and Regulations designates all University grounds as traditional public forums. Any person may engage in expressive activities on University grounds, subject to federal and state laws, and reasonable time, place, and manner restrictions.

Individuals may utilize the areas specified in Section 5 of this policy for expressive activities.

4. Speech, Expression, and Assembly

The following time, place, and manner restrictions shall apply to all expressive activities on University grounds:

- 4.1 Expressive activities must not at any time interfere with or disrupt the academic mission of the University.
- 4.2 No table, tent, or equipment associated with an expressive activity may block or interfere with the means of entrance or egress to any SRSU building, facility, or classroom.
- 4.3 All tables and chairs must remain within the reserved space for the duration of the activity.

- 4.4 Use of amplified sound must comply with the restrictions contained in the Amplified Sound section of this Policy.
- 4.5 Some areas of the University may be reserved by off-campus groups. Fees may apply.
- 4.6 Improper use of any University equipment or policy may result in loss of reservation and use privileges.

5. Reservations

Outdoor areas (grounds) are available for reservation, but not required:

Reservations are made through the Campus Activities Office by a representative of the sponsoring organization. Reservations may be denied if the activity is scheduled at the same or similar time as another University function or meeting.

6. Amplified Sound

To preserve the academic and core business of the university, the use of amplified sound is restricted to certain times and designated areas.

Use of amplified sound is permitted subject to the following:

6.1 Location:

Use of amplified sound is permitted only in reserved areas and with an approved reservation.

6.2 Reservation:

An amplified sound request must be made in conjunction with a reservation request for

Hours:

Amplified sound for outside events is limited to the hours of 9am to 2pm on class days.

6.3 Equipment:

All events using amplified sound in the permitted areas are required to use an SRSU sound system. No personal speakers or sound amplifiers (manual or electronic) will be permitted.

6.4 Frequency:

Organizations are allowed one (1) amplified sound event per week. Only one (1) amplified sound event at a time is permitted in each designated area.

6.5 Volume:

All sound levels will be set by SRSU based on class and campus activities schedules and are not to disrupt the academic mission of the University.

7. Off-Campus Speakers

- 7.1 Only recognized student, faculty, or staff organizations may request authorization to invite an outside speaker to speak on campus. Off-campus speakers who have not been sponsored or invited by a registered student, faculty, or staff organization or by the SRSU administration may not speak to groups in campus facilities and buildings unless the speaker is speaking to an off-campus organization that has been approved under the procedures provided in Chapter VII, Subparagraph 3.24 of the TSUS Rules and Regulations. No invitation shall be issued to an outside speaker without the prior written concurrence of the Vice President of Student Affairs, the Dean of Students, or designee.
- 7.2 Any speaker request shall be made in writing to the Vice President of Student Affairs, the Dean of Students, or designee by an officer of a registered student, faculty, or staff organization, or by an administrative officer of the Component, desiring to sponsor the proposed speaker no later than fourteen (14) business days prior to the date of the proposed speaking engagement. This request shall contain the name of the sponsoring organization; the proposed date, time, and location of the meeting; the expected size of the audience; and the topic of speech. Any request not acted upon by the Vice President of Student Affairs, the Dean of Students, or designee within five (5) business days after submission shall be deemed granted.

8. Banners, Exhibits, and Chalking

- 8.1 Recognized Student Organizations, faculty, and staff may hang banners and display exhibits on campus by reservation through the LSC only. Banners, flyers, or posters may not be affixed in any way to campus trees for any purpose.
- 8.2 Outside groups or individuals are not permitted to hang banners or to display exhibits on any campus property.
- 8.3 Chalking (use of chalk to write on SRSU property) is strictly prohibited.

9. Violations/Reporting

- 9.1 Student violations and grievance procedures are governed by the Student Grievance Procedures
- 9.2 Employee violations and grievance procedures are governed by Human Resources Policy

10. Disciplinary Process

- 10.1 Students who violate this policy will be subject to appropriate discipline under SRSU's Code of Student Conduct and Discipline.
- 10.2 SRSU staff who violate this policy will be subject to appropriate discipline under Human Resources Policy.
- 10.3 SRSU faculty who violate this policy will be subject to appropriate discipline under Chapter V, Paragraph 4 of the TSUS Rules and Regulations.

LAMAR UNIVERSITY

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GOVERNOR'S BUDGET OFFICE

- [LU Connect \(https://luconnect.lamar.edu/index.html\)](https://luconnect.lamar.edu/index.html)
- [LU Online \(https://www.lamar.edu/lu-online/index.html\)](https://www.lamar.edu/lu-online/index.html)
- [Library \(https://www.lamar.edu/library/index.html\)](https://www.lamar.edu/library/index.html)
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- [Contact Us \(https://www.lamar.edu/forms/www/contact-us.html\)](https://www.lamar.edu/forms/www/contact-us.html)
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<https://www.lamar.edu>

Student Conduct and Care (<https://www.lamar.edu/students/student-affairs-strategic-initiatives/conduct-and-care-services/index.html>)

[Student Affairs and Strategic Initiatives \(https://www.lamar.edu/students/student-affairs-strategic-initiatives/index.html\)](https://www.lamar.edu/students/student-affairs-strategic-initiatives/index.html)

- [About \(../about/index.html\)](https://www.lamar.edu/../about/index.html)
- [Student Support \(../student-support/index.html\)](https://www.lamar.edu/..student-support/index.html)
- [Policies \(index.html\)](https://www.lamar.edu/index.html)
- [Contact Us \(https://www.lamar.edu/students/student-affairs-strategic-initiatives/conduct-and-care-services/index.html#contact\)](https://www.lamar.edu/students/student-affairs-strategic-initiatives/conduct-and-care-services/index.html#contact)

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Speech and Assembly

Hazing Policy
(hazing.html)

Hazing
Memorandum -
Spring 2024
(hazing-
memo.html)

Speech, Expression, and Assembly

Freedom of inquiry and free expression are important means by which the university community meets different ideas and achieves its educational purposes.

The freedoms of speech and assembly guaranteed by the first and fourteenth amendments of the United States Constitution shall be enjoyed by the students, faculty and staff of Lamar University under the Texas State University System (TSUS) Chapter VII, 3. Speech and Assembly and Texas Education Code Section 51.9315.

Such freedoms are exercised in a manner that does not illegally derogate the rights of others or interfere with the academic programs and administrative processes of the institution. The grounds of the University are traditional public forums subject to reasonable time, place and manner restrictions.

While freedom of speech and assembly is encouraged, the law recognizes that there is no absolute right to assemble or to make or hear a speech at any time or place regardless of the circumstances, content of speech, purpose of assembly, or probable consequences of such meeting or speech.

If any information in this policy conflicts with The Texas State University System "Rules and Regulations," the latter will control.

Definitions

"Advocacy" means preparing a group addressed for imminent action and steering it to such action, as opposed to the abstract espousal of the moral propriety of a course of action by resort to force; and there must be not only advocacy to action but also a reasonable apprehension of imminent danger to the essential functions and purpose of the institution.

Related Links

[Student Code of Conduct \(../.. /about/code-of-conduct.html#spr](#)

[Employee Policies \(https://www.lam /faculty-staff/human-resources /policy-manual /hr-manual-sec5-4.html\)](#)

[Faculty Handbook \(https://www.lam /faculty-staff/_files /documents /academic-affairs/faculty-handbook-jan-2019-uploaded-031020.pdf#page](#)

“Antisemitism” means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

“Freedoms of speech and assembly” mean any speech or expressive conduct and right to assembly protected by the First Amendment and Fourteenth Amendment to the United States Constitution or by Section 8, Article I of the Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

“Time, place, and manner restrictions” mean content-neutral limitations the University may place on expressive activity occurring on University-owned or leased land, grounds, or buildings to prevent interference with or disruption of the University’s academic programs and administrative processes.

Outside Speakers

Invitations to an outside speaker shall be conducted in the following manner:

1. A request to invite an outside speaker will be considered by the University only when made by a registered student, faculty or staff organization. An invitation cannot be issued to an outside speaker without prior written concurrence of the President or designee for scheduling of speaker dates and assignment of campus facilities.
2. Any speaker request shall be made in writing to the President or a designee by an officer of a registered student, faculty or staff organization, or by an

administrative officer of the University, desiring to sponsor the proposed speaker not later than six (6) business days prior to the date of the proposed speaking engagement, the proposed date, time, and location of the meeting, expected size of the audience, and topic of speech. Any request not acted upon by the President or designee within five (5) business days after submission shall be deemed granted.

3. A registered campus organization (student, faculty or staff) sponsoring a campus speaker must clearly state that the organization, not Lamar University, is extending the invitation to speak and that any views the speaker may express are the speaker's own and not necessarily those of the University or TSUS.
4. Students, faculty, staff and registered campus organizations campaigning for public office on behalf of candidates for public office must abide by the provisions in this policy.
5. Speakers paid from state funds to speak on campus shall speak in a facility that is open to the public. This provision does not apply to classes, seminars, symposia, and conferences intended for the use and benefit of students, faculty, staff and invited guests. The number of students, faculty, staff, and guests may be limited to prevent a hazard to the safety of the audience.
6. A request made by a registered campus organization may be denied only if the President or a designee, determines, after proper inquiry, that the proposed speech would constitute a clear and present danger to the institution's orderly operation by the speaker's advocacy.
7. In determining the existence of a clear and present danger, the President or designee, may consider all relevant factors, including whether the speaker has,

within the past five (5) years, invited violence, coercion, intimidation or other invasion of lawful rights, of the institutions' officials, faculty members or students, violence resulting in the seizure and subversion or destruction of property or has willfully caused the forcible disruption of regularly scheduled classes or other educational functions at any such institution.

8. Where the request for an outside speaker is denied, the sponsoring organization may appeal to the President or an authorized designee in writing within three (3) business days of the denial. A hearing within will be held within four (4) business days following the filing of its appeal before an impartial board or administrator appointed by the President for a de novo consideration of the request. Such board or administrator shall make a recommendation to the President, whose decision shall be final. If the President fails to decide the matter within seven (7) business days following the filing of the appeal, it shall be deemed granted, and the speaker's invitation may be issued by the organization.
9. Where the request for an outside speaker is granted and the speaker accepts the invitation, the sponsoring organization shall inform the President or a designee, immediately in writing of such acceptance. The President or a designee, may, at his or her discretion, require that the meeting be chaired by a member of the administration or faculty and that a statement be made at the meeting that the views presented are not necessarily those of the University or of the sponsoring organization. By acceptance of the invitation to speak, the speaker assumes full responsibility for any violation of law committed by the speaker while on campus.

10. An off-campus speaker who has not been sponsored or invited by a registered student, faculty, or staff organization or by Lamar University administration is prohibited from speaking to groups in campus facilities and buildings unless the speaker is speaking to an off-campus organization that has been authorized to meet on the campus.
11. Lamar University, with the prior written approval of the President, may rent space in appropriate buildings or grounds for political rallies and meetings provided that space is made available to legitimate political candidates in a nondiscriminatory fashion and rent for such space is based on fair market value.

Public Assembly

The freedoms of speech and assembly are basic and essential to intellectual development. However, these activities are subject to the well-established right of colleges and universities to regulate time, place, and manner so that the activities do not intrude upon or interfere with the academic programs and administrative processes of the institution and TSUS.

The University supports outdoor assembly of persons for free speech activities, including vigils, protests, demonstration, and similar activities. Outdoor spaces are also frequently used for University-sponsored events and activities, such as educational activities, Homecoming, Cardinal Activities Board programming and similar.

The institution may designate one or more appropriate areas on the campus where students, faculty, and staff may engage in rallies, group demonstrations, or public oratory without prior administrative approval. All rallies, group demonstrations, and public oratory must be conducted in accordance with the provisions and the reasonable and nondiscriminatory rules and regulations of the institution.

Any group or person, whether or not a student or employee, and whether or not invited by a registered student, faculty, or staff organization, may assemble and engage in free speech activities on the grounds of the campus. However, the President or a designee may adopt reasonable nondiscriminatory rules and regulations as to time, place, and manner of such activities and may prohibit such activities if it is determined, after proper inquiry, that the proposed speech constitutes a clear and present danger as described in this policy.

1. Persons may not block or otherwise interfere with the free flow of vehicular, bicycle or pedestrian traffic and entry into buildings, classes or offices. The right of way of streets and sidewalks must be maintained.
2. Persons may not obstruct, interrupt or attempt to physically force the cancellation of any event or activity sponsored by the University or by any users authorized to use University property.
3. Persons may not seize control of an area of the campus or any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity.
4. A lawful assembly is disrupted when a person in attendance is rendered incapable of participating in the assembly due to force or violence or a reasonable fear of force or violence.
5. Persons on University property may be required to provide picture identification and to provide evidence of qualification to a University official upon request. Evidence of qualification means a current and valid University identification card, or a valid federal or state issued identification card, or accompaniment by a University community member that is a representative of the group that issued the invitation.

6. No outdoor assembly, vigil or outdoor event may be conducted within 100 feet of any building. In addition, assemblies may not take place in the Quad as it is surrounded by academic classrooms and administrative functions or within the confines of any recreation facility or athletic facility. No outdoor assemblies may take place immediately adjacent to the residence halls between the hours of 9:00 pm to 9:00 am. Exceptions to this may be granted by the Vice President of Student Affairs and Strategic Initiatives or a designee and must be requested in writing at least three business days prior to an event.
7. Notification to the University: Prior to an outdoor assembly reasonably expected to include a large crowd (more than 100 persons) or the potential for violence, the event organizers need to notify Event Services in the Setzer Student Center so the University may institute any necessary safety measures.

Demonstrations, Publications, and Posters

Students, faculty, staff and registered campus organizations may petition, distribute publications, post signs, set up booths and/or peacefully demonstrate on the University campus. Such regulation shall prohibit any activity that would interfere with academic or University programs.

1. No group or person, whether or not a student or employee, shall publicly display, distribute, or disseminate on the University campus any petition, handbill, or piece of literature, work, or material that is obscene, vulgar, or libelous, or that advocates the deliberate violation of any federal, state, or local law. Literature may not be distributed where the manner or form of the distribution constitutes disorderly conduct, disrupts classroom

discussion, impedes the maintenance of public order, or constitutes a danger to the person distributing or disseminating the material or to any group or individual.

2. Materials used for an assembly must be for informational (not commercial) purposes.
3. The University does not assume responsibilities for the content of the materials.
4. Those who participate in an outdoor assembly are responsible for any security detail costs, clean-up, recycling of materials and/or damages associated with the event.

Sound Amplification

1. Only registered student organizations, faculty, and staff at Lamar University may request the use of electricity for amplified sound for the purpose of a specific event. "Amplified sound" means sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on amplified sound but are subject to general rules on disruption.
2. Approval for amplified sound request is based upon the following factors:
 1. impact on surrounding classes.
 2. impact on facilities and operations.
 3. prior reservation of space.
 4. completion of necessary forms/s and receipt of approvals.
 5. risk management of the event.
 6. Facilities will determine costs, if any, for electrical service to amplify sound. The requesting student organization may pay costs for connection to Lamar utilities.

3. Commercial messages and/or advertising using amplified sound are prohibited.
4. The use of amplified sound for the purpose of speech which is violent (directed to, or likely to, incite violence, obscene (appealing to a prurient interest in sex and offensive or without redeeming social value) or defamatory is prohibited. Within that framework, the use of amplified sound by registered student organizations, faculty and staff is allowed on the Lamar University campus with the following reasonable time, place, and manner requirements:
 1. Dining Hall Lawn (at least 100 feet from any building)
 2. Cardinal Park (at least 100 feet from any residence hall)
 3. Gray Pond (at least 100 feet from the Gray Center)
 4. All other locations are prohibited.

The use of amplified sound will be allowed between 12:00 noon and 9:00 pm. The maximum duration for an event with amplified sound taking place Monday-Friday prior to 4:00 pm is one hour. For events taking place between 4:00 pm Friday through 9:00 pm Sunday, events may be permitted to exceed two hours but still must conclude by 9:00 pm.

When using spaces that can be reserved, the group who has reserved the space has priority over any other group. When using space that cannot be reserved, the first group to provide notification to the Setzer Center Event Services as required above has priority to use it.

Use of University Facilities

Registered student, faculty or staff organizations may use Lamar University buildings and grounds in compliance with reasonable and nondiscriminatory rules and regulations and comply with local, State,

Federal law, Texas State University System (TSUS) and any other Lamar University Facility Use policies. Such activities shall not disrupt or disturb academic or University processes nor result in damage to or defacement of property. Registered student, faculty or staff organizations may not enter into joint sponsorship of any on-campus project or program which involves financial commitments or the scheduling or use of facilities with non-students without prior written approval of the President or a designee.

Use of University Facilities by Outside Groups

Use of grounds and physical facilities of the University, especially, auditoriums, gymnasiums, and large rooms, by outside individuals, groups or associations (outside groups) shall be subject to the following as well as policies approved by the President or a designee:

1. Outside Groups may not have unrestricted use to any University facilities and grounds. Whenever outside groups share in the use of University buildings, it must be upon the invitation of the University and under its joint sponsorship, with the further understanding that all conditions governing the sponsorship is set by Lamar University.
2. Joint sponsorship by the University and an outside group of any project or program that is to result in private gain for the cooperating individuals, group, or associations must be reviewed by the President or a designee and determined that such joint sponsorship serves a public purpose with adequate contractual control.
3. Joint sponsorship by the University and an outside group must show educational implications or benefits and directly supplement the educational purposes. The University reserves the right to approve advertising and news releases.
4. The University cannot be a joint sponsor with any

non-campus organization for political or sectarian gatherings. There are conditions prescribed in the outside speaker section of the policy.

5. Facilities and grounds for functions other than the University's own activities are the sole discretion of the President or designee and subject to the needs and convenience of the University which have a priority in scheduling facilities.
6. In the event the University is a joint sponsor with another individual, group, or organization, the fee to be paid by the co-sponsor will be a matter for negotiation and is subject to final approval by the President or a designee and will be specified in the agreement providing for the joint sponsorship.

Report a Violation

To report a faculty, staff, student, or student organization who has interfered with the expressive activity rights of others or is not following these policies for Speech, Expression, and Assembly, you can submit a report:

1. Report student or student organization actions to **Student Conduct & Care Services** ([../index.html](#)).
2. Report faculty or staff actions to **Human Resources** (<https://www.lamar.edu/faculty-staff/human-resources/index.html>).

Updated June 18, 2024

STUDENT CONDUCT AND CARE SERVICES

230 Setzer Student Center

PO Box 10018

CALL 409-880-7759

EMAIL sccs@lamar.edu (<mailto:sccs@lamar.edu>)

(<https://www.lamar.edu>)

4400 MLK Blvd.
P.O. Box 10009
Beaumont, Texas 77710
(409) 880-7011

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 (<http://www.youtube.com/lamaruniversity>)

(<http://www.tsus.edu/>)

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Publish date: June 18, 2024

LAMAR STATE COLLEGE ORANGE

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GOVERNOR'S BUDGET OFFICE

Policy: 5.22 Speech and Assembly
Scope: Faculty and Staff

Definition. Freedom of inquiry and discussion is basic and essential to intellectual development, provided such freedoms are exercised in a manner that does not illegally derogate the rights of others or interfere with the academic programs and administrative processes of a Component. The grounds of all Components are traditional public forums, subject to such reasonable time, place, and manner restrictions as the Component President may impose (as indicated below).

Off-Campus Speakers in Component Facilities. The freedoms of speech and assembly guaranteed by the First and Fourteenth Amendments to the United States Constitution shall be enjoyed by the students, faculty, and staff of the Components of The Texas State University System with respect to the opportunity to hear off-campus or outside speakers.

- If a registered campus organization is sponsoring a campus speaker, it has the responsibility of making clear the fact that the organization, not the Component, is extending the invitation to speak and that any views the speaker may express are the speaker's own and not necessarily those of the System or of the Component.
- Students, faculty, staff, and registered organizations campaigning for public office on behalf of candidates for public office must abide by the provisions of this Paragraph.
- Speakers to be paid from state funds to speak on a Component campus shall speak in a facility that is open to the public. This Subparagraph does not apply to classes, seminars, symposia, and conferences intended for the use and benefit of students, faculty, staff, and invited guests. No person may obstruct or lessen in any way the opportunity for the audience to see and hear the speaker. The number of students, faculty, staff, and guests may be limited to prevent a hazard to the safety of the audience.
- Off-campus speakers who have not been sponsored or invited by a registered student, faculty, or staff organization or by the Component administration shall be prohibited from speaking to groups in campus facilities and buildings unless the speaker is speaking to an off-campus organization that has been authorized to meet on the campus.
- With the prior written approval of the Component President, the Component may, at its sole discretion, lease or rent space in the student center or other appropriate buildings or grounds for political rallies and meetings provided that space is made available to legitimate political candidates in a nondiscriminatory fashion and the rent for such space is based on a fair market value.

Time, Place and Manner Restrictions. While freedom of speech and assembly is encouraged, the law recognizes that there is no absolute right to assembly or to make or hear a speech at any time or place regardless of the circumstances, content of speech, purpose of assembly, or probable consequences of such meeting or speech. The issuance of invitations to outside speakers shall be limited as follows:

- A request to invite an outside speaker will be considered by the Component only when made by a registered student, faculty, or staff organization. No invitation shall be issued to an outside speaker without prior written concurrence of the Component President or a designee for scheduling of speaker dates and assignment of campus facilities.
- Any speaker request shall be made in writing to the President or a designee by an officer of a registered student, faculty, or staff organization, or by an administrative officer of the Component, desiring to sponsor the proposed speaker not later than six (6) business days prior to the date of the proposed speaking engagement. This request shall contain the name of the sponsoring organization; the proposed date, time, and location of the meeting; the expected size of the audience; and the topic of speech. Any request not acted upon by the Component President or a designee within five (5) business days after submission shall be deemed granted.
- A request made by a registered organization may be denied only if the Component President, or the authorized designee, determines, after proper inquiry, that the proposed speech will constitute a clear and present danger to the Component's orderly operation as defined above.
- Where the request for an outside speaker is denied, the sponsoring organization may appeal to the President or an authorized designee in writing within three (3) business days of the denial. A hearing within will be held within four (4) business days following the filing of its appeal before an impartial board or administrator appointed by the President for a de novo consideration of the request. Such board or administrator shall make a recommendation to the Component President, whose decision shall be final. If the President fails to decide the matter within seven (7) business days following the filing of the appeal, it shall be deemed granted, and the speaker's invitation may be issued by the organization.
- Where the request for an outside speaker is granted and the speaker accepts the invitation, the sponsoring organization shall inform the President or a designee, immediately in writing of such acceptance. The President or a designee, may, at his or her discretion, require that the meeting be chaired by a member of the administration or faculty and that a statement be made at the meeting that the views presented are not necessarily those of the Component or of the sponsoring organization. By acceptance of the invitation to speak, the speaker shall assume full responsibility for any violation of law committed by the speaker while on campus.

Assembly on Component Grounds. Any group or person, whether or not a student or employee, and whether or not invited by a registered student, faculty, or staff organization, may assemble and engage in free speech activities on the grounds of the campus. However, the Component President or a designee shall adopt reasonable, viewpoint neutral, nondiscriminatory Rules and Regulations as to time, place, and manner of such activities and may prohibit such activities if it is determined, after proper inquiry, that the proposed speech constitutes a clear and present danger as defined below.

Clear and Present Danger. Proposed speech which constitutes a clear and present danger to the Component's orderly operation by the speaker's advocacy (i.e., preparing the group addressed and steering it to such action as opposed to the abstract espousal of the propriety of resort to force) may be prohibited. In determining the existence of a clear and present danger, the Component President, may consider all relevant factors, including whether, within the past five years such speaker has incited violence resulting in the destruction of property at any public institution or has willfully caused the forcible disruption of regularly scheduled classes or other educational functions at any such institution. There must be not only advocacy to action but also a reasonable apprehension of imminent danger to the essential functions and purposes of the Component.

Demonstrations, Publications, Posters. Reasonable and nondiscriminatory Rules and Regulations as to time, place, and manner may be promulgated by the President or a designee of the Component to authorize students, faculty, staff, and their registered Component organizations to petition, distribute publications, post signs, set up booths and/or peacefully demonstrate on the Component campus. Such regulation shall prohibit any activity that would interfere with academic or Component programs.

- No group or person, whether or not a student or employee, shall publicly display, distribute, or disseminate on the Component campus any petition, handbill, or piece of literature, work, or material that is obscene or libelous, or that advocates the deliberate violation of any federal, state, or local law. Literature may not be distributed where the manner or form of said distribution constitutes disorderly conduct, disrupts classroom discussion, impedes the maintenance of public order, or constitutes a danger to the person distributing or disseminating the material or to any group or individual.
- Advocacy means addressing the group for imminent action and steering, bolstering, or bracing it to such action as opposed to the abstract espousal of the moral propriety of a course of action.
- Any group or person, whether or not a student or employee, demonstrating on campus shall adhere to the provisions of Education Code, Section 51.935, as cited in the TSUS Rules and Regulations Chapter VI, Subparagraph 5.4.

Antisemitism. “Antisemitism” means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

Disruptive Activities. Disruptive activities are prohibited on a Component campus. See Education Code, Section 51.935 and this policy. The President shall promptly utilize all lawful measures to halt and eliminate any and all such disruptive activities and shall immediately notify the chancellor and the Chairman of the Board of Regents.

Disciplinary Action. Employees may be subject to disciplinary action, up to and including termination, for violating this policy.

Speech and Assembly

Definition

Freedom of inquiry and discussion is basic and essential to intellectual development, provided such freedoms are exercised in a manner that does not illegally derogate the rights of others or interfere with the academic programs and administrative processes of a College. The grounds of all Colleges are traditional public forums, subject to such reasonable time, place, and manner restrictions as the College President may impose.

Off-Campus Speakers in College Facilities

The freedoms of speech and assembly guaranteed by the First and Fourteenth Amendments to the United States Constitution shall be enjoyed by the students, faculty and staff of the College with respect to the opportunity to hear off-campus or outside speakers.

If a registered campus organization is sponsoring a campus speaker, it has the responsibility of making clear the fact that the organization, not the College, is extending the invitation to speak and that any views the speaker may express are the speaker's own and not necessarily those of the Texas State University System or of the College.

Students, faculty, staff and registered organizations campaigning for public office on behalf of candidates for public office must abide by the provisions of this section.

Speakers to be paid from state funds to speak on the College campus shall speak in a facility that is open to the public. This subsection does not apply to classes, seminars, symposia and conferences intended for the use and benefit of students, faculty, staff and invited guests. No person may obstruct or lessen in any way the opportunity for the audience to see and hear the speaker. The number of students, faculty, staff and guests may be limited to prevent a hazard to the safety of the audience.

Off-campus speakers who have not been sponsored or invited by a registered student, faculty or staff organization or by the College administration shall be prohibited from speaking to groups in campus facilities and buildings unless the speaker is speaking to an off-campus organization that has been authorized to meet on the campus.

With the prior written approval of the College President, the College may, at its sole discretion, lease or rent space in the Student Center or other appropriate buildings or grounds for political rallies and meetings provided that space is made available to legitimate political rallies and meetings and provided that space is made available to legitimate political candidates in a nondiscriminatory fashion and the rent for such space is based on a fair market value.

Time, Place and Manner Restrictions

While freedom of speech and assembly is encouraged, the law recognizes that there is no absolute right to assembly or to make or hear a speech at any time or place regardless of the circumstances, content of speech, purpose of assembly, or probable consequences of such meeting or speech. The issuance of invitations to outside speakers shall be limited as follows:

A request to invite an outside speaker will be considered by the College only when made by a registered student, faculty, or staff organization. No invitation shall be issued to an outside speaker without prior written concurrence of the College President or a designee for scheduling of speaker dates and assignment of campus facilities.

Any speaker request shall be made in writing to the President or a designee by an officer of a registered student, faculty, staff, organization, or by an administrative officer of the College desiring to sponsor the proposed speaker not later than six (6) business days prior to the date of the proposed speaking engagement. This request shall contain the name of the sponsoring organization; the proposed date, time and location of the meeting; the expected size of the audience; and the topic of speech. Any request not acted upon by the College President or a designee within five (5) business days after submission shall be deemed granted.

A request made by a registered organization may be denied only if the College President or the authorized designee determines, after proper inquiry, that the proposed speech will constitute a clear and present danger to the College's orderly operation as defined in *Texas State University System Rules and Regulations*.

Where the request for an outside speaker is denied, the sponsoring organization may appeal to the President or an authorized designee in writing within three (3) business days of the denial. A hearing will be held within four (4) business days following the filing of its appeal before an impartial board or administrator appointed by the President for a de novo consideration of the request. Such board or administrator shall make a recommendation to the College President, whose decision shall be final. If the President fails to decide the matter within seven (7) business days following the filing of the appeal, it shall be deemed granted, and the speaker's invitation may be issued by the organization.

Where the request for an outside speaker is granted and the speaker accepts the invitation, the sponsoring organization shall inform the President or a designee immediately in writing of such acceptance. The President or a designee may, at his/her discretion, require that the meeting be chaired by a member of the administration or faculty and that a statement be made at the meeting that the views presented are not necessarily those of the College or of the sponsoring organization. By acceptance of the invitation to speak, the speaker shall assume full responsibility for any violation of law committed by the speaker while on campus.

Assembly on College Grounds

Any group or person, whether or not a student or employee and whether or not invited by a registered student, faculty or staff organization, may assemble and engage in free speech activities on the grounds of the campus. However, the College President or a designee shall adopt reasonable viewpoint neutral, non-discriminatory rules and regulations as to time, place and manner of such activities and may prohibit such activities if it is determined, after proper inquiry, that the proposed speech constitutes a clear and present danger as defined below.

Clear and Present Danger

Proposed speech, which constitutes a clear and present danger to the College's orderly operation by the speaker's advocacy (i.e., preparing the group addressed and steeling it to such action as opposed to the abstract espousal of the propriety of resort to force), may be prohibited. In determining the existence of a clear and present danger, the College President may consider all relevant factors, including whether within the past five (5) years such speaker has incited violence resulting in the destruction of property at any public institution or has willfully caused the forcible disruption of regularly scheduled classes or other educational functions at any such institution. There must be not only advocacy to action but also reasonable apprehension of imminent danger to the essential functions and purposes of the College.

Demonstrations, Publications, Posters

Reasonable and nondiscriminatory rules and regulations as to time, place and manner may be promulgated by the President or a designee of the College to authorize student, faculty, staff, and their registered College organizations to petition, distribute publications, post signs, set up booths and/or peacefully demonstrate on the College campus. Such regulation shall prohibit any activity that would interfere with academic or college programs.

No group or person, whether or not a student or employee, shall publicly display, distribute, or disseminate on the college campus any petition, handbill, or piece of literature, work, or material that is obscene, or libelous, or that advocates the deliberate violation of any federal, state, or local law. Literature may not be distributed where the manner or form of said distribution constitutes disorderly conduct, disrupts classroom discussion, impedes the maintenance of public order, or constitutes a danger to the person distributing or disseminating the material or to any group or individual. No group or person, whether or not a student or employee, shall publicly display, distribute, or disseminate on the Component campus any petition, handbill, or piece of literature, work, or material that is obscene, vulgar, or libelous, or that advocates the deliberate violation of any federal, state, or local law. Literature may not be distributed where

the manner or form of said distribution constitutes disorderly conduct, disrupts classroom discussion, impedes the maintenance of public order, or constitutes a danger to the person distributing or disseminating the material or to any group or individual.

Advocacy means addressing the group for imminent action and steeling, bolstering, or bracing it to such action as opposed to the abstract espousal of the moral propriety of a course of action.

Any group or person, whether or not a student or employee, demonstrating on campus shall adhere to the provisions of Texas Education Code, Section 51.935, as cited in Chapter VI, Subsection 5.4, of the *Texas State University System Rules and Regulations*.

Antisemitism

“Antisemitism” means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

Disruptive Activities

Disruptive activities are prohibited on the campus. See Education Code, Section 51.935 and Chapter VI, Subsection 5.4. The President shall promptly utilize all lawful measures to halt and eliminate any and all such disruptive activities and shall immediately notify the Chancellor and the Chairman of the Board of Regents.

Disciplinary Action

Students may be subject to disciplinary action, up to and including expulsion from the College, for violating this policy.

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Director of the Human Resources Office, the functions assigned to the person by these procedures will transfer to the President or his designee.

3.1.2.4.2.5. The complainant and the respondent both have the right to bring an advisor to the meeting. The advisor may not act as a participant, but may render consultation to the advisee. If either party chooses to exercise this option, he/she shall submit the name of the advisor in writing to the Director of the Human Resources Office at least forty-eight (48) hours prior to the meeting.

4. Retaliation.

Under no circumstances will Lamar State College Port Arthur permit retaliation against an individual in any way as result of seeking relief under this policy.

POLICY:	11.6 FREEDOM OF SPEECH AND EXPRESSIVE ACTIVITY
SCOPE:	FACULTY AND STAFF
POLICY NUMBER:	11.6
APPROVED:	June 17, 2024
REVISED:	

1. Purpose

The purpose of the Freedom of Speech and Expressive Activity Policy is (1) to protect the free speech rights (Expressive Activities) of individuals on the Lamar State College Port Arthur (LSCPA) Campus and off-site locations; (2) to preserve LSCPA's primary academic mission; and (3) to protect the health and safety of the LSCPA community. In accordance with state and federal law, as well as Chapter VII, Subparagraph 3.1 of the Texas State University System (TSUS) Rules and Regulations, LSCPA established the following reasonable time, place, and manner restrictions. Any restriction listed below applies equally to individuals and groups, regardless of viewpoint.

In the event of a conflict between this policy and the TSUS Rules and Regulations, the Rules and Regulations shall control.

2. Definitions

- 2.1. **Amplified sound.** Sound volume that is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on amplified sound but are subject to general rules on disruption and noise violation.
- 2.2. **Antisemitism.** A certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.
- 2.3. **Commercial Speech.** Speech or writing on behalf of a business with the intent of earning revenue or a profit.
- 2.4. **Common Outdoor Areas.** Public forums that include the streets, sidewalks, or other common outdoor property owned or leased by LSCPA.

- 2.5. Designated Areas. Areas where amplified sound, exhibits, and temporary structures may be used or displayed within the time, place, and manner specified by the College.
- 2.6. Disruptive activities mean:
 - 2.6.1. Obstructing or restraining the passage of persons to the campus or an area of the campus or to an exit, entrance, or hallway of any building without the authorization of LSCPA administration;
 - 2.6.2. Seizing control of an area of the LSCPA Campus, grounds, or any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity; or
 - 2.6.3. Disrupting and/or preventing or attempting to prevent by force or violence or the threat of force or violence any lawful assembly authorized by LSCPA administration. A lawful assembly is disrupted when a person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or a reasonable fear of force or violence.
- 2.7. Expressive Activities. Any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
- 2.8. External Speaker. Any individual who is not a current student, faculty, or staff member of LSCPA.
- 2.9. Grounds. All common outdoor areas on LSCPA Campus.

3. Disruptive Activities

The College strictly enforces the TSUS Rules and Regulations' prohibition of disruptive activities (see Chapter VI, Subparagraph 5.4 and Chapter VII, Subparagraph 3.7) on the LSCPA Campus. Any person who violates the prohibition will be subject to any remedies provided by law and the TSUS Rules and Regulations, including, but not limited to, removal from campus, the student or employee disciplinary process, or criminal prosecution.

4. College Grounds. Designated Traditional Public Forums

Chapter VII, Subparagraph 3.1 of the TSUS Rules and Regulations designates all College grounds as traditional public forums. Any person may engage in Expressive Activities on College grounds, subject to federal and state laws and reasonable time, place, and manner restrictions.

Individuals may utilize the areas specified in Section 6 of this policy for Expressive Activities.

5. Speech, Expression, and Assembly

The following time, place, and manner restrictions shall apply to all Expressive Activities on College grounds:

1. Expressive Activities must not at any time interfere with or disrupt the academic mission of the College.
2. No table, temporary structure, or equipment associated with an Expressive Activity may block or interfere with the means of entrance or egress to any College building, facility, or classroom.
3. All tables and chairs must remain within the reserved space for the duration of the activity.
4. Use of amplified sound must comply with the restrictions contained in the Amplified Sound section of this Policy.
5. Some areas of the College may be reserved by external groups. Fees may apply.

6. Improper use of any College equipment or policy may result in loss of reservation and use privileges.
7. Expressive Activities must follow the procedures in the Emergency Operations Plan. The number of individuals attending an event may be limited to ensure the safety of the audience.

8. Reservations

- 8.1. Assembly and distribution of written material is permitted in the Stilwell Plaza in front of the Gates Memorial Library during normal college operating hours provided the activity complies with this policy, is lawful, and does not disrupt the functioning of the College.
- 8.2. Other indoor and outdoor areas (grounds) of the College are available for reservation. Reservations are requested through the Business Manager / Event Coordinator by a representative of the sponsoring student, faculty, or staff organization. Reservations may be denied if the activity is scheduled at the same or similar time as another College function or meeting.

9. Amplified Sound

To preserve the academic and core business of the College, the use of amplified sound is restricted to certain times and designated areas. Use of amplified sound is permitted subject to the following:

- 9.1. Location. Use of amplified sound is permitted only in Stilwell Plaza or in reserved areas with an approved reservation.
- 9.2. Reservation. An amplified sound request must be made in conjunction with a reservation request.
- 9.3. Hours. The use of amplified sound is permitted from 8am-5pm every day in Stilwell Plaza. The use of amplified sound is limited to the reservation period in approved, reserved areas.
- 9.4. Frequency. Organizations are allowed one (1) amplified sound event per week. Only one (1) amplified sound event at a time is permitted in each designated area.
- 9.5. Volume. All sound levels will be determined by LSCPA based on class and campus activity schedules and shall not disrupt the academic mission of the College.

10. External Speakers

- 10.1. Only recognized student, faculty, or staff organizations and college academic or administrative units may request authorization to invite an external speaker to speak at the College. External Speakers who have not been sponsored or invited by a registered student, faculty, or staff organization or by the LSCPA administration may not speak to groups in campus facilities and buildings unless the speaker is speaking to an off-campus organization that has been approved under the procedures provided in Chapter VII, Subparagraph 3.24 of the TSUS Rules and Regulations. No invitation shall be issued to an External Speaker without the prior written approval of the LSCPA president.
- 10.2. Any speaker request shall be made in writing to the LSCPA president by an officer of a registered student, faculty, or staff organization, or by an LSCPA administrative officer desiring to sponsor the proposed speaker no later than fourteen (14) business days prior to the date of the proposed speaking engagement.
- 10.3. The sponsor of the External Speaker has the responsibility of making clear that the group or organization, not the College, is extending the invitation to speak and any views the External Speaker may express are the External Speaker's own and not those of the Texas State University System or LSCPA.

11. Banners, Exhibits, and Chalking, and Structures

- 11.1. Recognized Student Organizations, faculty, and staff may hang banners and display exhibits on campus after approval by the President or Dean of Student Services. Banners, flyers, or posters may not be affixed in any way to campus trees for any purpose. No written materials may be permanently placed.
 - 11.2. Outside groups or individuals are not permitted to hang banners or to display exhibits on any LSCPA property.
 - 11.3. Chalking (use of chalk to write on LSCPA property) is prohibited unless it is an assignment in a LSCPA course or a Student Services activity.
 - 11.4. No permanent or semi-permanent structures are permitted on LSCPA property. Temporary structures are only permitted in Stillwell Plaza from 8am-5pm or during the reservation period if an area has been reserved.
 - 11.5. Anyone who erects a temporary structure, display, or exhibit assumes full responsibility for the structure, display, or exhibit, including all injuries or hazards that may arise from it. The College shall not be liable for any damage that may occur to the structure, display, or exhibit, and any person or organization sponsoring the structure, display, or exhibit shall indemnify the College for any claims arising from their presence on campus.
- 12. Disciplinary Process**
- 12.1. Students who violate this policy will be subject to appropriate discipline under LSCPA's Student Handbook, up to and including expulsion from LSCPA.
 - 12.2. Staff who violate this policy will be subject to appropriate discipline under LSCPA's Policy and Procedure Manual, up to and including termination.
 - 12.3. Faculty who violate this policy will be subject to appropriate discipline under Chapter V, Paragraph 4 of the TSUS Rules and Regulations, up to and including termination.

POLICY: 11.7 DIVERSITY, EQUITY, AND INCLUSION
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 11.7
APPROVED: February 2024
REVISED:

1. Policy.

Lamar State College Port Arthur complies with the State of Texas prohibitions relating to diversity, equity, and inclusion initiatives at public institutions of higher education.

2. Scope.

This policy falls under the authority of all applicable federal, state, and Texas State University System (TSUS) laws, rules, and regulations, including, but not limited to the following: TSUS Rules and Regulations, Chapter VII, Paragraph 5, and the Texas Education Code § 51.3525 [S.B. 17, 88th Leg., Reg. Sess. (Tx 2023)].

- 2.1. The prohibitions stated in this policy do not apply to the following:
 - 2.1.1. Academic course instruction;
 - 2.1.2. Scholarly research or a creative work by a student or faculty;
 - 2.1.3. An activity of a registered or recognized student organization;
 - 2.1.4. Guest speakers;
 - 2.1.5. Performers on a short-term engagement;

2023-2024 Student Handbook**Freedom of Speech and Expressive Activities****Freedom of Speech and Expressive Activities**

The freedom of speech and assembly guaranteed by the first and fourteenth amendments to the United States Constitution shall be enjoyed by the students of Lamar State College Port Arthur. Assembly and distribution of written material is permitted in the Stilwell Plaza in front of the Gates Memorial Library during normal college operating hours as long as the activity is not unlawful and does not disrupt the functioning of the College. Free discussion of subjects of political, religious, controversial or noncontroversial nature shall not be curtailed. Written material, signs, posters, etc. may be freely distributed in this area, but it may not be permanently placed or left behind.

If a registered campus organization or student group is sponsoring an assembly or outside speaker in the Stilwell Plaza, it has the responsibility of making clear the fact that the group/organization, not the College, is extending the invitation to speak and that any views the speaker may express are the speaker's own and not those of the Texas State University System or of the College. The general public and off-campus speakers may conduct expressive activities in the Stilwell Plaza during normal college hours.

There is no absolute right to assemble, distribute or post written material, make or hear a speech or issue invitations to outside speaker(s) in other campus locations without approval from the Dean of Student Services.

"Antisemitism" means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

Any violation of this policy is a breach of conduct and will subject any student or group to disciplinary action, up to and including expulsion from the College.

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POLICY 8.23 FREEDOM OF SPEECH AND EXPRESSION POLICY

SCOPE: STUDENTS, FACULTY, STAFF, AND VISITORS

1. Lamar Institute of Technology (LIT) recognizes that freedoms of expression, speech, and assembly are fundamental rights of all people and that such freedoms are central to the Institute's ability to achieve its educational mission. Students, faculty, staff, and members of the public have the right to assemble peaceably and to engage in expressive activities while on the LIT campus, including to listen to or observe the expressive activities of others.
2. The Institute recognizes and respects the rights guaranteed by the Constitution of the United States and the Constitution of the State of Texas. The Institute does not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person in the enforcement or administration of these rules or otherwise.
3. Speech and Assembly
 - 3.1. General Definitions. Freedoms of speech, expression, and assembly are essential to one's educational and intellectual development. In furtherance of the Institute's educational mission, the Institute's buildings, including their outside surfaces, surfaces associated with or connected to an Institute building or an Institute structure, are limited public forums open only to the expressive activities of faculty, staff, and students as set forth in this Chapter. The Institute's common outdoor areas, as defined below, are traditional public forums, and anyone, including members of the public, may engage in expressive activities in such common outdoor areas subject to the reasonable time, place, and manner rules described in this Chapter. The Institute also has rules relating to speech or expressive activity that constitutes obscenity; defamation; incitement to violence; harassment; solicitation; and commercial speech as detailed more fully in this Chapter.
 - 3.1.1. "Antisemitism" means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.
 - 3.1.2. "Campus" means all land and buildings owned or leased by the Institute.
 - 3.1.3. "Common outdoor area" means outdoor space that is not used for dedicated Institute business or an Institute event, or educational or research function(s) on either a permanent or temporary basis. This does not include the outside surfaces of an Institute building, surfaces associated with or connected to an Institute building or an Institute structure, or any other space within the Institution's limited public forums. On campus, the common outdoor area includes:
 - 3.1.3.1. the outdoor area commonly referred to as the "Quad," which is the area south of the Beeson Building seating area adjacent to the driveway and parking lot; and
 - 3.1.3.2. the outdoor area in front of the Paul and Connie Szuch Multi-Purpose Center, bounded by Lavaca Street.
 - 3.1.4. "Expressive activities" means any speech or expressive conduct protected by

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the First Amendment to the United States Constitution or by Section 8, Article I of the Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

- 3.1.5. "Limited public forum" means Institution property, both indoors and outdoors, including the outside surfaces of an Institute building, surfaces associated with or connected to an Institute building or an Institute structure, that is not part of the common outdoor area and has limited open access for public expression or may be limited to particular groups or to particular topics. The Institute will maintain its obligation to place reasonable time, place, and manner limits on how its limited public forums may be used by any particular individual or group.
 - 3.1.6. "Non-public forum" means a place that is not a traditional public forum or designated public forum. This includes areas that are not by tradition or designation forums for public communication. These forums will be restricted to use for their intended purpose and are not available for public expressive activity. Examples include, but are not limited to, classrooms, faculty and staff offices, academic buildings, administration buildings, library, research and computer laboratories, and research facilities. The Institute will maintain its obligation to place reasonable time, place, and manner limits on how its non-public forums may be used by any particular individual or group.
- 3.2. Off-Campus Speakers in Institute Facilities. Students, faculty, staff, and student organizations may present off-campus speakers in Institute facilities as follows:
- 3.2.1. A student or student organization may request permission to host an off-campus speaker in one of the Institute's limited public forums by submitting a written request to the Associate Vice President of Student Services (AVPSS). Such written request must be made at least fourteen (14) business days in advance of the proposed date of the event, and the written request must contain the name of the student or student organization making the request; the proposed date, time and location of the event; the expected size of the audience; and the topic of speech. No invitation shall be issued to an outside speaker without prior written approval by the AVPSS. In reviewing such requests, the AVPSS will consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, including, for example, the proposed venue and expected size of audience; any anticipated need for campus security; and any necessary accommodations. The AVPSS will not consider any anticipated controversy related to the event.
 - 3.2.2. Staff or faculty may request permission to host an off-campus speaker in one of the Institute's limited public forums by forwarding such written request to Associate Vice President of Student Success (AVPSS). Such written request must be made at least fourteen (14) business days in advance of the proposed date of the event, and the written request must contain the name of the faculty or staff member making the request; the proposed date, time and location of the event; the expected size of the audience; and the topic of speech. No invitation shall be issued to an outside speaker without prior written approval by the AVPSS. In reviewing such requests, the AVPSS will consider only content-neutral and viewpoint-neutral criteria related to the

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needs of the event, including, for example, the proposed venue and expected size of audience; any anticipated need for campus security; and any necessary accommodations. The AVPSS will not consider any anticipated controversy related to the event.

- 3.2.3. If the request for an outside speaker is approved and the speaker accepts the invitation, the sponsoring faculty, staff, student, or student organization must inform the AVPSS immediately, in writing, of such acceptance. The student, staff, faculty member, or student organization must make clear at the beginning of the speaking event that the student, staff, faculty member, or student organization, and not LIT, is extending the invitation to speak and that any views the speaker may express are the speaker's own and not necessarily those of the Institute.
- 3.2.4. A request by a student, student organization, faculty, or staff to host an off-campus speaker in one of the Institute's limited public forums may be denied if the AVPSS determines that the proposed speech will constitute a clear and present danger to the Institute's orderly operation(s). In the event a request is denied, the sponsor may appeal the decision to the Provost/Vice President of Instruction, whose decision shall be final. Such appeal must be in writing and must be made within three (3) business days of the denial.
- 3.2.5. Speakers asked to speak on campus and who are to be paid from State funds shall speak in a facility that is open to the public. In reviewing such speaker requests, the Institute will consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, including, for example, the proposed venue and expected size of the audience; any anticipated need for campus security; and any necessary accommodations. The Institute will not consider any anticipated controversy related to the event. No person may obstruct or lessen in any way the opportunity for the audience to see and/or hear the speaker. Students, student organizations, staff, or faculty who unduly interfere with the expressive activity of others on campus may be subject to disciplinary action. This subsection does not apply to classes, seminars, symposia and conferences intended for the use and benefit of students, faculty, staff and invited guests.
- 3.2.6. Off-campus speakers who have not been sponsored or invited by a student organization, faculty or staff organization or by the college administration shall be prohibited from speaking in the campus's designated limited public forums unless the speaker is speaking to an off-campus organization that has been authorized to meet on campus.
- 3.2.7. The Institute may, in its sole discretion, lease or rent space in the Student Center or other space for political rallies and similar events. In arriving at its decision, the Institute will consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, including, for example, the proposed venue and expected size of the audience; any anticipated need for campus security; and any necessary accommodation. The Institute will not consider any anticipated controversy related to the event.
- 3.2.8. Subject to the reasonable time, place, and manner restrictions outlined in this

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Chapter, students, student organizations, faculty, staff, and members of the public may assemble and/or present speakers in the Institute's common outdoor areas without prior notice to or approval from the Institute.

- 3.3. Time, Place and Manner Restrictions. While freedom of speech and the right to assemble are valued and encouraged, the law recognizes that there is no absolute right to freedom of speech or right to assemble, or to make or hear a speech at any time or place regardless of the circumstances, content of speech, purpose of assembly, or probable consequences of such meeting or speech.
 - 3.3.1. Assembly on College Grounds. Any group or person, whether or not a student or employee of the Institute, may assemble and engage in expressive activities in the Institute's common outdoor areas subject to the Institute's reasonable time, place, and manner restrictions. The Institute may prohibit individuals' expressive activity if the Institute determines, after reasonable inquiry, that the expressive activity materially disrupts the functioning of the Institute; or constitutes a clear and present danger to the Institute's orderly operation; or violates other Institute policies or State or federal law.
 - 3.3.2. Clear and Present Danger. Expressive conduct that constitutes a clear and present danger to the Institute's orderly operation by the speaker's advocacy (e.g., preparing the group addressed and steeling it to imminent action as opposed to the abstract espousal of the propriety of resort to force) is prohibited. In determining the existence of a clear and present danger, there must be not only advocacy to action but also reasonable apprehension of imminent danger to the essential functions and purposes of the Institute. In determining whether expressive activity constitutes a clear and present danger, the Institute may consider all relevant factors, including, for example, whether within the past five (5) years such speaker has incited violence resulting in the destruction of property at any public institution or has willfully caused the forcible disruption of regularly scheduled classes or other educational functions at any such institution. Such review will be exercised without regard to the viewpoint of any speaker.
- 3.4. Publications and Posters. No group or person, whether or not a student or employee, shall publicly display, distribute, or disseminate on Institute grounds any petition, handbill, or piece of literature, work, or material (collectively "Literature") that is obscene, vulgar, libelous, constitutes commercial speech, or advocates for the deliberate violation of any federal, State, or local law. Literature may not be distributed where the manner or form of distribution constitutes disorderly conduct, impedes the maintenance of public order, or constitutes a danger to the person distributing or disseminating the material or to any group or individual. Subject to these reasonable time, place and manner restrictions, students, student organizations, faculty, staff, and members of the public may distribute or display Literature in the Institute's common outdoor areas without prior notice to or approval from the Institute.
 - 3.4.1. "Advocacy" means addressing the group for imminent action and steeling, bolstering, or bracing it to such action as opposed to the abstract espousal of the moral propriety of a course of action.
 - 3.4.2. Any group or person, whether or not a student or employee, demonstrating

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on campus shall adhere to the provisions of Section 4.30 of the Texas Education Code and Section 3.4 of Chapter VI of the TSUS Rules and Regulations.

- 3.5. **Disruptive Activities.** Disruptive activities are prohibited on the campus. The president shall promptly utilize all lawful measures to halt and eliminate any and all such disruptive activities occurring on Institute premises. The president's review of the alleged disruptive activities will be exercised without regard to the viewpoint of any group or individual.
4. **Parades, Demonstrations, and Rallies**
 - 4.1. Parades, demonstrations, and rallies must not result in a breach of peace or violation of any law; or interfere with the free and unrestricted flow of pedestrian and vehicular traffic on campus or the entry or the exit to any campus building, structure or facility; or materially disrupt or interfere with the normal activities of the Institute.
 - 4.2. No person or group conducting or participating in a parade, demonstration, or rally at the Institute may advocate for the deliberate violation of the law.
 - 4.3. No parade, demonstration, or rally may take place inside any of the Institute's limited public forums or non-public forums.
 - 4.4. Students, student organizations, faculty, staff, and members of the public may conduct or participate in a parade, demonstration, or rally in the Institute's common outdoor areas.
5. **Alleged Violations of this Chapter**
 - 5.1. Individuals wishing to file a grievance regarding an alleged violation of Texas Education Code Section 51.9315 may make an online report via email at studentserv@lit.edu.
 - 5.2. A student or student organization who violates a prohibition in this Chapter may be disciplined as provided in the Institute's Code of Conduct and Disciplinary Policy.
 - 5.3. A faculty or staff member who violates a prohibition in this Chapter may be disciplined under applicable procedures provided by other relevant rules. If no such procedures exist, alleged violations by staff members will be referred to Human Resources and alleged violations by faculty members will be referred to the Provost.

Reviewed: September 2023, June 2024

Revised: June 2024



Extended Hours

x

Student Services, Financial Aid and the Cashier's office are open extended hours through Wednesday, August 25, 2021: Monday-Thursday, 7:30 a.m.- 6 p.m. and Friday, 7:30 a.m.-5 p.m.

2024 - 2025 Catalog and Student Handbook

Student Rights and Responsibilities



- Student Rights
- Freedom of Speech and Expression Policy
- Student Responsibilities
- Sexual Misconduct Policy
- Code of Conduct and Disciplinary Policy
- Academic Dishonesty
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- Campus Carry
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- Pregnancy and Parenting Students Support

As a dynamic, learning-centered, open-door educational institution, Lamar Institute of Technology (LIT) is committed to serving the educational needs and interests of our community. LIT values providing its students with equal access to Institute programming and information and providing for the reasonable use of the Institute's services and facilities. Towards that end, the Institute has established the below "Statement of Student Rights" and "Statement of Student Responsibilities" to educate and inform students about their rights and responsibilities as members of the LIT community.

Student Rights

As members of LIT's learning community, students are entitled to access to certain information, including, for example:

- The Institute's admissions requirements.
- The types of degrees and certificates offered by the Institute.
- The availability of career and personal development resources available.
- Course offerings and requirements.
- Class attendance and participation policies.
- Grading policies and procedures.
- Cost of attendance.
- Financial aid availability.
- How financial aid eligibility is determined.
- How financial aid is awarded.
- The Institute and financial aid satisfactory academic progress requirements.
- The Institute's refund policy.
- The Institute's policies and procedures.
- The availability of academic and other support services.
- Availability of student activities.
- Campus crime statistics.
- Graduation rates.
- Job placement rates.
- Emergency procedures.

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- The Institute's operational hours.
- The availability of reasonable accommodations as provided under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Services Act of 1973.
- The Institute's grievance procedures.

Freedom of Speech and Expression Policy

Lamar Institute of Technology recognizes that freedoms of expression, speech, and assembly are fundamental rights of all people and that such freedoms are central to the Institute's ability to achieve its educational mission. In accordance with this Catalog and Student Handbook, students, faculty, staff, and members of the public have the right to assemble peaceably and to engage in expressive activities while on the LIT campus, including to listen to or observe the expressive activities of others.

The Institute recognizes and respects the rights guaranteed by the Constitution of the United States and the Constitution of the State of Texas. The Institute does not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person in the enforcement or administration of these rules or otherwise.

1. Speech and Assembly

1.1. General Definitions. Freedoms of speech, expression, and assembly are essential to one's educational and intellectual development. In furtherance of the Institute's educational mission, the Institute's buildings, including their outside surfaces, surfaces associated with or connected to an Institute building or an Institute structure, are limited public forums open only to the expressive activities of faculty, staff, and students as set forth in this Chapter. The Institute's common outdoor areas, as defined below, are traditional public forums, and anyone, including members of the public, may engage in expressive activities in such common outdoor areas subject to the reasonable time, place, and manner rules described in this Chapter. The Institute also has rules relating to speech or expressive activity that constitutes obscenity; defamation; incitement to violence; harassment; solicitation; and commercial speech as detailed more fully in this Chapter.

"Antisemitism" means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

"Campus" means all land and buildings owned or leased by the Institute.

"Common outdoor area" means outdoor space that is not used for dedicated Institute business or an Institute event, or educational or research function(s) on either a permanent or temporary basis. This does not include the outside surfaces of an Institute building, surfaces associated with or connected to an Institute building or an Institute structure, or any other space within the Institution's limited public forums. On campus, the common outdoor area includes:

- the outdoor area commonly referred to as the "Quad," which is the area south of the Beeson Building seating area adjacent to the driveway and parking lot; and
- the outdoor area in front of the Paul and Connie Szuch Multi-Purpose Center, bounded by Lavaca Street.

"Expressive activities" means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I of the Texas Constitution, and includes assemblies,

protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

"Limited public forum" means Institution property, both indoors and outdoors, including the outside surfaces of an Institute building, surfaces associated with or connected to an Institute building or an Institute structure, that is not part of the common outdoor area and has limited open access for public expression or may be limited to particular groups or to particular topics. The Institute will maintain its obligation to place reasonable time, place, and manner limits on how its limited public forums may be used by any particular individual or group.

"Non-public forum" means a place that is not a traditional public forum or designated public forum. This includes areas that are not by tradition or designation forums for public communication. These forums will be restricted to use for their intended purpose and are not available for public expressive activity. Examples include, but are not limited to, classrooms, faculty and staff offices, academic buildings, administration buildings, library, research and computer laboratories, and research facilities. The Institute will maintain its obligation to place reasonable time, place, and manner limits on how its non-public forums may be used by any particular individual or group.

1.2. Off-Campus Speakers in Institute Facilities. Students, faculty, staff, and student organizations may present off-campus speakers in Institute facilities as follows:

1.2.1. A student or student organization may request permission to host an off-campus speaker in one of the Institute's limited public forums by submitting a written request to the Associate Dean of Student Success (ADSS). Such written request must be made at least fourteen (14) business days in advance of the proposed date of the event, and the written request must contain the name of the student or student organization making the request; the proposed date, time and location of the event; the expected size of the audience; and the topic of speech. No invitation shall be issued to an outside speaker without prior written approval by the ADSS. In reviewing such requests, the ADSS will consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, including, for example, the proposed venue and expected size of audience; any anticipated need for campus security; and any necessary accommodations. The ADSS will not consider any anticipated controversy related to the event.

1.2.2. Staff or faculty may request permission to host an off-campus speaker in one of the Institute's limited public forums by forwarding such written request to Associate Vice President of Student and Academic Success (AVPSAS). Such written request must be made at least fourteen (14) business days in advance of the proposed date of the event, and the written request must contain the name of the faculty or staff member making the request; the proposed date, time and location of the event; the expected size of the audience; and the topic of speech. No invitation shall be issued to an outside speaker without prior written approval by the AVPSAS. In reviewing such requests, the AVPSAS will consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, including, for example, the proposed venue and expected size of audience; any anticipated need for campus security; and any necessary accommodations. The AVPSAS will not consider any anticipated controversy related to the event.

1.2.3. If the request for an outside speaker is approved and the speaker accepts the invitation, the sponsoring student or student

organization must inform the ADSS immediately, in writing, of such acceptance; faculty or staff must immediately inform the AVPSAS, in writing, of such acceptance. The student, staff, faculty member, or student organization must make clear at the beginning of the speaking event that the student, staff, faculty member, or student organization, and not the Institute, is extending the invitation to speak and that any views the speaker may express are the speaker's own and not necessarily those of the Institute.

1.2.4. A request by a student, student organization, faculty, or staff to host an off-campus speaker in one of the Institute's limited public forums may be denied if the ADSS (for requests made by student and student organizations) or the AVPSAS (for requests made by faculty or staff) determines that the proposed speech will constitute a clear and present danger to the Institute's orderly operation(s). In the event a request made by a student or student organization is denied, the student or student organization may appeal the decision to the AVPSAS, whose decision shall be final; in the event a request made by a faculty or staff member is denied, the faculty or staff member may appeal the decision to the EVP and Provost, whose decision shall be final. Such appeal must be in writing and must be made within three (3) business days of the denial.

1.2.5. Speakers asked to speak on campus and who are to be paid from State funds shall speak in a facility that is open to the public. In reviewing such speaker requests, the Institute will consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, including, for example, the proposed venue and expected size of the audience; any anticipated need for campus security; and any necessary accommodations. The Institute will not consider any anticipated controversy related to the event. No person may obstruct or lessen in any way the opportunity for the audience to see and/or hear the speaker. Students, student organizations, staff, or faculty who unduly interfere with the expressive activity of others on campus may be subject to disciplinary action. This subsection does not apply to classes, seminars, symposia and conferences intended for the use and benefit of students, faculty, staff and invited guests.

1.2.6. Off-campus speakers who have not been sponsored or invited by a student organization, faculty or staff organization or by the college administration shall be prohibited from speaking in the campus's designated limited public forums unless the speaker is speaking to an off-campus organization that has been authorized to meet on campus.

1.2.7. The Institute may, in its sole discretion, lease or rent space in the Student Center or other space for political rallies and similar events. In arriving at its decision, the Institute will consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, including, for example, the proposed venue and expected size of the audience; any anticipated need for campus security; and any necessary accommodation. The Institute will not consider any anticipated controversy related to the event.

1.2.8. Subject to the reasonable time, place, and manner restrictions outlined in this Chapter, students, student organizations, faculty, staff, and members of the public may assemble and/or present speakers in the Institute's common outdoor areas without prior notice to or approval from the Institute.

1.3. Time, Place and Manner Restrictions. While freedom of speech and the right to assemble are valued and encouraged, the law recognizes that there is no absolute right to freedom of speech or right to assemble,

or to make or hear a speech at any time or place regardless of the circumstances, content of speech, purpose of assembly, or probable consequences of such meeting or speech.

1.3.1. Assembly on College Grounds. Any group or person, whether or not a student or employee of the Institute, may assemble and engage in expressive activities in the Institute's common outdoor areas subject to the Institute's reasonable time, place, and manner restrictions. The Institute may prohibit individuals' expressive activity if the Institute determines, after reasonable inquiry, that the expressive activity materially disrupts the functioning of the Institute; or constitutes a clear and present danger to the Institute's orderly operation; or violates other Institute policies or State or federal law.

1.3.2. Clear and Present Danger. Expressive conduct that constitutes a clear and present danger to the Institute's orderly operation by the speaker's advocacy (e.g., preparing the group addressed and steeling it to imminent action as opposed to the abstract espousal of the propriety of resort to force) is prohibited. In determining the existence of a clear and present danger, there must be not only advocacy to action but also reasonable apprehension of imminent danger to the essential functions and purposes of the Institute. In determining whether expressive activity constitutes a clear and present danger, the Institute may consider all relevant factors, including, for example, whether within the past five (5) years such speaker has incited violence resulting in the destruction of property at any public institution or has willfully caused the forcible disruption of regularly scheduled classes or other educational functions at any such institution. Such review will be exercised without regard to the viewpoint of any speaker.

1.4. Publications and Posters. No group or person, whether or not a student or employee, shall publicly display, distribute, or disseminate on Institute grounds any petition, handbill, or piece of literature, work, or material (collectively "Literature") that is obscene, vulgar, libelous, constitutes commercial speech, or advocates for the deliberate violation of any federal, State, or local law. Literature may not be distributed where the manner or form of distribution constitutes disorderly conduct, impedes the maintenance of public order, or constitutes a danger to the person distributing or disseminating the material or to any group or individual. Subject to these reasonable time, place and manner restrictions, students, student organizations, faculty, staff, and members of the public may distribute or display Literature in the Institute's common outdoor areas without prior notice to or approval from the Institute.

1.4.1. "Advocacy" means addressing the group for imminent action and steeling, bolstering, or bracing it to such action as opposed to the abstract espousal of the moral propriety of a course of action.

1.4.2. Any group or person, whether or not a student or employee, demonstrating on campus shall adhere to the provisions of Section 4.30 of the Texas Education Code and Section 3.4 of Chapter VI of the TSUS *Rules and Regulations*.

1.5. Disruptive Activities. Disruptive activities are prohibited on the campus. The president shall promptly utilize all lawful measures to halt and eliminate any and all such disruptive activities occurring on Institute premises. The president's review of the alleged disruptive activities will be exercised without regard to the viewpoint of any group or individual.

2. Parades, Demonstrations, and Rallies

2.1. Parades, demonstrations, and rallies must not result in a breach of peace or violation of any law; or interfere with the free and unrestricted

flow of pedestrian and vehicular traffic on campus or the entry or the exit to any campus building, structure or facility; or materially disrupt or interfere with the normal activities of the Institute.

2.2. No person or group conducting or participating in a parade, demonstration, or rally at the Institute may advocate for the deliberate violation of the law.

2.3. No parade, demonstration, or rally may take place inside any of the Institute's limited public forums or non-public forums.

2.4. Students, student organizations, faculty, staff, and members of the public may conduct or participate in a parade, demonstration, or rally in the Institute's common outdoor areas.

3. Alleged Violations of this Chapter

3.1. Individuals wishing to file a grievance regarding an alleged violation of Texas Education Code Section 51.9315 may make an online report via email at studentserv@lit.edu.

3.2. A student or student organization who violates a prohibition in this Chapter may be disciplined as provided in the Institute's **Code of Conduct and Disciplinary Policy**.

3.3. A faculty or staff member who violates a prohibition in this Chapter may be disciplined under applicable procedures provided by other relevant rules. If no such procedures exist, alleged violations by staff members will be referred to Human Resources and alleged violations by faculty members will be referred to the Provost.

Student Responsibilities

As members of LIT's teaching and learning community, students have a responsibility to:

- Read the LIT Catalog and Student Handbook.
- Become knowledgeable about Institute policies and procedures.
- Provide accurate information on Institute forms and update that information when necessary.
- Meet financial obligations to the Institute.
- Attend regularly scheduled classes.
- Complete assignments and exams based upon course syllabus information.
- Participate in class.
- Fulfill one's academic responsibilities in an honest manner.
- Abide by Institute policies and procedures.
- Abide by the established computer use procedures.
- Be aware of academic and graduation requirements.
- Abide by the equipment usage policy.
- Meet published deadlines.
- Use best efforts to notify the Institute if a condition exists that may violate a student's rights, or Institute policies, rules, standards, or procedures.
- Abide by State and federal laws.

Sexual Misconduct Policy

Texas State University System Sexual Misconduct Policy and Procedures

1. Introduction

1.1. Institutional Values.

The Texas State University System (TSUS), its colleges, and universities

H.3.1 (Policy) State Law Prohibitions

Responsible Departments: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator and General Counsel

Board Adoption: 12-19-23

Last Amended: 5-21-2024

Purpose

This policy is designed to implement state law requirements limiting and prohibiting certain practices, including those generally referred to as Diversity, Equity and Inclusion initiatives, codified Texas Education Code §51.3525, and tolerating antisemitic speech and acts, as antisemitism is defined at Texas Government Code § 448.001, as required by Executive Order GA-44. In any unintended cases of failure of this policy to conform to then-applicable statutory, regulatory or executive order requirements regarding such matters, those requirements are hereby incorporated by reference and shall prevail to the extent of any conflict. The Chancellor may adopt procedures which, without limitation, reflect regulations to be drafted by state agencies to implement statutory requirements.

Diversity, Equity and Inclusion Practices

Definition

Diversity, Equity and Inclusion practices are defined as:

- (1) influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- (2) promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- (3) promoting policies or procedures designed or implemented in reference to race, color, or ethnicity; or
- (4) conducting training, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation

Prohibition

The College District shall not establish or maintain a Diversity, Equity and Inclusion office, division, unit, or function, or hire or assign an employee, or contract with a third party for the purposes of conducting Diversity, Equity and Inclusion practices as outlined in the definition section of this policy.

The College District shall not compel, require, induce, or solicit any person to provide a diversity, equity and inclusion statement, or give preferential consideration (e.g., in employment) to any person based on the provision of a diversity, equity and inclusion statement.

The College District shall not give preference on the basis of race, sex, color, ethnicity or national origin to an applicant for employment, an employee, or a participant in any function of the College District.

The College District shall not require any person as a condition of enrollment or of

H.3.1 (Policy) State Law Prohibitions

Responsible Departments: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator and General Counsel

Board Adoption: 12-19-23

Last Amended: 5-21-2024

performing any institutional function to participate in training which is designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.

Exceptions

Policies, procedures and required training, programs and activities otherwise prohibited are allowed only when approved in writing by the institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Required training, programs and activities also must be developed by an attorney and maintained in (i) the AlamoTALENT learning management system if for employees, and (ii) the office of the Vice Chancellor for Student Success if for students.

This policy does not restrict the issuance of statements that highlight the College District's work in supporting first-generation college students, low-income students, or underserved student populations for purposes, without limitation, of grant application or accreditation maintenance.

This policy does not restrict a policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity.

Additional exceptions are, and this policy does not restrict:

- academic course instruction;
- scholarly research or a creative work by students, faculty or other research personnel or the dissemination of that research or work;
- an activity of a registered or recognized student organization;
- guest speakers or performers on short-term engagements;
- data collection; or
- student recruitment or admissions.

Required Periodic State Reporting

The Board must submit to the Legislature and the Texas Higher Education Coordinating Board a report certifying its compliance with Texas Education Code §51.3525 during the preceding state fiscal year before spending money appropriated to the institution for a current fiscal year.

In the interim between each regular session of the Legislature, the Board's designee must testify before the standing legislative committees with primary jurisdiction over higher education at a public hearing regarding its compliance with Section 51.3525.

H.3.1 (Policy) State Law Prohibitions

Responsible Departments: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator and General Counsel

Board Adoption: 12-19-23

Last Amended: 5-21-2024

Institutional Consequences of Violation

The State Auditor must audit College District compliance with Texas Education Code §51.3525 at least once every four years. If the State Auditor determines that the College District has spent state money in violation of that section, the College District must cure the violation within 180 days after that determination is made to avoid ineligibility to receive formula funding increases, institutional enhancements, or exceptional items during the immediately following the state fiscal biennium.

A student or employee of the College District who is required to participate in training in violation of Texas Education Code §51.3525(b)(1)(E) may bring an action for injunctive or declaratory relief against the College District.

Antisemitism

Definition (from Texas Government Code § 448.001)

Antisemitism is defined as a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

Admonition

The College District shall foster appropriate discourse.

Prohibition

The College District shall not tolerate antisemitic speech or acts by employees, students, other persons or groups on its premises, including its protected free speech areas.

Discipline

Employees

- Inadvertent failure to comply with this policy shall be no more than a Step One disciplinary offense under the Progressive Discipline Procedure D.9.1.2.
- A second inadvertent failure to comply and ANY reckless failure to comply shall be a Step Two disciplinary offense.
- A third inadvertent failure to comply, a second reckless failure to comply and ANY knowing or deliberate failure to comply shall be a Step Three disciplinary offense.
- ANY violation of this policy whatsoever occurring after a Step Three violation of this policy shall be a Step Four disciplinary offense resulting in termination of employment for cause.

H.3.1 (Policy) State Law Prohibitions

Responsible Departments: Alamo Colleges District Title IX/VII/IV/ADA/504 Coordinator and General Counsel

Board Adoption: 12-19-23

Last Amended: 5-21-2024

Contractors

The engagement of an independent contractor to the College District whose activities on behalf of the College District violate Texas Education Code §51.3525 is terminable at the discretion of the College District, subject to any countervailing statutory or regulatory restrictions.

Students

Students who engage in prohibited antisemitic speech or acts are subject to discipline under the student Non-Academic Misconduct Disciplinary and Appeals Process, Procedure F.4.2.1, up to and including expulsion.

Internal Reporting of Possible Violations

Suspected violations of this policy may be reported to the Director of Ethics, Compliance & Policy or through the NAVEX online reporting system.

Legal Reference -Texas Education Code §51.3525

Texas Government Code § 448.001

Executive Order GA-44

Legal Reference - TACC Policy Reference Manual

F.09.01.01 Protected Expression on Campus-Students' Rights and Responsibilities

Procedure

Responsible Department: Vice Chancellor for Student Success

Based on Board Policy: [F.09.01](#) - Protected Expression on Campus-Students' Rights and Responsibilities

Approved: 7-28-20

Last Amended: 05-21-24



The College District and its colleges recognize that the freedom of speech and expression and right to peaceful assembly are fundamental rights and central to their educational mission. This procedure constitutes the “policy” required by Section 51.9315(f) of the Texas Education Code to detail students’ rights and responsibilities regarding expressive activities. Consistent with Section 51.9315(f), the common outdoor areas of the Alamo Colleges and other College District buildings are deemed traditional public forums, subject to reasonable restrictions of time, place, and manner of expressive activity.

I. Definitions.

1. “Alamo College” means Northeast Lakeview College, Northwest Vista College, Palo Alto College, San Antonio College, or St. Philip’s College, all of which are the institutions of higher education of the Alamo Community College District.
2. “Benefit” includes:
 - (a) Recognition by or registration with an Alamo College;
 - (b) The use of an Alamo College’s or College District’s facilities for meetings or speaking purposes;
 - (c) The use of channels of communication controlled by an Alamo College or the College District;
 - (d) Funding sources made generally available to student organizations by an Alamo College or the College District. *Tex. Educ. Code § 51.9315(a)(1)*.
3. “College community” means students, faculty members and employed staff of an Alamo College.”
4. “Expressive activities” means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Article 1, Section 8, Texas Constitution and includes assemblies, protests, the distribution of written materials, the carrying of signs, and the circulation of petitions. The term does not include commercial speech (*Tex. Educ. Code § 51.9315(a)(2)*) or antisemitic speech or actions *Executive Order GA-44*.
5. “Freedom of speech” under the U.S. Constitution: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of

F.09.01.01 Protected Expression on Campus-Students' Rights and Responsibilities

Procedure

Responsible Department: Vice Chancellor for Student Success

Based on Board Policy: [F.09.01](#) - Protected Expression on Campus-Students' Rights and Responsibilities

Approved: 7-28-20

Last Amended: 05-21-24

speech, or of the press; or the rights of the people peaceably to assemble, and to petition the government for a redress of grievances. *U.S. Constitution, Amendment 1.*

6. "Freedom of speech" under the Texas Constitution: "Freedom of Speech and Press; Libel. Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press. In prosecutions for the publication of papers, investigating the conduct of officers, or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases. *Texas Constitution, Article 1, Section 8.*
7. "Student" means a person who is currently enrolled at one or more of the Alamo Colleges, or has been enrolled at one or more of the Alamo Colleges in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.
8. "Student organization" includes any organization that is composed mostly of students enrolled at an Alamo College and that receives a benefit from the college, as defined below. *Tex. Educ. Code § 51.9315(a)(4).*
9. "Antisemitism" is defined at Policy H.3.1.

II. General Rules.

1. Freedom of speech and assembly are central to the mission of institutions of higher education, such as each of the Alamo Colleges. *Tex. Educ. Code § 51.9315(b)(1).*
2. All common outdoor areas of the Alamo Colleges campuses are deemed traditional public forums. *Tex. Educ. Code § 51.9315(c)(1).*
3. Any person shall be permitted to engage freely in expressive activities in those common outdoor areas of the Alamo Colleges campuses so long as the person's conduct:
 - (a) Is not unlawful; and
 - (b) Does not materially and substantially disrupt the functioning of an Alamo College or the College District. *Tex. Educ. Code § 51.9315(c)(2).*
4. Notwithstanding (2) and (3) above, the College District exercises its right as provided by the Texas Education Code to impose reasonable restrictions on the time, place, and manner of expressive activities in the common outdoor areas of the Alamo Colleges campuses which:

F.09.01.01 Protected Expression on Campus-Students' Rights and Responsibilities

Procedure

Responsible Department: Vice Chancellor for Student Success

Based on Board Policy: [F.09.01](#) - Protected Expression on Campus-Students' Rights and Responsibilities

Approved: 7-28-20

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- (a) Are narrowly tailored to serve a significant institutional interest;
- (b)
- (b) Employ clear, published, content-neutral and viewpoint-neutral criteria;
- (c) Provide for ample alternative means of expression; and
- (d) Allow members of the college community to assemble or distribute written material without a permit or other permission from an Alamo College. *Tex. Educ. Code § 51.9315(d)(1-4).*

The reasonable restrictions are imposed to preserve the educational mission of the colleges and maintain order so that the functioning or safety of the colleges or College District is not materially and substantially disrupted. *Tex. Educ. Code § 51.9315(b)(1) and (c)(2)(B).*

III. Reasonable Restrictions.

Reasonable restrictions on the time, place, and manner of expressive activities in the common outdoor areas of the Alamo Colleges campuses include the following:

1. A person intending to engage in expressive activity in the common outdoor areas of the Alamo Colleges campuses, whether individually or on behalf of an organization or group, is encouraged but not required to reserve a space or area in advance on a form, attached as Appendix A, with the Student Life Office of the college where the expressive activity is to take place. The purpose of reserving a space in a common outdoor area is to ensure no conflict with scheduled activities and accommodate the expressive activity in terms of expected size of the participants and audience and need for campus security. If the requested common outdoor area for conducting expressive activity is not available, an alternative common outdoor area will be offered. The form does not constitute a permit or other permission to assemble or distribute written material from the College District or a College. *Tex. Educ. Code § 51.9315(d)(4).*

Members of the college community wishing to engage in expressive activity other than within the common outdoor areas of the Alamo Colleges, such as within a building, whether individually or on behalf of an organization or group, are required to request the use of a room or auditorium in advance on a form, attached as Appendix A, from the Vice President of College Services of the college where the expressive activity is to take place.

2. Expressive activities in the common outdoor areas must be conducted and concluded when the College District and its colleges are open for business operations and classes are in session. Exceptions may be granted by the college Vice President for Student Success (VPSS) or designee or College President.

F.09.01.01 Protected Expression on Campus-Students' Rights and Responsibilities

Procedure

Responsible Department: Vice Chancellor for Student Success

Based on Board Policy: [F.09.01](#) - Protected Expression on Campus-Students' Rights and Responsibilities

Approved: 7-28-20

Last Amended: 05-21-24

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3. Expressive activity in the common outdoor areas (a) must not obstruct passageways, doorways, ramps for the disabled, loading docks, parking spaces, pedestrian or vehicular traffic; (b) must not be extended into the buildings, hallways, classrooms, laboratories, or stairwells; (c) must not be conducted within a ten-foot clearance around entrances or the perimeter of a college building, and (d) must not be conducted through or the use of sound amplifying devices. Shouting, group chanting, and acoustic musical instruments are excluded from the latter but are subject to the general rules on material and substantial disruption. Open flames are prohibited. Persons conducting expressive activities are not permitted to hang signs or banners on campus buildings, landscaping, hardscape, or trees.
 4. The person(s) conducting the expressive activity, whether individually or on behalf of an organization or group, are required (a) to clean up after the expressive activity ends, including by picking up literature abandoned, left behind or discarded by them or others; and (b) to furnish any tables, chairs, or other items required for an expressive activity.
 5. The display or distribution of obscene materials as defined in § 43.21 in the Texas Penal Code is prohibited at the Alamo Colleges. "Obscene" means material or a performance that:
 - (a) the average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;
 - (b) depicts or describes:
 - (i) patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or
 - (ii) patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, covered male genitals in a discernibly turgid state or a device designed and marketed as useful primarily for stimulation of the human genital organs; and
 - (c) taken as a whole, lacks serious literary, artistic, political, and scientific value. *Tex. Penal Code § 43.21(a)(1)(A),(B)(i)(ii)(C)*.

"Material" means anything tangible that is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound, or in any other manner, but does not include an actual three-dimensional obscene device. *Tex. Penal Code § 43.21(a)(2)*.

"Performance" means a play, motion picture, dance, or other exhibition performed before an audience. *Tex. Penal Code § 43.21(a)(3)*. "Patently offensive" means so offensive on its face as to affront current community standards of decency. *Tex. Penal Code § 43.21(a)(4)*.

F.09.01.01 Protected Expression on Campus-Students' Rights and Responsibilities

Procedure

Responsible Department: Vice Chancellor for Student Success

Based on Board Policy: [F.09.01](#) - Protected Expression on Campus-Students' Rights and Responsibilities

Approved: 7-28-20

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“Promote” means to manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same. *Tex. Penal Code § 43.21(a)(5)*.

“Wholesale promote” means to manufacture, issue, sell, provide, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purpose of resale. *Tex. Penal Code § 43.21(a)(6)*. “Obscene device” means a device including a dildo or artificial vagina, designed or marketed as useful primarily for the stimulation of human genital organs. *Tex. Penal Code § 43.21(a)(7)*.

6. A person commits the offense of display or distribution of obscene materials under Texas Penal Code § 43.21 if he intentionally or knowingly displays or distributes an obscene photograph, drawing, or similar visual representation or other obscene material and is reckless about whether a person is present who will be offended or alarmed by the display or distribution. *Tex. Penal Code § 43.22(a)*. An offense under Texas Penal Code § 43.22(a) is a class C misdemeanor. A person who display or distributes obscene materials during an expressive activity may be detained or charged by campus police and taken to the county magistrate’s office for booking.
7. Conduct that would be considered a criminal offense under the Texas Penal Code is prohibited at all times, including at or during an expressive activity. *Texas. Educ. Code § 51.201*. This includes trespassing on the grounds of the College District or any of the Alamo Colleges and damaging or defacing any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any of the College District or College campuses. *Texas Educ. Code § 51.204(b)(1)(2)*.
8. The open or unlicensed carrying or use of a weapon as defined by the Texas Penal Code is prohibited in the outdoor common areas, including at or during an expressive activity. *Texas Penal Code Chapter 46*.
9. Members of the college community are allowed to assemble or distribute written material without a permit or other permission from an Alamo College in the common outdoor areas. *Tex. Educ. Code § 51.9315(d)(4)*.
10. Antisemitic speech or acts by any person or group are prohibited on College District property. Freedom of expression within the meaning of this procedure does not extend to unlawful antisemitic speech or acts on College District property as the requirements of federal and Texas law may be reconciled. *Executive Order GA-44*.

F.09.01.01 Protected Expression on Campus-Students' Rights and Responsibilities Procedure

Responsible Department: Vice Chancellor for Student Success

Based on Board Policy: [F.09.01](#) - Protected Expression on Campus-Students' Rights and Responsibilities

Approved: 7-28-20

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IV. Students' Rights and Responsibilities

1. The General Rules above do not limit the right of student expression at other campus locations or prohibit a faculty member from maintaining order in the classroom. *Tex. Educ. Code § 51.9315(e)(1-2)*.
2. Subject to the reasonable restrictions stated above, any person may engage in expressive activities within the common outdoor areas of the Alamo Colleges campuses, including by responding to the expressive activities of others. *Tex. Educ. Code § 51.9315(f)(1)(A)*. Students, student organizations, faculty members, staff members, and members of the public have the right to assemble, speak, and attempt to attract the attention of others as provided above, and likewise have the corresponding right to listen to the speech of others and accept written communications of speech or to ignore the speech of others and refuse written communications of speech.
3. Student organizations and faculty may invite speakers to speak on campus, but the college Vice President for College Services (VPCS) must approve a speaking engagements other than within the common outdoor areas of the college campus, or **when a significant risk of antisemitic speech or acts is reasonably presented**, or when the speaker requires a contract with the college, or when the speaker is to be compensated with College or student activity fee funds. *Tex. Educ. Code § 51.9315(f)(1)(B) and (h)*; *Executive Order GA-44*. Faculty, staff, students, and student organizations do not have the authority to execute contracts or agreements that bind a college or College District.
4. In determining whether to approve a speaker to speak on campus or in determining the amount of a fee to be charged for use of the institution's facilities for purposes of engaging in expressive activities, a college or the College District:
 - (a) **Other than considering whether a significant risk of antisemitic speech or acts as prohibited by applicable law is reasonably presented**, may consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, such as:
 - (1) the proposed venue and the expected size of the audience;
 - (2) any anticipated need for campus security;
 - (3) any necessary accommodations; and
 - (4) any relevant history of compliance or noncompliance by the requesting student organization or faculty member with this procedure and any other relevant policies and procedures. *Tex. Educ. Code § 51.9315(h)(1)(A-D)*.
 - (b) May not consider any anticipated controversy related to the event. *Tex. Educ. Code § 51.9315(f)(2)*.

F.09.01.01 Protected Expression on Campus-Students' Rights and Responsibilities Procedure

Responsible Department: Vice Chancellor for Student Success

Based on Board Policy: [F.09.01](#) - Protected Expression on Campus-Students' Rights and Responsibilities

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(c) Should consult Board Procedure [C.01.03.03](#) on Facilities Use and Fees.

5. A college may not take action against a student organization or deny the organization any benefit generally available to other student organizations at any of the Alamo Colleges or the College District on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization **except as may be required by applicable law.** *Tex. Educ. Code § 51.9315(g).*

V. Grievance Procedure per *Tex. Educ. Code § 51.9315(d)(1-3).*

1. It is considered a violation of this procedure and its policy, and any corresponding policy and procedure for employees, for a student or employee, including a faculty member, to unduly interfere with the expressive activities of others. Written complaints of such conduct may be submitted to the college VPSS within five (5) business days of the expressive activity on a form attached hereto as Appendix B.
2. Within five (5) business days of receiving the complaint, the College VPSS or designee will (a) acknowledge the complaint to the complainant and the date it was received; (b) notify the person(s) alleged to be the violator(s) of the specific allegations and that the complaint will be investigated; and (c) assign a team to investigate the complaint and render a written report with facts found based on a preponderance of the evidence. The team will consist of one faculty, one staff, and may include a student. The assignment must be documented in writing and a copy of the complaint must be provided to the investigative team. The College VPSS shall also notify the College District Legal Office that a complaint was filed.
3. The investigative team will commence a confidential investigation within five (5) business days of assignment by interviewing the complainant and persons who are alleged to have committed the violation individually or collectively with others. The persons who are alleged to have violated this procedure and its policy shall be provided a copy of the complaint and given an opportunity to explain and provide their side of the story.
4. Within ten (10) days from the date the investigative team is assigned the complaint, the investigative team will render a report in a recommended format with facts found based on a preponderance of the evidence and provide the report to the VPSS who will determine within ten (10) business days whether the procedure and policy were violated and recommend disciplinary sanctions. A violation of this procedure by a student also is a violation of any applicable provision of the Student Code of Conduct. A disciplinary sanction against a student must be appropriate under the Student Code of Conduct. The severity of the interference and harm caused should be considered. If a violator is an employee, the VPSS will consult with

F.09.01.01 Protected Expression on Campus-Students' Rights and Responsibilities Procedure

Responsible Department: Vice Chancellor for Student Success

Based on Board Policy: [F.09.01](#) - Protected Expression on Campus-Students' Rights and Responsibilities

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Human Resources for approval of recommended discipline. No sanctions or discipline may be imposed on a student or employee until after the appeal period has expired.

5. The VPSS will provide written notification of the determination decision and any recommended disciplinary sanctions to the complainant and the persons charged with violating the procedure and its policy. The written notification must state the violation determination and that the imposition of any discipline may be appealed to the College President within five (5) business days of the VPSS notification. If the VPSS notification is sent by mail, then the appeal must be submitted to the College President within eight (8) business days.
6. Within five (5) business days of receiving the appeal, the College President will acknowledge the appeal to the parties and schedule a meeting to hear the appeal within 10 business days of receiving it. Within five (5) business days of hearing the appeal, the College President will render a written decision, affirming the College VPSS' decision in whole or in part and accepting, modifying or not accepting the recommended sanctions and discipline. The decision of the College President is final.
7. This grievance procedure is an internal administrative proceeding. The parties and VPSS or College President may agree in writing to a mutual resolution of the complaint or extensions of time at any time.

VI. Enforcement.

The Alamo Colleges Police Department (ACPD) is authorized to enforce the criminal laws of the State of Texas and is charged with maintaining the peace, order, and safety of a college campus. ACPD may act if expressive activity becomes unlawful or materially and substantially disrupts the academic or administrative functioning of an Alamo College or the College District. ACPD may act if the expressive activity becomes a breach of the peace, compromises safety or order on campus, or involves a behavior or activity prohibited by the Texas Penal Code, including damage to campus property. Student Life, Administration, or ACPD may act if a reasonable restriction in this procedure is being violated. ACPD is authorized to request and obtain identification from a person on campus, and the person is required to comply. ACPD is authorized to exclude persons from campus. *Texas Educ. Code § 51.209.*

VII. Required Actions Per *Tex. Educ. Code § 51.9315(f), (i), (j-k)*

1. This procedure and its policy at F.8.1 are required to be approved by a majority vote of the Board of Trustees before final adoption. *Tex. Educ. Code § 51.9315(f)(1)(4).*
2. After final adoption by the Board, this procedure and its policy are required:

F.09.01.01 Protected Expression on Campus-Students' Rights and Responsibilities Procedure

Responsible Department: Vice Chancellor for Student Success

Based on Board Policy: [F.09.01](#) - Protected Expression on Campus-Students' Rights and Responsibilities

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- (a) To be posted on the College District website by including them in the Board Policies and on each Colleges' website; *Tex. Educ. Code § 51.9315(f)(1)(4) and (i)*; and
- (b) To also be made available to students enrolled at any of the Alamo Colleges by including them in college student handbooks and providing a copy of the procedure and its policy to students during orientation. *Tex. Educ. Code § 51.9315(i)(1-3)*.
3. The College District in collaboration with each college shall develop materials, programs, and procedures to ensure that the employees responsible for educating or disciplining students understand the requirements of Section 51.9315 of the Texas Education Code and all policies and procedures adopted in accordance with the statute. *Tex. Educ. Code § 51.9315(j)*.
4. Not later than December 1, 2020, the College District shall prepare, post on its website, and submit to the governor and members of the Texas Legislature a report regarding the implementation of the requirements of Section 51.9315 of the Texas Education Code within the College District and among the colleges. *Tex. Educ. Code § 51.9315(k)*.

Legal References:

Tex. Educ. Code § 51.9315

Executive Order GA-44

TACC Policy Reference Manual: FLA (LEGAL)-Student Expression and Use of Facilities

F.04.02.01 Non-Academic Misconduct Disciplinary and Appeal Process Procedure

Responsible Department: Vice Chancellor for Student Success

Based on Board Policy: [F.04.02](#) - Student Code of Conduct

Approved: 4-30-10

Last Amended: 9-26-17, 5-21-24

This document replaces the former F.4.2.1 (Procedure) Student Code of Conduct and F.4.2.2 (Procedure) Non-Academic Misconduct Disciplinary Process



ALAMO
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DISTRICT

The following is the disciplinary and appeal process for non-academic misconduct violations of the Student Code of Conduct (see Policy [F.04.02](#)).

General Definitions

The following General Definitions shall apply in the Student Code of Conduct:

1. *Student* - For the purpose of the Student Code of Conduct, the definition of student is a person who:
 - a. is accepted for admission or readmission to one of the Alamo Colleges;
 - b. is currently enrolled at one of the Alamo Colleges;
 - c. has been enrolled at one of the Alamo Colleges in a prior term;
 - d. is attending an additional program sponsored by one of the Alamo Colleges; or
 - e. has engaged in prohibited conduct at a time when he or she met the criteria of (a), (b), (c) or (d).
2. *Board* – the Board of Trustees of the Alamo Community College District (“Alamo Colleges” or “College District.”)
3. *Administration or Administrator* – any President, Vice-President, or Dean at an individual college of the Alamo Colleges.
4. *Campus* - (a) any building or property owned or controlled by the College District within the same reasonably contiguous geographic area of the and used by the College District in direct support of, or in a manner related to, the College District’s educational purposes; and (b) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as food or other retail vendor).
5. *Chief Student Affairs Officer* – the Vice President for Student Success at an individual college.
6. *College District* - the Alamo Community College District including all of its colleges, other units and locations where the College District conducts programs and operations. *Alamo Colleges* is synonymous with the Alamo Community College District.

F.04.02.01 Non-Academic Misconduct Disciplinary and Appeal Process Procedure

Responsible Department: Vice Chancellor for Student Success

Based on Board Policy: [F.04.02](#) - Student Code of Conduct

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This document replaces the former F.4.2.1 (Procedure) Student Code of Conduct and F.4.2.2 (Procedure) Non-Academic Misconduct Disciplinary Process

7. *College District Community* – College District students, guests, employees, Trustees, and contractors.
8. *College District Property* - all property owned, controlled, or leased by the College District, including vehicles operated by the College District and information technology resources such as internet access (WiFi, ACES, Learning Management System), telecommunications devices (including telephones), and the electronic mail system.
9. *College District Sponsored Activity* - any activity on or off College District Property initiated, approved, or supervised by the College District.
10. *Disciplinary Hearing Committee or Hearing Committee* – The committee appointed to hear Student Code of Conduct disciplinary decisions and issues appealed by the student.
11. *Student Conduct Officer* – an employee at a College who is authorized to investigate alleged violations of the Student Code of Conduct and impose sanctions upon any student(s) found in violation of the Student Code of Conduct. Not every College employee who investigates violations and administers student discipline has the job title of “Student Conduct Officer.” Not every College has a Student Conduct Officer. A Student Conduct Officer is often the designee of the Dean of Student Success or Vice President of Student Success.
12. *Preponderance of the evidence* means the greater weight of credible evidence (more likely than not).

Non-Academic Misconduct

In addition to any and all activities prohibited by law and College District policies, procedures, and college rules, the following is a nonexclusive list of behavior, conduct, or activity that is expressly prohibited on campus, on college district property, including a college operated vehicle, or at college district sponsored activities:

1. *Engaging in Inappropriate Behavior or Communications.* This contemplates behavior or communications that would be considered offensive, discriminatory, harassing, threatening, or in violation of other policies, rules, or laws, such as sexual or racially derogatory language as well as statements that are not directed at anyone in particular but are potentially threatening to the campus community. This definition includes engaging in a pattern of disrespectful, defiant, or uncivil behavior as determined in

F.04.02.01 Non-Academic Misconduct Disciplinary and Appeal Process Procedure

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Based on Board Policy: [F.04.02](#) - Student Code of Conduct

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This document replaces the former F.4.2.1 (Procedure) Student Code of Conduct and F.4.2.2 (Procedure) Non-Academic Misconduct Disciplinary Process

the discretion of the college or College District. This definition includes communication in any form, including but not limited to, oral, written, body language, or electronic. This definition does not include behavior or communications that are protected by law.

2. *Engaging in Disruptive or Threatening Behavior in the Classroom.* A pattern of behavior that disrupts the flow of instruction, classroom or educational environment, interferes with the educational opportunities of other students, threatens the safety of students or the instructor, or otherwise violates the rules of behavior described in the class syllabus if the instructor believes his/her advisement or classroom management has not been effective.
3. *Engaging in Disruptive or Threatening Behavior Other than in the Classroom.* Behavior that disrupts the use or enjoyment of campus facilities, grounds, and activities by other students, or members of the College District community or threatens or potentially threatens the safety of students or other members of the College District community.
4. *Bullying.* Bullying means engaging in written or verbal expression, expression through electronic means, or physical conduct that (a) that has the effect or will have the effect of emotionally or physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property, or (2) is sufficiently severe, persistent, or pervasive so that the action or threat creates an intimidating, threatening, or abusive educational environment for a student. The foregoing conduct is considered bullying if the conduct exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct, and interferes with a student's education or substantially disrupts the operation of a college.
5. *Gambling.* Participating in or promoting gambling activities. Making a bet on the partial or final result of a game or contest or on the performance of a participant in a game or contest; making a bet on the result of any political nomination, appointment, or election or on the degree of success of any nominee, appointee, or candidate; or playing and betting for money or other thing of value at any game played with cards, dice, balls or any other gambling device.
6. *Criminal Conduct.* Engaging in criminal behavior as defined by Texas or federal law, including but not limited to criminal trespass, firearms violations, disorderly conduct, public indecency, defacing public property, and damaging, destroying, and/or tampering with the tangible property of another (including the College District), or

F.04.02.01 Non-Academic Misconduct Disciplinary and Appeal Process Procedure

Responsible Department: Vice Chancellor for Student Success

Based on Board Policy: [F.04.02](#) - Student Code of Conduct

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This document replaces the former F.4.2.1 (Procedure) Student Code of Conduct and F.4.2.2 (Procedure) Non-Academic Misconduct Disciplinary Process

causing pecuniary loss or substantial inconvenience to another (including the College District).

7. *Obscenity.* Displaying or distributing obscene material which (in any form) when taken as a whole, lacks serious literary, artistic, political and scientific value, using profanity or obscenities in the classroom.
8. *Pornography-Child or Other.* Possessing or Promoting Child or other Pornography including but not limited to material that depicts a child younger than 18 years of age at the time the material was made engaging in actual or simulated sexual intercourse or lewd depiction of genital area(s). The use of the college district information technology resources to access pornography is prohibited.
9. *Weapons.* Unlawful carrying or display of weapons, or use or possession of (i) prohibited weapons, including firearms, knuckles, explosive weapons and clubs, and/or (ii) any object used as a weapon or instrument to threaten, attempt to harm, or harm or injure oneself or another, while on College District Property. Location-restricted knives as defined by Chapter 46 of the Texas Penal Code are prohibited on College District Property even if not prohibited by the Penal Code.
10. *Campus Disruption.* Inciting, causing or participating in a campus disruption including but not limited to:
 - a. Tampering with fire extinguishers, fire alarm boxes, smoke or heat detectors or other emergency or safety equipment anywhere on College District Property or at a College District Sponsored Activity.
 - b. Ejecting objects from buildings or vehicles on College District Property or at a College District Sponsored Activity.
 - c. Failing to leave a classroom, office or building when requested to do so by a faculty member, employee, police officer or Administrator.
 - d. Any behavior that substantially disrupts the campus or educational environment creates an immediate danger of damage to property or injury to persons; substantially obstructs law enforcement or other governmental functions or services; or by force, threat of force or physical action deprives any person of a legal right or disturbs a person in the enjoyment of a legal right.
 - e. Starting any fire unless doing so is appropriate as part of a College District Sponsored Activity (such as a lab or classroom activity) under appropriate faculty

F.04.02.01 Non-Academic Misconduct Disciplinary and Appeal Process Procedure

Responsible Department: Vice Chancellor for Student Success

Based on Board Policy: [F.04.02](#) - Student Code of Conduct

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This document replaces the former F.4.2.1 (Procedure) Student Code of Conduct and F.4.2.2 (Procedure) Non-Academic Misconduct Disciplinary Process

supervision.

f. A report of a crime or wrongdoing or present, past, or future bombing, fire, offense, or other emergency that is false or baseless and that would ordinarily cause action by Administration or the Police Department/law enforcement; place a person in fear of imminent serious bodily injury; or prevent or interrupt the occupation of a building, room, place of assembly, or place to which the public has access.

11. *Stalking*. Repetitive and/or menacing pursuit following, harassment and/or interference with the peace and/or safety of a member of the community or the safety of any of the immediate family members of the community on the basis of actual or perceived membership in a protected class. Stalking involves an intentional course of repeated conduct or behavior over a period of time, directed at a specific person, or member of the specific person's family or household or an individual with whom the specific person has a dating relationship which causes the person to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property to feel harassed, annoyed, alarmed, abused, tormented, embarrassed or offended. See Policy on Civil Rights Discrimination, Harassment and Retaliation Policy at [H.01.02](#).
12. *Sexual Misconduct*. Any sexual misconduct in violation of the Civil Rights Discrimination, Harassment and Retaliation Policy at [H.01.02](#), including but not limited to sexual harassment, non-consensual sexual intercourse, non-consensual sexual contact, and/or sexual exploitation. Sexual Misconduct includes, but is not limited to, behaviors often described as sexual harassment, sex/gender discrimination, sexual assault, rape, stalking, and relationship violence (including domestic and dating violence).
13. *Sexual violence*. Sexual violence refers to physical acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because of an intellectual or other disability prevents the student from having the capacity to give consent). See Policy on Civil Rights Discrimination, Harassment and Retaliation Policy at [H.01.02](#).
14. *Dating Violence*. An act, other than a defensive measure to protect oneself, by an actor that is committed against a victim: (a) with whom the actor has or has had a dating relationship; or (b) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

F.04.02.01 Non-Academic Misconduct Disciplinary and Appeal Process Procedure

Responsible Department: Vice Chancellor for Student Success

Based on Board Policy: [F.04.02](#) - Student Code of Conduct

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This document replaces the former F.4.2.1 (Procedure) Student Code of Conduct and F.4.2.2 (Procedure) Non-Academic Misconduct Disciplinary Process

15. *Domestic Violence/Family Violence.* (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; (2) abuse, as that term is defined by sections 261(1), (C), (E), and (G), by a member of a family or household toward a child or the family or household; or(3) dating violence, as that term is defined by Section 71.0021 of the Texas Family Code.
16. *Hate Crimes.* Crimes that are motivated by prejudice, hatred, or advocacy of violence and defined by the Federal Hate Crime Act as crimes that manifest evidence of bias or prejudice against a group identified by race, color, disability, religion, national origin, ancestry, age, gender, or sexual orientation. Hate crimes include offenses such as murder, assault, kidnapping, arson, criminal mischief, and graffiti. Hate crimes are prohibited by Texas and federal law and this policy.
17. *Assault.* Causing physical injury to another person; making threatening remarks or engaging in behavior that could reasonably be perceived as threatening by another person; or aggressive or hostile behavior that creates a reasonable fear of injury to another person.
18. *Theft.* Appropriating an owner's property without the owner's effective consent.
19. *Fraud.* Fraudulent activity of any kind, including but not limited to:
 - a. negotiating a stolen check or payment issued to another without the other person's authorization;
 - b. issuance of check with insufficient funds;
 - c. forgery;
 - d. presenting or using someone else's credit or debit card, identification document, or Alamo cash card; or
 - e. obtaining, possessing, transferring, or using the identity or identifying information of another person without the other person's consent, to harm or defraud another.
20. *Hazing.* Hazing, soliciting, encouraging, directing, aiding, permitting or attempting to aid another in any intentional, knowing, or reckless act occurring on or off the College District Property directed against a student, by one person alone or acting with others, that endangers the mental or physical health or the safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or

F.04.02.01 Non-Academic Misconduct Disciplinary and Appeal Process Procedure

Responsible Department: Vice Chancellor for Student Success

Based on Board Policy: [F.04.02](#) - Student Code of Conduct

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This document replaces the former F.4.2.1 (Procedure) Student Code of Conduct and F.4.2.2 (Procedure) Non-Academic Misconduct Disciplinary Process

maintaining membership in any organization whose members are or include other students.

21. *Alcohol and Drug Use* (see [F.04.05](#) and [F.04.05-Ex](#)) State or Federal law shall be strictly enforced at all times on all property controlled by the College District in regard to the possession and consumption of alcoholic beverages, and no student shall possess, use, or be under the influence of (legal intoxication not required) any controlled substance as defined by law unless legally prescribed. Use of alcoholic beverages is permitted at College District sponsored events only as specifically authorized in writing by the Chancellor.
22. *Civil Rights Harassment*. Harassment, including Sexual Harassment, motivated by race, color, religion, gender, national origin, age, disability, veteran status, genetic information, sexual orientation, or any other reason and directed toward any member of the College District Community that is sufficiently severe, persistent or pervasive to limit or deny an individual's opportunities for education or benefits of the College District.
23. *Non-Compliance*. Failing to comply with lawful directions of College District officials or administration acting in performance of their duties, failing to comply with College District policies, procedures, regulations, and administrative rules.
24. *Inappropriate Use of Information Technology*. Violation of College District policies and procedures regarding use of information technology resources (see [C.01.09](#) and [C.01.09.01](#)).
25. *Unauthorized entry*. Unauthorized entry into or use of College District Property, or allowing such entry or use by others.
26. *Antisemitism*. Engaging in antisemitic speech or acts as defined and prohibited in [Policy H.3.1](#).
27. *Obstruction of Disciplinary Process*. Obstruction or attempted obstruction of the disciplinary process (investigations, hearings, meetings, or proceeding), including failure to comply with the instructions of the Student Conduct Officer or Administrator or the guidelines of the sanction(s). Violations include but are not limited to:
 - a. Failure to obey the summons or notice by the Student Conduct Officer or Administrator, a disciplinary body, or other College District official.
 - b. Falsification, distortion or misrepresentation of information before a hearing

F.04.02.01 Non-Academic Misconduct Disciplinary and Appeal Process Procedure

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- officer or committee.
 - c. Disruption or interference of the orderly conduct of a disciplinary proceeding.
 - d. Attempting to discourage participation in or use of the disciplinary process.
 - e. Attempting to influence the impartiality of a person or witness who participates in the Student Code of Conduct disciplinary or appeal process prior to, during, or after the course of a disciplinary or appeal proceeding or the testimony or appearance of a witness.
 - f. Harassment (verbal, non-verbal or physical) or intimidation of a person or witness who participates in the Student Code of Conduct disciplinary or appeal process, an individual who files a complaint, testifies, assists, cooperates with, or participates in any manner in the disciplinary or process.
 - g. Failure to comply with the sanction(s) imposed.
 - h. Influencing, or attempting to influence, another person to commit an abuse of the disciplinary or appeal process.
28. *Retaliation.* Retaliating in any way against a student, faculty member, or other employee who reported a Student Code of Conduct violation; a student who was accused of violating the Student Code of Conduct; any witness or participant in a Student Code of Conduct investigation or proceeding, whether involving non-academic misconduct or academic integrity violations; or any person who has reported a violation of law.

Initiation of Non-Academic Misconduct Case

When confronted with any non-academic misconduct violation of the Student Code of Conduct in or out of the classroom, college personnel are responsible for reporting the violation through the appropriate channels. A student may also report an alleged violation of the Student Code of Conduct or a complaint about another student's alleged non-academic misconduct. In all instances, the report or complaint should be documented in writing. The report or complaint should be submitted immediately and may be submitted to the Chief Student Affairs Officer, Dean of Student Success, Student Conduct Officer, if any, or through any recognized electronic reporting system. In some cases, when the Alamo Colleges Police Department (Campus Police) is called a Campus Police report may also be generated.

Attempts to resolve the conflict with the student at the lowest level is strongly encouraged. All written communications and correspondence to a student in a non-academic misconduct case shall be through the Alamo Colleges assigned student email address and/or the physical address of record for the student. The college should request and monitor electronic receipt of the communications from the student.

F.04.02.01 Non-Academic Misconduct Disciplinary and Appeal Process Procedure

Responsible Department: Vice Chancellor for Student Success

Based on Board Policy: [F.04.02](#) - Student Code of Conduct

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Exigent Circumstances Involving Maintaining Safety

In circumstances involving disruption, violence, threat or safety of the student or others, the student may be asked to leave the classroom or campus by the instructor. If necessary, aid in the removal of the student may be sought from the Department Chair, Administrative Leader or Campus Police. If the student is removed from the classroom, the Department Chair must be notified along with, if necessary, the Campus Police, Chief Student Affairs Officer, Dean of Student Success, or a designee. Letters requiring no contact between the students involved in the complaint (no-contact orders) or criminal trespass warnings may be issued. The President of the College will request in writing from the Alamo Colleges Police Department the issuance of a criminal trespass warning.

The Chief Student Affairs Officer, Dean of Student Success, or a designee may take interim action, up to and including suspension of a student immediately and without prior notice for an interim period, when there is reasonable indication that the student poses a substantial threat to himself/herself, to others, or to the stability and continuance of normal College District operations, including the learning environment. Interim action shall not delay or otherwise affect the initiation of other disciplinary proceedings related to the underlying alleged violation of the Student Code of Conduct, or the complaint or report of alleged non-academic misconduct.

Written notice of the interim action taken shall be provided to the student by the Chief Student Affairs Officer, Dean of Student Success, or designee. A student who is suspended on an interim basis shall be given an opportunity to appear before the Chief Student Affairs Officer, Dean of Student Success, or a designee within five (5) business days from the effective date of the interim suspension, to explain his/her conduct and respond to the allegations. The meeting between the student and the Chief Student Affairs Officer, Dean of Student Success, or designee may take place at any location within the College District and may be attended by Campus Police or anyone else deemed necessary by and within the sole discretion of the Chief Student Affairs Officer, Dean of Student Success, or designee.

Failure by the student to avail him/herself of the opportunity to meet with the Chief Student Affairs Officer, Dean of Student Success, or designee shall not affect the decision to impose interim suspension. The decision to impose interim suspension may be appealed in the same manner as other disciplinary actions. An interim suspension remains in place until overturned by the appropriate appeals officer(s), if at all.

Complaint and Investigation

F.04.02.01 Non-Academic Misconduct Disciplinary and Appeal Process Procedure

Responsible Department: Vice Chancellor for Student Success

Based on Board Policy: [F.04.02](#) - Student Code of Conduct

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A report or complaint of an alleged violation of the Student Code of Conduct should be documented in writing or through the electronic reporting system. When the Chief Student Affairs Officer, Dean of Student Success, or designee receives information or a report that a student has allegedly violated the Student Code of Conduct, the Chief Student Affairs Officer, Dean of Student Success, or designee, such as the Student Conduct Officer, if any, shall investigate the alleged violation. An investigation may be hampered or may not take place if the complaint or report is anonymous. The person who conducts the investigation is deemed to be the “Investigator.” Some violations of the Student Code of Conduct also may constitute violations of the Civil Rights Discrimination, Harassment and Retaliation Policy at [H.01.02](#). If such violations have also been reported to Campus Police and the Title IX/Title VII/ADA/504 Coordinator, separate investigations may occur.

During the investigation, the Investigator should summon the student in writing for a conference for further evaluation of the allegation(s), inform the student of the conduct and violation alleged, and provide the student an opportunity to respond to or dispute the allegation(s).

The summons shall direct the student to appear at a specified time and place not more than five (5) business days after the date of notification, unless otherwise agreed, to discuss the allegation(s) and give the student an opportunity to respond. The notification shall include a brief description of the conduct and violation alleged. If extenuating circumstances prevent the student from appearing at a face-to-face meeting, other arrangements may be made at the discretion of the Investigator. If the student refuses to meet with the Investigator, the record shall so reflect.

All written communications to the student concerning the Student Code of Conduct processes, discipline and appeals shall be sent only by e-mail to the student’s Alamo Colleges’ student e-mail address and/or certified letter, addressed to the student at the student’s home address as it appears in the student’s record.

At a conference, the Investigator should create a positive dialogue with the student whenever possible with the goal of guiding the student to meet expectations, by:

1. Explaining the role of the Investigator;
2. Explaining the importance of the Student Code of Conduct;
3. Discussing the allegation and the behavior that led to the allegation; and
4. Allowing the student the opportunity to explain his/ or her behavior.

F.04.02.01 Non-Academic Misconduct Disciplinary and Appeal Process Procedure

Responsible Department: Vice Chancellor for Student Success

Based on Board Policy: [F.04.02](#) - Student Code of Conduct

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The Investigator may also interview any witnesses to the allegations in the complaint or report.

Administrative Disposition of Complaint and Violations

After the investigation is completed, one of the following will be decided:

1. To dismiss the complaint/reported allegations as unfounded based on the preponderance of the evidence; or
2. To proceed with disciplinary action because the allegations in the complaint or report are determined to be true based on the preponderance of the evidence.

If it is found that the allegations in the complaint or reported are unfounded, the reporter of the complaint will be notified in writing that his/her complaint or allegations of non-academic misconduct were investigated and determined to be unfounded based on a preponderance of the evidence, and the complaint/case is dismissed and closed. The reporter also will be notified that retaliation against the student who was accused of non-academic misconduct and any witness is strictly prohibited.

If it is decided to proceed with disciplinary action, (a) the Investigator will make findings of fact based on the preponderance of the evidence and report them in writing, (b) findings of responsibility will be made, and (c) the sanctions will be determined. Depending on the College, the nature of the allegations, and who conducts the investigation, the findings of responsibility and determination of sanctions may be made by the Investigator, Chief Student Affairs Officer, Dean of Student Success, or designee; or the findings of responsibility and/or determination of sanctions may be recommended or deferred by the Investigator to the Chief Student Affairs Officer, Dean of Student Success, or designee for determination.

Within five (5) business days after it is determined that the student will be found to be responsible and sanctions will be imposed, the Chief Student Affairs Officer, Dean of Student Success, or designee will send a letter to the student against whom the complaint was made to give written notice that the student was found responsible for certain violations and notice of the sanctions being imposed. The letter must state the following:

1. A description of the complaint or report made against the student;
2. Each finding of Responsibility;
3. That the findings were based on a preponderance of the evidence;
4. The provisions of the Student Code of Conduct and any Board policies violated;
5. A description of how the cited provisions were violated;

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6. The disciplinary sanction(s) being imposed and their duration;
7. Notification of the student's right to appeal, including deadlines; and
8. Retaliation against the person who reported the complaint and any witnesses is strictly prohibited.

After disciplinary action is communicated to the student against whom a complaint was made, the reporter of the complaint will be notified in writing that his/her complaint or allegations of non-academic misconduct have been investigated, and of the disciplinary sanctions imposed on the student who was found responsible.

Disciplinary Action (Sanctions)

The following are possible sanctions that may be imposed upon students or organizations singly or in combination:

1. *Warning*: A formal statement that the behavior was unacceptable and a warning that further infractions of any Alamo Colleges policy, procedure or directive may result in more severe sanctions/responsive actions.
2. *Administrative Hold*: Registration, transcript or degree may be withheld for a student who fails to pay a debt owed to the college or who has a disciplinary case pending final disposition. The penalty terminates upon payment of the debt or final disposition of the case.
3. *Educational Enrichment*: A disciplinary action designed to advance student learning which may include self-help workshops, seminars, counseling, etc.
4. *Probation*: A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any Alamo Colleges' policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders, and/or other measures deemed appropriate. If a student is found responsible for a second violation of the Student Code of Conduct while on probation, additional and more severe sanctions may be imposed up to and including expulsion.
5. *Suspension*: Termination of student status for a definite period of time not to exceed two years, and until specific criteria are met. Criteria may include an administrative conference, petition to return to the Alamo Colleges, or other documentation required by the Chief Student Affairs Officer or designee. Students who return from

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suspension are subject to all application processes and automatically placed on probation for one calendar year. This sanction may be noted as a Conduct Suspension on the student's official transcript.

6. *Expulsion*: Permanent termination of student status and permanent revocation of the right to enroll at any Alamo College. Expulsion may include any right to access the College campus or college events. See definition of campus in General Definitions above. Before a sanction of expulsion is imposed, the President of the College shall automatically review and approve or reverse every expulsion upon concurrence by the Chancellor. This sanction may be noted as a Conduct Expulsion on the student's official transcript.
7. *Withholding Diploma*. The Alamo Colleges may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has a complaint pending, or as a sanction if the student is found responsible for an alleged violation.
8. *Revocation of Degree*. The Alamo Colleges reserves the right to revoke a degree awarded from the Alamo Colleges for fraud, misrepresentation, or other violation of Alamo Colleges policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
9. *Organizational Sanctions*. Deactivation, de-recognition, loss of all privileges (including University registration) for a specified period of time.
10. *Other Actions*. In addition to or in place of the above sanctions, the Alamo Colleges may assign any other sanctions as deemed appropriate, including removal from course(s), no-contact orders, and criminal trespass warning(s) (CTW). Removal from course(s) are subject to all admissions, records, and payment deadlines and rules. A criminal trespass warning (CTW) is notice by the college or College District that entering or remaining on campus or campus property is forbidden until the administrator who issues the CTW suspends or terminates the CTW. The Alamo Colleges Police Department may detain a student or other person for violating a criminal trespass warning and may arrest the violator to the Bexar County Jail for possible prosecution by the County District Attorney for violating the criminal trespass statute at Texas Penal Code §30.05.

All sanctions imposed initially remain in place throughout the appeal hearing process and thereafter, if upheld.

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Appeal of Findings and Sanctions Not Involving Suspension or Expulsion

A student may appeal the Findings of Responsible, the sanctions imposed, or both. A student may submit a written appeal of Findings and sanctions not involving suspension or expulsion to the Chief Student Affairs Officer within five (5) business days of the date of the letter that notifies the student of the findings of Responsibility and sanctions (disciplinary action). The written request for appeal should state whether the student is appealing the findings, the sanctions imposed, or both, and the grounds for the appeal. Mere dissatisfaction with the findings and/or sanctions is not sufficient to invoke the appeal process. The Chief Student Affairs Officer or designee shall acknowledge receipt of the appeal in writing to the student.

Notice of Appeal Meeting Not Involving Suspension or Expulsion

The Chief Student Affairs Officer or designee will hear the appeal and shall notify the student who has submitted the appeal by letter of the date, time, and place for the meeting to hear the appeal, which should, if practicable, take place within 10 business days after the date of the letter but in no event more than 30 days after the date of the letter. If the student is a minor (under the age of 18 years), the written notice of meeting shall also be sent to the parent(s) listed among the college records. If deemed necessary, the hearing date may be rescheduled by the Chief Student Affairs Officer or designee or otherwise by mutual agreement of the Chief Student Affairs Officer or designee and the student.

The written notice of appeal meeting from the Chief Student Affairs Officer or designee will contain the following and address any other matters that need to be addressed:

1. Direct the student to appear on the date, time, and place specified.
2. State the allegations of the complaint made against the student. Sufficient detail to apprise the student of the allegation(s) and the potential consequences of the sanctions imposed to enable the student to prepare a response should be provided.
3. State the Findings for which the student was found responsible based on the preponderance of the evidence, cite the Student Code of Conduct provisions and any Board policies violated, and state the sanctions imposed.
4. Advise the student of the following:
 - a. The appeal hearing is an informal and internal administrative meeting.
 - b. The student may appear in person at the hearing with a parent or legal guardian if the student is a minor, or legal counsel in an advisory capacity and not an advocate. If the student will be accompanied by legal counsel, the student must inform the person

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who issued the notice of hearing letter at least 72 hours prior to the commencement of the hearing. The student is required to present the student's case and conduct any examination of witnesses and presentation of argument. An attorney may only serve as advisor to the student.

c. The identity of each witness who may testify for the College District (unless the witness is called to rebut testimony of the student or the student's witness(es)).

d. The student may call witnesses and may examine and cross examine any witness. The student must disclose the identity of his/her witnesses to the Chief Student Affairs Officer or designee at least 48 hours prior to the commencement of the appeal hearing. The student is responsible for getting his/her witnesses to the hearing.

e. A list of the documents and other tangible evidence that may be offered as evidence by the College at the appeal hearing. The student may request from the Chief Student Affairs Officer or designee copies of the documents at least 72 hours prior to the commencement of the hearing. The student must provide a list of the documents and other tangible evidence the student intends to offer at the hearing, at least 48 hours prior to the commencement of the hearing. The list should be submitted to the Chief Student Affairs Officer or designee.

f. Hearings are not typically recorded by the College, but the College reserves the discretion to record any hearing. The student will be provided with a copy of any recording. If the student records the hearing, the student will provide a copy to the Chair of the Disciplinary Hearing Committee.

g. The consequences of a failure to appear at the hearing.

h. The decision of the Chief Student Affairs Officer or designee who conducts the appeal meeting is final.

Failure to Comply with Notice of Appeal Meeting

The Chief Student Affairs Officer or designee who is hearing the appeal of findings and sanctions for less than suspension or expulsion has the discretion to proceed with the Appeal Meeting in the student's absence and decide the appeal based on the evidence presented by the College or the written record before the officer.

Appeal Meeting Process

The Appeal Meeting will be conducted informally and proceed generally as follows:

1. The Dean of Student Success or designee will present the College's case by discussing:

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- a. the complaint and allegations;
 - b. the fact findings of the Investigator;
 - c. the decision made on Responsibility and provisions of the Student Code of Conduct made;
 - d. the sanctions imposed; and
 - e. presenting any witnesses.
2. The student will be allowed the opportunity to examine any witnesses presented by the College.
 3. The student will be allowed the opportunity to present his/her case, explain why the findings should be reversed, explain why the sanctions should be reversed or reduced, and present any witnesses.
 4. The college will be given an opportunity to examine the student's witnesses.
 5. The officer hearing the appeal will conclude the Meeting and render a decision within five (5) business days. The decision will be final.

Appeal Hearing Record – Appeals of Less Than Suspension or Expulsion

The record shall include:

1. Copies of the report or complaint that gave rise to the investigation of alleged violations of the Student Code of Conduct, the letter notifying the student of the findings of the investigation and sanctions imposed, and the letter notice of hearing;
2. All documentation and evidence considered or reviewed by the Committee, such as the student's request for an appeal, the acknowledgment of the appeal, the investigative report, if any, relevant Board Policies, and exhibits offered at the hearing; and
3. The letter notifying the student of the Chief Student Affairs Officer's or designee's decision and disposition of the appeal.

The Chief Student Affairs Officer or designee informs the student and President of the decision and disposition. The hearing record shall be kept separate from the student's academic record however; the decision and sanctions imposed may be incorporated as appropriate into the student's academic record.

Appeals of Findings and Sanctions Involving Suspension or Expulsion

When a student wishes to appeal Findings of Responsibility and a suspension or expulsion of a violation, he/she is entitled to a hearing before a Disciplinary Hearing

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Committee. The student must make the request to appeal to the Chief Student Affairs Officer in writing on or before the fifth (5th) business day from the date of the letter notifying the student of the findings and sanctions.

Disciplinary Hearing Committee – Appeals Involving Suspension or Expulsion

The Chief Student Affairs Officer shall report the request for an appeal to the College President. The Disciplinary Hearing Committee shall be selected by the Chief Student Affairs Officer or designee and membership may consist of five individuals as follows:

1. Two students;
2. One full-time faculty member;
3. One staff member;
4. One administrative officer.

The student members of the committee shall be selected from a pool of students who are in good academic standing and do not have any previous student code of conduct violations. The Chief Student Affairs Officer or designee shall appoint one of the Disciplinary Hearing Committee members to chair the committee.

The Chief Student Affairs Officer or a designee shall represent the College before the Disciplinary Hearing Committee and present evidence to support the allegations of violations of the Student Code of Conduct. The Chief Student Affairs Officer or a designee may consult with legal counsel.

Notice of Hearing - Appeals involving Suspension or Expulsion

The Chair of the Disciplinary Hearing Committee shall notify the student who has submitted the appeal by letter of the date, time, and place for the hearing, which should, if practicable, take place within 10 business days after the date of the letter but in no event more than 30 days after the date of the letter. If the student is a minor (under the age of 18 years), the written notice of hearing shall also be sent to the parent(s) listed among the college records. If deemed necessary, the hearing date may be rescheduled by the Chief Student Affairs Officer or designee or otherwise by mutual agreement of the Chief Student Affairs Officer or designee and the student.

The written notice of hearing from the Chair of the Disciplinary Hearing Committee will contain the following and address any other matters that need to be addressed:

1. Direct the student to appear on the date, time, and place specified.

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2. State the allegations of the complaint made against the student. Sufficient detail to apprise the student of the allegation(s) and the potential consequences of the sanctions imposed to enable the student to prepare a response should be provided.
3. State the Findings for which the student was found responsible based on the preponderance of the evidence, cite the Student Code of Conduct provisions and any Board policies violated, and state the sanctions imposed.
4. Advise the student of the following:
 - a. The appeal hearing is a non-public, internal administrative hearing.
 - b. The student may appear in person at the hearing with a parent or legal guardian if the student is a minor, or legal counsel in an advisory capacity and not an advocate. The student, and not any other person, is required to present his/her case and may question the witnesses. The student shall notify the Chief Student Affairs Officer at least 72 hours prior to the commencement of the hearing that an attorney will be present at the hearing. An attorney on behalf of the College and College district may be present at any hearing as an advisor.
 - c. The identity of each witness who may testify for the College District (unless the witness is called to rebut testimony of the student or the student's witness(es)).
 - d. The student may call witnesses and may examine and cross examine any witness. The student must disclose the identity of his/her witnesses to the Chair of the Disciplinary Hearing Committee at least 48 hours prior to the commencement of the appeal hearing. The student is responsible for getting his/her witnesses to the hearing.
 - e. A list of the documents and other tangible evidence that may be offered as evidence by the College at the appeal hearing. The student may request from the Chair of the Disciplinary Hearing Committee copies of the documents at least 72 hours prior to the commencement of the hearing. The student must provide a list of the documents and other tangible evidence the student intends to offer at the hearing, at least 48 hours prior to the commencement of the hearing. The list should be submitted to the Committee Chair.
 - f. Hearings are not typically recorded by the College, but the College reserves the discretion to record any hearing. The student will be provided with a copy of any recording. If the student records the hearing, the student will provide a copy to the Chair of the Disciplinary Hearing Committee.
 - g. The consequences of a failure to appear at the hearing.
 - h. The decision of the Disciplinary Hearing Committee is final.

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Failure to Comply with Notice

The Chair of the Disciplinary Hearing Committee and/or the Chief Student Affairs Officer or designee who is presenting the College's case may, on behalf of the College District and at their discretion, proceed with the hearing and decision in the student's absence.

Appeal Hearing Procedure – Appeals of Suspension or Expulsion

The Disciplinary Hearing Committee shall proceed generally as follows during the hearing:

1. The student is greeted and the name is stated for the record. The members of the Disciplinary Hearing Committee and other persons present in the room will be announced. .
2. The Committee Chair will briefly state the purpose for the hearing (whether findings, sanctions or both are being appealed).
3. The Chief Student Affairs Officer or designee presenting the College's case will distribute as an exhibit the letter sent to the student to give notice of the findings and sanctions imposed. The officer will present the College's case, call witnesses, and question the student and student's witnesses.
4. The student will present his or her response, offer oral or documentary evidence, offer any rebuttals or arguments, and question witnesses.
5. The Chief Student Affairs Officer or designee and the student may present rebuttal evidence and argument.
6. Committee members may question witnesses, including the student.
7. All evidence shall be offered to the Disciplinary Hearing Committee and made part of the record.
8. The Disciplinary Hearing Committee shall make its decision strictly upon the evidence (oral and documentary) presented at the hearing.
9. After the Disciplinary Hearing Committee renders a decision, the Chair, on behalf of the Committee, shall:
 - a. Notify the student in writing of the committee's decision as to the findings and sanctions and that the standard used was a preponderance of the evidence.
 - b. Include in the statement its reasons for the finding(s).
 - c. State the decision is final.
 - d. Sign the letter.

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10. The Disciplinary Hearing Committee Chair informs the Chief Student Affairs Officer or designee, and President of the decision and disposition.

Decision on Appeal of Findings and Sanctions of Suspension and Expulsion

In rendering a decision, the Disciplinary Hearing Committee may affirm the decision of the Chief Student Affairs Officer or designee as to findings and/or sanctions; amend or modify the decision; reverse the decision and dismiss the charge(s); hold the decision in abeyance and send the matter back for further investigation by the Chief Student Affairs Officer or designee; or recommend new sanction(s) based on significant new evidence presented at the appeal hearing or new violations disclosed at the hearing. The decision should be rendered as soon as practicable, within five (5) business days of the hearing (unless further investigation is warranted and in that case, within 10 business days of completion of further investigation to the satisfaction of the Disciplinary Hearing Committee). The decision of the Disciplinary Hearing Committee is final.

Appeal Hearing Record – Appeals of Suspension or Expulsion

The Disciplinary Hearing Committee's record shall include:

1. Copies of the report or complaint that gave rise to the investigation of alleged violations of the Student Code of Conduct, the letter notifying the student of the findings of the investigation and sanctions imposed, and the letter notice of hearing;
2. All documentation and evidence considered or reviewed by the Committee, such as the student's request for an appeal, the acknowledgment of the appeal, the investigative report, if any, relevant Board Policies, and exhibits offered at the hearing;
3. The letter notifying the student of the Committee's decision and disposition; and
4. A transcript or electronic record of the hearing, if any.

The Disciplinary Hearing Committee Chair informs the student, Chief Student Affairs Officer or designee, and President of the decision and disposition. The hearing record shall be kept separate from the student's academic record however; the decision and sanctions imposed may be incorporated as appropriate into the student's academic record.

Timelines – All Appeals

"Days" means business days unless specified otherwise. The timelines set forth in this procedure are maximums and, whenever possible, the specified action should be taken within a shorter period of time. Time limits may be extended at the discretion of the Chief Student Affairs Officer or designee for circumstances such as unavailability of key

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personnel due to leave, absence or emergency closures, holidays, or semester breaks. The College shall send a written confirmation of the extension to the student.

The College shall make every practicable attempt to administer the complaint/disciplinary/appeal process timely. Should it fail to do so, however, its untimeliness shall not constitute a violation of the student's rights, and the College's failure to administer the process timely cannot be used against the College to resolve any ultimate matter of fact.

Evidence – All Appeals

Legal rules of evidence do not apply to hearings or meetings involving the disciplinary and appeal process. Evidence tending to prove or disprove the allegations will be considered. Irrelevant, immaterial and unduly repetitious evidence and evidence deemed not reasonably reliable or authentic shall be excluded. If the student chooses not to testify or present his/her case, the student may nonetheless be questioned, but the student may refuse to answer. If the student refuses to testify or answer or present his/her case, only the evidence presented by the College will be considered in rendering a decision. If the student does testify or present evidence, he/she may be questioned by the Officer presenting the College's case or committee members.

Privileged communications between a student and a member of the professional counseling staff will be recognized. However, if the information disclosed presents an actual or threatened harm to the health, safety or wellbeing of any person (including the student), the information may be used for any appropriate purpose, including referral to the Strategies of Behavioral Intervention (SOBI) process.

Legal Reference – TACC Policy Reference Manual

FLB(LEGAL) – Student Rights and Responsibilities: Student Conduct

FLBA(LEGAL) – Student Conduct: Student Dress

FLBC(LEGAL) – Student Conduct: Prohibited Organizations and Hazing

FLBE(LEGAL) – Student Conduct: Alcohol and Drug Use

D.9.1.2 (Procedure) Progressive Discipline

Responsible Department: Talent, Organization & Strategic Innovation

Based on Board Policy: [D.9.1 - Progressive Discipline](#)

Approved: 8-26-11

Last Amended: 9-27-22, 12-04-23, 5-21-24

This procedure applies to all full-time regular status employees on September 27, 2022. Procedure D.9.1.1 was consolidated into this procedure to establish one consistent standard of progressive discipline or all employees.

Guiding Principles

The Chancellor is authorized to develop and implement procedures for employee progressive discipline (see [D.9.1](#)).

The intent of progressive discipline is to communicate the need to modify unacceptable behavior which is inappropriate, unproductive, disruptive or otherwise problematic to the goals of the College District. The development and communication of this procedure serves the following purposes:

1. For the ORGANIZATION: To provide employees with the opportunity to improve performance and conduct, with knowledge that subsequent violations may necessitate more severe penalties and/or consequences.
2. For MANAGERS/SUPERVISORS (INCLUDING CHAIRS AND DEANS): To create a framework to administer appropriate, fair and consistent corrective actions to employees.
3. For ALL EMPLOYEES: To set the standard of conduct expected by the College District and the consequences of problematic behaviors.
4. For TOSI (Talent, Organization & Strategic Innovation): To promote communication with TOSI regarding actions to be taken, so that fair decisions and actions can be delivered.

Progressive discipline is normally applied in several stages of severity, culminating in termination, if necessary. Termination of employment, or elevation of the level of discipline, may be appropriate upon first offense, based upon the seriousness and impact of the behavior(s) or action(s) or for violation of multiple lesser offenses.

Further, the dismissal of an employee can occur without progressive discipline as a result of a violation listed under Step 4 of this Procedure.

Managers/Supervisors (including chairs and deans) should follow this Procedure as closely as possible; however, in light of the fact that we work in a fast-paced environment, failure to perform technical steps that are not substantive shall not affect the stage or form of discipline and shall not, absent substantial harm to and shown by the employee, form grounds for a grievance.

D.9.1.2 (Procedure) Progressive Discipline

Responsible Department: Talent, Organization & Strategic Innovation

Based on Board Policy: [D.9.1](#) - Progressive Discipline

Approved: 8-26-11

Last Amended: 9-27-22, 12-19-23

Application

Progressive discipline pursuant to this procedure shall apply to all full-time employees. Except where otherwise provided in policy or procedure, employees subject to disciplinary action may appeal an adverse employment action pursuant to Policy [D.3.3](#) and related procedures.

This procedure does not apply to employees who have not successfully completed the 90-day probationary period. Inappropriate behavior by employees classified as either temporary or non-benefited is addressed under “*Procedures for Termination of Non-Benefited Employees.*”

Procedure and Provisions

Disciplinary action(s) are arranged in progressive Steps 1-4. Depending on the severity of the offense, one or more steps may be bypassed to include ultimately employment termination upon subsequent occurrences of an offense normally classified at a lower step. The following information is provided as a guide in the use of this process.

In some cases, it may be appropriate for discipline to include corrective action, such as placement under direct supervision of the chair/dean/higher-level supervisor with a specific plan for remediation and for a specific period of time. Documentation of corrective actions shall be included with the other documentation related to the disciplinary measure. Further, in some cases, it may be appropriate to reduce or eliminate overtime or outside assignments for non-faculty. For faculty it may be appropriate to reduce or eliminate overload and/or summer teaching assignments for those on less than twelve-month contracts or to reduce or eliminate perquisites or privileges of rank for a stated period.

If reassignment or relocation of an employee is being recommended for reasons related to discipline, the TOSI department must be consulted prior to any action.

The Chancellor in consultation with TOSI, reserves the ability to place an employee on administrative leave pending investigation of the allegations related to this procedure.

Disciplinary Violations

Unacceptable behaviors include, but are not limited to, non-performance, inappropriate conduct, unacceptable attendance and/or violation of College District policy or procedures. The examples listed under Steps 1-4 herein are not exclusive, and shall not be limited to those listed except as limited by another applicable procedure.

If a situation arises which the listing does not specify, the behavior will be compared with and aligned with similarly listed violations in consultation with the TOSI Department.

D.9.1.2 (Procedure) Progressive Discipline

Responsible Department: Talent, Organization & Strategic Innovation

Based on Board Policy: [D.9.1](#) - Progressive Discipline

Approved: 8-26-11

Last Amended: 9-27-22, 12-19-23

The unacceptable behavior(s) identified will normally result in issuance of the corresponding *Step*, although impact, severity, number of occurrences and intent of the actions will be considered in determining the appropriate level (step) of discipline. Each offense may be treated as a separate *Step* under appropriate circumstances.

Step 1:

- Excessive tardiness or absenteeism;
- Abuse of or excessive number of personal telephone calls;
- Uncooperative behavior (including disrespectful attitude towards a supervisor);
- Loitering or loafing during work hours'
- Repeated use of profanity in the workplace that is not protected by academic freedom as defined by [D.3.5](#);
- Failure to follow departmental procedures or directions;
- Reckless or careless behavior, including but not limited to horseplay;
- Failure to meet performance expectations or deadlines;
- Failure to perform the terms of employment for reasons other than documented illness or injury (including, for example, failure to attend mandatory departmental/College or District-wide meetings or failure to hold required office hours or otherwise fail to be reasonably available for students, if the terms of employment require it);
- Unauthorized operation and/or misuse of College District property not constituting an egregious violation of computer use policy.
- Inadvertent failure to comply with **Policy H.3.1.**
- Inadvertent failure to comply with any ACD Section H. Civil Rights/Title IX Policy or Procedure.

Step 2:

- Making false and defamatory statements concerning any employee, student, the organization, its services or others associated with the college district mission;
- Leaving the assigned College District work site during work hours other than for College District purposes without appropriate approval;
- Failure to follow specified job instructions;
- Participation in or promotion of games of chance or unauthorized lotteries on College District property, using College District resources or on College District time;
- Neglect of duty or responsibilities, including unauthorized absence, which impairs performance of assigned or expected services to the College District;

D.9.1.2 (Procedure) Progressive Discipline

Responsible Department: Talent, Organization & Strategic Innovation

Based on Board Policy: [D.9.1](#) - Progressive Discipline

Approved: 8-26-11

Last Amended: 9-27-22, 12-19-23

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- Use of obscene, vile, abusive or degrading language, gestures or image(s) directed at a person in the workplace that is not protected by academic freedom as defined by [D.3.5](#). (Note: this does not apply to violations related to sexual harassment under [H.1.2](#)).
 - A second inadvertent failure to comply and ANY reckless failure to comply with [Policy H.3.1](#).
 - A second inadvertent failure to comply and ANY reckless failure to comply with any ACD Section H. Civil Rights/Title IX Policy or Procedure.

Step 3:

- Removal of College District records or property without appropriate approval;
- Violation of the College District Code of Conduct contained in the Ethics Handbook;
- Violation of College District policies or procedures unless considered a terminable offense;
- Egregious violation of computer use policy;
- Intentional or reckless destruction or defacing of College District property, grounds, or buildings or obstruction of College District operations;
- Insubordination (such as refusal to obey a supervisor's lawful orders or directives or department directives or requirements);
- For faculty, violation of the ethics of the academic profession, including the Texas Community College Teachers Association *Faculty Code of Professional Ethics* ([D.4.10](#) and [D.4.10.1](#));
- Absence from work without notification ([D.5.3.1](#));
- Refusal to meet with supervisor or other agent of College District management or leadership; and
- Sleeping while at work or on duty.
- A third inadvertent failure to comply, a second reckless failure to comply and ANY knowing or deliberate failure to comply with [Policy H.3.1](#).
- A third inadvertent failure to comply, a second reckless failure to comply and ANY knowing or deliberate failure to comply with any ACD Section H. Civil Rights/Title IX Policy or Procedure.

Step 4:

College District employees are subject to termination for a first offense of the following list of violations:

- Two consecutive occurrences of absence from work without -notification ([D.5.3.1](#));
- Absence from teaching responsibilities for other than medical reasons without prior written approval of direct supervisor. (Faculty do not accrue vacation days);
- Repeated distribution of printed matter, selling property, soliciting, collecting or accepting contributions on College District property, using College District resources,

D.9.1.2 (Procedure) Progressive Discipline

Responsible Department: Talent, Organization & Strategic Innovation

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- or on College District time, without specific written authorization from College or College District administration;
- Professional incompetence or gross neglect of professional responsibilities or duties;
 - Violation of the Code of Ethics or specific Board policies and/or procedures for which termination is a stated consequence; Intentional or reckless abuse of, or damage to, College District property or to the property of other employees;
 - Unauthorized release or disclosure of confidential records or information, including medical records and protected employee information, or violation of the Family Educational Rights and Privacy Act (FERPA);
 - Substantial unauthorized use of College District equipment, time or resources (employees may make minimal, incidental use of College District resources with certain limitations: see [C.2.7.1](#), [C.1.9](#), [C.1.9.1](#) and Chancellor's Clarification [07-01](#) for limitations and examples of minimal incidental use);
 - Accessing or distributing pornographic, lewd, or sexually graphic materials, including child pornography, using College District property or resources;
 - Intentional or reckless action(s) that prevent other College District officers or employees from fulfilling their responsibilities or that create a clear and present danger to members of the College District community;
 - Violation of the College District workplace violence policy or procedure ([D.4.6](#) and [D.4.6.1](#));
 - Threatening harm or injury to persons or property at a College District facility, including making terroristic threats;
 - Willfully, including by omission, providing false or misleading information on College District employment applications or in connection with the employment application or hiring process, even if determined after employment has commenced;
 - Forging or falsifying an official College District record or form, including but not limited to time records;
 - Violation of the ethics or requirements of professional licensing or certification agencies or organizations;
 - Misappropriating funds or monies collected in connection with activities sponsored by the College District, an Alamo College, or a Registered Student Organization;
 - Engaging in conduct incorporating the elements of an offense under Texas Penal Code, including but not limited to Title 8, Offenses Against Public Administration;
 - Conviction (to include probated sentences and deferred adjudication) of any felony under state or federal law or of a misdemeanor involving moral turpitude, as defined by College District policy or Texas statutory or common law. It is the employee's responsibility to report all convictions to the TOSI department within 3 business days of being convicted (see [D.4.11](#)); and
 - Intentional or reckless behavior which is a severe disruption to the image, morale, production or operations of the College District organization.

D.9.1.2 (Procedure) Progressive Discipline

Responsible Department: Talent, Organization & Strategic Innovation

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- ANY violation of this policy whatsoever occurring after a Step Three violation of [Policy H.3.1](#).
 - ANY violation of this policy whatsoever occurring after a Step Three violation of any ACD Section H. Civil Rights/Title IX Policy or Procedure.

While on property owned or controlled by the College District, while attending a College District-related or sponsored activity on or off College District property, or while working remotely employees are subject to termination for the following violations:

- Engaging in conduct that constitutes moral turpitude as defined in [D.4.9](#)
- Assault against another employee, student, or other individual as defined by the Texas Penal Code, excluding insubstantial non-sexual physical contact;
- Except as provided in [D.4.7.1](#), sale or delivery to another person, or possession of, use of or intoxication from illegal or controlled substances or an inhalant as defined by Texas law without a doctor's prescription; Except as provided in [D.4.7.1](#), sale, possession, use or being under the influence of intoxicants while in the course of employment;
- Engaging in a pattern of refusal or intentional failure to follow a College District policy or official directive;
- Engaging in behavior that endangers the life, health or safety of a student, employee, or another individual;
- Being found responsible for terminable sexual harassment or egregious violation of the Civil Rights Policy under [H.1.2](#) and its procedures;
- Unlawful possession of a firearm, illegal knife, club, or prohibited weapon as defined under the Texas Penal Code (lawful campus carry is limited to a licensed peace officer in the course of duty and concealed handgun carry by a license holder outside areas where carry is prohibited by College District rules);
- Unlawful display of handgun by a concealed handgun license holder on College District property;
- Violation of area prohibition against carrying a handgun by a concealed handgun license holder on College District property;

Progressive Discipline Steps

Step 1-Counseling (Verbal or Written)

This level of discipline is in response to behavior which causes a minor disruption to the image, morale, production or operations of the organization (see above "*Disciplinary Violations*" for examples). In response, the immediate supervisor (or chair or dean, as appropriate) shall do the following:

1. Identify the problematic behavior(s);
2. Allow the employee the opportunity to explain the behavior(s), and investigate if

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- necessary;
3. Meet with the employee and advise the employee of the unsatisfactory job performance, conduct or behavior;
 4. Inform the employee that the behavior(s) has/have violated disciplinary procedure and must be corrected;
 5. Inform the employee that this is a Step 1, “Counseling” step;
 6. Advise the employee of the consequences of continued behavior(s), or other disciplinary violations;
 7. Provide the employee with advice, guidance, corrective action requirements (if applicable) and clarification to assist in avoiding escalation of the discipline to a more severe Step, with copy to TOSI;
 8. Ask the employee if there are any questions; document any questions and answers given; and
 9. Document the conversation and file it with the departmental employee file, with copy to TOSI.

Step 2-Written Reprimand

This level of discipline is in response to behavior which the employee has not corrected or has repeated the behavior giving rise to Step 1, or if the employee’s behavior otherwise is a moderate disruption to the image, morale, production or operations of the organization (see above “*Disciplinary Violations*” for examples). In response, the immediate supervisor shall do the following:

1. Identify the problematic behavior(s);
2. Allow the employee the opportunity to explain the behavior(s) (document statements made), and investigate if necessary;
3. Seek guidance from the TOSI department prior to taking disciplinary action, so that the action can be reviewed for consistency, fairness and applicability;
4. Meet with and request that the employee acknowledge a written notice of the unsatisfactory job performance, conduct or behavior. If the employee refuses to sign, document the refusal and note any comments made by the employee;
5. Inform the employee that the behavior(s) has/have violated disciplinary procedure and must be corrected;
6. Inform the employee that this is a Step 2, “Written Reprimand” step;
7. Advise the employee of the consequences of continued behavior(s), or other disciplinary violations;
8. Advise the employee that, although an undesired consequence, the College District may accelerate the discipline process, as appropriate;
9. Ask the employee if there are any questions, document any questions and answers given;
10. Provide the employee with advice, guidance and clarification to assist in avoiding escalation

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- of the discipline to a more severe Step, with copy to TOSI;
11. File all documents in the employee's departmental employment file; and
 12. Provide the TOSI department with a copy of the discipline record (documents described in this step and any previous discipline administered) for the employee personnel file maintained by the College District.

Step 3-Final Written Warning

This level of discipline is in response to behavior which the employee has not corrected or has repeated the behavior giving rise to the previously issued Step, or if the employee's behavior otherwise is a serious disruption to the image, morale, production or operations of the organization (see above "*Disciplinary Violations*" for examples). In response, the immediate supervisor shall do the following:

1. Identify the problematic behavior(s);
2. Consult with the TOSI Department and provide the TOSI department with written information to support the disciplinary action **before** disciplinary action is taken;
3. Allow the employee the opportunity to explain the behavior(s) (document statements made), and investigate if necessary;
4. Meet with and request that the employee acknowledge a written notice of the unsatisfactory job performance, conduct or behavior. If the employee refuses to sign, document the refusal and note any comments made by the employee;
5. Inform the employee that the behavior(s) has (have) violated disciplinary procedure and must be corrected;
6. Inform the employee that this is a Step 3, "Final Warning" step;
7. Advise the employee of the consequences of continued behavior(s), or other disciplinary violations;
8. Ask the employee if there are any questions, document any questions and answers given;
9. Provide the employee with advice, guidance and clarification to assist in avoiding escalation of the discipline to a more severe Step, with copy to TOSI;
10. File all documents in the employee's departmental employment file; and
11. Within two days of presenting the Step 3, provide the TOSI department with a copy of the discipline record (documents described in this step and any previous discipline administered) for the employee personnel file maintained by the College District.

Step 4-Termination

This level of discipline is in response to (1) behavior giving rise to a previously issued Step which the employee has not corrected or has repeated, resulting in a Step escalation, or (2) behavior involving the offenses and violations listed above under "Step 4." The immediate supervisor who has identified an apparent terminable violation shall implement the following procedural measures:

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1. Identify the problematic behavior(s);
 2. Consult with the TOSI Department and provide the TOSI department with written information to support the violation **before** disciplinary action is taken in compliance with Procedure D.12.1.1;
 3. Investigate if necessary, and if appropriate, allow the employee the opportunity to explain the behavior(s) (document statements made);
 4. Determine whether termination is justified, and if so, continue with the following measures
 5. Meet with and request that the employee acknowledge a written notice of the unsatisfactory job performance, conduct or behavior. If the employee refuses to sign, document the refusal and note any comments made by the employee;
 6. Inform the employee that the behavior(s) has/have violated disciplinary procedure, resulting in the termination of employment;
 7. Inform the employee of no longer being eligible for rehire with the College District in any capacity;
 8. Ask the employee if there are any questions, document any questions and answers given;
 9. File all documents in the employee's departmental employment file;
 10. Initiate the applicable termination for-cause procedure described under Policy D.10.2 Separation From Employment.
 11. Within two days of notice, provide the TOSI department with a copy of the discipline record (documents described in this step and any previous discipline administered) for the employee personnel file maintained by the College District.

Steps -General Procedure

NOTE: Employees may contact the TOSI department for assistance and guidance at any step in this procedure.

1. In the event that an employee violates separate provision(s) of this procedure, the employee is subject to escalation to the next level Step, as appropriate. It is not required that any subsequent Step pertains to the same or similar offense for which any prior Step was issued.

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2. The disciplined employee shall be asked to acknowledge receipt for all notices of discipline; if the employee refuses to sign the acknowledgement, the document shall be noted as “Refused to Sign.”
 3. This procedure does not limit management’s ability to coach or otherwise communicate with any employee without regressing “backwards” in the Steps.
 4. Management may question the employee regarding the problematic behavior prior to any disciplinary action being taken and the employee may provide an explanation. The employee is not entitled to have a legal or other representative present at any meeting with management at any time except as provided by the Employee Complaint Procedure at D.3.3.1, or D.10.2.5 if applicable. If assistance is needed, the TOSI department can assist to gather related facts.

Steps-Escalation of Discipline to Next Step

1. The employee will be subject to escalation to the next step during the 12 months following an issued corrective discipline.
2. After 12 months without escalation to the next Step, the previously issued discipline will not be used as a basis for escalation to the following Step, except in disciplinary action(s) related to behavior(s) such as discrimination, sexual harassment, violence and/or safety, which may continue to be considered for the duration of the employee’s employment with the College District.

Steps-Procedure for Progression to Steps 3 and 4

1. A representative of the TOSI department shall be consulted prior to the discipline being issued.
2. The TOSI department shall review the disciplinary document prior to being issued to the employee.
3. Within two days of the discipline being issued, a copy of the discipline record shall be forward by the immediate supervisor to the TOSI department to be included in the employee personnel file.

Procedures for Termination of Non-Benefited Employees

The following is the procedure for termination of non-benefited, temporary employees. This information does not create any property rights to assignments or to employment for any individual working in a non-benefited, temporary capacity.

1. Identify the problematic behavior(s).
2. Unless the employee’s behavior(s) warrants immediate termination, the immediate supervisor will notify the employee of the need to correct the problematic behavior(s).
3. The disciplined employee shall be asked to acknowledge receipt for all notices of

D.9.1.2 (Procedure) Progressive Discipline

Responsible Department: Talent, Organization & Strategic Innovation

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discipline; if the employee refuses to sign the acknowledgement, the document shall be noted as “Refused to Sign.”

4. Upon re-occurrence of the problematic behavior(s), or upon any other disciplinary violation(s), the job assignment may be terminated.

5. A representative from the Talent, Organization & Strategic Innovation department shall be consulted prior to the termination of the assignment.

6. A representative from the Talent, Organization & Strategic Innovation department may also be present at the termination meeting.

Within two days of the termination, a copy of the discipline record shall be forwarded by the immediate supervisor to the TOSI department to be included in the employee personnel file.

For further information and guidance on progressive discipline contact the TOSI department.



**Prohibited
Expression**

Obscenity

No person or organization shall distribute or display on College District property any writing or visual image or engage in any public performance that is obscene. A writing, image, or performance shall be considered obscene as defined by Texas Penal Code, Section 21.08 or successor provisions and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

Defamation

No person or organization shall make, distribute, or display on College District property any statement that unlawfully defames any other person.

A statement unlawfully defames another person if it is false, if the false portion of the statement injures the reputation of the other person, and if the speaker has the constitutionally required state of mind as set forth in decisions of the United States Supreme Court.

Incitement to
Imminent Violations
of Law

No person or organization shall make, distribute, or display on campus any statements directed to inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law.

Antisemitism

“Antisemitism” means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

Solicitation

No person or organization shall make, distribute, or display on College District property any statement that offers or advertises any product or service for sale or lease that includes commercial identifiers such as for-profit logos, trademarks, and service marks or that requests any gift or contribution, except as authorized by the College District’s policies and administrative regulations.

Words or symbols on personal apparel or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle shall not be considered solicitation within this definition. Unadorned acknowledgments or thanks to donors shall not be considered solicitation within this definition as well.

A recognized student or faculty/staff organization shall be eligible to advertise or sell merchandise, publications, food, or non-alcoholic beverages, or to request contributions for the benefit of the organization, for the benefit of another recognized student or faculty/staff organization, or for the benefit of an organization that is tax-exempt

under Section 501(c)(3) of the Internal Revenue Code. No organization shall sell items obtained on consignment. No organization shall request contributions for an off-campus tax-exempt organization for more than 14 days in any fiscal year.

Recognized student organizations or faculty/staff organizations and academic and administrative units shall be eligible to sell, distribute, or display literature that contains advertising, subject to the limits on advertising set forth in this policy. Individual students or faculty/staff members shall be eligible to distribute or display such literature but shall not sell it.

An individual student or faculty/staff member shall be eligible to post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used but only on a bulletin board designated for that purpose by an academic or administrative unit in a space that the unit occupies or controls. Any unit that designates a bulletin board for this purpose may regulate that bulletin board under the procedures set forth in this policy. [See Signs in Other Designated Locations, below]

A recognized student organization or faculty/staff organization shall be eligible to sell charitable raffle tickets on behalf of an organization that is authorized to conduct a charitable raffle under the Texas Charitable Raffle Enabling Act, Texas Occupations Code, Chapter 2002, or successor provisions.

Violations

Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, suspension of an employee's or employee organization's use of College District facilities and/or other disciplinary action, **up to and including termination**, in accordance with the College District's policies and procedures and the employee handbook.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

**Prohibited
Expression**

Antisemitism

“Antisemitism” means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

Amplified Sound

General Rule

Any College District person or organization may use amplified sound on campus at designated times and locations, subject to this policy. Advance permission shall be required.

Location and Time

The College District shall designate the following locations and times for weekday amplified sound areas:

1. South Campus – 8:00 a.m. to 6:00 p.m., south field across the street from the flagpoles and bus stop, with sound amplification directed south toward I-20.
2. Northeast Campus – 8:00 a.m. to 6:00 p.m., grassy area surrounding the outdoor chessboard bounded by sidewalk. This area is located east of the Communication Arts Building (NCAB) and south of the library (NLIB).
3. Northwest Campus – 8:00 a.m. to 6:00 p.m., lawn area east of building NW01, between the pond and the NW01 entrance, and north of south parking lot. ~~lawn area near the north parking lot between building WHPE and the walkway leading to building WSTU.~~
4. Northwest Alliance – 8:00 a.m. to 6:00 p.m., area adjacent to parking lot on west side of Heritage Parkway near the intersection of Horizon Drive and Heritage Parkway.
5. Southeast Campus – 8:00 a.m. to 6:00 p.m., grassy area southwest of the pool/art wing area.
6. Trinity River Campus – 8:00 a.m. to 6:00 p.m., Clear Fork Lawn, this is the lawn ~~area in area~~ between the Trinity Building and the Clear Fork Building leading toward the river.
7. Trinity River East Campus – 8:00 a.m. to 6:00 p.m., Commerce Street and East Weatherford Street corners of campus near the flag poles

Response to
Violations

A student or student organization that violates a prohibition in this policy shall be disciplined, up to an including, expulsion and/or dissolution.

Violations

Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

to, suspension of a student's or a recognized student organization's use of College District facilities and/or other disciplinary action, **up to and including expulsion and/or dissolution**, in accordance with the College District's discipline policies and procedures [see FM and FMA].

**Prohibited
Expression**

Obscenity

No person or organization shall distribute or display on College District property any writing or visual image or engage in any public performance that is obscene. A writing, image, or performance shall be considered obscene as defined by Texas Penal Code, Section 21.08 or successor provisions and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

Defamation

No person or organization shall make, distribute, or display on College District property any statement that unlawfully defames any other person.

A statement unlawfully defames another person if it is false, if the false portion of the statement injures the reputation of the other person, and if the speaker has the constitutionally required state of mind as set forth in decisions of the United States Supreme Court.

Incitement to
Imminent Violations
of Law

No person or organization shall make, distribute, or display on campus any statements directed to inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law.

Antisemitism

“Antisemitism” means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

Solicitation

No person or organization shall make, distribute, or display on College District property any statement that offers or advertises any product or service for sale or lease that includes commercial identifiers such as for-profit logos, trademarks, and service marks or that requests any gift or contribution, except as authorized by the College District’s policies and administrative regulations.



TEXAS TECH UNIVERSITY SYSTEM
Board of Regents™

Via electronic mail:

budgetandpolicyreports@gov.texas.gov

Michelle.Watts@gov.texas.gov

Sarah Hicks

Director of Policy and Budget

Office of the Governor of Texas

1100 San Jacinto Blvd.

Austin, Texas 78701

June 24, 2024

Re: Executive Order No. GA-44

I am writing to formally certify that the Texas Tech University System (“TTUS”) has taken the actions directed by Executive Order No. GA-44 relating to addressing acts of antisemitism in institutions of higher education, as issued by your office on March 27, 2024.

As a leading institution of higher education, the Texas Tech University System is committed to fostering an engaging and respectful environment for all students, faculty, and staff. To this end, we have taken the following steps to ensure adherence to the directives outlined in the executive order:

- 1. Policy Review and Updates:** We have conducted a thorough review of our existing policies and procedures to align them with the stipulations of the executive order. This includes updating our freedom of expression policy and the disciplinary sanctions to explicitly address and prohibit antisemitic speech and actions, and to include the definition of antisemitism found in Texas Government Code Section 448.001. Enclosed please find a copy of Texas Tech University System Regulation 07.04 that has been updated to bring it into compliance with Executive Order No. GA-44.
- 2. Notification to Component Institutions:** To ensure that the updated policy is enforced, we have notified each of our component institutions of the updates to our freedom of expression policy, the directive to address antisemitic speech and acts on campuses, and the disciplinary actions for violating the policy.

TTUS is committed to upholding principles of free speech and academic freedom as fundamental components of its mission. However, the exercise of free speech must be conducted in a manner that respects the dignity and rights of all individuals within our community. TTUS and its component institutions are dedicated to maintaining an environment where all members of our community can thrive free from discrimination and hate speech.

Should you require any further information or clarification, do not hesitate to contact Eric Bentley, Vice Chancellor and General Counsel for TTUS.

Thank you for your attention to this important matter and for your leadership in combating antisemitism.

Kind regards,

A handwritten signature in black ink that reads "Mark Griffin". The signature is written in a cursive, flowing style.

Mark Griffin, Chairman

Board of Regents, Texas Tech University System

cc: Tedd L. Mitchell, M.D., Chancellor

Texas Tech University System

Regulation 07.04

Freedom of Expression

Approved: August 9, 2019

Modified: June ____, 2024

Next Scheduled Review: March 2025

1. Purpose

- a. The Texas Tech University System (“System”) and its component universities (referred to herein collectively as the “University”) recognize freedom of speech and expression as a fundamental right and seek to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the University as well as other persons. This regulation is intended to protect the expressive rights of persons guaranteed by the constitutions of the United States and the State of Texas by recognizing freedom of speech and assembly as central to the mission of the University and ensuring that all persons may assemble peaceably on University campuses for expressive activities, including to listen to or observe the expressive activities of others. For purposes of this regulation, “expressive activities” means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, of the Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions.

2. Outdoor Common Areas

- a. The University’s common outdoor areas (operated and either owned or leased by the University) are deemed traditional public forums, and any person is permitted to engage in expressive activities in those areas of the University campus.
- b. The University reserves the right to implement and enforce reasonable time, place, and manner restrictions regarding expressive activities including, but not limited to, those set forth in this regulation. Further, activities that are unlawful or that materially and substantially disrupt the normal operations of the University’s campus are prohibited. Expressive activities on University grounds do not imply endorsement by the University.

3. General Guidelines and Policy Regarding Expressive Activities

- a. *Applicability.* This regulation applies to all expressive activities of any person in the University’s outdoor common areas. This regulation does not apply to the activities of the University itself. Individuals may engage in expressive activities without prior reservation, registration, or approval, provided such activities are conducted pursuant to applicable law as well as System and University policy.
- b. *Prohibited Commercial Activities.* For purposes of this regulation, expressive activities do not include commercial speech. As such, commercial activities are prohibited on University grounds without a prior written agreement with the University.

- c. *Other Prohibited Activities.* Groups or individuals engaging in materially and substantially disruptive activities, or those failing to comply with applicable laws or System or University policy, may face immediate removal from University premises and/or other appropriate actions by University officials, including University police.
- d. *Reservation of Outdoor Common Areas.* Each University may adopt operating policies and procedures regarding the reservation of outdoor common areas by individuals or groups for the purpose of engaging in expressive activities. Such operating policies and procedures must be sent to the Office of General Counsel for review. If any area of the University's outdoor common areas has been reserved, the reserving individual or group shall be given priority for use of such area.
- e. *Antisemitic Speech and Acts.* The University is committed to upholding principles of free speech and academic freedom as fundamental components of its mission. However, the exercise of free speech must be conducted in a manner that respects the dignity and rights of all individuals within our community. By directive of the Governor's Executive Order GA 44 , the University prohibits antisemitism and adopts the following definition of antisemitism adopted by the State of Texas in Section 448.001 of the Texas Government Code: "*Antisemitism*" means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with [the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.](#)
- f. *Damage Caused by Expressive Activities.* Groups or individuals are responsible for any damage and harm to persons and property that arise from expressive activities.

4. Reasonable Time, Place, and Manner Restrictions

- a. *Reasonable Time, Place, and Manner Restrictions.* The following reasonable time, place, and manner restrictions are applicable to expressive activities in University outdoor common areas:
 - i. Activities that are unlawful or that materially and substantially disrupt the normal operations of the University are prohibited.
 - ii. Activities that materially and substantially prevent other individuals or groups from carrying out an expressive activity are prohibited.
 - iii. Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of University facilities are prohibited.
 - iv. Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services are prohibited.
 - v. Activities that threaten or endanger the health or safety of any person on University grounds are prohibited.
 - vi. Activities that result in damage or destruction of University property are prohibited. Nothing may be affixed to or written on University property or grounds.
 - vii. Activities that inherently lose First Amendment protection (e.g., defamatory

statements, true threats/fighting words, obscenity [as defined by law]) are prohibited.

- viii. Expressive signage, posters, displays, or structures (herein “displays”) must be hand-held, no larger than 3 feet in height by 3 feet in width. Displays, literature, and other items may not be left unattended.
 - ix. Amplified sound shall not exceed 80 decibel levels near University buildings, as measured at the outdoor edge of such buildings closest to the amplified sound. Any amplification device must be hand-held.
 - x. No open flames are permitted on the University campus without the express written permission of the University.
 - xi. Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and satisfy such codes and ordinances (e.g., serving food and beverages).
- b. *Additional Restrictions.* The above list of reasonable time, place, and manner restrictions is not intended to be all-inclusive. The University reserves the right, as necessary, to impose additional reasonable time, place, and manner restrictions as circumstances arise.
 - c. *Restrictions Are Viewpoint-Neutral.* The University’s decisions will not be based on political, religious, philosophical, ideological, or academic viewpoints.
 - d. *Relocation, Limitation, and Prohibition.* The University reserves the right to relocate, limit, or prohibit individuals or groups engaged in expressive activities in University outdoor common areas based on reasonable time, place, and manner restrictions.

5. Speaker Fees and Approvals

- a. University faculty, staff, and student organizations have the right to invite speakers to University forums to speak. When reviewing speakers, the University will not consider any anticipated controversy related to the event. The University will consider content-neutral and viewpoint neutral criteria including, but not limited to, the following when reviewing speakers:
 - i. Proposed venue and the size of the expected crowd;
 - ii. Anticipated needs for security;
 - iii. Any other necessary accommodations the University deems necessary for the speaker; and
 - iv. Relevant history of compliance or noncompliance with University policies by the speaker or the requestor.

6. Disciplinary Sanctions

- a. Students, student organizations, faculty, or staff who unduly interfere with the expressive activities of others on campus or who have been found to violate System or University policies and procedures, or other applicable laws, rules, and regulations, to include the requirements set forth in System Regulation 07.04, will be subject to the disciplinary policies and procedures, to include possible expulsion or termination, as applicable, outlined in the applicable University Student Code of Conduct, Student Handbook,

University Catalog, or University operating policies and procedures.

- b. Violation of this regulation may also constitute a breach of applicable criminal law. In such circumstances, the Penal Code and Code of Criminal Procedure will apply.

7. Grievances

- a. Members of the University community may file a grievance regarding an alleged violation of this regulation in the manner provided in the applicable University Student Code of Conduct, Student Handbook, University Catalog, Faculty Handbook, or employee/personnel manual.

Contact Office: System Office of General Counsel
806-742-2155



June 24, 2024

The Honorable Greg Abbott
Governor
P.O. Box 12428
Austin, Texas 78711-2428

Dear Governor Abbott:

In response to the directives contained within Executive Order GA-44, I offer the following report related to actions taken by The University of Texas System ("UT System") and our 14 institutions.

Review and update free speech policies to address the sharp rise in antisemitic speech and acts on university campuses and establish appropriate punishments, including expulsion from the institution.

The UT System Office of General Counsel directed each of the institutions to review and update institutional policies to comply with GA-44. At each institution, violations of student conduct are handled through a documented internal process. While each institution's process may vary, they all include discipline based on the severity of the allegations, including expulsion from the institution.

Ensure that these policies are being enforced on campuses and that groups such as the Palestine Solidarity Committee and Students for Justice in Palestine are disciplined for violating these policies.

As stated above, allegations of violations of student codes of conduct are enforced via a documented internal process. This includes possible loss of recognized status for registered student groups.

Include the definition of antisemitism, adopted by the State of Texas in Section 448.001 of the Texas Government Code, in university free speech policies to guide university personnel and students on what constitutes antisemitic speech.

Each UT System institution's policy contains the definition of antisemitism as codified in the Texas Government Code, Section 448.001.

The report shall include documentation verifying revisions made to free speech policies and evidence that those policies are being enforced.

Contained as an attachment to this letter, you will find copies of each of our institutional policies related to free speech. These policies have been reviewed by UT System Office of General Counsel, who has advised that all institutions are in compliance with GA-44.

Please do not hesitate to reach out with any questions related to this report.

Sincerely,



Kevin P. Eltife
Chairman
UT System Board of Regents

Attachment

Note: For expression and use of College District facilities and grounds by employees and employee organizations, see DGC. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not recognized student organizations, see GD.

Distribution of Literature

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any College District student or recognized student organization, except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by students or registered student organizations that is not sponsored by the College District.

Materials distributed under the supervision of instructional personnel as a part of instruction or other authorized classroom activities shall not be governed by this policy.

Limitations on Content

Materials shall not be distributed by students or recognized student organizations on College District property if:

1. The materials are obscene, where the materials fall within the definition of obscene as defined in Section 43.21 of the Texas Penal Code or successor provisions, and is within the constitutional definition of obscenity as set forth in the decisions of the United States Supreme Court.
2. The materials contain defamatory statements about public figures or others.
3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
4. The materials are considered prohibited harassment. [See DIAA, DIAB, FFDA, and FFDB]
5. The materials constitute nonpermissible solicitation. [See FI]
6. The materials infringe upon intellectual property rights of the College District. [See CT]

Time, Place, and Manner Restrictions

Distribution of the materials shall be conducted in a manner that:

1. Is not disruptive; [See FLB]

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;
4. Does not coerce, badger, or intimidate a person;
5. Does not interfere with the rights of others; and
6. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

The provost and vice president, academics and student affairs or designee shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by students or recognized student organizations to students or others in College District facilities and in areas that are not considered common outdoor areas.

Posting of Signs

For the purposes of this policy, "sign" shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; and "posting" shall be defined as any means used for displaying a sign.

A student or recognized student organization shall seek prior approval from the vice president of student affairs prior to posting a sign on College District property. Signs without an approved stamp, that promote or advertise outdated events, or that violate content guidelines shall be removed.

Except for signs that violate the restrictions in this policy and administrative procedures, a student or registered student organization may publicly post a sign on College District property in common outdoor areas and in areas or locations designated by the provost and vice president, academics and student affairs or designee. No object other than a sign may be posted on College District property.

Removal

A sign posted in accordance with this section shall not be removed without permission from the provost and vice president, academics and student affairs or designee or designee, the student, or the recognized student organization.

Disclaimer

Materials distributed by a recognized student organization must include a disclaimer indicating that the materials are not sponsored by the College District and do not represent the views of the College District or College District officials, faculty, or staff.

Facilities Use

The facilities and grounds of the College District shall be made available to students or recognized student organizations when such use does not conflict with policies and procedures of the College District. The requesting student or student organization, if applicable, shall pay expenses based on a fee schedule approved by the Board.

Requests

To request permission to meet or host a speaker in College District facilities, advisers for recognized student organizations shall complete the facility rental form and submit it to the information services specialist. Organizations shall be required to acknowledge that they understand and will abide by all College District policies and procedures.

Approval

When considering facilities requests, nondiscrimination and free speech shall be protected. The applicant shall be notified in writing if the request is denied based on the following:

1. The facility is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation;
4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District or off-site property;
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group; or
9. The proposed activity is not in the best interest of the College District.

*Common
Outdoor Area
Exception*

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Students and student organizations may engage in expressive activities in common outdoor areas, unless:

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

1. The person's conduct is unlawful;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

Announcements
and Publicity

In accordance with administrative procedures, all students and recognized student organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.

Identification

Students distributing materials on campus or using College District facilities shall provide identification when requested to do so by a College District representative.

Violations of Policy

Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, confiscation of nonconforming materials, suspension of a student's or registered student organization's use of College District facilities, and/or other disciplinary action in accordance with the College District's discipline policies and procedures.

Interference with
Expression

Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures [see DH, FM, and FMA].

Appeals

Decisions made by the administration under this policy may be appealed following the student appeal process in the College District's catalog.

Publication

This policy and associated procedures must be posted on the College District's website and distributed in the student and employee handbooks and other appropriate publications. They must also be distributed to students at orientation.

**COMMITMENT TO
FREE INQUIRY AND
EXPRESSION**

Lee College is committed to fostering an environment where free inquiry and expression are encouraged. Freedom of Expression activities apply to students, employees, and members of the community who wish to engage in literature distribution, poster displays, sign displays, visual/artistic exhibitions, expressive performances, petitioning, public speaking, or similar activities. Individuals and groups will demonstrate civility, safety concerns for persons and property, respect for those who may disagree with their message, and regard for other educational and learning activities as described in this regulation.

DEFINITIONS

Amplified sound: Refers to sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. It includes the use of any loudspeaker, loudspeaker system, sound amplifier, bull horn, or any other machine or device that produces, reproduces, or amplifies sound. Shouting, chanting, and acoustic musical instruments are exempt from this definition but are subject to general rules on disruption.

Antisemitism: Refers to the meaning found in Section 448.001 of the Texas Government Code, which “means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.” This definition is provided in accordance with Executive Order GA-44 (2024).

Common outdoor area: Refers to outdoor space that is not regularly used for dedicated College District business, does not have an educational function, and/or is not currently being used for a College District activity, program, or function. The term does not include the outside surfaces of a College District building, surfaces associated with or connected to a College District building, a College District structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, sites under construction, or vehicles that are on property owned or controlled by the College District. Common outdoor areas are designated by state law as traditional public forums.

Expressive activity: Any speech or expressive conduct (oral or written) protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

Official College event or activity: Any event, program, or activity sponsored by a College District department or division in the course of fulfilling its College District mission; educational activities that occur within the classroom; or events that occur within the regular or

recurring sphere of activity of a College District department or division. Any program or event sponsored by an academic or administrative unit of the College will have priority in the use of space and facilities over any speech, expression, or assembly that is not sponsored by an academic or administrative unit.

**NO ENDORSEMENT
BY THE COLLEGE**

The permission to conduct expressive activities in common outdoor areas does not imply official endorsement by the College. Groups and individuals engaged in expressive activities are responsible for the content of the expression.

**DISTRIBUTION OF
MATERIALS AND
LITERATURE**

Materials and literature can be distributed as an expressive activity; however, materials and literature cannot be placed on the surface of a building or in any other location that is not a common outdoor area. Individuals and groups that distribute materials and literature are required to remove all such materials and literature from the area where the expressive activity occurred immediately after the conclusion of the activity.

Individuals and groups that wish to place materials and literature in places such as bulletin boards that are not common outdoor areas must receive approval from the Information Services Specialist, located in the Student Success and Advising Center in Rundell Hall – Room 100 (facilities@lee.edu).

**COMMON OUTDOOR
AREAS THAT CAN
BE RESERVED FOR
EXPRESSIVE
ACTIVITY**

Outdoor activity areas may be used for expressive activity without a reservation; however, an individual or group with a reservation will have exclusive use and priority over other individuals or groups. Outdoor areas that can be reserved include the Gazebo, the patio adjacent to Moler Hall, and the Friends of Lee College Mall. Requests to reserve an outdoor expressive area must be submitted to the Information Services Specialist, located in the Student Success and Advising Center in Rundell Hall – Room 100 (facilities@lee.edu). Reservations should be made at least five business days in advance of the proposed activity. Other reservations for meeting rooms, classrooms, and activity spaces may also be made through the Information Services Specialist.

**AREAS WHERE
EXPRESSIVE
ACTIVITY IN
COMMON OUTDOOR
AREAS MAY NOT
TAKE PLACE**

The College District will regulate expressive activity in common outdoor areas under criteria that is content and viewpoint neutral and is narrowly tailored to serve a significant institutional interest. In addition to the prohibitions stated elsewhere in Local Policy and in this Regulation, an outdoor expressive activity may not take place:

- A. In areas already reserved for an official College event during the specific times reserved for the official College event;

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA-R

Administrative Regulation

- B. In areas already reserved for an event by a person or organization that has made a reservation in accordance with Board Policy FLA (LOCAL) and this regulation;
- C. In areas that block free movement of pedestrian or vehicle traffic;
- D. In areas that prevent or substantially hinder entry or exit of a campus building; or
- E. In any areas on campus during times that the College campus is closed to the public.

**TIME, PLACE,
MANNER RULES
FOR COMMON
OUTDOOR AREAS**

In addition to the prohibitions stated in Local Policy, the following time, place, and manner rules will apply to expressive activities in common outdoor areas:

- A. No person or organization may engage in expressive activity within a ten-foot clearance around points of entry and the perimeter of College District buildings, facilities, and garages.
- B. When engaging in expressive activities in outdoor common areas, individuals shall not:
 - interfere with the free entry to or exit from a building, structure, or facility;
 - interfere with the flow of pedestrians or vehicular traffic on sidewalks or streets or at places of ingress and egress to and from property, buildings, parking lots, or facilities;
 - deny the use of offices or other facilities to the students, faculty, staff, or guests of the College District;
 - threaten or endanger the safety of any person on a campus;
 - engage in conduct that is likely to result in damage or defacement to or destruction of College District property or to cause disruption in utilities;
 - create a sustained or repeated noise disturbance that substantially interferes with a speaker's ability to communicate with others and/or the rights of others to listen;
 - attempt to prevent a College District event or other lawful assembly by the threat or use of force or violence; or
 - use or display an open flame or fireworks.
- C. Except during final examination periods, amplified sound is allowed in outdoor common areas between 8 a.m. to 8 p.m., but bullhorns are prohibited. Noise levels may not unduly interfere with or disrupt classes, meetings, or other nearby activities in progress.

Making sustained or repeated noise in a manner that unduly interferes with a speaker's ability to communicate their message is not permitted.

- D. The following items are prohibited on campus:
1. A mask, facial covering, or disguise that conceals the identity of the wearer that is calculated to obstruct the enforcement of these rules or the law, or to intimidate, hinder or interrupt a College District employee or police officer in the lawful performance of their duties;
 2. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including but not limited to sticks, poles, clubs, swords, shields, or rigid signs that can be used as a shield, without written permission from the Associate Vice President of Student Services or designee unless authorized by federal, State or local laws;
 3. Body-armor or make-shift body-armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body-armor, without written permission from the Associate Vice President of Student Services or designee; and
 4. Open flame, unless approved in advance by the Fire Marshal.

**MAINTENANCE OF
PEACE AND ORDER;
EVALUATION OF
DISORDER AND
DISRUPTION**

In cases of marginal or unintentional disruption, the College District administrator or peace officer should encourage the alleged violator to comply with the rule being violated, especially in instances in which public safety is not threatened. If an individual continues to violate a rule or procedure after receiving a warning, but the activity is otherwise peaceful, staff and campus police should evaluate all facts and circumstances and determine whether to intervene immediately. For example, if the activity is about to end, intervention may be more disruptive than allowing the activity to end on its own.

The College District appreciates that, except in extreme cases, interference and disruption will require evaluation of the context. Intentional physical interference with another's movement or position is nearly always disruptive in any context. Interfering with traffic depends on the volume of traffic and the size of the passageway. Disruptive noise will depend on the activity disrupted. Any distracting sound or noise that disrupts a memorial service, library, or graduation ceremony is less likely to disrupt an athletic event. Occasional heckling of speaker may not disrupt the giving of a political speech,

but persistent heckling that prevents listeners from hearing the speaker does disrupt a political speech. A College official's decision whether and when to intervene shall be made without consideration of the viewpoint of the speaker.

PANOLA COLLEGE

EST  1947

OFFICE OF THE PRESIDENT

P 903.693.1142 • F 903.693.1127
1109 West Panola • Carthage, Texas 75633
panola.edu

June 24, 2024

Governor Greg Abbott
Office of the Governor
Budget and Policy Division
P.O. Box 12428
Austin, Texas 78711-2428

Dear Governor Abbott,

On behalf of the Panola College Board of Trustees, I certify that Panola College has adopted and reviewed policies in accordance with the directives outlined in your Executive Order GA-44. We have taken the necessary steps to ensure our institution complies with the requirements set forth in the order.

Specifically, Panola College has addressed the following actions stipulated by Executive Order GA-44:

1. **Review and Update of Free Speech Policies:** We have reviewed and updated our free speech policies to address the rise in antisemitic speech and acts on university campuses. These policies now include appropriate punishments, including expulsion, for violations related to antisemitic speech.
2. **Enforcement of Policies:** Our institution is actively enforcing these updated policies on campus. Groups identified in the executive order, such as the Palestine Solidarity Committee and Students for Justice in Palestine, are subject to discipline if found to be in violation of these policies.
3. **Inclusion of Antisemitism Definition:** The definition of antisemitism, as adopted by the State of Texas in Section 448.001 of the Texas Government Code, has been incorporated into our university free speech policies. This definition guides university personnel and students on what constitutes antisemitic speech.

We are pleased to confirm that these requirements have been met and are being enforced across our institution.

Attached are the requisite documentation and evidence of our free speech policies, as well as proof of their enforcement on our campus. Should you require any additional information or documentation, please do not hesitate to contact us.

Sincerely,



William Goolsby
Panola College, Chair of the Board of Trustees

Cc: budgetandpolicyreports@gov.texas.gov
Tabatha.vasquez@gov.texas.gov
Michelle.watts@gov.texas.gov

Statement on Students Rights and Responsibilities of Expression and Use of College Facilities

Panola College fully supports lawful freedom of expression by all members of the academic community, including students. The Student Rights and Responsibilities of Student Expression and Use of College Facilities policy and procedures can be found on the Panola College website at [Panola College Board Policy](#).

The request for the use of College Facilities for lawful expression should be requested and approved through the Vice President of Student Services.

Panola College Student Free Speech and Antisemitism Policy (effective June 25, 2024)

Introduction

Panola College is committed to upholding the principles of free speech while maintaining an environment that is respectful and inclusive for all members of our community. This policy outlines our approach to free speech and specifically addresses actions to combat antisemitism on our campus, aligning with the directives of Texas Governor's Executive Order GA-44.

Policy Statement:

Free Speech and Expression: Panola College values the freedom of speech and expression as fundamental rights for all students and staff. This includes the right to express opinions, engage in civil discourse, and peacefully protest, provided such actions do not infringe upon the rights and safety of others.

Antisemitism Definition: In accordance with Section 448.001 of the Texas Government Code, Panola College adopts the definition of antisemitism as: "A certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

Prohibited Conduct:

Any speech or action that targets individuals or groups based on their Jewish identity, religion, or ethnicity and falls within the definition of antisemitism is strictly prohibited.

Conduct that promotes or incites violence, harassment, discrimination, or intimidation against Jewish individuals or groups is not tolerated.

Disciplinary Measures:

Violations of this policy, including acts of antisemitism, will be subject to disciplinary action as outlined in the Student Code of Conduct.

Sanctions may include warnings, educational interventions, probation, suspension, or expulsion, depending on the severity and recurrence of the offense.

Implementation and Enforcement:

This policy will be prominently featured in the Panola College Student Handbook, Faculty Handbook, and Employee Handbook which are accessible to all students, faculty, and staff.

The Student Services offices and relevant campus authorities will oversee the implementation and enforcement of this policy.

Reports of antisemitic incidents or concerns should be promptly reported to designated campus officials for investigation and appropriate action.

Note: For expression and use of College District facilities and grounds by employees and employee organizations, see DGC. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD.

Distribution of Literature

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any College District student or registered student organization [see FKC], except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by students or registered student organizations that is not sponsored by the College District.

Materials distributed under the supervision of instructional personnel as a part of instruction or other authorized classroom activities shall not be governed by this policy.

Limitations on Content

Materials shall not be distributed by students or registered student organizations on College District property if:

1. The materials are obscene.
2. The materials contain defamatory statements about public figures or others.
3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
4. The materials are considered prohibited harassment. [See DIAA, DIAB, FFDA, and FFDB]
5. The materials constitute nonpermissible solicitation. [See FI]
6. The materials infringe upon intellectual property rights of the College District. [See CT]

Time, Place, and Manner Restrictions

Distribution of the materials shall be conducted in a manner that:

1. Is not disruptive; [See FLB]
2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;

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4. Does not coerce, badger, or intimidate a person;
5. Does not interfere with the rights of others; and
6. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

The institutional advancement office shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by students or registered student organizations to students or others in College District facilities and in areas that are not considered common outdoor areas.

Posting of Signs

For the purposes of this policy, "sign" shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; and "posting" shall be defined as any means used for displaying a sign.

Except for signs that violate the restrictions in this policy and administrative procedures, a student or registered student organization may publicly post a sign on College District property in common outdoor areas and in areas or locations designated by the institutional advancement office. No object other than a sign may be posted on College District property.

Restrictions

A sign shall not be larger than 24 inches by 24 inches, unless authorized by the student activities coordinator. A sign shall not be attached or posted:

1. To a shrub or plant;
2. To a tree;
3. To a permanent sign installed for another purpose;
4. To a fence or chain or its supporting structure;
5. To a brick, concrete, or masonry structure;
6. To a statue, monument, or similar structure;
7. On or adjacent to a fire hydrant; or
8. In a College District building, except on a bulletin board designated for that purpose, with exceptions granted by the director of student life.

Removal

A student or registered student organization shall remove each sign not later than 14 days after posting or, if it relates to an event,

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not longer than 24 hours after the event to which it relates has ended.

A sign posted in accordance with this section shall not be removed without permission from the institutional advancement office, the student, or the registered student organization.

Disclaimer

Materials distributed by a registered student organization must include a disclaimer indicating that the materials are not sponsored by the College District and do not represent the views of the College District or College District officials, faculty, or staff.

Use of Facilities and Grounds

The facilities and grounds of the College District shall be made available to students or registered student organizations [see FKC] when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting students or student organization shall pay all expenses incurred by their use of facilities in accordance with a fee schedule developed by the Board.

Requests

To request permission to meet or host a speaker in College District facilities, interested students or registered student organizations shall file a written request with the student activities coordinator in accordance with administrative procedures.

The students or the registered student organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Approval

The institutional advancement office shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the student's or registered student organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation [see FI];

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4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; or
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.

The student activities coordinator shall provide the applicant a written statement of the grounds for rejection if a request is denied.

*Common
Outdoor Area
Exception*

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Students and student organizations may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

Announcements
and Publicity

In accordance with administrative procedures, all students and registered student organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.

Identification

Students or registered student organizations distributing materials on campus or using College District facilities shall provide identification when requested to do so by a College District representative.

Violations of Policy

Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, confiscation of nonconforming materials, suspension of a student's or registered student organization's use of College District facilities, and/or other disciplinary action in accordance with the

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	College District's discipline policies and procedures [see FM and FMA].
Interference with Expression	Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures [see DH, FM, and FMA].
Appeals	Decisions made by the administration in accordance with this policy may be appealed in accordance with DGBA(LOCAL) or FLD(LOCAL), as applicable.
Publication	This policy and associated procedures must be posted on the College District's website and distributed in the student and employee handbooks and other appropriate publications. They must also be distributed to students at orientation.

RESOLUTION

- Whereas, on March 27, 2024 the Governor of the State of Texas, Greg Abbott, issued Executive Order GA 44 relating to addressing acts of antisemitism in institutions of higher education; and
- Whereas, this Executive Order directed all Texas higher education institutions to review and update free speech policies; and
- Whereas, this Executive Order directed all Texas higher education institutions to ensure that these policies are being enforced on campuses; and
- Whereas, this Executive Order directed all Texas higher education institutions to include the definition of antisemitism, adopted by the State of Texas in Section 448.001 of the Texas Government Code, in university free speech policies to guide university personnel and students on what constitutes anti-Semitic speech; and
- Whereas, this Executive Order directed all Texas higher education institutions to report to the Office of the Governor, Budget and Policy Division, that the above actions were taken; now
- Therefore, be it known to all present, that the Board of the Wharton County Junior College on the 18th day of June, 2024 certifies that college administration has reviewed the college's policies on free speech, will continue to enforce these policies consistent with applicable state and federal law, and has incorporated the definition of antisemitism into appropriate policies of the college and hereby adopts this RESOLUTION.

EXECUTED, APPROVED, AND ADOPTED on this 25th day of June, 2024.


Board Chair



Amarillo College

June 25, 2024

Via Email: budgetandpolicyreports@gov.texas.gov

and First-Class Mail

Office of the Governor

Budget and Policy Division

P.O. Box 12428

Austin, TX 78711-2428

Re: Amarillo Junior College District response to Executive Order No. GA-44

Dear Budget and Policy Division:

As Chair of the Amarillo College Board of Regents, I confirm that the college has adopted policies detailing students' responsibilities regarding free expression on campus in compliance with Executive Order GA-44. On June 25, 2024, the President's Cabinet approved the attached revisions to the Student Rights and Responsibilities Handbook to include the definition of antisemitism. You can see that the appropriate punishments for violating these procedures is addressed at page 5.

The Board of Regents Policy Manual Section FFDB – Freedom from Discrimination, Harassment, and Retaliation also addresses prohibited conduct, prohibited harassment, and corrective action.

Sincerely,

Jay Barrett
Chair, Board of Regents

attachments

lmg

Student Expression and Use of College Facilities

Distribution of Literature

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College shall not be sold, circulated, distributed, or posted on any College premises by any College student or registered student organization, except in accordance with this policy.

The College shall not be responsible for, nor shall the College endorse, the contents of any materials distributed by students or registered student organizations that is not sponsored by the College.

Materials distributed under the supervision of instructional personnel as a part of instruction or other authorized classroom activities shall not be governed by this policy.

Materials must be submitted to the Student Life Office and approved by the Director of Student Life before distribution.

Limitations on Content

Materials shall not be distributed by students or registered student organizations on College property if:

1. The materials are obscene.
2. The materials contain defamatory statements about public figures or others.
3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
4. The materials are considered prohibited harassment.
5. The materials constitute nonpermissible solicitation.
6. The materials infringe upon intellectual property rights of the College.
7. **The materials contain antisemitic speech. "Antisemitism" means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jews or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.**

Time, Place, and Manner Restrictions

Distribution of the materials shall be conducted in a manner that:

1. Is not disruptive;
2. Does not impede reasonable access to College facilities;
3. Does not result in damage to College property;
4. Does not coerce, badger, or intimidate a person;
5. Does not interfere with the rights of others; and
6. Does not violate local, state, or federal laws or College policies and procedures.

The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

The vice president of student affairs or director of student life shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by students or registered student organizations to students or others in College facilities and in areas that are not considered common outdoor areas.

Posting of Signs

For the purposes of this policy, "sign" shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of handheld sign; and "posting" shall be defined as any means used for displaying a sign.

Except for signs that violate the restrictions in this policy and administrative procedures, a student or registered student organization may publicly post a sign on College property in common outdoor areas and in areas or locations designated by the vice president of student affairs or director of student life. No object other than a sign may be posted on College property.

Restrictions

A sign shall not be larger than 22 inches by 28 inches, unless authorized by the vice president of student affairs or director of student life. A sign shall not be attached or posted:

1. To a shrub or plant;
2. To a tree, except by string to its trunk;
3. To a permanent sign installed for another purpose;
4. To a fence or chain or its supporting structure;
5. To a brick, concrete, or masonry structure;
6. To a statue, monument, or similar structure;
7. On or adjacent to a fire hydrant; or
8. In a College building, except on a bulletin board designated for that purpose.

Removal

A student or registered student organization shall remove each sign not later than 14 days after posting or, if it relates to an event, not longer than 24 hours after the event to which it relates has ended.

A sign posted in accordance with this section shall not be removed without permission from the vice president of student affairs or director of student life, the student, or the registered student organization.

Disclaimer

Materials distributed by a registered student organization must include a disclaimer indicating that the materials are not sponsored by the College and do not represent the views of the College or College officials, faculty, or staff.

Use of Facilities and Grounds

The facilities and grounds of the College shall be made available to students or registered student organizations when such use does not conflict with use by, or any of the policies and procedures of the College.

The requesting students or student organization shall pay all expenses incurred by their use of facilities in accordance with a fee schedule developed by the Board.

Requests

To request permission to meet or host a speaker in College facilities, interested students or registered student organizations shall file a written request with the vice president of student affairs or director of student life in accordance with administrative procedures.

The students or the registered student organization making the request shall indicate that they have read and understand the policies and rules governing use of College facilities and that they will abide by those rules.

Approval

The vice president of student affairs or director of student life shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the student's or registered student organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that:

1. The College facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation;
4. The proposed use would constitute an immediate and actual danger to the peace or security of the College that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College property; or
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.
9. The vice president of student affairs or director of student life shall provide the applicant a written statement of the grounds for rejection if a request is denied.

Common Outdoor Area Exception

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Students and student organizations may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful;
2. The use would constitute an immediate and actual danger to the peace or security of the College that available law enforcement officials could not control with reasonable efforts;

3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.
5. **The conduct or use promotes antisemitism or contains antisemitic speech.**

Announcements and Publicity

In accordance with administrative procedures, all students and registered student organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.

Identification

Students or registered student organizations distributing materials on campus or using College facilities shall provide identification when requested to do so by a College representative.

Violations of Policy

Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, confiscation of nonconforming materials, suspension of a student's or registered student organization's use of College facilities, and/or other disciplinary action in accordance with the College's discipline policies and procedures.

Interference with Expression

Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College's discipline policies and procedures.

Appeals

Decisions made by the administration in accordance with this policy may be appealed in accordance with the College's student complaint policy.

See also Board of Regents Policy Manual Section FFDB: Freedom from Discrimination, Harassment, and Retaliation.

Penalties for Student Misconduct

A student shall be subject to discipline for violations of College policies and procedures, including the rules outlining expectations for student conduct. If a student commits an infraction or engages in misconduct, the College may impose one or more of the following penalties:

1. Reprimand

A verbal or written warning to the student following a rule violation. Repetition of such misconduct may result in more severe disciplinary action.

2. Restitution

Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damage.

3. Scholastic penalties

The assignment of a failing grade on an assignment or examination or in a course by an instructor based on scholastic dishonesty; including cheating, collusion, and plagiarism; committed by a student. The instructor shall submit a written report of the incident and of the planned action to the instructor's dean.

4. Conditional Probation

The placing of a student on notice that continued infraction of regulations may result in suspension or expulsion from the College. Conditional probation may include restrictions on a student's rights and privileges or specified community service. The probation may be for a specified length of time or for an indefinite period according to the relative severity of the infraction or misconduct. Failure to fulfill the terms of the probation may lead to suspension or expulsion.

5. Suspension

Forced withdrawal from the College for either a definite period of time or until stated conditions have been met. Normally, suspension shall extend through a minimum of one regular long semester (with summer sessions not counting in the one semester minimum time lapse). However, suspension may exceed the one semester minimum.

6. Expulsion

Permanent forced withdrawal from the College. A student receiving disciplinary expulsion shall have the action noted in the student's permanent record.

Suspended or Expelled Students

No former student who has been suspended or expelled from the College for disciplinary reasons shall be permitted on the campus or other facilities of the College, initiated into an honorary or service organization, or permitted to receive credit for academic work done in residence or by correspondence or extension during the period of suspension or expulsion without the prior written approval of the College President or a designated representative.

Disciplinary Record

The College shall maintain for every student alleged or determined to have committed misconduct at the College, a disciplinary record that shall reflect the charge, the disposition of the charge, the sanction assessed, if any, and any other pertinent

information. The disciplinary record shall be separate from the student's academic record and shall be treated as confidential; the contents shall not be revealed except on request of the student or in accordance with applicable state or federal laws.

Note: This policy addresses complaints of discrimination, harassment, and retaliation based on race, color, national origin, religion, age, or disability targeting students. For legally referenced material relating to this subject matter, see FA(LEGAL). For discrimination, harassment, and retaliation targeting employees based on race, color, national origin, religion, age, or disability, see DIAB.

Statement of Nondiscrimination

The College District prohibits discrimination, including harassment, against any student on the basis of race, color, national origin, disability, religion, age, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

Discrimination

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, national origin, disability, religion, age, or on any other basis prohibited by law, that adversely affects the student.

Prohibited Harassment

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program.

Examples

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

Retaliation

The College District prohibits retaliation by a student or College District employee against a student alleged to have experienced discrimination or harassment or another student who, in good faith, makes a report of harassment or discrimination, serves as a witness, or otherwise participates in an investigation.

Examples

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

False Claims

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation

	regarding discrimination or harassment shall be subject to appropriate disciplinary action.
Prohibited Conduct	In this policy, the term "prohibited conduct" includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.
Reporting Procedures	Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a responsible employee.
Student Report	
Employee Report	Any College District employee who suspects and any responsible employee who receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate College District official listed in this policy and shall take any other steps required by this policy.
<i>Exceptions</i>	A person who holds a professional license requiring confidentiality, such as a counselor, or who is supervised by such a person shall not be required to disclose a report of prohibited conduct without the student's consent. A person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source shall not be required to disclose information regarding an incident of prohibited conduct that constitutes personally identifiable information about a student or other information that would indicate the student's identity without the student's consent, unless the person is disclosing information as required for inclusion in the College District's annual security report under the Clery Act. [See GCC]
Responsible Employee	For purposes of this policy, a "responsible employee" is an employee: <ol style="list-style-type: none">1. Who has the authority to remedy prohibited conduct.2. Who has been given the duty of reporting incidents of prohibited conduct.3. Whom a student reasonably believes has the authority to remedy prohibited conduct or has been given the duty of reporting incidents of prohibited conduct. The College District designates the following persons as responsible employees: any instructor, any administrator, or any College District official defined below.
Definition of College District Officials	For the purposes of this policy, College District officials are the ADA/Section 504 coordinator and the College President.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
OTHER PROTECTED CHARACTERISTICS

FFDB
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ADA / Section 504 Coordinator	<p>Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The College District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:</p> <p>Name: Denese Skinner Position: Vice President of Student Affairs Address: Washington Street Campus, Student Services Center, Room 228C Telephone: (806) 371-5252</p>
Other Anti-discrimination Laws	<p>The College President or designee shall serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.</p>
Alternative Reporting Procedures	<p>A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the ADA/Section 504 coordinator, may be directed to the College President.</p> <p>A report against the College President may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.</p>
Timely Reporting	<p>Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the College District's ability to investigate and address the prohibited conduct.</p>
Investigation of the Report	<p>The College District may request, but shall not require, a written report. If a report is made orally, the College District official shall reduce the report to written form.</p>
Initial Assessment	<p>Upon receipt or notice of a report, the College District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the College District official shall immediately authorize or undertake an investigation, except as provided below at Criminal Investigation.</p> <p>If the College District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other College District rules or regulations, the College District official shall refer the complaint for consideration under the appropriate policy.</p>

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
OTHER PROTECTED CHARACTERISTICS

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Interim Action	If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the College District shall promptly take interim action calculated to address prohibited conduct prior to the completion of the College District's investigation.
College District Investigation	<p>The investigation may be conducted by the College District official or a designee or by a third party designated by the College District, such as an attorney. The investigator shall have received appropriate training regarding the issues related to the complaint and the relevant College District's policy and procedures.</p> <p>The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.</p>
Criminal Investigation	If a law enforcement or regulatory agency notifies the College District that a criminal or regulatory investigation has been initiated, the College District shall confer with the agency to determine if the College District's investigation would impede the criminal or regulatory investigation. The College District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has completed gathering its evidence, the College District shall promptly resume its investigation.
Concluding the Investigation	<p>Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the College District to delay its investigation, the investigation should be completed within ten College District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.</p> <p>The investigator shall prepare a written report of the investigation. The report shall be filed with the College District official overseeing the investigation.</p>
<i>Notification of the Outcome</i>	The College District shall provide written notice of the outcome, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the victim and the person against whom the complaint is filed.
College District Action	If the results of an investigation indicate that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct, in accordance with College District policy and procedures [see FM and FMA].
Prohibited Conduct	

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
OTHER PROTECTED CHARACTERISTICS

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(LOCAL)

<i>Corrective Action</i>	Examples of corrective action may include a training program for those involved in the complaint, a comprehensive education program for the College District community, counseling for the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving students in efforts to identify problems and improve the College District climate, increasing staff monitoring of areas where prohibited conduct has occurred, and reaffirming the College District's policy against discrimination and harassment.
Improper Conduct	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct, the College District may take disciplinary action in accordance with College District policy and procedures or other corrective action reasonably calculated to address the conduct.
Confidentiality	To the greatest extent possible, the College District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
Appeal	A party who is dissatisfied with the outcome of the investigation may appeal through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members] A party shall be informed of his or her right to file a complaint with the U.S. Department of Education Office for Civil Rights.
Records Retention	Retention of records shall be in accordance with the College District's records retention procedures. [See CIA]
Access to Policy, Procedures, and Related Materials	Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed annually to College District employees and students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the employee and student handbooks and other major College District publications. Information regarding the policy, procedures, and related materials shall also be prominently published on the College District's website, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District's administrative offices and shall be distributed to a student who makes a report.

UNIVERSITIES

Texas A&M University
Texas A&M University at Galveston
Texas A&M Health Science Center
Prairie View A&M University
Texas A&M University-Commerce
Tarleton State University
West Texas A&M University
Texas A&M University-Kingsville
Texas A&M University-Corpus Christi
Texas A&M International University
Texas A&M University-Texarkana
Texas A&M University-Central Texas
Texas A&M University-San Antonio



AGENCIES

Texas A&M AgriLife Research
Texas A&M Engineering Experiment Station
Texas A&M Forest Service
Texas A&M AgriLife Extension Service
Texas A&M Engineering Extension Service
Texas A&M Transportation Institute
Texas A&M Veterinary Medical Diagnostic Laboratory
Texas Division of Emergency Management

OTHER MEMBER INSTITUTION

The RELIS Campus

Board of Regents THE TEXAS A&M UNIVERSITY SYSTEM

June 25, 2024

Michelle Watts
Education Budget and Policy Advisor
Office of the Governor

Dear Ms. Watts:

Enclosed is the report of the Texas A&M University System regarding our implementation of the requirements set forth in Executive Order GA-44. Please contact Jenny Jones, Vice Chancellor for Government Relations, with any questions or if additional information is needed.

Sincerely,

William Mahomes
Chairman, Board of Regents

Enclosure

cc: Members, Board of Regents
Chancellor John Sharp
Jenny Jones

Report of The Texas A&M University System

Executive Order No. GA-44 (Antisemitism)

Executive Order No. GA-44 (2024-03-27) addresses acts of antisemitism in institutions of higher education and requires all Texas higher education institutions to:

1. Review and update free speech policies to address the reported sharp rise in antisemitic speech and acts on university campuses and establish appropriate punishments, including expulsion from the institution.
2. Ensure that these policies are being enforced on campuses and that groups such as the Palestine Solidarity Committee and Students for Justice in Palestine are disciplined for violating these policies.
3. Include the definition of antisemitism, adopted by the State of Texas in Section 448.001 of the Texas Government Code, in university free speech policies to guide university personnel and students on what constitutes antisemitic speech.
4. Submit a report to the Office of the Governor, Budget and Policy Division, verifying that these actions were taken, including submitting documentation (i) policies were revised, and (ii) evidence the policies are being enforced.

To comply with this Executive Order, the A&M System, through its Office of General Counsel:

1. Collected and reviewed expressive activity rules adopted by 12 member campuses to ensure the rules included provisions providing for disciplinary sanctions for violations.
2. Requested information reaching back to 2020 regarding grievances and violations of each member's free speech rules, including protest events since October 7, 2023.
3. Provided a template rule to system members that complied with GA-44's requirements so they could quickly revise their campus speech policy. Members submitted their updates to OGC for legal review and A&M System approval.

A. Introduction

Universities in The Texas A&M University System (System) have long recognized the right to protect order on our campuses and issue sanctions in appropriate circumstances for speech that is not protected by the First Amendment of the U.S. Constitution or Article 1, Sec. 8 of The Texas Constitution. Senate Bill 18 (86RS-2019) provided a new incentive for universities to monitor expressive activities and student conduct on system campuses by creating affirmative duties for the university to more actively manage expressive activity on campus.

The System is well-acquainted with and respects U.S. jurisprudence defining free speech and the limited scope of unprotected speech.

Expressive activities that are not protected by university speech policies and may result in university sanctions include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; speech directed at inciting or producing imminent lawless action; or illegal harassment.

System universities have two mechanisms to adjudicate unprotected speech. First, expressive activity may be reviewed and adjudicated under A&M System Regulation 08.01.01, *Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, religion, national origin, or any other classification protected by federal, state, or local law. Second, said conduct may also be reviewed and adjudicated by the Student Conduct Office using the Student Conduct Code when the conduct does not rise to the level of a civil rights violation.

B. Revision of Speech Policies

Attached as **Exhibit “A”** of this report is a copy of a revised Rule 08.99.99 for *each* of the 12 system campuses. Each revised rule contains the information required by E.O. GA-44.

C. Enforcement of Speech Policies

In August 2020, system members implemented Rule 08.99.99, *Expressive Activity on Campus*, as required by Senate Bill 18 (86RS-2019) and codified in Tex. Educ. Code Ann § 51.9315. As required by the statute, each member’s rule allows for disciplinary action for individuals who unduly interfere with another’s expressive activity rights. At Texas A&M, an expressive activity committee comprised of individuals from across campus (Student Affairs, University Center and Special Events, Office of General Counsel, University Police Department, Marketing and Communications, Risk, Ethics, and Compliance, and other campus partners) actively review university policy, training materials, case law, campus communications, educational materials, and current events to ensure the university stays on top of expressive activity issues. Under the oversight of the committee, a team of staff members (the Activity Resource and Response Team or “ARRT”) actively monitor expressive activities to ensure safety on campus and to flag unlawful conduct and unprotected speech when warranted. This would include instances of unprotected speech or unlawful conduct driven by antisemitism. Prior to adopting Rule 08.99.99, unprotected speech and/or unlawful behavior during expressive activities was addressed using well-established rules implemented by civil rights compliance offices and student conduct offices.

The student populations of system universities vary considerably:

1	TAMU	70,556
2	TARLETON	14,093
3	TAMUCC	10,778
4	TAMUC	10,757
5	WTAMU	9,242
6	PVAMU	8,998
7	TAMIU	8,193
8	TAMUSA	7,223
9	TAMUK	6,070
10	TAMUCT	2,194
11	TAMUT	2,073
12	A&M-RELLIS	452
		<hr/>
		150,629

Fortunately, since the horrific events of October 7, 2023, A&M System universities have not experienced disruption and unlawful conduct on their campuses like those located on the east and west coasts. Student groups seem willing to engage with university leadership and student affairs administrators, which allows them to fully understand university rules and, thankfully, communicate in an honest and transparent manner with university employees. No system students, employees, or visitors have been arrested at a protest/rally. One student has been charged with a rule violation since October 7, 2023; the student accepted responsibility for his behavior.

The System’s proactive and collaborative approach to managing expressive activity on campus seems to be working. In 2024, FIRE ranked Texas A&M No. 7 in their annual Top 25 Colleges for Freedom of Speech. Texas A&M was the only Texas school to be ranked in the top 25. This year the Foundation for Individual Rights and Expression (FIRE) once-again named Texas A&M a “green light” campus for maintaining policies that do not seriously imperil free expression. Only 12.9% of the schools in their survey received this rating. Texas A&M was the only Texas university to receive this distinction.

1. Protests & Complaints since October 7, 2023

Four system members reported nineteen (19) protests/rallies since October 7, 2023, the events were fairly evenly distributed between Pro-Palestinian and Pro-Israeli viewpoints. There were no reports of arrests as a result of the protests/rallies and no student participating in the protest/rallies faced disciplinary action because there were no violations of the Student Conduct Code. One student engaged in counterprotest activity and was sanctioned for disruptive conduct. The majority of the protests/rallies occurred on the campus of Texas A&M University in College Station, Texas.

System universities reported a total of four (4) complaints concerning expressive activity related to Hamas’s terroristic attack on Israel on October 7, 2023.

- Texas A&M University. On October 18, 2023, the civil rights office was notified that an individual received threatening messages from an unknown individual after participating in a protest against events occurring in Gaza. The case was referred to Student Assistive Services and the University Police Department. Student Assistance Services is an office

in the Department of Student Life that seeks to connect students with the appropriate guidance, resources, and support to address a variety of personal and academic matters.

- Texas A&M University. On November 11, 2023, the civil rights office was notified of allegations of harassment based on an individual's national origin. A student alleged harassment while working on a team throughout the semester. The reporting student is of Middle Eastern descent and alleged that another student asked her whether she was terrorist, whether the reporting student was going to bomb us, and whether the reporting student was protesting for Hamas. Additionally, the reporting student wears a hijab, and alleged that the student asked to see the reporting student's hair and made comments about her religion. The case was closed because the complainant did not request a formal resolution.
- Texas A&M University. A student reported receiving threatening messages from an unknown individual as a result of the student's participation in a Pro-Palestinian event. The case was forwarded to the University Police Department for further investigation.
- Texas A&M University Corpus Christi. On May 1, 2024 a student left campus by crossing Ocean Drive at the campus main entrance where a small group had set up a banner and flags expressing support for the Palestinian people displaced by the Israeli attack on Hamas in Gaza. While the site was unattended, using a pocketknife, the student cut down a banner hanging from a light pole and was seen taking a flag and putting it in his pocket before crossing back onto campus. The student was also seen brandishing the flag from the passenger seat of a vehicle leaving campus a few minutes later. He was charged with engaging in disruptive activity by interfering with an individual's or organizations right to engage in expressive activities. The student did not contest the charge and was sanctioned for his conduct.

2. Expressive Activity Complaints from January 2020 - October 6, 2023

As stated previously, system universities have always asserted the right to punish speech that is not protected by the First Amendment. Senate Bill 18 (86RS-2019) provided a new legal incentive for universities to monitor expressive activities on campus by creating certain affirmative duties, such as preventing the so-called Heckler's Veto through a disciplinary process.

System members reported a total of 36 grievances involving speech policies since 2020. None of them involved physical violence, although two involved vandalism to property.

Texas A&M University (TAMU) reported a total of 17 speech-related complaints since 2020. None of the complaints involved physical violence or resulted in arrests or student conduct code charges.

Tarleton State University (Tarleton) reported five (5) grievances related to Tarleton's free speech rules starting in 2020. Two cases involved faculty claims related to free speech and academic freedom. One claim involved a student's interference with the expressive rights of a student organization. The two remaining claims involve allegations of vandalism of a student organization's display in 2022 and 2023.

Texas A&M International University (TAMIU) received on July 4, 2020, a complaint from an unsuccessful applicant for a faculty position. The applicant speculated that his being passed over

may have been motivated by antisemitism and/or disability discrimination in TAMIU's hiring practices. A review of the asserted discrimination found no information supporting either of the claims. On August 12, 2020, the applicant withdrew the allegations.

Texas A&M University Central Texas (TAMUCT) reported six (6) grievances or violations under their expressive activity rule since 2020. All six of the grievances reported occurred prior to 2023. None of the events involved antisemitism.

At Texas A&M University Commerce (TAMUC) on March 28, 2023, a student submitted a report and video regarding a possible expressive activity violation. Upon investigation, Texas A&M University Commerce concluded there was no violation. A referral was sent to the Student Organization's Advisors for follow-up on the interpersonal conflict between organization members.

Texas A&M University Kingsville (TAMUK) reported four complaints involving speech rules since 2020. On October 10, 2023, a charge of race and national origin discrimination was filed by a former employee who was the subject of a sexual misconduct complaint. On December 19, 2023, a report was made relating to discrimination based on race/national origin. The Respondent was unknown. On April 10, 2024, a report was made relating to race discrimination. The university compliance office made several attempts to contact the complaint without success. On April 12, 2024, a report was made relating to discrimination based on ethnicity/religion. No formal complaint was filed, and the Respondent was unknown. On May 18, 2024, flyers were posted on various areas of campus. The flyers were titled "Students Against Genocide" with information stating, "Your taxes fund genocide", "Free Palestine!", "TAMUK and Aramark fund genocide!!" with the inclusion of a QR code. The flyers were removed in accordance with TAMUK policy prohibiting the posting of flyers on doors.

EXHIBIT “A”
GA-44 Revised Speech Policies (12 campuses)

TAMU
TARLETON
TAMUCC
TAMUC
WTAMU
PVAMU
TAMIU
TAMUSA
TAMUK
TAMUCT
TAMUT
A&M-RELLIS

UNIVERSITY RULE

08.99.99.M1 Expressive Activity on Campus

Approved May 14, 2020

Revised November 12, 2021

Revised June X, 2024

Next Scheduled Review: June X, 2024

Rule Statement

Texas A&M University is committed to providing an educational and work climate that is conducive to the personal and professional development of each individual. In fulfilling its multiple missions as an institution of higher learning, it encourages the free exchange of ideas. The university will protect the rights of freedom of speech, expression, petition, and peaceful assembly as set forth in the U.S. Constitution and Texas state law. Texas A&M University maintains its right to regulate reasonable time, place and manner restrictions concerning acts of expression and dissent.

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the bill: Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

This Rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

Definitions

Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

1. **Antisemitism** means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish

or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.¹ Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule will not be tolerated by the university.

2. **Benefit** means recognition by or registration with the university, the use of the university's facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.
3. **Campus** means all land and buildings owned or leased by the university, including those at branch campuses and remote locations.
4. **Common outdoor areas** means places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for a special event. This term does not include areas immediately adjacent to a private residence.
5. **Designated public forums** include other parts of campus that may become temporarily available for expressive activity as designated by the university. These temporary locations, while in existence, will be treated similar to public streets, sidewalks, and parks in terms of access and availability for expressive activity. (Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.)
6. **Disruptive Activity** is the obstruction, disruption or interference with classes, research, administrative functions, or other university activities, and is not permitted. Likewise, infringement on the rights of others is prohibited.
7. **Employee** means an individual employed by the university.
8. **Expressive activity** means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
9. **Faculty** means any full or part-time employee of the university holding an academic appointment.
10. **Illegal Harassment** means expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.
11. **Inciting or producing imminent lawless action** means speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.
12. **Limited public forums** have limited open access for public expression, or they may be limited to particular groups or particular topics.
13. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
14. **Non-public forums** are areas that are not traditional public forums or designated public forums. These include areas that are not by tradition or designation forums for public communication. These forums will be restricted to use for their intended purpose and are

¹ Texas Government Code, Section 448.001.

not available for public expressive activity. Examples include, but are not limited to, classrooms, residence hall rooms, faculty and staff offices, academic buildings, administration buildings, medical treatment facilities, libraries, research and computer laboratories, the MSC lawn, Easterwood Airport, Brayton Fire Training School, and research facilities.

15. **Person** means students, faculty, staff, student organizations, and third-parties.
16. **Reasonable time, place, and manner restrictions** means limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.
17. **Staff** means an employee of the university that is not a faculty member.
18. **Student** means an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.
19. **Student Organization** means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.
20. **Third-party (External Client)** means an individual or entity that is not a student, student organization, or employee of the university.
21. **Traditional public forum** means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks. These areas are generally available for expressive activity, planned or spontaneous, for the individual or small groups (generally where a crowd of 25 or less will be present, and/or where an event is not promoted in advance, and/or when an event is not sponsored by a student organization) at any time without the need for reservation, or prior approval. (Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.)
22. **True Threats** means communication of a serious expression of an intent to harm a specific person or group of people.

Official Rule

1. EXPRESSIVE ACTIVITY RIGHTS
 - 1.1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
 - 1.2. Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the

requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant rules. The university may not consider any anticipated controversy related to the event.

- 1.3. The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
 - 1.3.1. The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment². Sanctions that may be imposed include all those enumerated in Student Rule 27, *Sanctions*.
 - 1.3.2. Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.
 - 1.3.3. Conduct described in 1.3.2 may be reviewed and adjudicated under A&M System Regulation 08.01.01 *Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law.³ Additionally, said conduct may also be reviewed and adjudicated by the Student Conduct Office using the Student Conduct Code when the conduct does not rise to the level of a civil rights violation.
- 1.4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.
 - 1.4.1. As outlined in Section 3, Texas A&M University may require advance reservation of events in certain circumstances to ensure safety and to promote an environment conducive to study.
 - 1.4.2. There are areas such as residences, the Bush Library, the nuclear reactors, utility buildings, etc. that have distance requirements, crowd placement restrictions, and security concerns that may vary depending on security needs, terror alerts, and other factors. Additionally, security needs, terror

² This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

³ This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(Nov. 7, 2023\)](#) issued by the Department of Education in the wake of the tragic events of October 7, 2023.

alerts, local and national events may affect the availability of spaces that would otherwise be routinely available. Information about existing requirements, restrictions, or security concerns will be discussed at the time a reservation request is processed.

- 1.5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. RESERVABLE DESIGNATED PUBLIC FORUMS

- 2.1. Rudder Fountain Area, Lawrence Sullivan Ross Statue Area, and the West Mall Area are reservable designated public forums and will be reserved at the request of students and non-students for expressive activity. The act of confirming a reservation will ensure the availability of space. A reservation is not required, except as described in Section 3. Each area available for reservation is described below.

- *Rudder Fountain Area* – space between Memorial Student Center and Rudder Tower. Sound equipment is allowed and is available for use in this area at a small fee. The volume of any sound equipment must be kept at a level that would not interfere with any academic or other program taking place in nearby buildings.
- *Lawrence Sullivan Ross Statue Area* – space west of the Academic Building and near the statue of Lawrence Sullivan Ross. No sound equipment is permitted in this area. (This area is not available for expressive activity during Silver Taps and/or during the Ross Volunteer practice for Silver Taps.)
- *West Campus Mall Area* – space east of the Heep Center and marked by flagpoles and plantings. No sound equipment is permitted in this area.

- 2.2. Texas A&M University branch campuses and remote locations may identify reservable designated public forums on their respective campuses.

3. ADVANCE RESERVATION REQUIREMENTS

In an effort to ensure safety and to promote an environment conducive to study, advanced reservation for expressive activity is required (in the form of an approved Reservation Request for Space) for events or activities that are promoted in advance, and/or sponsored by student organizations, and/or expected to draw a crowd of more than 25 people. Advance reservation is also required for activities near intersections, and/or in close proximity to academic buildings anytime classes, and/or study activities, and/or research are taking place.

4. RESERVATION PROCEDURES

- 4.1. Individuals or groups who are either required to make advance reservation (see Section 3) or those individuals or groups who otherwise wish to make advance reservations on main campus in College Station shall request use of the space through the Scheduling Office on the second floor of Rudder Tower. Individuals or groups who are either required to make advance reservation (see Section 3) or those

individuals or groups who otherwise wish to make advance reservations at branch campuses or remote locations should contact the designate administrator at that location. If advance reservation is required (see Section 3), requests must be made at least five business days in advance of the event. Additional collaboration and coordination may be required from a building/space proctor. Usually use of the space will be assigned to the person or organization that requests the area first. University sponsored events have first priority on the use of campus facilities. **The university reserves the right to locate any assembly so as to ensure that the activity does not interfere with the normal operation of the university or interfere with the rights of others.**

- 4.2. The decision to confirm a request for space will be based on proper and timely completion of the Reservation Request form, compliance with applicable sound and sign requirements, and availability of space. The decision to confirm will be based on the foregoing criteria, and in no circumstance will any decision be based on the content or viewpoint of the expressive activity or upon the expected reaction of others. If a request is denied, the rationale for the decision will be provided in writing. The denial of a reservation request can be appealed to the Vice President for Student Affairs or a designee.

At the time of the request, the following information will be required:

- Name information of the person or organization sponsoring the event. Contact information for one individual who will be present during the course of the event.
- Location, date and time requested for the event.
- General purpose of the event.
- List of planned activities (i.e. speech or rally, march with signs, distribution of literature, sit-in).
- Special equipment requested.
- Anticipated attendance.

For recognized student organizations, an officer of the sponsoring organization must be present at the event, and during the entire course of the event.

4.3. Guidelines for Expression

1. *Disruptive Activity* – Obstruction, disruption or interference with classes, research, administrative functions or other university activities is not permitted. Likewise, infringement on the rights of others is prohibited.
2. *Reasonable Access* – It is important to provide reasonable access to, and exit from, any office, classroom, laboratory or building. Likewise, vehicular and pedestrian traffic should not be obstructed.
3. *Picketing* – Picketing in an orderly manner outside of university buildings may be permitted. Such activities should not become disruptive nor should they impede access. Picketing is not permitted inside campus buildings.
4. Literature may be distributed in traditional and designated public forums. Such activities should not become disruptive nor should they impede access.

5. *Symbolic Protest* – Displaying a sign, gesturing, wearing symbolic clothing or otherwise protesting silently is permissible unless it is a disruptive activity or impedes access. In addition, such acts should not block the audience’s view or prevent the audience from being able to pay attention.
6. *Noise* – Making sustained or repeated noise in a manner that substantially interferes with speakers’ ability to communicate their message is not permitted. Noise levels should not interfere with classes, meetings or activities in progress or the privacy of residence hall students.
7. *Force or Violence* – Any attempt to prevent a university activity or other lawful assembly by the threat or use of force or violence is not permissible.
8. *Presenting Identification* – In accordance with Texas Education Code § 51.209, it is unlawful for any persons on any property either owned or controlled by the university to refuse to identify themselves to a university official in response to a request. For the purpose of this rule people identify themselves by presenting student or faculty/staff ID card or government issued ID card.
9. *Damage to Property* – Any damage to university or personal property in the course of, or as a result of, an expressive activity is prohibited. Care should be taken to ensure that university and personal property is not damaged or destroyed. This includes the campus lawns, shrubs and trees.
10. *Aesthetics* – Exterior-facing messages, including but not limited to signs, posters, flags, or banners, on the windows of any Texas A&M University building, other than a student’s room in the residence halls or the university apartments, are prohibited. University approved health and safety messages are not included in this prohibition.
11. *Other University Rules* – All applicable University Rules and University Student Rules should be followed whenever engaging in activities on campus. Consult the University Student Rules booklet for further information.

All individuals participating in expressive activity are expected to comply with state and federal law, municipal ordinances, and the above guidelines. Failure to do so may result in immediate removal from the campus and any other appropriate action by university officials and/or University Police.

5. EXTERNAL CLIENT EVENTS

Events organized by an external party but held on the Texas A&M University campuses must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member (see [University Standard Administrative Procedure 24.99.99.M0.02, External Client Events](#) for applicable procedures).

6. GRIEVANCE PROCEDURE

- 6.1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.
- 6.2. Students may file a grievance with the Office of the Dean of Student Life. Faculty may file a grievance with the Dean of Faculties. Staff may file a grievance with Human Resources. Third parties may file a grievance with Human Resources.

- 6.3. Those who choose to observe and/or listen to expressive activities, bear the responsibility of recognizing and honoring the right of free speech. Any acts that are disruptive to the normal operations of the university, including classes and university business, or that invade the rights of others will not be tolerated. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. Any participant in a disruptive activity may also face criminal charges. The offices listed in section 6.2 of this rule are responsible for the complaint according to its normal procedures. Grievances may be referred to another office for review and further action, when appropriate.

7. IMPLEMENTATION

- 7.1. A copy of this rule shall be provided to students during New Student Conferences and other new student orientation programs.
- 7.2. This rule shall be posted on the university's website.

Related Statutes, Policies, or Requirements

[Texas Education Code § 51.9315, *Protected Expression on Campus*.](#)

[Texas Government Code § 448.001](#)

Executive Order GA-44 (March 27, 2024)

[University SAP 24.99.99.M0.02, *External Client Events*](#)

[Student Rule 27, *Sanctions*](#)

OAG Guide to First Amendment Issues on Campus (September 7, 2018)



Tx OAG AG
Handbook 2018.PDF

Contact Office

[Office of Risk, Ethics, & Compliance](#)

Texas A&M University

(979) 458-8191

08.99.99.T1 Expressive Activity on Campus

Approved: May 14, 2020
Revised: Month XX, XXXX
Next Scheduled Review: Month XX, XXXX



Rule Summary

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the bill: Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

This Rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

Definitions

Definitions of terms used in this rule. The definition includes both the singular and plural versions of the term:

Antisemitism means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.¹ Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule can be sanctioned by the university.

Benefit means recognition by or registration with the university, the use of the university’s facilities for meetings or speaking purposes, the use of channels of communication controlled by

¹ Texas Government Code, Section 448.001.

the university, and funding sources made generally available to student organizations at the university.

Campus means all land and buildings owned or leased by the university.

Common outdoor areas means places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for a special event. This term does not include areas immediately adjacent to a private residence.

Employee means an individual employed by the university.

Expressive activity means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

Faculty means any full or part-time employee of the university holding an academic appointment.

Illegal Harassment means expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.

Inciting or producing imminent lawless action means speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.

Materially and substantially disrupt means interrupting a program or activity in a significant and consequential manner.

Person means students, faculty, staff, student organizations, and third-parties.

Reasonable time, place, and manner restrictions means limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.

Staff means an employee of the university that is not a faculty member.

Student means an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.

Student Organization means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.

Third-party (External Client) means an individual or entity that is not a student, student organization, or employee of the university.

Traditional public forum means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.

True Threats means communication of a serious expression of an intent to harm a specific person or group of people.

Rule

1. EXPRESSIVE ACTIVITY RIGHTS

- 1.1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
- 1.2. Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant rules. The university may not consider any anticipated controversy related to the event.
- 1.3. The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
 - 1.3.1 The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment². Sanctions that may be imposed include all those enumerated in [Tarleton's Student Conduct Code](#).
 - 1.3.2 Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.

² This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

1.3.3 Conduct described in 1.3.2 may be reviewed and adjudicated under A&M System Regulation 08.01.01 Civil Rights Compliance, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law.³ Additionally, said conduct may also be reviewed and adjudicated by the Dean of Students Administrative Office using the Student Conduct Code when the conduct does not rise to the level of a civil rights violation.

1.4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.

1.5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. GRIEVANCE PROCEDURE

2.1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.

2.2. Grievances should be filed in writing with People and Culture by filing an [online report](https://www.tarleton.edu/deanofstudents/resources/expressive-activities/) on the webpage at <https://www.tarleton.edu/deanofstudents/resources/expressive-activities/> or in person at People and Culture's offices located in Gough Hall, 1st Floor.

2.3. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. People and Culture will investigate the grievance and draft a report summarizing its findings. If a violation of this rule was found to occur, the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. Complaints concerning (a) faculty will be referred to the dean of faculty; (b) a student will be referred to the Dean of Students Administrative Office; and (c) complaints concerning staff and third-parties will be referred to People and Culture – Civil Rights/Title IX.

³ This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(Nov. 7, 2023\)](#) issued by the Department of Education in the wake of the tragic events of October 7, 2023.

3. IMPLEMENTATION

- 3.1. A copy of this rule shall be included in any university published student handbook and personnel handbook.
- 3.2. A copy of this rule shall be provided to students during the university's new student orientation program.
- 3.3. A copy of this rule shall be posted to the university's website.

4. EXTERNAL CLIENT EVENTS

Events organized by an external party and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member.

Related Statutes, Policies, or Requirements

[Texas Education Code § 51.9315, Protected Expression on Campus](#)

[Texas Government Code § 448.001](#)

[Executive Order GA-44 \(March 27, 2024\) System Policy 08.01, Civil Rights Protections and Compliance](#)

[System Regulation 08.01.01, Civil Rights Compliance](#)

[Rule 08.01.01.T1, Civil Rights Compliance](#)

[Tarleton Student Conduct Code](#)

OAG Guide to First Amendment Issues on Campus (September 7, 2018)



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Appendix

Security Cost Protocol for Expressive Activity

Contact Office

Office of the Vice President for Student Engagement and Success
254.968.9081
People and Culture
254-968-9128

APPENDIX

SECURITY COST PROTOCOL FOR EXPRESSIVE ACTIVITY

The university may only require security costs (including a pre-event security deposit) to be paid by the event sponsor when a proposed event presents a specific, substantial, and objectively identifiable risk to the health and safety of the applicant, the University community, or the public. In determining whether such costs shall be imposed, the university shall objectively consider, *in consultation with the event sponsor*, the following factors:

- (1) *The facility or outdoor space to be used for the event.*
- (2) *The number of anticipated participants.*
- (3) *Any anticipated need for campus security.*
- (4) *Any necessary accommodations.*
- (5) *Compliance history of the requesting party with university rules.*
- (6) Maximum occupancy of the location.
- (7) Whether the event is open to the entire university community or restricted to guests of the event sponsor.
- (8) The time of day during which the event will occur.
- (9) Whether the proposed event involves activity that poses an inherent risk of personal injury or property damage.
- (10) Whether alcoholic beverages will be served.
- (11) Duration of the event.
- (12) Presence of mechanical devices or vehicles at the event.
- (13) Whether sales or cash transaction are conducted on site.

In determining whether security costs shall be imposed, and the amount of any such costs, the university may not consider the content or viewpoint of the speech expressed or intended to be expressed by the event sponsor, speakers, guests, or attendees. **Costs associated with or incurred as a result of anticipated or actual reactions to the event by non-participants shall not be imposed on the event sponsor.**

The university shall notify the event sponsor of any decision to impose security costs for an event in writing. The notification must clearly state and explain the reasons that such costs have been imposed.

08.99.99.C1

Expressive Activity on Campus



Revised: XXXX XX, 2024

Next Scheduled Review: XXXX XX, 2029

[Revision History](#)

Rule Summary

Texas A&M University-Corpus Christi recognizes the constitutional rights and privileges of freedom of speech in expressive activities by individuals and groups on campus.

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the preamble to the bill: “Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right.” Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

This rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

Definitions

The definitions of terms used in the rule include both the singular and plural version of the term:

Antisemitism means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community

institutions and religious facilities (see Texas Government Code, section 448.001). Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule can be sanctioned by the university.

Benefit means recognition by or registration with the university, the use of the university's facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.

Campus means all land and buildings owned or leased by the university.

Common Outdoor Areas means places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for a special event. This term does not include areas immediately adjacent to a private residence.

Designated Public Forum means a part of campus that may become temporarily available for expressive activity as designated by the university. These temporary locations, while in existence, will be treated similar to public streets, sidewalks, and parks in terms of access and availability for expressive activity. Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.

Employee means an individual employed by the university.

Expressive Activity means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

Faculty means any full or part-time employee of the university holding an academic appointment.

Illegal Harassment means expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.

Inciting or Producing Imminent Lawless Action means speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.

Limited Public Forum means a place that has limited open access for public expression or may be limited to particular groups or to particular topics. Creation of, and access to, limited public forums for student publications may be requested through the office of University Center and Student Activities. Creation of, and access to, limited

public forums for non-university publications may be requested through the office of University Services. The material distributed and the form of distribution may not violate state and federal law. The university will maintain its obligation to place reasonable limits on the times during which its limited public forums may be used by any particular individual or group.

Materially and Substantially Disrupt means interrupting a program or activity in a significant and consequential manner.

Non-Public Forum means a place that is not a traditional public forum or designated public forum. This includes areas that are not by tradition or designation forums for public communication. These forums will be restricted to use for their intended purpose and are not available for public expressive activity. Examples include, but are not limited to, classrooms, residence hall rooms, faculty and staff offices, academic buildings, administration buildings, Health Center facilities, library, research and computer laboratories, and research facilities. The university will maintain its obligation to place reasonable limits on the times during which its non-public forums may be used by any particular individual or group.

Person means students, faculty, staff, student organizations, and third-parties.

Reasonable Time, Place, and Manner Restrictions means limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.

Staff means any full or part-time employee or recognized volunteer of the university that is not a faculty member.

Student means an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and are registered for a future semester.

Student Organization means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.

Third-Party & Contracted Partners (External Client) means an individual or entity that is not a student, student organization, or employee of the university.

Traditional Public Forum means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity.

Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks. These areas are generally available for expressive activity, planned or spontaneous, for the individual or small groups (generally where a crowd of 25 or less will be present, and/or where an event is not promoted in advance, and/or when an event is not sponsored by a student organization) at any time without the need for reservation, or prior approval. Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.

True Threats means communication of a serious expression of an intent to harm a specific person or group of people.

Rule

1. EXPRESSIVE ACTIVITY RIGHTS

- 1.1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including responses to the expressive activities of others.
- 1.2. Student organizations and university groups can invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue, the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant institutional history of compliance or noncompliance by the requesting student organization or university group with this rule and other relevant system policies or regulations or university rules or procedures. The university may not consider any anticipated controversy related to the event.
- 1.3. The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
 - 1.3.1. The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment. This rule must be applied in a manner consistent with the Dear Colleague Letter (July 28, 2003) issued by the

Department of Education related to First Amendment and civil rights laws compliance. Sanctions that may be imposed include all those enumerated in the Student Code of Conduct (see Appendix).

1.3.2. Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.

1.3.3. Conduct described in 1.3.2 may be reviewed and adjudicated under system regulation *08.01.01 Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law. This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the Dear Colleague Letter (Nov. 7, 2023) issued by the Department of Education in the wake of the tragic events of October 7, 2023. Additionally, said conduct may also be reviewed and adjudicated by the Student Conduct & Advocacy Office using the Student Code of Conduct when the conduct does not rise to the level of a civil rights violation.

1.4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful and (b) does not materially and substantially disrupt the functioning of the institution.

1.5. Members of the university community can assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.

1.6. The contents of expressive activities allowed on campus should not be interpreted as any shared opinion, endorsement, or concurrence by the university.

1.7. Nothing in this rule should be interpreted as prohibiting faculty members from employing appropriate classroom management techniques to maintain order in class.

2. DISRUPTION OF UNIVERSITY OPERATIONS

- 2.1. In the event of disruption of the normal academic or operational functions of the university, including interference with the free use of corridors and entrances to rooms and buildings, the university maintains its right to move to restore order and open operation of the university. Every attempt will be made to discuss issues rationally and to avoid violence or the use of force.
- 2.2. In the event discussions fail, the issues are determined to be non-negotiable, and/or disruption continues, the University Police Chief or designee will issue legal notice to the individual or group to disperse.
- 2.3. If individuals refuse to comply with lawful directives of university officials, they may be subject to disciplinary actions and criminal sanctions.

3. GRIEVANCE PROCEDURE

- 3.1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, university group, or university employee has the right to file a grievance.
- 3.2. Grievances should be filed with or referred to the Employee Development and Compliance Services department (EDCS). EDCS will investigate the grievance and prepare a report summarizing its findings.
- 3.3. A student, student organization, university group, or university employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures including those referenced in the Related Statutes, Policies, or Requirements section below. If a violation of this rule was found to have occurred, the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. The investigative report will be handled by the appropriate university entity as follows: (a) the President, appropriate vice president, or designee for faculty and staff; (b) the Student Conduct & Advocacy Office for students and student organizations; and (c) the respective authority over the individual/group for third-parties and contracted partners where applicable.

4. IMPLEMENTATION

- 4.1. A copy of this rule will be included in the university published student code of conduct.

- 4.2. A copy of this rule will be provided to students during the university's new student orientation programs.
 - 4.3. A copy of this rule will be posted to the University Handbook of Rules and Procedures website.
5. EXTERNAL CLIENT EVENTS
- Events organized by an external party and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or a Texas A&M University System member.

Related Statutes, Policies, or Requirements

Texas Education Code § [51.9315, Protected Expression on Campus](#)
Texas Government Code § [448.001](#)
Executive Order [GA-44 \(March 27, 2024\)](#)
Department of Education [Dear Colleague Letter \(July 28, 2003\)](#)
Department of Education [Dear Colleague Letter \(November 7, 2023\)](#)
System Regulation [08.01.01, Civil Rights Compliance](#)
University Rule [07.03.01.C1, Political Campaign Events in University Facilities](#)
University Procedure [08.01.02.C0.02, Accommodations at University Facilities and Events](#)
University Procedure [08.01.02.C0.03, Service and Emotional Support Animals](#)
University Procedure [11.99.99.C0.02, Co-Curricular Services to Minors](#)
University Procedure [21.99.09.C0.01, Access to University Property for Soliciting Donations and for Sales and Rentals](#)
University Procedure [32.01.01.C0.01, Complaint and Appeal Process for Faculty Members](#)
University Procedure [32.01.02.C0.01, Complaint and Appeal Process for Non-Faculty Employees](#)
University Procedure [33.04.99.C0.01, Non-Research Animals on University Campus and in Facilities](#)
University Procedure [41.01.01.C0.01 Use of University Facilities](#)
University Procedure [41.01.01.C0.04, Facility Use Rental and Recovery of Charges](#)
OAG Guide to First Amendment Issues on Campus (September 7, 2018)



Tx OAG AG
Handbook 2018.PDF

This rule supersedes:

- *07.03.01.C0.01, Freedom of Speech, Assembly, and Demonstration*

Appendix

[University Student Code of Conduct](#)

Contact Office

Contact for clarification and interpretation: Employee Development & Compliance
Services
(361) 825-5826

08.99.99.R1 Expressive Activity on Campus

Approved May 14, 2020
Revised Mon DD, YYYY
Next Scheduled Review: Mon DD, YYYY



Rule Summary

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing students’ rights and responsibilities regarding expressive activities” on its campus.

Texas A&M University-Commerce, finding that freedom of expression is of critical importance, ensures free, robust, and uninhibited debate and deliberations by our students, regardless of whether the students are on or off campus. A&M-Commerce officially recognizes freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of the University and persons should be permitted to assemble peaceably on campuses for expressive activities, including listening to or observing the expressive activities of others.

This Rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

Procedures and Responsibilities

1 EXPRESSIVE ACTIVITY RIGHTS

- 1.1 Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
- 1.2 Student organizations and employees are allowed to invite speakers to speak on campus. (See *12.99.99.R0.05 Invited Speakers*) In determining the amount of a fee to be charged for use of the university’s facilities for purposes of engaging in expressive activities, the University may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as:
 - 1.2.1 Proposed venue and the expected size of the audience,
 - 1.2.2 Anticipated need for campus law enforcement and/or security,
 - 1.2.3 Necessary accommodations, and

- 1.2.4 Relevant history of compliance or noncompliance by the requesting student organization or employee with this rule, other relevant rules, and/or risk assessment(s).
- 1.2.5 The University may not consider any anticipated controversy related to the event.
- 1.3 The University may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the University on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
 - 1.3.1 The University may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment. Sanctions that may be imposed including all those enumerated in the Student Code of Conduct.
 - 1.3.2 Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.
 - 1.3.3 Conduct described in 1.3.2 may be reviewed and adjudicated under A&M System Regulation *08.01.01 Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law. Additionally, said conduct may also be reviewed and adjudicated by Student Rights and Responsibilities using the Student Code of Conduct when the conduct does not rise to the level of a civil rights violation.

2 FORUMS

- 2.1 The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.
- 2.2 The Sam Rayburn Student Center and Ferguson Auditorium are deemed, limited public forums. Any person is permitted to engage in expressive activities in these facilities in accordance with the Scheduling Office requirements.
- 2.3 Classrooms, campus offices, and residence halls are deemed nonpublic forums.
- 2.4 Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

3 COMPLAINT PROCEDURE

- 3.1 Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a complaint.
- 3.2 A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. All complaints will be administered by the university concern process found on the [student concerns website](#).

If a violation of this rule was found to occur, the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. Complaints concerning (a) faculty will be referred to the Office of the Provost; (b) student and student organizations will be referred to the Student Rights and Responsibilities Office; and (c) complaints concerning staff and third parties will be referred to Human Resources.

4 IMPLEMENTATION

- 4.1 The rule will be included in the Student Code of Conduct which is distributed each semester electronically.
- 4.2 The rule will be posted to the university's website.

5. EXTERNAL CLIENT EVENTS

Events organized by an external party and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member.

Related Statutes, Policies, or Requirements

[Texas Education Code §51.9315 Protected Expression on Campus](#)

[Texas Government Code § 448.001](#)

[Executive Order GA-44 \(March 27, 2024\)](#)

[University Procedure 12.99.99.R0.05 Invited Speakers](#)

Definitions

Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

Antisemitism means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule can be sanctioned by the University.

Benefit means recognition by or registration with the university, the use of the university's facilities for meetings or speaking purposes, the use of channels of communication controlled by the University, and funding sources made generally available to student organizations at the University.

Campus means all land and buildings owned or leased by the University.

Common outdoor areas means places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the University for a special event. This term does not include areas immediately adjacent to a private residence.

Employee means an individual employed by the University.

Expressive activity means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

Faculty means any full or part-time employee of the University holding an academic appointment.

Illegal Harassment means expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.

Inciting or producing imminent lawless action means speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.

Limited public forum means location that the University has opened for expressive activity with a content-neutral limited purpose.

Materially and substantially disrupt means interrupting a program or activity in a significant and consequential manner.

Person means students, faculty, staff, student organizations, and third-parties.

Reasonable time, place, and manner restrictions means limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.

Staff means an employee of the University that is not a faculty member.

Student means an individual currently enrolled at the University, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.

Student Organization means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.

Third party (External Client) means an individual or entity that is not a student, student organization, or employee of the University.

Traditional public forum means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks

True Threats means communication of a serious expression of an intent to harm a specific person or group of people.

Appendix

Security Fee Protocol

Contact Office

University Ethics & Compliance Office
903.886.5996

SECURITY COST PROTOCOL

The University may only require security costs (including a pre-event security deposit) to be paid by the event sponsor when a proposed event presents a specific, substantial, and objectively identifiable risk to the health and safety of the applicant, the university community, or the public. In determining whether such costs will be imposed, the Chief of Police, with input from campus stakeholders, will objectively consider, *in consultation with the event sponsor*, the following factors:

- The facility or outdoor space to be used for the event.
- The number of anticipated participants.
- Any anticipated need for campus law enforcement and/or security.
- Any necessary accommodations.
- Compliance history of the requesting party with university rules and/or risk assessment(s).
- Maximum occupancy of the location.
- Whether the event is open to the entire university community or restricted to a guest list of the event sponsor.
- The time of day during which the event will occur.
- Whether the proposed event involves activity that poses an inherent risk of personal injury or property damage.
- Whether alcoholic beverages will be served.
- Duration of the event.
- Presence of mechanical devices or vehicles at the event.
- Whether sales or cash transaction are conducted on site.

In determining whether security costs will be imposed, and the amount of any such costs, the University may not consider the content or viewpoint of the speech expressed or intended to be expressed by the event sponsor, speakers, guests, or attendees. **Costs associated with or incurred as a result of anticipated or actual reactions to the event by non-participants shall not be imposed on the event sponsor.**

The University will notify the event sponsor of any decision to impose security costs for an event in writing. The notification must clearly state and explain the reasons that such costs have been imposed.



08.99.99.W1 Expressive Activity on Campus

Approved May 14, 2020

Revised June 7, 2024

Next Scheduled Review June 7, 2029

Rule Summary

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the bill: Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

This rule has been amended to comply with Governor Abbott’s Executive Order GA-44, dated March 27, 2024.

Rule

1. EXPRESSIVE ACTIVITY RIGHTS

1.1. Any person is allowed, subject to reasonable time, place and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.

1.2. Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the

university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant rules. The university may not consider any anticipated controversy related to the event.

1.3. The university may not act against a student organization or deny the organization any benefit generally available to other student organizations at the university based on a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.

1.3.1. The university may take disciplinary or remedial action against individuals or groups that engage in expressive activity not protected by this rule or the First Amendment¹. Sanctions which may be imposed include all those identified in the WTAMU Student Handbook.

1.3.2. Expressive activities which may result in sanctions and are not protected by this rule or the First Amendment include: physical abuse or assault; true threats; disruption of the academic environment or a university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.

1.3.3. Conduct described in 1.3.2 may be reviewed and adjudicated under A&M System Regulation 08.01.01 Civil Rights Compliance, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law². Additionally, such conduct may also be reviewed and adjudicated by the WTAMU Office of Community Standards.

1.4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community are allowed to assemble or distribute

¹ This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

² This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(Nov. 7, 2023\)](#) issued by the Department of Education in the wake of the tragic events of October 7, 2023.

written material in common outdoor areas without a permit or other permission from the institution.

1.5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. COMPLAINT PROCEDURE

2.1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a complaint.

2.2. Complaints should be filed on the university's online complaint form, found at www.wtamu.edu/complaint.

2.3. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. All complaints will be administered by the university complaint process found on the complaint website: www.wtamu.edu/complaint. If a violation of this rule was found to occur the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. Complaints concerning (a) faculty will be referred to the Office of the Provost; (b) students will be referred to the Student Conduct Office; and (c) complaints concerning staff and third parties will be referred to Human Resources.

3. IMPLEMENTATION

3.1. A copy of this rule will be included in any university published Student Handbook.

3.2. A copy of this rule will be distributed each semester when the Student Handbook is normally distributed electronically.

3.3. A copy of this rule will be posted to the university's website.

4. EXTERNAL CLIENT EVENTS

4.1. Events organized by an external party and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or a Texas A&M University System member.

Related Statutes, Policies, or Requirements

[Texas Education Code § 51.9315](#)
[Texas Government Code §448.001](#)
[Executive Order GA-44 March 27, 2024](#)
[WTAMU Student Handbook](#)
[System Regulation 08.01.01 Civil Rights Compliance](#)
[U.S. DOE Dear Colleague Letter July 28, 2023](#)
[U.S. DOE Dear Colleague Letter November 7, 2023](#)

Definitions

1. **Antisemitism** for this rule, WTAMU adopts the most current definition of antisemitism as written in Texas Government Code, Section 448.001; At the time of this revision, antisemitism is defined as a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance’s [“Working Definition of Antisemitism”](#) adopted on May 26, 2016. Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule can be sanctioned by the university.
 2. **Benefit** means recognition by or registration with the university, the use of the university’s facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.
 3. **Campus** means all land and buildings owned or leased by the university.
 4. **Common outdoor areas** mean places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for a special event. This term does not include areas immediately adjacent to a private residence.
 5. **Employee** means an individual employed by the university.
 6. **Expressive Activity** means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written
- 08.99.99.W1 Expressive Activity on Campus

material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

7. **Faculty** means any full or part-time employee of the university holding an academic appointment.
8. **Illegal Harassment** means expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.
9. **Inciting or producing imminent lawless action** means speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.
10. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
11. **Person** means students, faculty, staff, student organizations, and third parties.
12. **Reasonable time, place, and manner restrictions** means limitations that:
 - 12.1. are narrowly tailored to serve a significant institutional interest;
 - 12.2. employ clear, published, content-neutral, and viewpoint-neutral criteria;
 - 12.3. provide ample alternative means of expression.
13. **Staff** means an employee of the university that is not a faculty member.
14. **Student** means an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester
15. **Student Organization** means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.
16. **Third-party (external client)** means an individual or entity that is not a student, student organization, or employee of the university.
17. **Traditional public forum** means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.

18. **True threats** mean communication of a serious expression of an intent to harm a specific person or group of people.

Appendix

None

Revision History

Revised June 7, 2024

Contact Office

Student Affairs
(806) 651-2025

Approval Office

Office of the President
(806) 651-2100

Approval Signature



President/CEO

06.07.2024

Date

System Approvals*

Approved for Legal Sufficiency

General Counsel

Date

Approved

Chancellor

Date

*System approvals are contingent upon incorporation of any and all System-required changes in the final posting of the rule.

**PRAIRIE VIEW A&M UNIVERSITY
UNIVERSITY RULE**



08.99.99.P1 Expressive Activity on Campus
Approved May 14, 2020
Revised June XX, 2024
Next Scheduled Review: June XX, 2029

Rule Summary

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education "adopt a policy detailing student's rights and responsibilities regarding expressive activities" on its campus.

As stated in the Preamble to Senate Bill 18, "Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off-campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education, and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others."

This Rule has been amended to comply with Governor Greg Abbott's Executive Order GA-44, dated March 27, 2024.

Rule Statement

Prairie View A&M University (PVAMU) is committed to providing an environment where issues can be openly discussed and explored. The university expects that persons engaging in expressive activities will demonstrate civility, concern for the safety of persons and property, respect for university activities, and compliance with university policies and applicable local, state, and federal laws.

This rule will detail the policies and procedures that will govern all expressive activities on campus.

Definitions

The definition includes both the singular and plural version of the term:

Antisemitism - a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. (Texas Government Code, Chapter 448, Section 448.001) Antisemitic conduct comprised of behavior expressed in section 2.3.2 of this rule can be sanctioned by the university.

Benefit - recognition by or registration with the university, the use of the university's facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.

Campus - all land and buildings owned or leased by the university.

Common Outdoor Areas - places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for a special event. This term does not include areas immediately adjacent to a private residence.

Employee - an individual employed by the university.

Expressive Activity - any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

Faculty - any full or part-time employee of the university holding an academic appointment.

Illegal Harassment - expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.

Inciting or Producing Imminent Lawless Action - speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.

Materially and Substantially Disrupt - interrupting a program or activity in a significant and consequential manner.

Person - students, faculty, staff, student organizations, and third parties.

Reasonable Time, Place, and Manner Restrictions - limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.

Staff - an employee of the university that is not a faculty member.

Student - an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.

Student Organization - any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.

Third-Party (External Client) - an individual or entity that is not a student, student organization, or employee of the university.

Traditional Public Forum - a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets,

sidewalks, plazas, lawns, and parks.

True Threats - communication of a serious expression of an intent to harm a specific person or group of people.

Official Procedures and Responsibilities

1. GENERAL POLICY

- 1.1 The First Amendment to the United States Constitution protects students' rights to engage in all sorts of expressive conduct on college campuses – including oral speech, leaflets, signs, displays, concerts, visual performing arts, and even silence. PVAMU, a Texas public university, has set forth the following policies and procedures to protect the freedom of speech for all students, employees, or any persons, and to provide the safest environment for expressive activities to take place.
- 1.2 This rule is in place to provide a community environment in which open discussion can occur without disrupting the academic mission or daily university functions, and without unconstitutionally interfering with the rights of others.
- 1.3 The university does not impose any restrictions to control the point of view expressed by speakers or others engaged in expressive activities.
- 1.4 The contents of expressive activities allowed on campus should not be interpreted as any shared opinion, endorsement, or concurrence by the university.
- 1.5 Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. EXPRESSIVE ACTIVITY RIGHTS

- 2.1 Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities in the common outdoor areas on the PVAMU campus, including by responding to the expressive activities of others.
- 2.2 Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant policies and procedures. The university may not consider any anticipated controversy related to the event.
- 2.3 The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university based on a political, religious, philosophical, ideological, or academic

viewpoint expressed by the organization or of any expressive activities of the organization.

2.3.1 The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment. Sanctions that may be imposed include all those enumerated in the disciplinary sanctions section of the [PVAMU Student Code of Conduct](#).

2.3.1.1 This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

2.3.2 Expressive activities that may result in sanctions are not protected by this rule or the First Amendment including the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event, inciting or producing imminent lawless action; or illegal harassment.

2.3.3 Conduct described in 2.3.2 may be reviewed and adjudicated under Texas A&M University System Regulation 08.01.01 *Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law. Additionally, said conduct may also be reviewed and adjudicated by the Office of Student Conduct using the Student Code of Conduct when the conduct does not rise to the level of a civil rights violation.

2.3.3.1 This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(November 7, 2023\)](#) issued by the Department of Education in the wake of the tragic events of October 7, 2023).

2.4 The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community may distribute written material in common outdoor areas as long as they are not substantially disrupting classes, forcing people to take material, or obstructing passageways. Permission is not needed from the institution to distribute materials.

2.5 Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2.6 Spontaneous Expressive Activity

2.6.1 PVAMU understands that many forms of assembly, protest, and demonstrations may occur spontaneously. Proper decorum and good behavior are expected in indoor areas and are meant to permit a respectful exchange of ideas and opinions during expressive activities. For

outdoor campus facilities and areas, students, student organizations, employees, and their sponsored guests may freely engage in spontaneous expressive activities. Traditional public forums include the university's public streets, sidewalks, parks, and similar common areas. These areas are generally available for expressive activity, planned or spontaneous, for the individual or small groups (where an event is not promoted in advance and/or when a student organization does not sponsor an event) at any time without the need for reservation, or prior approval. Spontaneous expressive activities may not: block access to campus buildings; obstruct vehicular or pedestrian traffic; substantially disrupt previously scheduled campus events; substantially disrupt college operations; constitute unlawful activity; or create a clear and present threat to public safety.

- 2.6.2 PVAMU personnel may not impose restrictions on an individual or group who are engaging in spontaneous expressive activities due to the content or viewpoint of their expression or the possible reaction to that expression unless there is a violation of section 2.3.1 of this rule.

3. REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS

- 3.1 Activities that are unlawful or that materially and substantially disrupt the normal operations of the university's campus are prohibited. Expressive activities on university grounds do not imply endorsement by the university.
- 3.2 The following is a list of parameters for the time, place, and manner restrictions of activities that apply to all expressive activities on campus:
 - 3.2.1 The activity may not violate local ordinances or state or federal laws.
 - 3.2.2 The activity may not unduly disrupt traffic, either vehicular or pedestrian, or interfere with the ingress or egress to or from any building.
 - 3.2.3 The activity may not create unreasonable safety risks.
 - 3.2.4 Weapons are prohibited unless in accordance with the university's established guidelines for the carrying of concealed handguns by a holder of a license to carry a handgun on PVAMU owned or leased premises. For additional information, please reference University rule 34.06.02.P1 Carrying Concealed Handguns on Campus and University Administrative Procedure 34.06.02.P0.01 Concealed Carry Prohibition.

4. EXPRESSIVE ACTIVITY RESERVATIONS

- 4.1 Requests for reserving an area for expressive activity should be submitted to the Office of Student Engagement via PV PawLink.
 - 4.1.1 In an effort to ensure safety and to promote an environment conducive to study, advance reservation for expressive activity is required for events or activities that are promoted in advance, and/or sponsored by student organizations, and/or expected to draw a crowd of more than 25 people. Advance reservation is also required for activities near intersections, and/or in close proximity to academic buildings anytime classes, and/or study

activities, and/or research are taking place. Requests for reservations should be made through the Office of Student Engagement via PV PawLink.

4.1.2 The outside street area adjacent to the Willie A. Tempton, Sr. Memorial Student Center, located at L.W. Minor Street, is the primary area to reserve for expressive activity (designated public forum) and will be reserved at the request of students and non-students for expressive activity. Other locations are available upon request. The act of confirming a reservation will ensure the availability of space. A reservation is not required, except as described in the reservation procedures.

4.2 University employees, students, and student organizations have the right to invite speakers to university forums to speak. When reviewing speakers, PVAMU will not consider any anticipated controversy related to the event.

5. SECURITY COST PROTOCOL FOR EXPRESSIVE ACTIVITY

5.1 All expressive activity requiring advance reservation must complete and submit security requests to the University Police Department no less than two weeks before the scheduled event to allow for sufficient planning. Requests made with less than two weeks' notice are not guaranteed police or security services. Fees for event security services vary. The University Police Department's Event Security Request form can be found in the Appendix of this rule.

6. DISCIPLINARY SANCTIONS

6.1 Students, student organizations, employees, or any persons who unduly interfere with the expressive activities of others on campus will be subject to the disciplinary policies and procedures outlined in the applicable Student Code of Conduct, Faculty Handbook, or university policies and procedures.

6.2 Violation of this rule may also constitute a breach of applicable criminal law. In such circumstances, Texas Penal Code and Texas Code of Criminal Procedure will apply.

7. GRIEVANCE PROCEDURE

7.1 Prairie View A&M University ensures the right of any person, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus. PVAMU will directly address any violation of this premise. Individuals or groups wishing to make their concerns or potential violations known should utilize the *Expressive Activity on Campus Complaint Form* located on the [Complaints & Appeals](#) website. The appropriate campus entity will promptly address the inquiry/concern/complaint.

7.2 Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.

7.3 A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule,

is subject to disciplinary action under the university's applicable rules and administrative procedures. The Office of University Compliance will investigate the grievance and draft a report summarizing its findings. If a violation of this rule is found to have occurred, the report will be referred to the appropriate office for further action. The status of the offending individual will determine the referral office. Complaints concerning: (a) faculty will be referred to the Office of the Provost; (b) students will be referred to the Office of Student Conduct, and; (c) staff and third parties will be referred to the Office of Human Resources.

8. IMPLEMENTATION

- 8.1 A copy of this rule shall be included in the Student Code of Conduct.
- 8.2 A copy of this rule shall be provided to students during the university's new student and transfer student orientation programs.
- 8.3 A copy of this rule shall be posted in the university's Policy Library.

9. EXTERNAL CLIENT EVENTS

Events organized by an external party and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member.

Related Statutes, Policies, Regulations, and Rules

[Texas Education Code § 51.9315](#)

[Texas Government Code § 448.001](#)

[Executive Order GA-44](#)

[Senate Bill No. 18](#)

[System Regulation 07.03.01 Political Campaign Events on Property under the Control of The Texas A&M University System](#)

[University Rule 07.03.01.P1 Political Campaign Events on Property under the Control of Prairie View A&M University](#)

[System Regulation 08.01.01 Civil Rights Compliance](#)

[University Rule 08.01.01.P1 Civil Rights Compliance](#)

[System Policy 12.01 Academic Freedom, Responsibility and Tenure](#)

[University Administrative Procedure 12.01.99.P0.01 Academic Freedom, Responsibility and Tenure](#)

[System Policy 13.02 Student Rights and Obligations](#)

08.99.99.P1 Expressive Activity on Campus

[System Regulation 32.01.01 Complaint and Appeal Procedures for Faculty Members](#)

[University Administrative Procedure 32.01.01.P0.01 Complaint and Appeal Procedures for Faculty Members](#)

[System Regulation 32.02.02 Discipline and Dismissal of Nonfaculty Employees](#)

[University Administrative Procedure 32.02.02.P0.01 Complaint and Appeal Process for Nonfaculty Members](#)

[System Regulation 34.06.02 Weapons](#)

[University Rule 34.06.02.P1 Carrying Concealed Handguns on Campus](#)

[University Administrative Procedure 34.06.02.P0.01 Concealed Carry Prohibition](#)

[University Administrative Procedure 41.01.01.P0.01 Use of Facilities](#)

[University Administrative Procedure 61.99.99.P0.03 Freedom of Expression](#)



OAG Handbook -
Expressive Activity on

Appendix

Event Security Protocol – [Event Security Request](#)

Contact Office

Office of University Compliance 936-261-2144



Rule

08.99.99.L1 Expressive Activity on Campus

First Approved: May 14, 2020
Revised: May 29, 2024
June 5, 2024
Next Scheduled Review: June, 2029

Rule Statement and Reason for Rule

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code, Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the Bill, “freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right.” Freedom of speech and assembly is central to the mission of institutions of higher education, and persons (students, student organizations, employees, and third-parties) should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including listening to or observing the expressive activities of others.

In accordance with Executive Order GA 44 relating to addressing acts of antisemitism at institutions of higher education, antisemitic speech and/or acts are prohibited on the Texas A&M International University (TAMIU) campus, and any such speech or acts by students, employees, or visitors will be considered a violation of the Student Code of Conduct and/or TAMUS Regulations and/or TAMIU Rules, as applicable, and subject to the respective University grievance processes and resulting disciplinary action up to and including expulsion and/or termination of employment and/or criminal trespass from campus.

The purpose of this Rule is to establish guidelines and responsibilities for exercising the right to expressive activity on the TAMIU campus. This Rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

Procedures and Responsibilities

1. EXPRESSIVE ACTIVITY RIGHTS

- 1.1 Any person is allowed, subject to reasonable time, place, and manner restrictions as determined by TAMIU, to engage in expressive activities on the TAMIU campus, including responding to the expressive activities of others. In general, TAMIU defines **reasonable time** as normal operating business hours as published on the TAMIU website and **reasonable place** as common outdoor areas. **Manner** restrictions include a prohibition on the use of amplification equipment or noise-generating devices in the academic quad or within 50 feet of classroom buildings outside of the quad any time classes are in session. **Manner** restrictions also encompass setting up any type of personal furnishings on TAMIU property including, but not limited to, tables, chairs, booths, canopies, etc. Tables and chairs are available to rent (which includes set up and tear down) from the Office of Community Relations and Special Events.
- 1.2 Students, student organizations, and employees are allowed to invite speakers to speak on campus. Third-parties are allowed to rent spaces through the Office of Community Relations and Special Events.
- 1.3 In determining the fee amount to be charged for the use of TAMIU facilities for purposes of engaging in expressive activities, TAMIU may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or non-compliance by the requesting student, student organization, employee, or third-party with this Rule and other relevant rules. See also Security Cost Protocol Appendix.
- 1.4 TAMIU may not take action against a student, student organization, or employee or deny them any benefit generally available to other students, student organizations, and employees at TAMIU on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed or expressive activity.
 - 1.4.1 The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment¹. Sanctions that may be imposed include all those enumerated in the Student Code of Conduct and/or TAMUS Regulations and/or TAMIU Rules, as applicable, including disciplinary action up to expulsion and/or termination of employment and/or criminal trespass from campus.
 - 1.4.2 Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats or disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.

¹This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

1.4.3 Conduct described in 1.4.2 may be reviewed and adjudicated under A&M System Regulation 08.01.01 *Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law.² Additionally, said conduct may also be reviewed and adjudicated by the Student Conduct Office using the Student Code of Conduct when the conduct does not rise to the level of a civil rights violation.

1.5 The common outdoor areas of the TAMIU campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful and (b) does not materially and substantially disrupt the function and operations of TAMIU. Members of the TAMIU community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from TAMIU.

1.5.1 In an effort to ensure safety and to promote an environment conducive to study, advanced reservation for expressive activity is required for events or activities that are promoted in advance, sponsored by student organizations, and/or expected to draw a crowd of more than 25 people. Advanced reservation requests are made to the Office of Community Relations and Special Events.

1.6 Nothing in this Rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. GRIEVANCE PROCEDURE

2.1 Any person who believes their campus expressive activity rights, as recognized by this Rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this Rule, is subject to disciplinary action in accordance with applicable System policies/regulations and TAMIU rules and procedures.

2.2 Grievances filed by students or student organizations will be adjudicated following the General Student Complaint Procedures found in the Student Handbook.

2.3 Employees (faculty or staff) or third parties may file grievances with the Office of Compliance who will investigate the grievance and render an investigation report summarizing the findings. The investigation report will be referred to the appropriate Vice President (VP) for adjudication. The appropriate VP will be determined by the status of the offending individual.

a) Grievances concerning a faculty member will be referred to the Office of the Provost & VPAA.

² This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(Nov. 7, 2023\)](#) issued by the Department of Education in the wake of the tragic events of October 7, 2023.

- b) Grievances concerning staff or on-campus vendor employees will be referred to the Office of the VP for Finance and Administration.

3. DISSEMINATION

- 3.1 A copy of this Rule shall be included in the TAMIU Student Handbook.
- 3.2 A copy of this Rule shall be provided to new TAMIU students during new student orientation.
- 3.3 A copy of this Rule shall be posted to the TAMIU webpage.

4. THIRD-PARTY (EXTERNAL CLIENT) EVENTS

Events organized by a third party (external client) and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member.

Related Statutes, Policies, Regulations, or SAP's

[Texas Education Code § 51.9315, Protected Expression on Campus.](#)

Texas Government Code § 448.001.

Executive Order GA-44 (March 27, 2024).

OAG Guide to First Amendment Issues on Campus (September 7, 2018).



Tx OAG AG
Handbook 2018.PDF

Definitions

The following are definitions of terms used in this Rule. The definitions includes both the singular and plural version of the term.

Antisemitism - a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.³ Antisemitic conduct comprised of behavior outlined in section 1.4.2 of this rule can be sanctioned by the TAMIU.

Benefit – recognized by or registered with TAMIU, the use of TAMIU facilities for meetings or speaking purposes, the use of channels of communication controlled by TAMIU, and funding sources made generally available to student organizations at TAMIU

³ Texas Government Code, Section 448.001.

Campus - all land and buildings owned or leased by TAMIU

Common Outdoor Areas – places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by TAMIU for a special event or circumstance (e.g., construction). This term does not include areas immediately adjacent to a private residence, including dormitories and on-campus apartments.

Disruptive Activity (TAMIU *Student Handbook* definition) – disruption or obstruction of teaching, research, administration, student conduct proceedings, or other University mission, process, or function including public service functions or other authorized non-University activities when conduct occurs on University premises. Such activities may include, but are not limited to:

- (1) Leading or inciting others to disrupt scheduled and/or normal activities on University premises.
- (2) Classroom behavior that seriously interferes with either the faculty member's ability to conduct the class or the ability of other students to profit from the instructional program.
- (3) Any behavior in class or out of class, which for any reason improperly interferes with class work of others, involves disorder, or otherwise disrupts the regular and essential operation of the University.

Employee – an individual employed by TAMIU

Expressive Activity – any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

Faculty – any full or part-time employee of TAMIU holding an academic appointment

Illegal Harassment - expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.

Inciting or producing imminent lawless action - speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.

Materially and Substantially Disrupt – interrupting a program or activity in a significant and consequential manner (e.g., using amplification equipment or noise-generating devices in the academic quad or within 50 feet of classroom buildings outside of the quad any time classes are in session)

Person – students, student organizations, faculty, staff, and third-parties

Reasonable Time, Place, and Manner Restrictions – limitations that (1) are narrowly tailored to serve a significant TAMIU interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; and (3) provide for ample alternative means of expression

Staff – an employee of TAMIU that is not a faculty member

Student – an individual currently enrolled at TAMIU, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester

Student Organization – any TAMIU-recognized organization that is composed of students enrolled at TAMIU and that receives a benefit from TAMIU

Third-Party (External Client) – an individual or entity that is not a student, student organization, or employee of TAMIU

Traditional Public Forum – a place, widely recognized in law, which has been intended for the use of the public and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.

True Threats - communication of a serious expression of an intent to harm a specific person or group of people.

Appendix

Security Fee Protocol

Contact Office

Office of Compliance, 956-326-2855

08.99.99.01 Expressive Activity on Campus



Approved: May 14, 2020
Revised: June 5, 2024
Next Scheduled Review: June 5, 2029

RULE SUMMARY

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.935, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the bill: Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

This Rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

DEFINITIONS

This section defines the terms used in this rule. The definitions include both the singular and plural version of the term:

1. **Antisemitism** means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.¹ Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule can be sanctioned by the university.
2. **Benefit** means recognition by or registration with the university, the use of the university’s facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.
3. **Campus** means all land and buildings owned or leased by the university.

¹ Texas Government Code, Section 448.001.
Rule 08.99.99.01 Expressive Activity on Campus

4. **Common outdoor areas** mean places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for a special event. This term does not include areas immediately adjacent to a private residence.
5. **Employee** means an individual employed by the university.
6. **Expressive activity** means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
7. **Faculty** means any full or part-time employee of the university holding an academic appointment.
8. **Illegal Harassment** means expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.
9. **Inciting or producing imminent lawless action** means speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.
10. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
11. **Person** means students, faculty, staff, student organizations, and third parties.
12. **Reasonable time, place, and manner restrictions** means limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.
13. **Staff** means an employee of the university that is not a faculty member.
14. **Student** means an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.
15. **Student Organization** means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.
16. **Third-party (External Client)** means an individual or entity that is not a student, student organization, or employee of the university.
17. **Traditional public forum** means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.
18. **True Threats** means communication of a serious expression of an intent to harm a specific person or group of people.

RULE

EXPRESSIVE ACTIVITY RIGHTS

- 1.1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
- 1.2. Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant rules. The university may not consider any anticipated controversy related to the event.
- 1.3. The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
 - 1.3.1 The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment². Sanctions that may be imposed include all those enumerated in § 14.10, Article VII: Sanctions of the *Student Handbook and Code of Student Conduct*.
 - 1.3.2 Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.
 - 1.3.3 Conduct described in 1.3.2 may be reviewed and adjudicated under A&M System Regulation 08.01.01 *Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law.³ Additionally, said conduct may also be reviewed and adjudicated by the Office of Student Rights and Responsibilities using the Code of Student Conduct when the conduct does not rise to the level of a civil rights violation.

² This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

³ This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(Nov. 7, 2023\)](#) issued by the Department of Education in the wake of the tragic events of October 7, 2023.

- 1.4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is lawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.
- 1.5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. GRIEVANCE PROCEDURE

- 2.1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.
- 2.2. Grievances should be filed with the Compliance Office.
- 2.3. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. The Compliance Office will review the grievance and refer the complaint to the appropriate office for further action if a violation of this rule was found to occur. The referral office will be determined by the status of the offending individual. Complaints concerning:
 - (a) faculty will be referred to the Office of the Provost;
 - (b) students will be referred to the Office of Rights and Responsibilities; and
 - (c) staff and third parties will be referred to the Human Resources Department.

3. IMPLEMENTATION

- 3.1. A copy of this rule shall be included in any university published student handbook and personnel handbook
- 3.2. A copy of this rule shall be provided to students during the university's new student orientation program.
- 3.3. A copy of this rule shall be posted to the university's website.

4. EXTERNAL CLIENT EVENTS

Events organized by an external party and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member.

RELATED STATUTES, POLICIES, OR REQUIREMENTS

[Texas Education Code § 51.9315](#) Protected Expression on Campus

[Texas Government Code § 448.001](#).

Texas OAG Guide to First Amendment Issues on Campus (September 7, 2018).

Executive Order GA-44 (March 27, 2024).

Appendix

Security Cost Protocol For Expressive Activity

Contact Office

University Compliance Office (201) 784-2003

08.99.99.K1 Expressive Activity on Campus



Approved: May 14, 2020
Revised: XXX XX, 2024
Next Scheduled Review: XXX XX, 2029

Rule Summary

The 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the bill: Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

This Rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

Definitions

Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

Antisemitism – means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.¹ Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule can be sanctioned by the university.

Benefit – recognition by or registration with the university, the use of the university’s facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.

¹ Texas Government Code, Section 448.001

Campus – all land and buildings owned or leased by the university.

Common outdoor areas – places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for special circumstances. This term does not include areas immediately adjacent to a private residence.

Employee – an individual employed by the university.

Expressive activity – any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

Faculty – any full or part-time employee of the university holding an academic appointment.

Illegal Harassment – expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person’s ability to participate in or benefit from an educational program or activity.

Inciting or producing imminent lawless action – speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.

Materially and substantially disrupt – interrupting a program or activity in a significant and consequential manner.

Person – students, faculty, staff, student organizations, and third-parties.

Reasonable time, place, and manner restrictions – limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.

Staff – an employee of the university that is not a faculty member.

Student – an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.

Student Organization – any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.

Third-party (External Client) – an individual or entity that is not a student, student organization, or employee of the university.

Traditional public forum – a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be

disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.

True Threats – communication of a serious expression of an intent to harm a specific person or group of people.

Rule

1. EXPRESSIVE ACTIVITY RIGHTS

- 1.1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
- 1.2. Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant rules. The university may not consider any anticipated controversy related to the event.
- 1.3. The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
 - 1.3.1. The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment². Sanctions that may be imposed include all those enumerated in Section 14 Disciplinary Sanctions of the [Texas A&M University-Kingsville Student Handbook](#).
 - 1.3.2. Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.

² This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

1.3.3. Conduct described in 1.3.2 may be reviewed and adjudicated under A&M System Regulation *08.01.01 Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law.³ Additionally, said conduct may also be reviewed and adjudicated by the Student Conduct Office using the Student Conduct Code when the conduct does not rise to the level of a civil rights violation.

1.4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.

1.4.1 In an effort to ensure safety and to promote an environment conducive to study, advanced reservation for expressive activity is required for events or activities that are promoted in advance, and/or sponsored by student organizations, and/or expected to draw a crowd of more than 25 people. Advance reservation is also required for activities near intersections, and/or in close proximity to academic buildings anytime classes, and/or study activities, and/or research are taking place. Requests for reservations should be made through [Event Planning's reservation page](#).

1.4.2 The Pavilion on the north side of the Memorial Student Union Building is the primary area to reserve for expressive activity (designated public forum) and will be reserved at the request of students and non-students for expressive activity. Other locations are available upon request. The act of confirming a reservation will ensure the availability of space. A reservation is not required, except as described in the reservation procedures.

1.5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. GRIEVANCE PROCEDURE

2.1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.

2.2. Grievances should be filed with the Office of Compliance.

2.3. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to

³ This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(Nov. 7, 2023\)](#) issued by the Department of Education in the wake of the tragic events of October 7, 2023.

disciplinary action in accordance with the university's applicable rules and procedures. The Office of Compliance will investigate the grievance and draft a report summarizing its findings. If a violation of this rule was found to occur the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. Complaints concerning (a) faculty will be referred to the Office of the Provost; (b) student will be referred to the Office of the Dean of Students; and (c) complaints concerning staff and third-parties will be referred to Human Resources.

3. IMPLEMENTATION

- 3.1. A copy of this rule shall be included in any university published student handbook and faculty handbook.
- 3.2. A copy of this rule shall be provided to students during the university's new student orientation program.
- 3.3. A copy of this rule shall be posted to the university's website.

4. EXTERNAL CLIENT EVENTS

Events organized by an external party and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member.

Related Statutes, Policies, or Requirements

[Texas Education Code § 51.9315, Protected Expression on Campus](#)

[Texas Government Code § 448.001](#)

[Executive Order GA-44 \(March 27, 2024\)](#)

[System Regulation 08.01.01, Civil Rights Compliance](#)

[Texas A&M University-Kingsville Student Handbook](#)



Tx OAG AG
Handbook 2018.PDF

Appendix

Appendix A: Prohibited Locations

Appendix B: Reservation Procedure

Appendix C: Security Fee Protocol

Contact Office

Office of Compliance
(361) 593-4758

Appendix A:
PROHIBITED LOCATIONS

Texas A&M University-Kingsville designates the following locations as prohibited for expressive activity, as they are non-public forums:

- 1) Mark Cisneros Center for Young Children, and the surrounding property
- 2) Academy High School/Poteet Building, and the surrounding property.

Appendix B: RESERVATION PROCEDURES

Individuals or groups who wish or that are required (08.99.99.K1, 1.4.1) to make advance reservation shall request use of the space through the Event Planning Office on the second floor of the Memorial Student Union Building. If advance reservation is required, requests must be made at least three days in advance of the event. Additional collaboration and coordination may be required from a building/space manager/proctor. Usually use of the space will be assigned to the person or organization that requests the area first. University sponsored events have first priority on the use of campus facilities. **The university reserves the right to locate any assembly so as to ensure that the activity does not interfere with the normal operation of the university or interfere with the rights of others.**

The decision to confirm a request for space will be based on proper and timely completion of the Event Planning reservation process, compliance with applicable sound and sign requirements, and availability of space. The decision to confirm will be based on the foregoing criteria, and in no circumstance will any decision be based on the content or viewpoint of the expressive activity or upon the expected reaction of others. If a request is denied, the rationale for the decision will be provided in writing. The denial of a reservation request can be appealed to the Senior Student Affairs Officer, or their designee.

At the time of the request the following information will be required:

- Name and contact information of the person or organization sponsoring the event.
- Contact information for one individual who will be present during the course of the event.
- Location, date and time requested for the event.
- General purpose of the event.
- List of planned activities (i.e. speech or rally, march with signs, distribution of literature, sit-in).
- Special equipment requested.
- Anticipated attendance.

For recognized student organizations, an officer of the sponsoring organization must be present at the event, and during the entire course of the event.

Guidelines for Expression

1. Disruptive Activity–Obstruction, disruption or interference with classes, research, administrative functions or other university activities is not permitted. Likewise, infringement on the rights of others is prohibited.
2. Reasonable Access–It is important to provide reasonable access to, and exit from, any office, classroom, laboratory or building. Likewise, vehicular and pedestrian traffic should not be obstructed.
3. Noise–Making sustained or repeated noise in a manner that substantially interferes with a speaker’s ability to communicate his/her message is not permitted. Noise levels should not interfere with classes, meetings or activities in progress or the privacy of residence hall students.
4. Force or Violence–Any attempt to prevent a university activity or other lawful assembly by the threat or use of force or violence is not permissible.
5. Presenting Identification–In accordance with the Texas Education Code it is unlawful for any person on any property either owned or controlled by the university to refuse to identify him/herself to a university official in response to a request. For the purpose of these rules a person identifies him/herself by presenting student or faculty/staff ID card or state or government issued ID card.

6. **Damage to Property**—Any damage to university or personal property in the course of, or as a result of, an expressive activity is prohibited. Care should be taken to ensure that university and personal property is not damaged or destroyed. This includes the campus lawns, shrubs and trees.
7. **Other University Rules**—All applicable university rules should be followed whenever engaging in activities on campus. Consult the Student Handbook and/or the University website for further information.

All individuals participating in expressive activity are expected to comply with state and federal law, municipal ordinances, university rules and the above guidelines. Failure to do so may result in immediate removal from the campus and any other appropriate action by university officials and/or University Police.

Appendix C:
SECURITY COST PROTOCOL FOR EXPRESSIVE ACTIVITY

The university may only require security costs (including a pre-event security deposit) to be paid by the event sponsor when a proposed event presents a specific, substantial, and objectively identifiable risk to the health and safety of the applicant, the University community, or the public. In determining whether such costs shall be imposed, the university shall objectively consider, in consultation with the event sponsor, the following factors:

- (1) The facility or outdoor space to be used for the event.
- (2) The number of anticipated participants.
- (3) Any anticipated need for campus security.
- (4) Any necessary accommodations.
- (5) Compliance history of the requesting party with university rules.
- (6) Maximum occupancy of the location.
- (7) Whether the event is open to the entire university community or restricted to guests of the event sponsor.
- (8) The time of day during which the event will occur.
- (9) Whether the proposed event involves activity that poses an inherent risk of personal injury or property damage.
- (10) Whether alcoholic beverages will be served.
- (11) Duration of the event.
- (12) Presence of mechanical devices or vehicles at the event.
- (13) Whether sales or cash transaction are conducted on site.

In determining whether security costs shall be imposed, and the amount of any such costs, the university may not consider the content or viewpoint of the speech expressed or intended to be expressed by the event sponsor, speakers, guests, or attendees. **Costs associated with or incurred as a result of anticipated or actual reactions to the event by non-participants shall not be imposed on the event sponsor.**

The university shall notify the event sponsor of any decision to impose security costs for an event in writing. The notification must clearly state and explain the reasons that such costs have been imposed.

08.99.99.D1 Expressive Activity on Campus

Approved: May 14, 2020
Next Scheduled Review: May 14, 2025



Rule Summary

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

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3. **Campus** means all land and buildings owned or leased by the university.

¹ Texas Government Code, Section 448.001.

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18. **True Threats** means communication of a serious expression of an intent to harm a specific person or group of people.

Rule

1. EXPRESSIVE ACTIVITY RIGHTS

- 1.1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
- 1.2. Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant rules. The university may not consider any anticipated controversy related to the event.
- 1.3. The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
 - 1.3.1 The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment². Sanctions that may be imposed include all those enumerated in Section 9 of TAMUCT Student Rules.
 - 1.3.2 Expressive activities that may result in sanctions are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.
 - 1.3.3 Conduct described in 1.3.2 may be reviewed and adjudicated under this rule, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law.³ Additionally, said conduct may also be reviewed and

² This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

³ This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(Nov. 7, 2023\)](#) issued by the Department of Education in the wake of the tragic events of October 7, 2023.

adjudicated by the Student Conduct Office using the Student Conduct Code when the conduct does not rise to the level of a civil rights violation.

- 1.4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.
- 1.5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. GRIEVANCE PROCEDURE

- 2.1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.
- 2.2. Grievances should be filed with the Office of Institutional Compliance.
- 2.3. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. The University Compliance Office will investigate the grievance and draft a report summarizing its findings. If a violation of this rule was found to occur the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. Complaints concerning (a) faculty, staff and third-parties will be referred to the Office of Human Resources; (b) students will be referred to the Associate Dean of Student Affairs.

3. IMPLEMENTATION

- 3.1. A copy of this rule shall be included in any university published student handbook and personnel handbook.
- 3.2. A copy of this rule shall be provided to students during the university's new student orientation program.
- 3.3. A copy of this rule shall be posted to the university's website.

4. EXTERNAL CLIENT EVENTS

Events organized by an external party and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member.

Related Statutes, Policies, or Requirements

Texas Education Code § 51.9315, Protected Expression on Campus.

Texas Government Code § 448.001.

[System Policy 08.01, Civil Rights Protections and Compliance](#)

[System Regulation 08.01.01, Civil Rights Compliance](#)

[TAMUCT Rule 08.01.01.W1, Civil Rights Compliance](#)

[Student Rules](#)

OAG Guide to First Amendment Issues on Campus (September 7, 2018).

Executive Order GA-44 (March 27, 2024).



Tx OAG AG
Handbook 2018.PDF

Contact Office

Office of Institutional Compliance
254-519-5763

08.99.99.H1 Expressive Activity on Campus



Approved: May 14, 2020
Revised:
Next Scheduled Review: XXX 2029

Rule Summary

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the bill: Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

This Rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

Definitions

Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

1. **Antisemitism** means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.¹ Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule can be sanctioned by the university.
2. **Benefit** means recognition by or registration with the university, the use of the university’s facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.

¹ Texas Government Code, Section 448.001.

3. **Campus** means all land and buildings owned or leased by the university.
4. **Common outdoor areas** means places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for a special event. This term does not include areas immediately adjacent to a private residence.
5. **Employee** means an individual employed by the university.
6. **Expressive activity** means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
7. **Faculty** means any full or part-time employee of the university holding an academic appointment.
8. **Illegal Harassment** means expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.
9. **Inciting or producing imminent lawless action** means speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.
10. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
11. **Person** means students, faculty, staff, student organizations, and third-parties.
12. **Reasonable time, place, and manner restrictions** means limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.
13. **Staff** means an employee of the university that is not a faculty member.
14. **Student** means an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.
15. **Student Organization** means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.
16. **Third-party (External Client)** means an individual or entity that is not a student, student organization, or employee of the university.

17. Traditional public forum means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.

18. True Threats means communication of a serious expression of an intent to harm a specific person or group of people.

Rule

1. EXPRESSIVE ACTIVITY RIGHTS

- 1.1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
- 1.2. Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant rules. The university may not consider any anticipated controversy related to the event. See more details in University Rule [41.99.99.H0.02 Use of University Facilities by University Groups](#).
- 1.3. The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
 - 1.3.1. The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment². Sanctions that may be imposed include all those enumerated in the [Student Code of Conduct](#) and TAMUT Guidelines for Registered Student Organizations.
 - 1.3.2. Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or

² This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.

1.3.3. Conduct described in 1.3.2 may be reviewed and adjudicated under [A&M System Regulation 08.01.01, *Civil Rights Compliance*](#), including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law.³ Additionally, said conduct may also be reviewed and adjudicated by the Office of Student Affairs using the [Student Code of Conduct](#) when the conduct does not rise to the level of a civil rights violation.

1.4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Impromptu, public forums (without prior approval and scheduling as a campus event) may not use voice amplification. Members of the university community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.

1.5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. GRIEVANCE PROCEDURE

2.1 Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.

2.2 Grievances should be filed with the University Compliance Office.

2.3 A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. The University Compliance Office will investigate the grievance and draft a report summarizing its findings. If a violation of this rule was found to occur the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. Complaints concerning (a) faculty will be referred to the Office of the Provosts; (b) student will be referred to the Office of Student Affairs; and (c) complaints concerning staff and third-parties will be referred to Human Resources.

³ This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(Nov. 7, 2023\)](#) issued by the Department Education in the wake of the tragic events of October 7, 2023.

3. IMPLEMENTATION

- 3.1 A copy of this rule shall be included in any university published student handbook and personnel handbook.
- 3.2 A copy of this rule shall be provided to students during the university's new student orientation program.
- 3.3 A copy of this rule shall be posted to the university's website.

Related Statutes, Policies, or Requirements

[Texas Education Code § 51.9315, Protected Expression on Campus](#)

[Texas Government Code § 448.001](#)

[OAG Guide to First Amendment Issues on Campus \(September 7, 2018\)](#)

[System Regulation 08.01.01, *Civil Rights Compliance*](#)

[University Procedure 41.99.99.H0.02 *Use of University Facilities by University Groups*](#)

[Texas A&M University – Texarkana Student Code of Conduct](#)

TAMUT Guidelines for Registered Student Organizations

Contact Office

Director of Risk and Compliance
903-334-6755



08.99.99 Expressive Activity on Campus

Rule Summary

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the bill: Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

This Rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

Definitions

Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

1. Antisemitism means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.¹ Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule can be sanctioned by the university.
2. Benefit means recognition by or registration with the campus, the use of campus facilities for meetings or speaking purposes, the use of channels of communication controlled by the campus, and funding sources made generally available to student organizations at the campus.
3. Campus means all land and buildings owned or leased by Texas A&M University System.
4. Common outdoor areas means places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the campus for a special event. This term does not include areas immediately adjacent to a private residence.
5. Employee means an individual employed by a university partner or Texas A&M University System.

¹ Texas Government Code, Section 448.001.
08.99.99 Expressive Activity on Campus

6. Expressive activity means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
7. Faculty means any full or part-time employee of a university partner holding an academic appointment.
8. Illegal Harassment means expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.
9. Inciting or producing imminent lawless action means speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.
10. Materially and substantially disrupt means interrupting a program or activity in a significant and consequential manner.
11. Person means students, faculty, staff, student organizations, and third-parties.
12. Reasonable time, place, and manner restrictions means limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.
13. Staff means an employee of Texas A&M University System that is not a faculty member.
14. Student means an individual currently enrolled at a university partner, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.
15. Student Organization means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution or campus.
16. Third-party (External Client) means an individual or entity that is not a student, student organization, or employee of the university.
17. Traditional public forum means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.
18. True Threats means communication of a serious expression of an intent to harm a specific person or group of people.

Rule

1. EXPRESSIVE ACTIVITY RIGHTS

- 1.1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
- 1.2. Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the campus facilities for purposes of engaging in expressive activities, the campus may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the

event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant rules. The campus may not consider any anticipated controversy related to the event.

1.3. The campus may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the campus on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.

1.3.1 The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment². Sanctions that may be imposed include all those enumerated in the RELIS Academic Alliance *Student Code of Conduct*.

1.3.2 Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.

1.3.3 Conduct described in 1.3.2 may be reviewed and adjudicated under A&M System Regulation 08.01.01 *Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law.³ Additionally, said conduct may also be reviewed and adjudicated by the Student Conduct Office using the Student Conduct Code when the conduct does not rise to the level of a civil rights violation.

1.4. The common outdoor areas of the campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the campus community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.

1.5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. GRIEVANCE PROCEDURE

² This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

³ This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(Nov. 7, 2023\)](#) issued by the Department of Education in the wake of the tragic events of October 7, 2023.

- 2.1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.
- 2.2. Grievances should be filed with the RELLIS Academic Alliance at <https://go.pardot.com/1/548402/2020-06-03/9w8zy6>.
- 2.3. A student, student organization, or faculty who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. A Texas A&M University System staff member who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with TAMUS applicable rules and procedures. The respective compliance office will investigate the grievance and draft a report summarizing its findings. If a violation of this rule was found to occur the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. Complaints concerning (a) faculty, staff and third-parties will be referred to the Office of Human Resources; (b) students will be referred to Student Affairs.

3. IMPLEMENTATION

- 3.1. A copy of this rule will be posted on the RELLIS Academic Alliance website.
- 3.2. A copy of this rule will be distributed each semester when the Safety and Rights communication is normally distributed electronically.
- 3.3. A copy of this rule will be distributed to student organizations during training.

Related Statutes, Policies, or Requirements

Texas Education Code § 51.9315, Protected Expression on Campus.

Texas Government Code § 448.001.

Executive Order GA-44 (March 27, 2024).

OAG Guide to First Amendment Issues on Campus (September 7, 2018).



OAG Handbook -
Expressive Activity on

Contact Office

RELLIS Academic Alliance

UNIVERSITIES

Texas A&M University
Texas A&M University at Galveston
Texas A&M Health Science Center
Prairie View A&M University
Texas A&M University-Commerce
Tarleton State University
West Texas A&M University
Texas A&M University-Kingsville
Texas A&M University-Corpus Christi
Texas A&M International University
Texas A&M University-Texarkana
Texas A&M University-Central Texas
Texas A&M University-San Antonio



AGENCIES

Texas A&M AgriLife Research
Texas A&M Engineering Experiment Station
Texas A&M Forest Service
Texas A&M AgriLife Extension Service
Texas A&M Engineering Extension Service
Texas A&M Transportation Institute
Texas A&M Veterinary Medical Diagnostic Laboratory
Texas Division of Emergency Management

OTHER MEMBER INSTITUTION

The RELIS Campus

Board of Regents THE TEXAS A&M UNIVERSITY SYSTEM

June 25, 2024

Michelle Watts
Education Budget and Policy Advisor
Office of the Governor

Dear Ms. Watts:

Enclosed is the report of the Texas A&M University System regarding our implementation of the requirements set forth in Executive Order GA-44. Please contact Jenny Jones, Vice Chancellor for Government Relations, with any questions or if additional information is needed.

Sincerely,

William Mahomes
Chairman, Board of Regents

Enclosure

cc: Members, Board of Regents
Chancellor John Sharp
Jenny Jones

Report of The Texas A&M University System

Executive Order No. GA-44 (Antisemitism)

Executive Order No. GA-44 (2024-03-27) addresses acts of antisemitism in institutions of higher education and requires all Texas higher education institutions to:

1. Review and update free speech policies to address the reported sharp rise in antisemitic speech and acts on university campuses and establish appropriate punishments, including expulsion from the institution.
2. Ensure that these policies are being enforced on campuses and that groups such as the Palestine Solidarity Committee and Students for Justice in Palestine are disciplined for violating these policies.
3. Include the definition of antisemitism, adopted by the State of Texas in Section 448.001 of the Texas Government Code, in university free speech policies to guide university personnel and students on what constitutes antisemitic speech.
4. Submit a report to the Office of the Governor, Budget and Policy Division, verifying that these actions were taken, including submitting documentation (i) policies were revised, and (ii) evidence the policies are being enforced.

To comply with this Executive Order, the A&M System, through its Office of General Counsel:

1. Collected and reviewed expressive activity rules adopted by 12 member campuses to ensure the rules included provisions providing for disciplinary sanctions for violations.
2. Requested information reaching back to 2020 regarding grievances and violations of each member's free speech rules, including protest events since October 7, 2023.
3. Provided a template rule to system members that complied with GA-44's requirements so they could quickly revise their campus speech policy. Members submitted their updates to OGC for legal review and A&M System approval.

A. Introduction

Universities in The Texas A&M University System (System) have long recognized the right to protect order on our campuses and issue sanctions in appropriate circumstances for speech that is not protected by the First Amendment of the U.S. Constitution or Article 1, Sec. 8 of The Texas Constitution. Senate Bill 18 (86RS-2019) provided a new incentive for universities to monitor expressive activities and student conduct on system campuses by creating affirmative duties for the university to more actively manage expressive activity on campus.

The System is well-acquainted with and respects U.S. jurisprudence defining free speech and the limited scope of unprotected speech.

Expressive activities that are not protected by university speech policies and may result in university sanctions include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; speech directed at inciting or producing imminent lawless action; or illegal harassment.

System universities have two mechanisms to adjudicate unprotected speech. First, expressive activity may be reviewed and adjudicated under A&M System Regulation 08.01.01, *Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, religion, national origin, or any other classification protected by federal, state, or local law. Second, said conduct may also be reviewed and adjudicated by the Student Conduct Office using the Student Conduct Code when the conduct does not rise to the level of a civil rights violation.

B. Revision of Speech Policies

Attached as **Exhibit “A”** of this report is a copy of a revised Rule 08.99.99 for *each* of the 12 system campuses. Each revised rule contains the information required by E.O. GA-44.

C. Enforcement of Speech Policies

In August 2020, system members implemented Rule 08.99.99, *Expressive Activity on Campus*, as required by Senate Bill 18 (86RS-2019) and codified in Tex. Educ. Code Ann § 51.9315. As required by the statute, each member’s rule allows for disciplinary action for individuals who unduly interfere with another’s expressive activity rights. At Texas A&M, an expressive activity committee comprised of individuals from across campus (Student Affairs, University Center and Special Events, Office of General Counsel, University Police Department, Marketing and Communications, Risk, Ethics, and Compliance, and other campus partners) actively review university policy, training materials, case law, campus communications, educational materials, and current events to ensure the university stays on top of expressive activity issues. Under the oversight of the committee, a team of staff members (the Activity Resource and Response Team or “ARRT”) actively monitor expressive activities to ensure safety on campus and to flag unlawful conduct and unprotected speech when warranted. This would include instances of unprotected speech or unlawful conduct driven by antisemitism. Prior to adopting Rule 08.99.99, unprotected speech and/or unlawful behavior during expressive activities was addressed using well-established rules implemented by civil rights compliance offices and student conduct offices.

The student populations of system universities vary considerably:

1	TAMU	70,556
2	TARLETON	14,093
3	TAMUCC	10,778
4	TAMUC	10,757
5	WTAMU	9,242
6	PVAMU	8,998
7	TAMIU	8,193
8	TAMUSA	7,223
9	TAMUK	6,070
10	TAMUCT	2,194
11	TAMUT	2,073
12	A&M-RELLIS	452
		<u>150,629</u>

Fortunately, since the horrific events of October 7, 2023, A&M System universities have not experienced disruption and unlawful conduct on their campuses like those located on the east and west coasts. Student groups seem willing to engage with university leadership and student affairs administrators, which allows them to fully understand university rules and, thankfully, communicate in an honest and transparent manner with university employees. No system students, employees, or visitors have been arrested at a protest/rally. One student has been charged with a rule violation since October 7, 2023; the student accepted responsibility for his behavior.

The System’s proactive and collaborative approach to managing expressive activity on campus seems to be working. In 2024, FIRE ranked Texas A&M No. 7 in their annual Top 25 Colleges for Freedom of Speech. Texas A&M was the only Texas school to be ranked in the top 25. This year the Foundation for Individual Rights and Expression (FIRE) once-again named Texas A&M a “green light” campus for maintaining policies that do not seriously imperil free expression. Only 12.9% of the schools in their survey received this rating. Texas A&M was the only Texas university to receive this distinction.

1. Protests & Complaints since October 7, 2023

Four system members reported nineteen (19) protests/rallies since October 7, 2023, the events were fairly evenly distributed between Pro-Palestinian and Pro-Israeli viewpoints. There were no reports of arrests as a result of the protests/rallies and no student participating in the protest/rallies faced disciplinary action because there were no violations of the Student Conduct Code. One student engaged in counterprotest activity and was sanctioned for disruptive conduct. The majority of the protests/rallies occurred on the campus of Texas A&M University in College Station, Texas.

System universities reported a total of four (4) complaints concerning expressive activity related to Hamas’s terroristic attack on Israel on October 7, 2023.

- Texas A&M University. On October 18, 2023, the civil rights office was notified that an individual received threatening messages from an unknown individual after participating in a protest against events occurring in Gaza. The case was referred to Student Assistive Services and the University Police Department. Student Assistance Services is an office

in the Department of Student Life that seeks to connect students with the appropriate guidance, resources, and support to address a variety of personal and academic matters.

- Texas A&M University. On November 11, 2023, the civil rights office was notified of allegations of harassment based on an individual's national origin. A student alleged harassment while working on a team throughout the semester. The reporting student is of Middle Eastern descent and alleged that another student asked her whether she was terrorist, whether the reporting student was going to bomb us, and whether the reporting student was protesting for Hamas. Additionally, the reporting student wears a hijab, and alleged that the student asked to see the reporting student's hair and made comments about her religion. The case was closed because the complainant did not request a formal resolution.
- Texas A&M University. A student reported receiving threatening messages from an unknown individual as a result of the student's participation in a Pro-Palestinian event. The case was forwarded to the University Police Department for further investigation.
- Texas A&M University Corpus Christi. On May 1, 2024 a student left campus by crossing Ocean Drive at the campus main entrance where a small group had set up a banner and flags expressing support for the Palestinian people displaced by the Israeli attack on Hamas in Gaza. While the site was unattended, using a pocketknife, the student cut down a banner hanging from a light pole and was seen taking a flag and putting it in his pocket before crossing back onto campus. The student was also seen brandishing the flag from the passenger seat of a vehicle leaving campus a few minutes later. He was charged with engaging in disruptive activity by interfering with an individual's or organizations right to engage in expressive activities. The student did not contest the charge and was sanctioned for his conduct.

2. Expressive Activity Complaints from January 2020 - October 6, 2023

As stated previously, system universities have always asserted the right to punish speech that is not protected by the First Amendment. Senate Bill 18 (86RS-2019) provided a new legal incentive for universities to monitor expressive activities on campus by creating certain affirmative duties, such as preventing the so-called Heckler's Veto through a disciplinary process.

System members reported a total of 36 grievances involving speech policies since 2020. None of them involved physical violence, although two involved vandalism to property.

Texas A&M University (TAMU) reported a total of 17 speech-related complaints since 2020. None of the complaints involved physical violence or resulted in arrests or student conduct code charges.

Tarleton State University (Tarleton) reported five (5) grievances related to Tarleton's free speech rules starting in 2020. Two cases involved faculty claims related to free speech and academic freedom. One claim involved a student's interference with the expressive rights of a student organization. The two remaining claims involve allegations of vandalism of a student organization's display in 2022 and 2023.

Texas A&M International University (TAMIU) received on July 4, 2020, a complaint from an unsuccessful applicant for a faculty position. The applicant speculated that his being passed over

may have been motivated by antisemitism and/or disability discrimination in TAMIU's hiring practices. A review of the asserted discrimination found no information supporting either of the claims. On August 12, 2020, the applicant withdrew the allegations.

Texas A&M University Central Texas (TAMUCT) reported six (6) grievances or violations under their expressive activity rule since 2020. All six of the grievances reported occurred prior to 2023. None of the events involved antisemitism.

At Texas A&M University Commerce (TAMUC) on March 28, 2023, a student submitted a report and video regarding a possible expressive activity violation. Upon investigation, Texas A&M University Commerce concluded there was no violation. A referral was sent to the Student Organization's Advisors for follow-up on the interpersonal conflict between organization members.

Texas A&M University Kingsville (TAMUK) reported four complaints involving speech rules since 2020. On October 10, 2023, a charge of race and national origin discrimination was filed by a former employee who was the subject of a sexual misconduct complaint. On December 19, 2023, a report was made relating to discrimination based on race/national origin. The Respondent was unknown. On April 10, 2024, a report was made relating to race discrimination. The university compliance office made several attempts to contact the complaint without success. On April 12, 2024, a report was made relating to discrimination based on ethnicity/religion. No formal complaint was filed, and the Respondent was unknown. On May 18, 2024, flyers were posted on various areas of campus. The flyers were titled "Students Against Genocide" with information stating, "Your taxes fund genocide", "Free Palestine!", "TAMUK and Aramark fund genocide!!" with the inclusion of a QR code. The flyers were removed in accordance with TAMUK policy prohibiting the posting of flyers on doors.

EXHIBIT “A”
GA-44 Revised Speech Policies (12 campuses)

TAMU
TARLETON
TAMUCC
TAMUC
WTAMU
PVAMU
TAMIU
TAMUSA
TAMUK
TAMUCT
TAMUT
A&M-RELLIS

UNIVERSITY RULE

08.99.99.M1 Expressive Activity on Campus

Approved May 14, 2020

Revised November 12, 2021

Revised June X, 2024

Next Scheduled Review: June X, 2024

Rule Statement

Texas A&M University is committed to providing an educational and work climate that is conducive to the personal and professional development of each individual. In fulfilling its multiple missions as an institution of higher learning, it encourages the free exchange of ideas. The university will protect the rights of freedom of speech, expression, petition, and peaceful assembly as set forth in the U.S. Constitution and Texas state law. Texas A&M University maintains its right to regulate reasonable time, place and manner restrictions concerning acts of expression and dissent.

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the bill: Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

This Rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

Definitions

Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

1. **Antisemitism** means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish

or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.¹ Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule will not be tolerated by the university.

2. **Benefit** means recognition by or registration with the university, the use of the university's facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.
3. **Campus** means all land and buildings owned or leased by the university, including those at branch campuses and remote locations.
4. **Common outdoor areas** means places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for a special event. This term does not include areas immediately adjacent to a private residence.
5. **Designated public forums** include other parts of campus that may become temporarily available for expressive activity as designated by the university. These temporary locations, while in existence, will be treated similar to public streets, sidewalks, and parks in terms of access and availability for expressive activity. (Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.)
6. **Disruptive Activity** is the obstruction, disruption or interference with classes, research, administrative functions, or other university activities, and is not permitted. Likewise, infringement on the rights of others is prohibited.
7. **Employee** means an individual employed by the university.
8. **Expressive activity** means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
9. **Faculty** means any full or part-time employee of the university holding an academic appointment.
10. **Illegal Harassment** means expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.
11. **Inciting or producing imminent lawless action** means speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.
12. **Limited public forums** have limited open access for public expression, or they may be limited to particular groups or particular topics.
13. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
14. **Non-public forums** are areas that are not traditional public forums or designated public forums. These include areas that are not by tradition or designation forums for public communication. These forums will be restricted to use for their intended purpose and are

¹ Texas Government Code, Section 448.001.

not available for public expressive activity. Examples include, but are not limited to, classrooms, residence hall rooms, faculty and staff offices, academic buildings, administration buildings, medical treatment facilities, libraries, research and computer laboratories, the MSC lawn, Easterwood Airport, Brayton Fire Training School, and research facilities.

15. **Person** means students, faculty, staff, student organizations, and third-parties.
16. **Reasonable time, place, and manner restrictions** means limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.
17. **Staff** means an employee of the university that is not a faculty member.
18. **Student** means an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.
19. **Student Organization** means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.
20. **Third-party (External Client)** means an individual or entity that is not a student, student organization, or employee of the university.
21. **Traditional public forum** means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks. These areas are generally available for expressive activity, planned or spontaneous, for the individual or small groups (generally where a crowd of 25 or less will be present, and/or where an event is not promoted in advance, and/or when an event is not sponsored by a student organization) at any time without the need for reservation, or prior approval. (Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.)
22. **True Threats** means communication of a serious expression of an intent to harm a specific person or group of people.

Official Rule

1. EXPRESSIVE ACTIVITY RIGHTS
 - 1.1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
 - 1.2. Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the

requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant rules. The university may not consider any anticipated controversy related to the event.

- 1.3. The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
 - 1.3.1. The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment². Sanctions that may be imposed include all those enumerated in Student Rule 27, *Sanctions*.
 - 1.3.2. Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.
 - 1.3.3. Conduct described in 1.3.2 may be reviewed and adjudicated under A&M System Regulation 08.01.01 *Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law.³ Additionally, said conduct may also be reviewed and adjudicated by the Student Conduct Office using the Student Conduct Code when the conduct does not rise to the level of a civil rights violation.
- 1.4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.
 - 1.4.1. As outlined in Section 3, Texas A&M University may require advance reservation of events in certain circumstances to ensure safety and to promote an environment conducive to study.
 - 1.4.2. There are areas such as residences, the Bush Library, the nuclear reactors, utility buildings, etc. that have distance requirements, crowd placement restrictions, and security concerns that may vary depending on security needs, terror alerts, and other factors. Additionally, security needs, terror

² This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

³ This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(Nov. 7, 2023\)](#) issued by the Department of Education in the wake of the tragic events of October 7, 2023.

alerts, local and national events may affect the availability of spaces that would otherwise be routinely available. Information about existing requirements, restrictions, or security concerns will be discussed at the time a reservation request is processed.

- 1.5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. RESERVABLE DESIGNATED PUBLIC FORUMS

- 2.1. Rudder Fountain Area, Lawrence Sullivan Ross Statue Area, and the West Mall Area are reservable designated public forums and will be reserved at the request of students and non-students for expressive activity. The act of confirming a reservation will ensure the availability of space. A reservation is not required, except as described in Section 3. Each area available for reservation is described below.

- *Rudder Fountain Area* – space between Memorial Student Center and Rudder Tower. Sound equipment is allowed and is available for use in this area at a small fee. The volume of any sound equipment must be kept at a level that would not interfere with any academic or other program taking place in nearby buildings.
- *Lawrence Sullivan Ross Statue Area* – space west of the Academic Building and near the statue of Lawrence Sullivan Ross. No sound equipment is permitted in this area. (This area is not available for expressive activity during Silver Taps and/or during the Ross Volunteer practice for Silver Taps.)
- *West Campus Mall Area* – space east of the Heep Center and marked by flagpoles and plantings. No sound equipment is permitted in this area.

- 2.2. Texas A&M University branch campuses and remote locations may identify reservable designated public forums on their respective campuses.

3. ADVANCE RESERVATION REQUIREMENTS

In an effort to ensure safety and to promote an environment conducive to study, advanced reservation for expressive activity is required (in the form of an approved Reservation Request for Space) for events or activities that are promoted in advance, and/or sponsored by student organizations, and/or expected to draw a crowd of more than 25 people. Advance reservation is also required for activities near intersections, and/or in close proximity to academic buildings anytime classes, and/or study activities, and/or research are taking place.

4. RESERVATION PROCEDURES

- 4.1. Individuals or groups who are either required to make advance reservation (see Section 3) or those individuals or groups who otherwise wish to make advance reservations on main campus in College Station shall request use of the space through the Scheduling Office on the second floor of Rudder Tower. Individuals or groups who are either required to make advance reservation (see Section 3) or those

individuals or groups who otherwise wish to make advance reservations at branch campuses or remote locations should contact the designate administrator at that location. If advance reservation is required (see Section 3), requests must be made at least five business days in advance of the event. Additional collaboration and coordination may be required from a building/space proctor. Usually use of the space will be assigned to the person or organization that requests the area first. University sponsored events have first priority on the use of campus facilities. **The university reserves the right to locate any assembly so as to ensure that the activity does not interfere with the normal operation of the university or interfere with the rights of others.**

- 4.2. The decision to confirm a request for space will be based on proper and timely completion of the Reservation Request form, compliance with applicable sound and sign requirements, and availability of space. The decision to confirm will be based on the foregoing criteria, and in no circumstance will any decision be based on the content or viewpoint of the expressive activity or upon the expected reaction of others. If a request is denied, the rationale for the decision will be provided in writing. The denial of a reservation request can be appealed to the Vice President for Student Affairs or a designee.

At the time of the request, the following information will be required:

- Name information of the person or organization sponsoring the event. Contact information for one individual who will be present during the course of the event.
- Location, date and time requested for the event.
- General purpose of the event.
- List of planned activities (i.e. speech or rally, march with signs, distribution of literature, sit-in).
- Special equipment requested.
- Anticipated attendance.

For recognized student organizations, an officer of the sponsoring organization must be present at the event, and during the entire course of the event.

4.3. Guidelines for Expression

1. *Disruptive Activity* – Obstruction, disruption or interference with classes, research, administrative functions or other university activities is not permitted. Likewise, infringement on the rights of others is prohibited.
2. *Reasonable Access* – It is important to provide reasonable access to, and exit from, any office, classroom, laboratory or building. Likewise, vehicular and pedestrian traffic should not be obstructed.
3. *Picketing* – Picketing in an orderly manner outside of university buildings may be permitted. Such activities should not become disruptive nor should they impede access. Picketing is not permitted inside campus buildings.
4. Literature may be distributed in traditional and designated public forums. Such activities should not become disruptive nor should they impede access.

5. *Symbolic Protest* – Displaying a sign, gesturing, wearing symbolic clothing or otherwise protesting silently is permissible unless it is a disruptive activity or impedes access. In addition, such acts should not block the audience’s view or prevent the audience from being able to pay attention.
6. *Noise* – Making sustained or repeated noise in a manner that substantially interferes with speakers’ ability to communicate their message is not permitted. Noise levels should not interfere with classes, meetings or activities in progress or the privacy of residence hall students.
7. *Force or Violence* – Any attempt to prevent a university activity or other lawful assembly by the threat or use of force or violence is not permissible.
8. *Presenting Identification* – In accordance with Texas Education Code § 51.209, it is unlawful for any persons on any property either owned or controlled by the university to refuse to identify themselves to a university official in response to a request. For the purpose of this rule people identify themselves by presenting student or faculty/staff ID card or government issued ID card.
9. *Damage to Property* – Any damage to university or personal property in the course of, or as a result of, an expressive activity is prohibited. Care should be taken to ensure that university and personal property is not damaged or destroyed. This includes the campus lawns, shrubs and trees.
10. *Aesthetics* – Exterior-facing messages, including but not limited to signs, posters, flags, or banners, on the windows of any Texas A&M University building, other than a student’s room in the residence halls or the university apartments, are prohibited. University approved health and safety messages are not included in this prohibition.
11. *Other University Rules* – All applicable University Rules and University Student Rules should be followed whenever engaging in activities on campus. Consult the University Student Rules booklet for further information.

All individuals participating in expressive activity are expected to comply with state and federal law, municipal ordinances, and the above guidelines. Failure to do so may result in immediate removal from the campus and any other appropriate action by university officials and/or University Police.

5. EXTERNAL CLIENT EVENTS

Events organized by an external party but held on the Texas A&M University campuses must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member (see [University Standard Administrative Procedure 24.99.99.M0.02, External Client Events](#) for applicable procedures).

6. GRIEVANCE PROCEDURE

- 6.1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.
- 6.2. Students may file a grievance with the Office of the Dean of Student Life. Faculty may file a grievance with the Dean of Faculties. Staff may file a grievance with Human Resources. Third parties may file a grievance with Human Resources.

- 6.3. Those who choose to observe and/or listen to expressive activities, bear the responsibility of recognizing and honoring the right of free speech. Any acts that are disruptive to the normal operations of the university, including classes and university business, or that invade the rights of others will not be tolerated. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. Any participant in a disruptive activity may also face criminal charges. The offices listed in section 6.2 of this rule are responsible for the complaint according to its normal procedures. Grievances may be referred to another office for review and further action, when appropriate.

7. IMPLEMENTATION

- 7.1. A copy of this rule shall be provided to students during New Student Conferences and other new student orientation programs.
- 7.2. This rule shall be posted on the university's website.

Related Statutes, Policies, or Requirements

[Texas Education Code § 51.9315, *Protected Expression on Campus*.](#)

[Texas Government Code § 448.001](#)

Executive Order GA-44 (March 27, 2024)

[University SAP 24.99.99.M0.02, *External Client Events*](#)

[Student Rule 27, *Sanctions*](#)

OAG Guide to First Amendment Issues on Campus (September 7, 2018)



Tx OAG AG
Handbook 2018.PDF

Contact Office

[Office of Risk, Ethics, & Compliance](#)

Texas A&M University

(979) 458-8191

08.99.99.T1 Expressive Activity on Campus

Approved: May 14, 2020
Revised: Month XX, XXXX
Next Scheduled Review: Month XX, XXXX



Rule Summary

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the bill: Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

This Rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

Definitions

Definitions of terms used in this rule. The definition includes both the singular and plural versions of the term:

Antisemitism means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.¹ Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule can be sanctioned by the university.

Benefit means recognition by or registration with the university, the use of the university’s facilities for meetings or speaking purposes, the use of channels of communication controlled by

¹ Texas Government Code, Section 448.001.

the university, and funding sources made generally available to student organizations at the university.

Campus means all land and buildings owned or leased by the university.

Common outdoor areas means places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for a special event. This term does not include areas immediately adjacent to a private residence.

Employee means an individual employed by the university.

Expressive activity means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

Faculty means any full or part-time employee of the university holding an academic appointment.

Illegal Harassment means expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.

Inciting or producing imminent lawless action means speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.

Materially and substantially disrupt means interrupting a program or activity in a significant and consequential manner.

Person means students, faculty, staff, student organizations, and third-parties.

Reasonable time, place, and manner restrictions means limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.

Staff means an employee of the university that is not a faculty member.

Student means an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.

Student Organization means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.

Third-party (External Client) means an individual or entity that is not a student, student organization, or employee of the university.

Traditional public forum means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.

True Threats means communication of a serious expression of an intent to harm a specific person or group of people.

Rule

1. EXPRESSIVE ACTIVITY RIGHTS

- 1.1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
- 1.2. Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant rules. The university may not consider any anticipated controversy related to the event.
- 1.3. The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
 - 1.3.1 The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment². Sanctions that may be imposed include all those enumerated in [Tarleton's Student Conduct Code](#).
 - 1.3.2 Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.

² This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

1.3.3 Conduct described in 1.3.2 may be reviewed and adjudicated under A&M System Regulation 08.01.01 Civil Rights Compliance, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law.³ Additionally, said conduct may also be reviewed and adjudicated by the Dean of Students Administrative Office using the Student Conduct Code when the conduct does not rise to the level of a civil rights violation.

1.4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.

1.5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. GRIEVANCE PROCEDURE

2.1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.

2.2. Grievances should be filed in writing with People and Culture by filing an [online report](https://www.tarleton.edu/deanofstudents/resources/expressive-activities/) on the webpage at <https://www.tarleton.edu/deanofstudents/resources/expressive-activities/> or in person at People and Culture's offices located in Gough Hall, 1st Floor.

2.3. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. People and Culture will investigate the grievance and draft a report summarizing its findings. If a violation of this rule was found to occur, the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. Complaints concerning (a) faculty will be referred to the dean of faculty; (b) a student will be referred to the Dean of Students Administrative Office; and (c) complaints concerning staff and third-parties will be referred to People and Culture – Civil Rights/Title IX.

³ This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(Nov. 7, 2023\)](#) issued by the Department of Education in the wake of the tragic events of October 7, 2023.

3. IMPLEMENTATION

- 3.1. A copy of this rule shall be included in any university published student handbook and personnel handbook.
- 3.2. A copy of this rule shall be provided to students during the university's new student orientation program.
- 3.3. A copy of this rule shall be posted to the university's website.

4. EXTERNAL CLIENT EVENTS

Events organized by an external party and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member.

Related Statutes, Policies, or Requirements

[Texas Education Code § 51.9315, Protected Expression on Campus](#)

[Texas Government Code § 448.001](#)

[Executive Order GA-44 \(March 27, 2024\) System Policy 08.01, Civil Rights Protections and Compliance](#)

[System Regulation 08.01.01, Civil Rights Compliance](#)

[Rule 08.01.01.T1, Civil Rights Compliance](#)

[Tarleton Student Conduct Code](#)

OAG Guide to First Amendment Issues on Campus (September 7, 2018)



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Appendix

Security Cost Protocol for Expressive Activity

Contact Office

Office of the Vice President for Student Engagement and Success
254.968.9081
People and Culture
254-968-9128

APPENDIX

SECURITY COST PROTOCOL FOR EXPRESSIVE ACTIVITY

The university may only require security costs (including a pre-event security deposit) to be paid by the event sponsor when a proposed event presents a specific, substantial, and objectively identifiable risk to the health and safety of the applicant, the University community, or the public. In determining whether such costs shall be imposed, the university shall objectively consider, *in consultation with the event sponsor*, the following factors:

- (1) *The facility or outdoor space to be used for the event.*
- (2) *The number of anticipated participants.*
- (3) *Any anticipated need for campus security.*
- (4) *Any necessary accommodations.*
- (5) *Compliance history of the requesting party with university rules.*
- (6) Maximum occupancy of the location.
- (7) Whether the event is open to the entire university community or restricted to guests of the event sponsor.
- (8) The time of day during which the event will occur.
- (9) Whether the proposed event involves activity that poses an inherent risk of personal injury or property damage.
- (10) Whether alcoholic beverages will be served.
- (11) Duration of the event.
- (12) Presence of mechanical devices or vehicles at the event.
- (13) Whether sales or cash transaction are conducted on site.

In determining whether security costs shall be imposed, and the amount of any such costs, the university may not consider the content or viewpoint of the speech expressed or intended to be expressed by the event sponsor, speakers, guests, or attendees. **Costs associated with or incurred as a result of anticipated or actual reactions to the event by non-participants shall not be imposed on the event sponsor.**

The university shall notify the event sponsor of any decision to impose security costs for an event in writing. The notification must clearly state and explain the reasons that such costs have been imposed.

08.99.99.C1

Expressive Activity on Campus



Revised: XXXX XX, 2024

Next Scheduled Review: XXXX XX, 2029

[Revision History](#)

Rule Summary

Texas A&M University-Corpus Christi recognizes the constitutional rights and privileges of freedom of speech in expressive activities by individuals and groups on campus.

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the preamble to the bill: “Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right.” Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

This rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

Definitions

The definitions of terms used in the rule include both the singular and plural version of the term:

Antisemitism means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community

institutions and religious facilities (see Texas Government Code, section 448.001). Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule can be sanctioned by the university.

Benefit means recognition by or registration with the university, the use of the university's facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.

Campus means all land and buildings owned or leased by the university.

Common Outdoor Areas means places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for a special event. This term does not include areas immediately adjacent to a private residence.

Designated Public Forum means a part of campus that may become temporarily available for expressive activity as designated by the university. These temporary locations, while in existence, will be treated similar to public streets, sidewalks, and parks in terms of access and availability for expressive activity. Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.

Employee means an individual employed by the university.

Expressive Activity means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

Faculty means any full or part-time employee of the university holding an academic appointment.

Illegal Harassment means expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.

Inciting or Producing Imminent Lawless Action means speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.

Limited Public Forum means a place that has limited open access for public expression or may be limited to particular groups or to particular topics. Creation of, and access to, limited public forums for student publications may be requested through the office of University Center and Student Activities. Creation of, and access to, limited

public forums for non-university publications may be requested through the office of University Services. The material distributed and the form of distribution may not violate state and federal law. The university will maintain its obligation to place reasonable limits on the times during which its limited public forums may be used by any particular individual or group.

Materially and Substantially Disrupt means interrupting a program or activity in a significant and consequential manner.

Non-Public Forum means a place that is not a traditional public forum or designated public forum. This includes areas that are not by tradition or designation forums for public communication. These forums will be restricted to use for their intended purpose and are not available for public expressive activity. Examples include, but are not limited to, classrooms, residence hall rooms, faculty and staff offices, academic buildings, administration buildings, Health Center facilities, library, research and computer laboratories, and research facilities. The university will maintain its obligation to place reasonable limits on the times during which its non-public forums may be used by any particular individual or group.

Person means students, faculty, staff, student organizations, and third-parties.

Reasonable Time, Place, and Manner Restrictions means limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.

Staff means any full or part-time employee or recognized volunteer of the university that is not a faculty member.

Student means an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and are registered for a future semester.

Student Organization means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.

Third-Party & Contracted Partners (External Client) means an individual or entity that is not a student, student organization, or employee of the university.

Traditional Public Forum means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity.

Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks. These areas are generally available for expressive activity, planned or spontaneous, for the individual or small groups (generally where a crowd of 25 or less will be present, and/or where an event is not promoted in advance, and/or when an event is not sponsored by a student organization) at any time without the need for reservation, or prior approval. Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.

True Threats means communication of a serious expression of an intent to harm a specific person or group of people.

Rule

1. EXPRESSIVE ACTIVITY RIGHTS

- 1.1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including responses to the expressive activities of others.
- 1.2. Student organizations and university groups can invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue, the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant institutional history of compliance or noncompliance by the requesting student organization or university group with this rule and other relevant system policies or regulations or university rules or procedures. The university may not consider any anticipated controversy related to the event.
- 1.3. The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
 - 1.3.1. The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment. This rule must be applied in a manner consistent with the Dear Colleague Letter (July 28, 2003) issued by the

Department of Education related to First Amendment and civil rights laws compliance. Sanctions that may be imposed include all those enumerated in the Student Code of Conduct (see Appendix).

1.3.2. Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.

1.3.3. Conduct described in 1.3.2 may be reviewed and adjudicated under system regulation *08.01.01 Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law. This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the Dear Colleague Letter (Nov. 7, 2023) issued by the Department of Education in the wake of the tragic events of October 7, 2023. Additionally, said conduct may also be reviewed and adjudicated by the Student Conduct & Advocacy Office using the Student Code of Conduct when the conduct does not rise to the level of a civil rights violation.

1.4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful and (b) does not materially and substantially disrupt the functioning of the institution.

1.5. Members of the university community can assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.

1.6. The contents of expressive activities allowed on campus should not be interpreted as any shared opinion, endorsement, or concurrence by the university.

1.7. Nothing in this rule should be interpreted as prohibiting faculty members from employing appropriate classroom management techniques to maintain order in class.

2. DISRUPTION OF UNIVERSITY OPERATIONS

- 2.1. In the event of disruption of the normal academic or operational functions of the university, including interference with the free use of corridors and entrances to rooms and buildings, the university maintains its right to move to restore order and open operation of the university. Every attempt will be made to discuss issues rationally and to avoid violence or the use of force.
- 2.2. In the event discussions fail, the issues are determined to be non-negotiable, and/or disruption continues, the University Police Chief or designee will issue legal notice to the individual or group to disperse.
- 2.3. If individuals refuse to comply with lawful directives of university officials, they may be subject to disciplinary actions and criminal sanctions.

3. GRIEVANCE PROCEDURE

- 3.1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, university group, or university employee has the right to file a grievance.
- 3.2. Grievances should be filed with or referred to the Employee Development and Compliance Services department (EDCS). EDCS will investigate the grievance and prepare a report summarizing its findings.
- 3.3. A student, student organization, university group, or university employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures including those referenced in the Related Statutes, Policies, or Requirements section below. If a violation of this rule was found to have occurred, the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. The investigative report will be handled by the appropriate university entity as follows: (a) the President, appropriate vice president, or designee for faculty and staff; (b) the Student Conduct & Advocacy Office for students and student organizations; and (c) the respective authority over the individual/group for third-parties and contracted partners where applicable.

4. IMPLEMENTATION

- 4.1. A copy of this rule will be included in the university published student code of conduct.

- 4.2. A copy of this rule will be provided to students during the university's new student orientation programs.
- 4.3. A copy of this rule will be posted to the University Handbook of Rules and Procedures website.
5. EXTERNAL CLIENT EVENTS
- Events organized by an external party and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or a Texas A&M University System member.

Related Statutes, Policies, or Requirements

Texas Education Code § [51.9315, Protected Expression on Campus](#)
Texas Government Code § [448.001](#)
Executive Order [GA-44 \(March 27, 2024\)](#)
Department of Education [Dear Colleague Letter \(July 28, 2003\)](#)
Department of Education [Dear Colleague Letter \(November 7, 2023\)](#)
System Regulation [08.01.01, Civil Rights Compliance](#)
University Rule [07.03.01.C1, Political Campaign Events in University Facilities](#)
University Procedure [08.01.02.C0.02, Accommodations at University Facilities and Events](#)
University Procedure [08.01.02.C0.03, Service and Emotional Support Animals](#)
University Procedure [11.99.99.C0.02, Co-Curricular Services to Minors](#)
University Procedure [21.99.09.C0.01, Access to University Property for Soliciting Donations and for Sales and Rentals](#)
University Procedure [32.01.01.C0.01, Complaint and Appeal Process for Faculty Members](#)
University Procedure [32.01.02.C0.01, Complaint and Appeal Process for Non-Faculty Employees](#)
University Procedure [33.04.99.C0.01, Non-Research Animals on University Campus and in Facilities](#)
University Procedure [41.01.01.C0.01 Use of University Facilities](#)
University Procedure [41.01.01.C0.04, Facility Use Rental and Recovery of Charges](#)
OAG Guide to First Amendment Issues on Campus (September 7, 2018)



Tx OAG AG
Handbook 2018.PDF

This rule supersedes:

- *07.03.01.C0.01, Freedom of Speech, Assembly, and Demonstration*

Appendix

[University Student Code of Conduct](#)

Contact Office

Contact for clarification and interpretation: Employee Development & Compliance
Services
(361) 825-5826

08.99.99.R1 Expressive Activity on Campus

Approved May 14, 2020
Revised Mon DD, YYYY
Next Scheduled Review: Mon DD, YYYY



Rule Summary

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing students’ rights and responsibilities regarding expressive activities” on its campus.

Texas A&M University-Commerce, finding that freedom of expression is of critical importance, ensures free, robust, and uninhibited debate and deliberations by our students, regardless of whether the students are on or off campus. A&M-Commerce officially recognizes freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of the University and persons should be permitted to assemble peaceably on campuses for expressive activities, including listening to or observing the expressive activities of others.

This Rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

Procedures and Responsibilities

1 EXPRESSIVE ACTIVITY RIGHTS

- 1.1 Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
- 1.2 Student organizations and employees are allowed to invite speakers to speak on campus. (See *12.99.99.R0.05 Invited Speakers*) In determining the amount of a fee to be charged for use of the university’s facilities for purposes of engaging in expressive activities, the University may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as:
 - 1.2.1 Proposed venue and the expected size of the audience,
 - 1.2.2 Anticipated need for campus law enforcement and/or security,
 - 1.2.3 Necessary accommodations, and

- 1.2.4 Relevant history of compliance or noncompliance by the requesting student organization or employee with this rule, other relevant rules, and/or risk assessment(s).
- 1.2.5 The University may not consider any anticipated controversy related to the event.
- 1.3 The University may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the University on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
 - 1.3.1 The University may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment. Sanctions that may be imposed including all those enumerated in the Student Code of Conduct.
 - 1.3.2 Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.
 - 1.3.3 Conduct described in 1.3.2 may be reviewed and adjudicated under A&M System Regulation *08.01.01 Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law. Additionally, said conduct may also be reviewed and adjudicated by Student Rights and Responsibilities using the Student Code of Conduct when the conduct does not rise to the level of a civil rights violation.

2 FORUMS

- 2.1 The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.
- 2.2 The Sam Rayburn Student Center and Ferguson Auditorium are deemed, limited public forums. Any person is permitted to engage in expressive activities in these facilities in accordance with the Scheduling Office requirements.
- 2.3 Classrooms, campus offices, and residence halls are deemed nonpublic forums.
- 2.4 Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

3 COMPLAINT PROCEDURE

- 3.1 Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a complaint.
- 3.2 A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. All complaints will be administered by the university concern process found on the [student concerns website](#).

If a violation of this rule was found to occur, the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. Complaints concerning (a) faculty will be referred to the Office of the Provost; (b) student and student organizations will be referred to the Student Rights and Responsibilities Office; and (c) complaints concerning staff and third parties will be referred to Human Resources.

4 IMPLEMENTATION

- 4.1 The rule will be included in the Student Code of Conduct which is distributed each semester electronically.
- 4.2 The rule will be posted to the university's website.

5. EXTERNAL CLIENT EVENTS

Events organized by an external party and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member.

Related Statutes, Policies, or Requirements

[Texas Education Code §51.9315 Protected Expression on Campus](#)

[Texas Government Code § 448.001](#)

[Executive Order GA-44 \(March 27, 2024\)](#)

[University Procedure 12.99.99.R0.05 Invited Speakers](#)

Definitions

Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

Antisemitism means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule can be sanctioned by the University.

Benefit means recognition by or registration with the university, the use of the university's facilities for meetings or speaking purposes, the use of channels of communication controlled by the University, and funding sources made generally available to student organizations at the University.

Campus means all land and buildings owned or leased by the University.

Common outdoor areas means places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the University for a special event. This term does not include areas immediately adjacent to a private residence.

Employee means an individual employed by the University.

Expressive activity means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

Faculty means any full or part-time employee of the University holding an academic appointment.

Illegal Harassment means expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.

Inciting or producing imminent lawless action means speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.

Limited public forum means location that the University has opened for expressive activity with a content-neutral limited purpose.

Materially and substantially disrupt means interrupting a program or activity in a significant and consequential manner.

Person means students, faculty, staff, student organizations, and third-parties.

Reasonable time, place, and manner restrictions means limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.

Staff means an employee of the University that is not a faculty member.

Student means an individual currently enrolled at the University, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.

Student Organization means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.

Third party (External Client) means an individual or entity that is not a student, student organization, or employee of the University.

Traditional public forum means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks

True Threats means communication of a serious expression of an intent to harm a specific person or group of people.

Appendix

Security Fee Protocol

Contact Office

University Ethics & Compliance Office
903.886.5996

SECURITY COST PROTOCOL

The University may only require security costs (including a pre-event security deposit) to be paid by the event sponsor when a proposed event presents a specific, substantial, and objectively identifiable risk to the health and safety of the applicant, the university community, or the public. In determining whether such costs will be imposed, the Chief of Police, with input from campus stakeholders, will objectively consider, *in consultation with the event sponsor*, the following factors:

- The facility or outdoor space to be used for the event.
- The number of anticipated participants.
- Any anticipated need for campus law enforcement and/or security.
- Any necessary accommodations.
- Compliance history of the requesting party with university rules and/or risk assessment(s).
- Maximum occupancy of the location.
- Whether the event is open to the entire university community or restricted to a guest list of the event sponsor.
- The time of day during which the event will occur.
- Whether the proposed event involves activity that poses an inherent risk of personal injury or property damage.
- Whether alcoholic beverages will be served.
- Duration of the event.
- Presence of mechanical devices or vehicles at the event.
- Whether sales or cash transaction are conducted on site.

In determining whether security costs will be imposed, and the amount of any such costs, the University may not consider the content or viewpoint of the speech expressed or intended to be expressed by the event sponsor, speakers, guests, or attendees. **Costs associated with or incurred as a result of anticipated or actual reactions to the event by non-participants shall not be imposed on the event sponsor.**

The University will notify the event sponsor of any decision to impose security costs for an event in writing. The notification must clearly state and explain the reasons that such costs have been imposed.



08.99.99.W1 Expressive Activity on Campus

Approved May 14, 2020

Revised June 7, 2024

Next Scheduled Review June 7, 2029

Rule Summary

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the bill: Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

This rule has been amended to comply with Governor Abbott’s Executive Order GA-44, dated March 27, 2024.

Rule

1. EXPRESSIVE ACTIVITY RIGHTS

1.1. Any person is allowed, subject to reasonable time, place and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.

1.2. Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the

university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant rules. The university may not consider any anticipated controversy related to the event.

1.3. The university may not act against a student organization or deny the organization any benefit generally available to other student organizations at the university based on a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.

1.3.1. The university may take disciplinary or remedial action against individuals or groups that engage in expressive activity not protected by this rule or the First Amendment¹. Sanctions which may be imposed include all those identified in the WTAMU Student Handbook.

1.3.2. Expressive activities which may result in sanctions and are not protected by this rule or the First Amendment include: physical abuse or assault; true threats; disruption of the academic environment or a university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.

1.3.3. Conduct described in 1.3.2 may be reviewed and adjudicated under A&M System Regulation 08.01.01 Civil Rights Compliance, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law². Additionally, such conduct may also be reviewed and adjudicated by the WTAMU Office of Community Standards.

1.4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community are allowed to assemble or distribute

¹ This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

² This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(Nov. 7, 2023\)](#) issued by the Department of Education in the wake of the tragic events of October 7, 2023.

written material in common outdoor areas without a permit or other permission from the institution.

1.5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. COMPLAINT PROCEDURE

2.1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a complaint.

2.2. Complaints should be filed on the university's online complaint form, found at www.wtamu.edu/complaint.

2.3. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. All complaints will be administered by the university complaint process found on the complaint website: www.wtamu.edu/complaint. If a violation of this rule was found to occur the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. Complaints concerning (a) faculty will be referred to the Office of the Provost; (b) students will be referred to the Student Conduct Office; and (c) complaints concerning staff and third parties will be referred to Human Resources.

3. IMPLEMENTATION

3.1. A copy of this rule will be included in any university published Student Handbook.

3.2. A copy of this rule will be distributed each semester when the Student Handbook is normally distributed electronically.

3.3. A copy of this rule will be posted to the university's website.

4. EXTERNAL CLIENT EVENTS

4.1. Events organized by an external party and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or a Texas A&M University System member.

Related Statutes, Policies, or Requirements

[Texas Education Code § 51.9315](#)
[Texas Government Code §448.001](#)
[Executive Order GA-44 March 27, 2024](#)
[WTAMU Student Handbook](#)
[System Regulation 08.01.01 Civil Rights Compliance](#)
[U.S. DOE Dear Colleague Letter July 28, 2023](#)
[U.S. DOE Dear Colleague Letter November 7, 2023](#)

Definitions

1. **Antisemitism** for this rule, WTAMU adopts the most current definition of antisemitism as written in Texas Government Code, Section 448.001; At the time of this revision, antisemitism is defined as a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance’s [“Working Definition of Antisemitism”](#) adopted on May 26, 2016. Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule can be sanctioned by the university.
 2. **Benefit** means recognition by or registration with the university, the use of the university’s facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.
 3. **Campus** means all land and buildings owned or leased by the university.
 4. **Common outdoor areas** mean places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for a special event. This term does not include areas immediately adjacent to a private residence.
 5. **Employee** means an individual employed by the university.
 6. **Expressive Activity** means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written
- 08.99.99.W1 Expressive Activity on Campus

material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

7. **Faculty** means any full or part-time employee of the university holding an academic appointment.
8. **Illegal Harassment** means expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.
9. **Inciting or producing imminent lawless action** means speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.
10. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
11. **Person** means students, faculty, staff, student organizations, and third parties.
12. **Reasonable time, place, and manner restrictions** means limitations that:
 - 12.1. are narrowly tailored to serve a significant institutional interest;
 - 12.2. employ clear, published, content-neutral, and viewpoint-neutral criteria;
 - 12.3. provide ample alternative means of expression.
13. **Staff** means an employee of the university that is not a faculty member.
14. **Student** means an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester
15. **Student Organization** means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.
16. **Third-party (external client)** means an individual or entity that is not a student, student organization, or employee of the university.
17. **Traditional public forum** means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.

18. **True threats** mean communication of a serious expression of an intent to harm a specific person or group of people.

Appendix

None

Revision History

Revised June 7, 2024

Contact Office

Student Affairs
(806) 651-2025

Approval Office

Office of the President
(806) 651-2100

Approval Signature



President/CEO

06.07.2024

Date

System Approvals*

Approved for Legal Sufficiency

General Counsel

Date

Approved

Chancellor

Date

*System approvals are contingent upon incorporation of any and all System-required changes in the final posting of the rule.

**PRAIRIE VIEW A&M UNIVERSITY
UNIVERSITY RULE**



08.99.99.P1 Expressive Activity on Campus
Approved May 14, 2020
Revised June XX, 2024
Next Scheduled Review: June XX, 2029

Rule Summary

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education "adopt a policy detailing student's rights and responsibilities regarding expressive activities" on its campus.

As stated in the Preamble to Senate Bill 18, "Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off-campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education, and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others."

This Rule has been amended to comply with Governor Greg Abbott's Executive Order GA-44, dated March 27, 2024.

Rule Statement

Prairie View A&M University (PVAMU) is committed to providing an environment where issues can be openly discussed and explored. The university expects that persons engaging in expressive activities will demonstrate civility, concern for the safety of persons and property, respect for university activities, and compliance with university policies and applicable local, state, and federal laws.

This rule will detail the policies and procedures that will govern all expressive activities on campus.

Definitions

The definition includes both the singular and plural version of the term:

Antisemitism - a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. (Texas Government Code, Chapter 448, Section 448.001) Antisemitic conduct comprised of behavior expressed in section 2.3.2 of this rule can be sanctioned by the university.

Benefit - recognition by or registration with the university, the use of the university's facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.

Campus - all land and buildings owned or leased by the university.

Common Outdoor Areas - places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for a special event. This term does not include areas immediately adjacent to a private residence.

Employee - an individual employed by the university.

Expressive Activity - any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

Faculty - any full or part-time employee of the university holding an academic appointment.

Illegal Harassment - expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.

Inciting or Producing Imminent Lawless Action - speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.

Materially and Substantially Disrupt - interrupting a program or activity in a significant and consequential manner.

Person - students, faculty, staff, student organizations, and third parties.

Reasonable Time, Place, and Manner Restrictions - limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.

Staff - an employee of the university that is not a faculty member.

Student - an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.

Student Organization - any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.

Third-Party (External Client) - an individual or entity that is not a student, student organization, or employee of the university.

Traditional Public Forum - a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets,

sidewalks, plazas, lawns, and parks.

True Threats - communication of a serious expression of an intent to harm a specific person or group of people.

Official Procedures and Responsibilities

1. GENERAL POLICY

- 1.1 The First Amendment to the United States Constitution protects students' rights to engage in all sorts of expressive conduct on college campuses – including oral speech, leaflets, signs, displays, concerts, visual performing arts, and even silence. PVAMU, a Texas public university, has set forth the following policies and procedures to protect the freedom of speech for all students, employees, or any persons, and to provide the safest environment for expressive activities to take place.
- 1.2 This rule is in place to provide a community environment in which open discussion can occur without disrupting the academic mission or daily university functions, and without unconstitutionally interfering with the rights of others.
- 1.3 The university does not impose any restrictions to control the point of view expressed by speakers or others engaged in expressive activities.
- 1.4 The contents of expressive activities allowed on campus should not be interpreted as any shared opinion, endorsement, or concurrence by the university.
- 1.5 Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. EXPRESSIVE ACTIVITY RIGHTS

- 2.1 Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities in the common outdoor areas on the PVAMU campus, including by responding to the expressive activities of others.
- 2.2 Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant policies and procedures. The university may not consider any anticipated controversy related to the event.
- 2.3 The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university based on a political, religious, philosophical, ideological, or academic

viewpoint expressed by the organization or of any expressive activities of the organization.

2.3.1 The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment. Sanctions that may be imposed include all those enumerated in the disciplinary sanctions section of the [PVAMU Student Code of Conduct](#).

2.3.1.1 This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

2.3.2 Expressive activities that may result in sanctions are not protected by this rule or the First Amendment including the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event, inciting or producing imminent lawless action; or illegal harassment.

2.3.3 Conduct described in 2.3.2 may be reviewed and adjudicated under Texas A&M University System Regulation 08.01.01 *Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law. Additionally, said conduct may also be reviewed and adjudicated by the Office of Student Conduct using the Student Code of Conduct when the conduct does not rise to the level of a civil rights violation.

2.3.3.1 This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(November 7, 2023\)](#) issued by the Department of Education in the wake of the tragic events of October 7, 2023).

2.4 The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community may distribute written material in common outdoor areas as long as they are not substantially disrupting classes, forcing people to take material, or obstructing passageways. Permission is not needed from the institution to distribute materials.

2.5 Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2.6 Spontaneous Expressive Activity

2.6.1 PVAMU understands that many forms of assembly, protest, and demonstrations may occur spontaneously. Proper decorum and good behavior are expected in indoor areas and are meant to permit a respectful exchange of ideas and opinions during expressive activities. For

outdoor campus facilities and areas, students, student organizations, employees, and their sponsored guests may freely engage in spontaneous expressive activities. Traditional public forums include the university's public streets, sidewalks, parks, and similar common areas. These areas are generally available for expressive activity, planned or spontaneous, for the individual or small groups (where an event is not promoted in advance and/or when a student organization does not sponsor an event) at any time without the need for reservation, or prior approval. Spontaneous expressive activities may not: block access to campus buildings; obstruct vehicular or pedestrian traffic; substantially disrupt previously scheduled campus events; substantially disrupt college operations; constitute unlawful activity; or create a clear and present threat to public safety.

- 2.6.2 PVAMU personnel may not impose restrictions on an individual or group who are engaging in spontaneous expressive activities due to the content or viewpoint of their expression or the possible reaction to that expression unless there is a violation of section 2.3.1 of this rule.

3. REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS

- 3.1 Activities that are unlawful or that materially and substantially disrupt the normal operations of the university's campus are prohibited. Expressive activities on university grounds do not imply endorsement by the university.
- 3.2 The following is a list of parameters for the time, place, and manner restrictions of activities that apply to all expressive activities on campus:
 - 3.2.1 The activity may not violate local ordinances or state or federal laws.
 - 3.2.2 The activity may not unduly disrupt traffic, either vehicular or pedestrian, or interfere with the ingress or egress to or from any building.
 - 3.2.3 The activity may not create unreasonable safety risks.
 - 3.2.4 Weapons are prohibited unless in accordance with the university's established guidelines for the carrying of concealed handguns by a holder of a license to carry a handgun on PVAMU owned or leased premises. For additional information, please reference University rule 34.06.02.P1 Carrying Concealed Handguns on Campus and University Administrative Procedure 34.06.02.P0.01 Concealed Carry Prohibition.

4. EXPRESSIVE ACTIVITY RESERVATIONS

- 4.1 Requests for reserving an area for expressive activity should be submitted to the Office of Student Engagement via PV PawLink.
 - 4.1.1 In an effort to ensure safety and to promote an environment conducive to study, advance reservation for expressive activity is required for events or activities that are promoted in advance, and/or sponsored by student organizations, and/or expected to draw a crowd of more than 25 people. Advance reservation is also required for activities near intersections, and/or in close proximity to academic buildings anytime classes, and/or study

activities, and/or research are taking place. Requests for reservations should be made through the Office of Student Engagement via PV PawLink.

4.1.2 The outside street area adjacent to the Willie A. Tempton, Sr. Memorial Student Center, located at L.W. Minor Street, is the primary area to reserve for expressive activity (designated public forum) and will be reserved at the request of students and non-students for expressive activity. Other locations are available upon request. The act of confirming a reservation will ensure the availability of space. A reservation is not required, except as described in the reservation procedures.

4.2 University employees, students, and student organizations have the right to invite speakers to university forums to speak. When reviewing speakers, PVAMU will not consider any anticipated controversy related to the event.

5. SECURITY COST PROTOCOL FOR EXPRESSIVE ACTIVITY

5.1 All expressive activity requiring advance reservation must complete and submit security requests to the University Police Department no less than two weeks before the scheduled event to allow for sufficient planning. Requests made with less than two weeks' notice are not guaranteed police or security services. Fees for event security services vary. The University Police Department's Event Security Request form can be found in the Appendix of this rule.

6. DISCIPLINARY SANCTIONS

6.1 Students, student organizations, employees, or any persons who unduly interfere with the expressive activities of others on campus will be subject to the disciplinary policies and procedures outlined in the applicable Student Code of Conduct, Faculty Handbook, or university policies and procedures.

6.2 Violation of this rule may also constitute a breach of applicable criminal law. In such circumstances, Texas Penal Code and Texas Code of Criminal Procedure will apply.

7. GRIEVANCE PROCEDURE

7.1 Prairie View A&M University ensures the right of any person, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus. PVAMU will directly address any violation of this premise. Individuals or groups wishing to make their concerns or potential violations known should utilize the *Expressive Activity on Campus Complaint Form* located on the [Complaints & Appeals](#) website. The appropriate campus entity will promptly address the inquiry/concern/complaint.

7.2 Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.

7.3 A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule,

is subject to disciplinary action under the university's applicable rules and administrative procedures. The Office of University Compliance will investigate the grievance and draft a report summarizing its findings. If a violation of this rule is found to have occurred, the report will be referred to the appropriate office for further action. The status of the offending individual will determine the referral office. Complaints concerning: (a) faculty will be referred to the Office of the Provost; (b) students will be referred to the Office of Student Conduct, and; (c) staff and third parties will be referred to the Office of Human Resources.

8. IMPLEMENTATION

- 8.1 A copy of this rule shall be included in the Student Code of Conduct.
- 8.2 A copy of this rule shall be provided to students during the university's new student and transfer student orientation programs.
- 8.3 A copy of this rule shall be posted in the university's Policy Library.

9. EXTERNAL CLIENT EVENTS

Events organized by an external party and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member.

Related Statutes, Policies, Regulations, and Rules

[Texas Education Code § 51.9315](#)

[Texas Government Code § 448.001](#)

[Executive Order GA-44](#)

[Senate Bill No. 18](#)

[System Regulation 07.03.01 Political Campaign Events on Property under the Control of The Texas A&M University System](#)

[University Rule 07.03.01.P1 Political Campaign Events on Property under the Control of Prairie View A&M University](#)

[System Regulation 08.01.01 Civil Rights Compliance](#)

[University Rule 08.01.01.P1 Civil Rights Compliance](#)

[System Policy 12.01 Academic Freedom, Responsibility and Tenure](#)

[University Administrative Procedure 12.01.99.P0.01 Academic Freedom, Responsibility and Tenure](#)

[System Policy 13.02 Student Rights and Obligations](#)

08.99.99.P1 Expressive Activity on Campus

[System Regulation 32.01.01 Complaint and Appeal Procedures for Faculty Members](#)

[University Administrative Procedure 32.01.01.P0.01 Complaint and Appeal Procedures for Faculty Members](#)

[System Regulation 32.02.02 Discipline and Dismissal of Nonfaculty Employees](#)

[University Administrative Procedure 32.02.02.P0.01 Compliant and Appeal Process for Nonfaculty Members](#)

[System Regulation 34.06.02 Weapons](#)

[University Rule 34.06.02.P1 Carrying Concealed Handguns on Campus](#)

[University Administrative Procedure 34.06.02.P0.01 Concealed Carry Prohibition](#)

[University Administrative Procedure 41.01.01.P0.01 Use of Facilities](#)

[University Administrative Procedure 61.99.99.P0.03 Freedom of Expression](#)



OAG Handbook -
Expressive Activity on

Appendix

Event Security Protocol – [Event Security Request](#)

Contact Office

Office of University Compliance 936-261-2144



Rule

08.99.99.L1 Expressive Activity on Campus

First Approved: May 14, 2020
Revised: May 29, 2024
June 5, 2024
Next Scheduled Review: June, 2029

Rule Statement and Reason for Rule

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code, Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the Bill, “freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right.” Freedom of speech and assembly is central to the mission of institutions of higher education, and persons (students, student organizations, employees, and third-parties) should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including listening to or observing the expressive activities of others.

In accordance with Executive Order GA 44 relating to addressing acts of antisemitism at institutions of higher education, antisemitic speech and/or acts are prohibited on the Texas A&M International University (TAMIU) campus, and any such speech or acts by students, employees, or visitors will be considered a violation of the Student Code of Conduct and/or TAMUS Regulations and/or TAMIU Rules, as applicable, and subject to the respective University grievance processes and resulting disciplinary action up to and including expulsion and/or termination of employment and/or criminal trespass from campus.

The purpose of this Rule is to establish guidelines and responsibilities for exercising the right to expressive activity on the TAMIU campus. This Rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

Procedures and Responsibilities

1. EXPRESSIVE ACTIVITY RIGHTS

- 1.1 Any person is allowed, subject to reasonable time, place, and manner restrictions as determined by TAMIU, to engage in expressive activities on the TAMIU campus, including responding to the expressive activities of others. In general, TAMIU defines **reasonable time** as normal operating business hours as published on the TAMIU website and **reasonable place** as common outdoor areas. **Manner** restrictions include a prohibition on the use of amplification equipment or noise-generating devices in the academic quad or within 50 feet of classroom buildings outside of the quad any time classes are in session. **Manner** restrictions also encompass setting up any type of personal furnishings on TAMIU property including, but not limited to, tables, chairs, booths, canopies, etc. Tables and chairs are available to rent (which includes set up and tear down) from the Office of Community Relations and Special Events.
- 1.2 Students, student organizations, and employees are allowed to invite speakers to speak on campus. Third-parties are allowed to rent spaces through the Office of Community Relations and Special Events.
- 1.3 In determining the fee amount to be charged for the use of TAMIU facilities for purposes of engaging in expressive activities, TAMIU may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or non-compliance by the requesting student, student organization, employee, or third-party with this Rule and other relevant rules. See also Security Cost Protocol Appendix.
- 1.4 TAMIU may not take action against a student, student organization, or employee or deny them any benefit generally available to other students, student organizations, and employees at TAMIU on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed or expressive activity.
 - 1.4.1 The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment¹. Sanctions that may be imposed include all those enumerated in the Student Code of Conduct and/or TAMUS Regulations and/or TAMIU Rules, as applicable, including disciplinary action up to expulsion and/or termination of employment and/or criminal trespass from campus.
 - 1.4.2 Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats or disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.

¹This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

1.4.3 Conduct described in 1.4.2 may be reviewed and adjudicated under A&M System Regulation 08.01.01 *Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law.² Additionally, said conduct may also be reviewed and adjudicated by the Student Conduct Office using the Student Code of Conduct when the conduct does not rise to the level of a civil rights violation.

1.5 The common outdoor areas of the TAMIU campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful and (b) does not materially and substantially disrupt the function and operations of TAMIU. Members of the TAMIU community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from TAMIU.

1.5.1 In an effort to ensure safety and to promote an environment conducive to study, advanced reservation for expressive activity is required for events or activities that are promoted in advance, sponsored by student organizations, and/or expected to draw a crowd of more than 25 people. Advanced reservation requests are made to the Office of Community Relations and Special Events.

1.6 Nothing in this Rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. GRIEVANCE PROCEDURE

2.1 Any person who believes their campus expressive activity rights, as recognized by this Rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this Rule, is subject to disciplinary action in accordance with applicable System policies/regulations and TAMIU rules and procedures.

2.2 Grievances filed by students or student organizations will be adjudicated following the General Student Complaint Procedures found in the Student Handbook.

2.3 Employees (faculty or staff) or third parties may file grievances with the Office of Compliance who will investigate the grievance and render an investigation report summarizing the findings. The investigation report will be referred to the appropriate Vice President (VP) for adjudication. The appropriate VP will be determined by the status of the offending individual.

a) Grievances concerning a faculty member will be referred to the Office of the Provost & VPAA.

² This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(Nov. 7, 2023\)](#) issued by the Department of Education in the wake of the tragic events of October 7, 2023.

- b) Grievances concerning staff or on-campus vendor employees will be referred to the Office of the VP for Finance and Administration.

3. DISSEMINATION

- 3.1 A copy of this Rule shall be included in the TAMIU Student Handbook.
- 3.2 A copy of this Rule shall be provided to new TAMIU students during new student orientation.
- 3.3 A copy of this Rule shall be posted to the TAMIU webpage.

4. THIRD-PARTY (EXTERNAL CLIENT) EVENTS

Events organized by a third party (external client) and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member.

Related Statutes, Policies, Regulations, or SAP's

[Texas Education Code § 51.9315, Protected Expression on Campus.](#)

Texas Government Code § 448.001.

Executive Order GA-44 (March 27, 2024).

OAG Guide to First Amendment Issues on Campus (September 7, 2018).



Tx OAG AG
Handbook 2018.PDF

Definitions

The following are definitions of terms used in this Rule. The definitions includes both the singular and plural version of the term.

Antisemitism - a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.³ Antisemitic conduct comprised of behavior outlined in section 1.4.2 of this rule can be sanctioned by the TAMIU.

Benefit – recognized by or registered with TAMIU, the use of TAMIU facilities for meetings or speaking purposes, the use of channels of communication controlled by TAMIU, and funding sources made generally available to student organizations at TAMIU

³ Texas Government Code, Section 448.001.

Campus - all land and buildings owned or leased by TAMIU

Common Outdoor Areas – places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by TAMIU for a special event or circumstance (e.g., construction). This term does not include areas immediately adjacent to a private residence, including dormitories and on-campus apartments.

Disruptive Activity (TAMIU *Student Handbook* definition) – disruption or obstruction of teaching, research, administration, student conduct proceedings, or other University mission, process, or function including public service functions or other authorized non-University activities when conduct occurs on University premises. Such activities may include, but are not limited to:

- (1) Leading or inciting others to disrupt scheduled and/or normal activities on University premises.
- (2) Classroom behavior that seriously interferes with either the faculty member's ability to conduct the class or the ability of other students to profit from the instructional program.
- (3) Any behavior in class or out of class, which for any reason improperly interferes with class work of others, involves disorder, or otherwise disrupts the regular and essential operation of the University.

Employee – an individual employed by TAMIU

Expressive Activity – any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

Faculty – any full or part-time employee of TAMIU holding an academic appointment

Illegal Harassment - expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.

Inciting or producing imminent lawless action - speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.

Materially and Substantially Disrupt – interrupting a program or activity in a significant and consequential manner (e.g., using amplification equipment or noise-generating devices in the academic quad or within 50 feet of classroom buildings outside of the quad any time classes are in session)

Person – students, student organizations, faculty, staff, and third-parties

Reasonable Time, Place, and Manner Restrictions – limitations that (1) are narrowly tailored to serve a significant TAMIU interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; and (3) provide for ample alternative means of expression

Staff – an employee of TAMIU that is not a faculty member

Student – an individual currently enrolled at TAMIU, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester

Student Organization – any TAMIU-recognized organization that is composed of students enrolled at TAMIU and that receives a benefit from TAMIU

Third-Party (External Client) – an individual or entity that is not a student, student organization, or employee of TAMIU

Traditional Public Forum – a place, widely recognized in law, which has been intended for the use of the public and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.

True Threats - communication of a serious expression of an intent to harm a specific person or group of people.

Appendix

Security Fee Protocol

Contact Office

Office of Compliance, 956-326-2855

08.99.99.01 Expressive Activity on Campus



Approved: May 14, 2020
Revised: June 5, 2024
Next Scheduled Review: June 5, 2029

RULE SUMMARY

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.935, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the bill: Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

This Rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

DEFINITIONS

This section defines the terms used in this rule. The definitions include both the singular and plural version of the term:

1. **Antisemitism** means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.¹ Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule can be sanctioned by the university.
2. **Benefit** means recognition by or registration with the university, the use of the university’s facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.
3. **Campus** means all land and buildings owned or leased by the university.

¹ Texas Government Code, Section 448.001.

4. **Common outdoor areas** mean places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for a special event. This term does not include areas immediately adjacent to a private residence.
5. **Employee** means an individual employed by the university.
6. **Expressive activity** means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
7. **Faculty** means any full or part-time employee of the university holding an academic appointment.
8. **Illegal Harassment** means expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.
9. **Inciting or producing imminent lawless action** means speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.
10. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
11. **Person** means students, faculty, staff, student organizations, and third parties.
12. **Reasonable time, place, and manner restrictions** means limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.
13. **Staff** means an employee of the university that is not a faculty member.
14. **Student** means an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.
15. **Student Organization** means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.
16. **Third-party (External Client)** means an individual or entity that is not a student, student organization, or employee of the university.
17. **Traditional public forum** means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.
18. **True Threats** means communication of a serious expression of an intent to harm a specific person or group of people.

RULE

EXPRESSIVE ACTIVITY RIGHTS

- 1.1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
- 1.2. Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant rules. The university may not consider any anticipated controversy related to the event.
- 1.3. The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
 - 1.3.1 The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment². Sanctions that may be imposed include all those enumerated in § 14.10, Article VII: Sanctions of the *Student Handbook and Code of Student Conduct*.
 - 1.3.2 Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.
 - 1.3.3 Conduct described in 1.3.2 may be reviewed and adjudicated under A&M System Regulation 08.01.01 *Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law.³ Additionally, said conduct may also be reviewed and adjudicated by the Office of Student Rights and Responsibilities using the Code of Student Conduct when the conduct does not rise to the level of a civil rights violation.

² This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

³ This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(Nov. 7, 2023\)](#) issued by the Department of Education in the wake of the tragic events of October 7, 2023.

- 1.4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is lawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.
- 1.5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. GRIEVANCE PROCEDURE

- 2.1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.
- 2.2. Grievances should be filed with the Compliance Office.
- 2.3. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. The Compliance Office will review the grievance and refer the complaint to the appropriate office for further action if a violation of this rule was found to occur. The referral office will be determined by the status of the offending individual. Complaints concerning:
 - (a) faculty will be referred to the Office of the Provost;
 - (b) students will be referred to the Office of Rights and Responsibilities; and
 - (c) staff and third parties will be referred to the Human Resources Department.

3. IMPLEMENTATION

- 3.1. A copy of this rule shall be included in any university published student handbook and personnel handbook
- 3.2. A copy of this rule shall be provided to students during the university's new student orientation program.
- 3.3. A copy of this rule shall be posted to the university's website.

4. EXTERNAL CLIENT EVENTS

Events organized by an external party and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member.

RELATED STATUTES, POLICIES, OR REQUIREMENTS

[Texas Education Code § 51.9315](#) Protected Expression on Campus

[Texas Government Code § 448.001](#).

Texas OAG Guide to First Amendment Issues on Campus (September 7, 2018).

Executive Order GA-44 (March 27, 2024).

Appendix

Security Cost Protocol For Expressive Activity

Contact Office

University Compliance Office (201) 784-2003

08.99.99.K1 Expressive Activity on Campus



Approved: May 14, 2020
Revised: XXX XX, 2024
Next Scheduled Review: XXX XX, 2029

Rule Summary

The 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the bill: Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

This Rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

Definitions

Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

Antisemitism – means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.¹ Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule can be sanctioned by the university.

Benefit – recognition by or registration with the university, the use of the university’s facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.

¹ Texas Government Code, Section 448.001

Campus – all land and buildings owned or leased by the university.

Common outdoor areas – places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for special circumstances. This term does not include areas immediately adjacent to a private residence.

Employee – an individual employed by the university.

Expressive activity – any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

Faculty – any full or part-time employee of the university holding an academic appointment.

Illegal Harassment – expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person’s ability to participate in or benefit from an educational program or activity.

Inciting or producing imminent lawless action – speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.

Materially and substantially disrupt – interrupting a program or activity in a significant and consequential manner.

Person – students, faculty, staff, student organizations, and third-parties.

Reasonable time, place, and manner restrictions – limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.

Staff – an employee of the university that is not a faculty member.

Student – an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.

Student Organization – any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.

Third-party (External Client) – an individual or entity that is not a student, student organization, or employee of the university.

Traditional public forum – a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be

disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.

True Threats – communication of a serious expression of an intent to harm a specific person or group of people.

Rule

1. EXPRESSIVE ACTIVITY RIGHTS

- 1.1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
- 1.2. Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant rules. The university may not consider any anticipated controversy related to the event.
- 1.3. The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
 - 1.3.1. The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment². Sanctions that may be imposed include all those enumerated in Section 14 Disciplinary Sanctions of the [Texas A&M University-Kingsville Student Handbook](#).
 - 1.3.2. Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.

² This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

1.3.3. Conduct described in 1.3.2 may be reviewed and adjudicated under A&M System Regulation *08.01.01 Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law.³ Additionally, said conduct may also be reviewed and adjudicated by the Student Conduct Office using the Student Conduct Code when the conduct does not rise to the level of a civil rights violation.

1.4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.

1.4.1 In an effort to ensure safety and to promote an environment conducive to study, advanced reservation for expressive activity is required for events or activities that are promoted in advance, and/or sponsored by student organizations, and/or expected to draw a crowd of more than 25 people. Advance reservation is also required for activities near intersections, and/or in close proximity to academic buildings anytime classes, and/or study activities, and/or research are taking place. Requests for reservations should be made through [Event Planning's reservation page](#).

1.4.2 The Pavilion on the north side of the Memorial Student Union Building is the primary area to reserve for expressive activity (designated public forum) and will be reserved at the request of students and non-students for expressive activity. Other locations are available upon request. The act of confirming a reservation will ensure the availability of space. A reservation is not required, except as described in the reservation procedures.

1.5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. GRIEVANCE PROCEDURE

2.1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.

2.2. Grievances should be filed with the Office of Compliance.

2.3. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to

³ This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(Nov. 7, 2023\)](#) issued by the Department of Education in the wake of the tragic events of October 7, 2023.

disciplinary action in accordance with the university's applicable rules and procedures. The Office of Compliance will investigate the grievance and draft a report summarizing its findings. If a violation of this rule was found to occur the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. Complaints concerning (a) faculty will be referred to the Office of the Provost; (b) student will be referred to the Office of the Dean of Students; and (c) complaints concerning staff and third-parties will be referred to Human Resources.

3. IMPLEMENTATION

3.1. A copy of this rule shall be included in any university published student handbook and faculty handbook.

3.2. A copy of this rule shall be provided to students during the university's new student orientation program.

3.3. A copy of this rule shall be posted to the university's website.

4. EXTERNAL CLIENT EVENTS

Events organized by an external party and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member.

Related Statutes, Policies, or Requirements

[Texas Education Code § 51.9315, Protected Expression on Campus](#)

[Texas Government Code § 448.001](#)

[Executive Order GA-44 \(March 27, 2024\)](#)

[System Regulation 08.01.01, Civil Rights Compliance](#)

[Texas A&M University-Kingsville Student Handbook](#)



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Appendix

Appendix A: Prohibited Locations

Appendix B: Reservation Procedure

Appendix C: Security Fee Protocol

Contact Office

Office of Compliance
(361) 593-4758

Appendix A:
PROHIBITED LOCATIONS

Texas A&M University-Kingsville designates the following locations as prohibited for expressive activity, as they are non-public forums:

- 1) Mark Cisneros Center for Young Children, and the surrounding property
- 2) Academy High School/Poteet Building, and the surrounding property.

Appendix B: RESERVATION PROCEDURES

Individuals or groups who wish or that are required (08.99.99.K1, 1.4.1) to make advance reservation shall request use of the space through the Event Planning Office on the second floor of the Memorial Student Union Building. If advance reservation is required, requests must be made at least three days in advance of the event. Additional collaboration and coordination may be required from a building/space manager/proctor. Usually use of the space will be assigned to the person or organization that requests the area first. University sponsored events have first priority on the use of campus facilities. **The university reserves the right to locate any assembly so as to ensure that the activity does not interfere with the normal operation of the university or interfere with the rights of others.**

The decision to confirm a request for space will be based on proper and timely completion of the Event Planning reservation process, compliance with applicable sound and sign requirements, and availability of space. The decision to confirm will be based on the foregoing criteria, and in no circumstance will any decision be based on the content or viewpoint of the expressive activity or upon the expected reaction of others. If a request is denied, the rationale for the decision will be provided in writing. The denial of a reservation request can be appealed to the Senior Student Affairs Officer, or their designee.

At the time of the request the following information will be required:

- Name and contact information of the person or organization sponsoring the event.
- Contact information for one individual who will be present during the course of the event.
- Location, date and time requested for the event.
- General purpose of the event.
- List of planned activities (i.e. speech or rally, march with signs, distribution of literature, sit-in).
- Special equipment requested.
- Anticipated attendance.

For recognized student organizations, an officer of the sponsoring organization must be present at the event, and during the entire course of the event.

Guidelines for Expression

1. Disruptive Activity–Obstruction, disruption or interference with classes, research, administrative functions or other university activities is not permitted. Likewise, infringement on the rights of others is prohibited.
2. Reasonable Access–It is important to provide reasonable access to, and exit from, any office, classroom, laboratory or building. Likewise, vehicular and pedestrian traffic should not be obstructed.
3. Noise–Making sustained or repeated noise in a manner that substantially interferes with a speaker’s ability to communicate his/her message is not permitted. Noise levels should not interfere with classes, meetings or activities in progress or the privacy of residence hall students.
4. Force or Violence–Any attempt to prevent a university activity or other lawful assembly by the threat or use of force or violence is not permissible.
5. Presenting Identification–In accordance with the Texas Education Code it is unlawful for any person on any property either owned or controlled by the university to refuse to identify him/herself to a university official in response to a request. For the purpose of these rules a person identifies him/herself by presenting student or faculty/staff ID card or state or government issued ID card.

6. **Damage to Property**—Any damage to university or personal property in the course of, or as a result of, an expressive activity is prohibited. Care should be taken to ensure that university and personal property is not damaged or destroyed. This includes the campus lawns, shrubs and trees.
7. **Other University Rules**—All applicable university rules should be followed whenever engaging in activities on campus. Consult the Student Handbook and/or the University website for further information.

All individuals participating in expressive activity are expected to comply with state and federal law, municipal ordinances, university rules and the above guidelines. Failure to do so may result in immediate removal from the campus and any other appropriate action by university officials and/or University Police.

Appendix C:
SECURITY COST PROTOCOL FOR EXPRESSIVE ACTIVITY

The university may only require security costs (including a pre-event security deposit) to be paid by the event sponsor when a proposed event presents a specific, substantial, and objectively identifiable risk to the health and safety of the applicant, the University community, or the public. In determining whether such costs shall be imposed, the university shall objectively consider, in consultation with the event sponsor, the following factors:

- (1) The facility or outdoor space to be used for the event.
- (2) The number of anticipated participants.
- (3) Any anticipated need for campus security.
- (4) Any necessary accommodations.
- (5) Compliance history of the requesting party with university rules.
- (6) Maximum occupancy of the location.
- (7) Whether the event is open to the entire university community or restricted to guests of the event sponsor.
- (8) The time of day during which the event will occur.
- (9) Whether the proposed event involves activity that poses an inherent risk of personal injury or property damage.
- (10) Whether alcoholic beverages will be served.
- (11) Duration of the event.
- (12) Presence of mechanical devices or vehicles at the event.
- (13) Whether sales or cash transaction are conducted on site.

In determining whether security costs shall be imposed, and the amount of any such costs, the university may not consider the content or viewpoint of the speech expressed or intended to be expressed by the event sponsor, speakers, guests, or attendees. **Costs associated with or incurred as a result of anticipated or actual reactions to the event by non-participants shall not be imposed on the event sponsor.**

The university shall notify the event sponsor of any decision to impose security costs for an event in writing. The notification must clearly state and explain the reasons that such costs have been imposed.

08.99.99.D1 Expressive Activity on Campus

Approved: May 14, 2020
Next Scheduled Review: May 14, 2025



Rule Summary

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the bill: Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

This Rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

Definitions

Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

1. **Antisemitism** means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.¹ Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule can be sanctioned by the university.
2. **Benefit** means recognition by or registration with the university, the use of the university’s facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.
3. **Campus** means all land and buildings owned or leased by the university.

¹ Texas Government Code, Section 448.001.

4. **Common outdoor areas** means places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for a special event. This term does not include areas immediately adjacent to a private residence.
5. **Employee** means an individual employed by the university.
6. **Expressive activity** means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
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9. **Inciting or producing imminent lawless action** means speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.
10. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
11. **Person** means students, faculty, staff, student organizations, and third-parties.
12. **Reasonable time, place, and manner restrictions** means limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.
13. **Staff** means an employee of the university that is not a faculty member.
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15. **Student Organization** means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.
16. **Third-party (External Client)** means an individual or entity that is not a student, student organization, or employee of the university.
17. **Traditional public forum** means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.
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Rule

1. EXPRESSIVE ACTIVITY RIGHTS

- 1.1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
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- 1.3. The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
 - 1.3.1 The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment². Sanctions that may be imposed include all those enumerated in Section 9 of TAMUCT Student Rules.
 - 1.3.2 Expressive activities that may result in sanctions are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.
 - 1.3.3 Conduct described in 1.3.2 may be reviewed and adjudicated under this rule, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law.³ Additionally, said conduct may also be reviewed and

² This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

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adjudicated by the Student Conduct Office using the Student Conduct Code when the conduct does not rise to the level of a civil rights violation.

- 1.4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.
- 1.5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. GRIEVANCE PROCEDURE

- 2.1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.
- 2.2. Grievances should be filed with the Office of Institutional Compliance.
- 2.3. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. The University Compliance Office will investigate the grievance and draft a report summarizing its findings. If a violation of this rule was found to occur the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. Complaints concerning (a) faculty, staff and third-parties will be referred to the Office of Human Resources; (b) students will be referred to the Associate Dean of Student Affairs.

3. IMPLEMENTATION

- 3.1. A copy of this rule shall be included in any university published student handbook and personnel handbook.
- 3.2. A copy of this rule shall be provided to students during the university's new student orientation program.
- 3.3. A copy of this rule shall be posted to the university's website.

4. EXTERNAL CLIENT EVENTS

Events organized by an external party and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member.

Related Statutes, Policies, or Requirements

Texas Education Code § 51.9315, Protected Expression on Campus.

Texas Government Code § 448.001.

[System Policy 08.01, Civil Rights Protections and Compliance](#)

[System Regulation 08.01.01, Civil Rights Compliance](#)

[TAMUCT Rule 08.01.01.W1, Civil Rights Compliance](#)

[Student Rules](#)

OAG Guide to First Amendment Issues on Campus (September 7, 2018).

Executive Order GA-44 (March 27, 2024).



Tx OAG AG
Handbook 2018.PDF

Contact Office

Office of Institutional Compliance
254-519-5763

08.99.99.H1 Expressive Activity on Campus



Approved: May 14, 2020
Revised:
Next Scheduled Review: XXX 2029

Rule Summary

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

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This Rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

Definitions

Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

1. **Antisemitism** means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.¹ Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule can be sanctioned by the university.
2. **Benefit** means recognition by or registration with the university, the use of the university’s facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.

¹ Texas Government Code, Section 448.001.

3. **Campus** means all land and buildings owned or leased by the university.
4. **Common outdoor areas** means places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for a special event. This term does not include areas immediately adjacent to a private residence.
5. **Employee** means an individual employed by the university.
6. **Expressive activity** means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
7. **Faculty** means any full or part-time employee of the university holding an academic appointment.
8. **Illegal Harassment** means expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.
9. **Inciting or producing imminent lawless action** means speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.
10. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
11. **Person** means students, faculty, staff, student organizations, and third-parties.
12. **Reasonable time, place, and manner restrictions** means limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.
13. **Staff** means an employee of the university that is not a faculty member.
14. **Student** means an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.
15. **Student Organization** means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.
16. **Third-party (External Client)** means an individual or entity that is not a student, student organization, or employee of the university.

17. Traditional public forum means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.

18. True Threats means communication of a serious expression of an intent to harm a specific person or group of people.

Rule

1. EXPRESSIVE ACTIVITY RIGHTS

- 1.1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
- 1.2. Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant rules. The university may not consider any anticipated controversy related to the event. See more details in University Rule [41.99.99.H0.02 Use of University Facilities by University Groups](#).
- 1.3. The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
 - 1.3.1. The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment². Sanctions that may be imposed include all those enumerated in the [Student Code of Conduct](#) and TAMUT Guidelines for Registered Student Organizations.
 - 1.3.2. Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or

² This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.

1.3.3. Conduct described in 1.3.2 may be reviewed and adjudicated under [A&M System Regulation 08.01.01, *Civil Rights Compliance*](#), including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law.³ Additionally, said conduct may also be reviewed and adjudicated by the Office of Student Affairs using the [Student Code of Conduct](#) when the conduct does not rise to the level of a civil rights violation.

1.4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Impromptu, public forums (without prior approval and scheduling as a campus event) may not use voice amplification. Members of the university community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.

1.5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. GRIEVANCE PROCEDURE

2.1 Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.

2.2 Grievances should be filed with the University Compliance Office.

2.3 A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. The University Compliance Office will investigate the grievance and draft a report summarizing its findings. If a violation of this rule was found to occur the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. Complaints concerning (a) faculty will be referred to the Office of the Provosts; (b) student will be referred to the Office of Student Affairs; and (c) complaints concerning staff and third-parties will be referred to Human Resources.

³ This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(Nov. 7, 2023\)](#) issued by the Department Education in the wake of the tragic events of October 7, 2023.

3. IMPLEMENTATION

- 3.1 A copy of this rule shall be included in any university published student handbook and personnel handbook.
- 3.2 A copy of this rule shall be provided to students during the university's new student orientation program.
- 3.3 A copy of this rule shall be posted to the university's website.

Related Statutes, Policies, or Requirements

[Texas Education Code § 51.9315, Protected Expression on Campus](#)

[Texas Government Code § 448.001](#)

[OAG Guide to First Amendment Issues on Campus \(September 7, 2018\)](#)

[System Regulation 08.01.01, *Civil Rights Compliance*](#)

[University Procedure 41.99.99.H0.02 *Use of University Facilities by University Groups*](#)

[Texas A&M University – Texarkana Student Code of Conduct](#)

TAMUT Guidelines for Registered Student Organizations

Contact Office

Director of Risk and Compliance
903-334-6755



08.99.99 Expressive Activity on Campus

Rule Summary

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the bill: Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

This Rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

Definitions

Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

1. Antisemitism means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.¹ Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule can be sanctioned by the university.
2. Benefit means recognition by or registration with the campus, the use of campus facilities for meetings or speaking purposes, the use of channels of communication controlled by the campus, and funding sources made generally available to student organizations at the campus.
3. Campus means all land and buildings owned or leased by Texas A&M University System.
4. Common outdoor areas means places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the campus for a special event. This term does not include areas immediately adjacent to a private residence.
5. Employee means an individual employed by a university partner or Texas A&M University System.

¹ Texas Government Code, Section 448.001.
08.99.99 Expressive Activity on Campus

6. Expressive activity means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
7. Faculty means any full or part-time employee of a university partner holding an academic appointment.
8. Illegal Harassment means expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.
9. Inciting or producing imminent lawless action means speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.
10. Materially and substantially disrupt means interrupting a program or activity in a significant and consequential manner.
11. Person means students, faculty, staff, student organizations, and third-parties.
12. Reasonable time, place, and manner restrictions means limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.
13. Staff means an employee of Texas A&M University System that is not a faculty member.
14. Student means an individual currently enrolled at a university partner, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.
15. Student Organization means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution or campus.
16. Third-party (External Client) means an individual or entity that is not a student, student organization, or employee of the university.
17. Traditional public forum means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.
18. True Threats means communication of a serious expression of an intent to harm a specific person or group of people.

Rule

1. EXPRESSIVE ACTIVITY RIGHTS

- 1.1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
- 1.2. Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the campus facilities for purposes of engaging in expressive activities, the campus may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the

event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant rules. The campus may not consider any anticipated controversy related to the event.

1.3. The campus may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the campus on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.

1.3.1 The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment². Sanctions that may be imposed include all those enumerated in the RELIS Academic Alliance *Student Code of Conduct*.

1.3.2 Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.

1.3.3 Conduct described in 1.3.2 may be reviewed and adjudicated under A&M System Regulation 08.01.01 *Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law.³ Additionally, said conduct may also be reviewed and adjudicated by the Student Conduct Office using the Student Conduct Code when the conduct does not rise to the level of a civil rights violation.

1.4. The common outdoor areas of the campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the campus community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.

1.5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. GRIEVANCE PROCEDURE

² This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

³ This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(Nov. 7, 2023\)](#) issued by the Department of Education in the wake of the tragic events of October 7, 2023.

- 2.1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.
- 2.2. Grievances should be filed with the RELLIS Academic Alliance at <https://go.pardot.com/1/548402/2020-06-03/9w8zy6>.
- 2.3. A student, student organization, or faculty who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. A Texas A&M University System staff member who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with TAMUS applicable rules and procedures. The respective compliance office will investigate the grievance and draft a report summarizing its findings. If a violation of this rule was found to occur the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. Complaints concerning (a) faculty, staff and third-parties will be referred to the Office of Human Resources; (b) students will be referred to Student Affairs.

3. IMPLEMENTATION

- 3.1. A copy of this rule will be posted on the RELLIS Academic Alliance website.
- 3.2. A copy of this rule will be distributed each semester when the Safety and Rights communication is normally distributed electronically.
- 3.3. A copy of this rule will be distributed to student organizations during training.

Related Statutes, Policies, or Requirements

Texas Education Code § 51.9315, Protected Expression on Campus.

Texas Government Code § 448.001.

Executive Order GA-44 (March 27, 2024).

OAG Guide to First Amendment Issues on Campus (September 7, 2018).



OAG Handbook -
Expressive Activity on

Contact Office

RELLIS Academic Alliance



TEXAS SOUTHERN UNIVERSITY
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Student Services
AREA: Student Affairs
SUBJECT: Freedom of Expression Policy and Procedures

Policy 05.01.01

I. POLICY STATEMENT:

Texas Southern University (“TSU”) recognizes that freedom of expression and public assembly are fundamental rights of all persons, and are essential components of the education process. These activities promote debate and the sharing of ideas, which are the foundation of educational institutions. In keeping with this responsibility, any person is free to exercise the rights to assemble and engage in expressive activity in a constitutionally protected manner subject only to the content-neutral regulations necessary to fulfill the mission and obligations of TSU, preserve the rights of others, coordinate multiple uses of limited space, assure preservation of the campus facilities and grounds, and assure financial accountability for any damage caused by these activities.

Although members of the TSU community are free to criticize and contest the views expressed by others, they may not deny, materially obstruct, or otherwise improperly interfere with others' freedom to express views with which they disagree or which they find offensive or even loathsome. The fact that public expression activity occurs on TSU property does not imply and should not be construed as implying approval or endorsement by TSU of any viewpoint or message expressed.

II. PURPOSE AND SCOPE:

The purpose of this Policy is adherence and implementation of Texas Education Code, Section 51.9315 titled “Protection of Expression on Campus”. TSU ensures:

- (A) Free, robust, and uninhibited debate and deliberations by students enrolled herein, regardless of whether the students are on or off campus; and
- (B) Any person may assemble peaceably on the campus of TSU for Expressive Activities, including to listen to or observe the Expressive Activities of others.

Sections II (A) & (B) are subject to Section IV (2) relating to reasonable restrictions on time, place, and manner.

This Policy applies to all TSU students, employees, organizations, and visitors to campus. This Policy does not apply to official academic and administrative activities and functions of TSU. Nothing in this Policy is intended to prohibit faculty members from maintaining order in the classroom.

III. DEFINITIONS:

- (A) Amplified Sound - Sound that is increased or enhanced by any electric, electronic, or

mechanical means, including handheld devices such as megaphones and sound trucks. Other sound, specifically individual shouting or group chanting/singing, is subject to general regulations concerning disruption of official TSU functions.

- (B) Antisemitism - a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's 'Working Definition of Antisemitism' adopted on May 26, 2016. (See, Section 448.001 of the Texas Government Code defines Anti Semitism).
- (C) Benefit includes:
 - (1) Recognition by or registration with an institution of higher education;
 - (2) The use of an institution of higher education's facilities for meetings or speaking purposes;
 - (3) The use of channels of communication controlled by an institution of higher education;
 - (4) Funding sources made generally available to student organizations at an institution of higher education; and
 - (5) TSU Department of Public Safety ("DPS") Services as appropriate and necessary to ensure the safety of the TSU community and minimize disruption to the learning environment.
- (D) Campus Grounds - All outdoor areas owned, leased or controlled by TSU that are common and accessible to all students, employees, and visitors, such as sidewalks and park-like areas.
- (E) Content Neutral- means without regard to the substance or subject matter of the public expression or to the viewpoint(s) expressed therein.
- (F) Expressive Activities -Any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech. The term also does not include: Fighting Words, Gratuitous Violence or True Threats.
- (G) Fighting words - Using "abusive, indecent, profane, or vulgar language," of the kind likely to provoke a physical altercation.
- (H) Gratuitous Violence - means real or simulated graphic, realistic visual depictions of brutal acts of physical harm or cruelty to or the infliction of brutal physical harm or cruelty upon humans, animals, or human- or animal-like creatures and, taken as a whole, lacks discernible literary, artistic, political or scientific value.
- (I) Literature - Any printed material that does not concern a commercial transaction and is produced in multiple copies for distribution or publication to an audience, including but not limited to flyers, handbills, leaflets, placards, bulletins, newspapers, and magazines, but does not include any official TSU material.
- (J) Ordinary University Operations - means all day-to-day business and other functions of the

university, including but not limited to, academic instruction, administrative services, performance of employment responsibilities, facilities maintenance, and groundskeeping, creative activities, community events, campus safety and security, and the maintenance of a university-wide environment that is open, acceptable and welcoming to the university community.

- (K) True Threats - means a communicated statement that frightens or intimidates one or more specified persons into believing that they will be seriously harmed by the speaker or by someone acting at the speaker's behest.
- (L) TSU Material - Literature distributed under this Policy that contains the name "University", "Texas Southern University", or "TSU" or that contains any reference to affiliation with TSU.
- (M) Official TSU Function - All activities, events and programs sponsored by an academic or administrative unit of TSU.
- (N) Student - Any person who is currently enrolled and attending TSU and, for the purposes of this policy, it also includes student organizations and student groups.
- (O) Student Organization - Any organization that is composed mostly of students enrolled at TSU and that receives a Benefit from TSU.

IV. POLICY PROVISIONS:

- (A) TSU ensures that the common outdoor areas of the campus are deemed traditional public forums, and permit any person to engage in Expressive Activities in those areas of the campus freely; as long as the person's conduct is not unlawful, and does not materially and substantially disrupt the ordinary university operation.
- (B) The responsibility of TSU to operate and maintain an effective and efficient institution of higher education requires reasonable regulation of the time, place, and manner of assembly, speech, and other Expressive Activities on the grounds of TSU. Subject to these reasonable restrictions and procedures herein, members of TSU community will not need per se a permit from TSU to engage in such Expressive Activities.
 - (1) Reasonable time, place, and manner restrictions may be imposed on expressive activities to achieve a compelling university interest, including, but not limited to, ensuring ordinary university operations are not disrupted and to protect the safety and security of the university community and property.
 - (2) Time, place, and manner restrictions shall be determined by the university president or designee on a case-by-case basis, in consultation with the Department of Public Safety and the Office of General Counsel.
 - (3) Any and all time, place, and manner restrictions shall be the least restrictive means necessary to achieve the compelling university interest and must not effectively stop or prevent spontaneous expressive activities. Such restrictions must be designed to maximize opportunities and alternative channels for expressive activities.
 - (4) Any and all time, place, and manner restrictions on expressive activities shall be content neutral. 5. In the event the university deems it necessary to restrict expressive activities, the university will nevertheless, to the maximum extent

practicable, propose and provide alternate opportunities for such expressive activities.

- (C) In determining whether to approve a speaker to speak on campus or in determining the amount of a fee to be charged for use of TSU's facilities for purposes of engaging in Expressive Activities, TSU:
- (1) Will consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, such as:
 - (i) The proposed venue and the expected size of the audience;
 - (ii) Any anticipated need for campus security to ensure the safety of the TSU community and minimize disruption to the learning environment;
 - (iii) Any necessary accommodations; and
 - (iv) Any relevant history of compliance or noncompliance by the requesting Student organization or faculty member with the TSU's policy and any other relevant policies; and
- (D) May not consider any anticipated controversy related to the event.
- (E) Expressive activity may not create a vehicular or other safety hazard, substantially interrupt the safe and orderly movement of traffic, or constitute disruptive activity, defamation, riotous conduct or obscenity as those terms are defined by federal or state law; and may not impede access to other expressive activity, such as blocking the audience's view or preventing the audience from hearing a speaker. Displaying a sign, gesturing, wearing symbolic clothing, or otherwise protesting silently is permissible anywhere, unless it materially and substantially disrupts the functioning of TSU.
- (F) TSU will not take action against a Student organization or deny the organization any Benefit generally available to other student organizations at TSU on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any Expressive Activities of the organization.
- (G) Amplification in the designated areas cannot exceed 92 decibels on the "A" scale at 50 feet from the source of amplification. Amplification will not be approved for any time period during the seven (7) calendar days preceding the final week of each fall and spring semester.
- (H) Requests submitted pursuant to the Procedures provisions in Section V to reserve within Campus Grounds or use Amplified Sound may not be denied based on the content of the proposed expressive activity. Requests may be denied only for the following reasons:
- (1) An earlier request to reserve the same location and time has been made;
 - (2) The designated area or an adjacent area has been reserved for an official TSU function or the designated area is no longer suitable for use due to a conflict with a nearby official TSU function;
 - (3) The reservation or registration form is incomplete;
 - (4) The request exceeds more than fifteen (15) days in a semester or is for more than five consecutive days; or
 - (5) The request otherwise conflicts with this Policy.

- (I) Individuals and organizations engaged in expressive activity on Campus Grounds may be required to relocate to other areas by the Vice President for Student Services/designee or DPS when immediate action is necessary, under the following circumstances:
 - (1) The noise generated by the activity disrupts an official TSU function or substantially interferes with resident housing life and activities (*e.g.*, the activity is too close to an academic, administrative or residential building);
 - (2) The location does not safely accommodate the number of participants;
 - (3) The number of individuals participating in or attending the activity creates unsafe conditions for vehicular or pedestrian traffic, or parking, or blocks the ingress or egress to buildings, staircases or official TSU activities;
 - (4) The space has been reserved for an official TSU function, has been reserved in accordance with this Policy, or a reserved location is needed for an official TSU function;
 - (5) The activity creates a health, safety or welfare hazard, such as interfering with fire, police or emergency services; or
 - (6) The activity interferes with the expressive activity of another individual or organization, such as blocking the audience's view of a speaker or preventing the audience from hearing a speaker.

- (J) Individuals involved in the setup of an outdoor exhibit or structure shall not damage TSU property or grounds, and are responsible for returning the area surrounding the exhibit or structure to its original condition.

- (K) Students, Student organizations, faculty and staff shall not unduly interfere with the Expressive Activities of others on Campus Grounds. Students, Student organizations, faculty, or staff suspected of such interference may be referred to the Dean of Students, Office of the Provost, or Human Resources, respectively, for investigation and disciplinary action, if applicable. Any discipline shall be in accordance with policies and procedures applicable to each group as follows:
 - (1) Students and Student Organizations – Student Code of Conduct;
 - (2) Faculty – Faculty Manual; and
 - (3) Staff – Discipline and Termination Policy (02.05.03).

- (L) TSU understands and respects its obligation to intervene when speech violates federal anti-discrimination law, which prohibits discrimination based on race, color, national origin, or perceived religious or ethnic identity. Anti-Semitism and other hostility or prejudice directed towards members of a particular religion or ethnic identity have no place at TSU. Threats to harm another person, inciting of imminent violence, destruction of public property, unlawful conduct, including civil disobedience like sit-ins or traffic blockades are not protected speech and will be addressed through university policies and procedures.

V. PROCEDURES

- (A) Persons who wish to organize parades, marches or rallies in areas that cross thoroughfares or would stop or slow traffic must notify the TSU Department of Public Safety (“DPS”) at least eight (8) business days in advance of the activity in order to ensure that the proposed route does not substantially interrupt the safe and orderly movement of traffic or create a safety hazard.

- (B) Visitors who plan to engage in expressive activity on Campus Grounds and have a reasonable expectation of attracting a crowd of fifty (50) or more people must notify DPS no fewer than two (2) weeks prior to the activity so that appropriate measures can be taken to ensure the safety of the TSU community and minimize disruption to the learning environment. Campus Grounds may be reserved on a first-come, first-served basis and are subject to the reservation procedures published by the Office of Student Services.
- (C) DPS will strive to respond to notifications regarding parades, marches or rallies, or Expressive Activities expected to draw a crowd of fifty (50) or more people, within two (2) business days.
- (D) Individuals may reserve locations within the Campus Grounds for a total of fifteen (15) days per semester and no more than five (5) consecutive days. DPS and Office of Event Services are responsible for:
 - (1) Identifying locations and establishing times for use within Campus Grounds and identifying locations and establishing times for use of Amplified Sound;
 - (2) Managing requests for reservation of Campus Grounds under this Policy;
 - (3) Relocating Expressive Activities as allowed under this Policy;
 - (4) Developing procedures for reserving areas for expressive activity and use of amplified sound and for registering for parades, marches and rallies;
 - (5) Creating forms for use in reserving Campus Grounds, using Amplified Sound, and registering for parades, marches and rallies; and
 - (6) Publishing the locations, times, procedures and forms required under this Policy at the beginning of each academic year.
- (E) If a reservation request is denied, DPS and/or Office of Event Services may, where feasible, propose measures to address any defects in the request. When the basis for denial is receipt of an earlier request for the same location and time, DPS and/or Office of Event Services will inform the individual or organization whose request is denied of other dates, times and locations that are available for reservation.
- (F) Advance reservation is required before Amplified Sound may be used on Campus Grounds. Students, employees, and visitors may use Amplified Sound on Campus Grounds only at the locations and times published by DPS and/or Office of Event Services. Amplified Sound areas may be reserved on a first-come, first-served basis and are subject to the reservation procedures published by Office of Event Services.
- (G) Students, employees, and visitors who distribute Literature are expected to collect such that is left over or that is on the ground in the area in which it is distributed. Literature may not be placed on automobiles (*e.g.*, under the windshield wipers) parked on TSU property.
- (H) Literature distributed under this Policy by a Student, employee, or visitor that contains the name “University”, “Texas Southern University”, or “TSU” or that contains any reference to affiliation with TSU (“TSU Material”), must include the statement that the Literature is not official TSU literature and does not represent the views or official position of TSU.
- (I) Exhibits may only be set up in accordance with this Policy. DPS and Office of Event Services must be contacted at least eight (5) business days prior to the proposed activity involving an outdoor exhibit or structure.

- (J) Outdoor exhibits and structures may be placed on Campus Grounds, except that individuals may place displays on easel-type supports that are open and accessible for expressive activity. Outdoor exhibits and structures are subject to the following limitations:
 - (1) Exhibits and structures may not exceed twenty-five (25) feet in length or width or fifteen (15) feet in height;
 - (2) Exhibits and structures may not extend into or onto any sidewalks or walkways in such a way as to interfere with pedestrian or vehicular traffic or otherwise present an unreasonable threat to public safety; and
 - (3) The interior of three-dimensional structures or exhibits must be fully visible from at least one side of the exhibit or structure, and no exhibit or structure may provide opportunity for individuals to be completely secluded from view. Individuals setting up an outdoor exhibit or structure are responsible for cleanup of the area surrounding the exhibit or structure and shall return it to its original condition at the completion of the expressive activity.
- (K) Exception to the dimension limitations may be granted by DPS and/or Office of Event Services upon a showing by the individual or organization seeking the exception that the exhibit will not present a safety hazard and will not interfere with pedestrian or vehicular traffic. Proof of insurance to cover injury or damage to persons or property does not entitle the individual or organization to an exception to the dimension limitations. Requests for exception to the outdoor exhibit dimension limitations must be made at least eight (8) business days in advance of the desired display date.
- (L) Decisions related to use of Campus Grounds for expressive activity that are denied may be appealed to the Vice President of Student Services/designee no later than 5:00 p.m., on the second business day after notice of the decision that is being challenged is provided. The appeal must be made in writing and state the specific reason(s) the individual or organization disagrees with the decision. The appeal should include all information the individual or organization believes will assist the Vice President of Student Services/designee in reaching a determination on the matter. The Vice President of Student Services/designee will issue a written decision on the appeal within three (3) business days of its receipt. The decision is final.

VI. COMPLAINTS

- (A) Any member of the TSU community who feels their right to Public Expression has been infringed upon or otherwise violated, or believes this policy has not been followed or has been misapplied may contact the TSU Compliance Office to submit a complaint.

VII. VIOLATIONS

- (A) Any individual who violates this policy may be removed and/or trespassed from TSU or a TSU-sponsored activity and/or denied the ability to reserve TSU's public areas for future public expression events/activities.
- (B) Any violations of this policy by a TSU student or employee that also constitutes a separate violation of TSU policy may be subject to additional applicable sanctions pursuant to the Student Code of Conduct or applicable TSU policy, respectively, as outlined in IV (K) above.

- (C) Any violation of this policy that also constitutes a violation of federal or state law may also subject an individual or group to additional sanctions, including criminal arrest, prosecution, and/or civil penalties.



June 24, 2024

Office of the Governor
State of Texas
Budget and Policy Division

Re: GA-44 Texas Southmost College response

Texas Southmost College (TSC) has reviewed Executive Order No. GA-44 relating to addressing acts of antisemitism at our institution. TSC has taken the following action required by GA-44:

1. Texas Southmost College has reviewed and updated free speech policies to address the sharp rise in antisemitic speech and acts at our college and has established appropriate punishments.
2. Texas Southmost College ensures that these policies are being enforced on campus and that groups such as the Palestine Solidarity Committee and Students for Justice in Palestine are disciplined for violating these policies.
3. Texas Southmost College has included the definition of antisemitism as defined in Texas Government Code Section 448.01 to guide personnel and students on what constitutes antisemitic speech.

Board Policy FLB (LOCAL) Student Rights and Responsibilities: Student Conduct was recently revised by the Board of Trustees to address GA-44. By policy, any revisions to this policy are then reflected in the TSC Student Handbook.

As the Chairwoman of the Texas Southmost College Board of Trustees, my fellow Trustees and I are committed to providing the most secure and inviting educational experience to our students, faculty, and staff. In addition, Texas Southmost College administration and security personnel have been specifically informed of this executive order and are aware of his/her responsibility in the enforcement of this order.

I hereby certify that the above information is correct, and that Texas Southmost College is in compliance with Executive Order No. GA-44.

Sincerely,

A handwritten signature in black ink that reads "Adela G. Garza".

Adela G. Garza, Chairwoman
Texas Southmost College Board of Trustees



Board of Trustees

P. O. Box 9701
McAllen, Texas 78502-9701

(956) 872-3555
Fax: (956) 872-8368

Re: South Texas College Response to Executive Order GA-44.

As Chair of the South Texas College Board of Trustees, I confirm the recommendations presented to the South Texas College Board of Trustees meet the actions stipulated in Executive Order No. 44.

Enclosed are the three policies and sections from institutional resources and procedures that were amended to include the definition of antisemitism.

- FLA — Student Rights and Responsibilities: Student Expression and Use of College Facilities
- GD — Community Expression and Use of College Facilities
- DGC — Employee Rights and Privileges: Employee Expression and Use of College Facilities
- Employee Handbook
- Faculty Handbook
- College Facility Use Procedures

Should there be any other action necessary, please advise.

A handwritten signature in blue ink, reading "Alejo Salinas, Jr.", written over a horizontal line.

Dr. Alejo Salinas, Jr.
Chair of Board of Trustees

6/25/2024

Date



**SOUTH TEXAS
COLLEGE**

P.O. Box 9701, McAllen, TX 78502-9701
www.southtexascollege.edu

RE: Institutional Resources in Response to the Executive Order

In addition to the policies, the College revised institutional procedures, and handbooks in response to Executive Order No. GA-44 relates to addressing acts of antisemitism in institutions of higher education. Below are the sections of the institutional resources that were amended.

Employee Handbook:

Employees or groups engaged in acts of Antisemitism shall be disciplined in accordance with Administrative Regulations: Disciplinary Action Procedures, Standards of Conduct, and College Policies.

Faculty Handbook

Employees or groups engaged in acts of Antisemitism shall be disciplined in accordance with Administrative Regulations: Disciplinary Action Procedures, Standards of Conduct, and College Policies.

College Facility Use Procedures

Any individual or group engaged in acts of Antisemitism are disciplined in accordance with Administrative Regulations: Disciplinary Action Procedures, Standards of Conduct, and College Policies.

Note: For expression and use of College District facilities and grounds by employees and employee organizations, see DGC. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD.

As defined by the Texas Government Code 448.001, "Antisemitism," means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.

Distribution of Literature

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any College District student or registered student organization [see FKC], except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by students or registered student organizations that is not sponsored by the College District.

Materials distributed under the supervision of instructional personnel as a part of instruction or other authorized classroom activities shall not be governed by this policy.

Limitations on Content

Materials shall not be distributed by students or registered student organizations on College District property if:

1. The materials are obscene.
2. The materials contain defamatory statements about public figures or others.
3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
4. The materials are considered prohibited harassment or antisemitism. [See DIAA, DIAB, FFDA, and FFDB]
5. The materials constitute nonpermissible solicitation. [See FI]
6. The materials infringe upon intellectual property rights of the College District. [See CT]

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STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

Time, Place, and
Manner Restrictions

Distribution of the materials shall be conducted in a manner that:

1. Is not disruptive; [See FLB]
2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;
4. Does not coerce, badger, or intimidate a person;
5. Does not interfere with the rights of others; and
6. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

The campus administrator shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by students or registered student organizations to students or others in College District facilities and in areas that are not considered common outdoor areas.

Posting of Signs

For the purposes of this policy, "sign" shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; and "posting" shall be defined as any means used for displaying a sign.

Except for signs that violate the restrictions in this policy and administrative procedures, a student or registered student organization may publicly post a sign on College District property in common outdoor areas and in areas or locations designated by the campus administrator. No object other than a sign may be posted on College District property.

Restrictions

A sign shall not be larger than 22 inches by 28 inches, unless authorized by the campus administrator. A sign shall not be attached or posted:

1. To a shrub or plant;
2. To a tree, except by string to its trunk;
3. To a permanent sign installed for another purpose;
4. To a fence or chain or its supporting structure;
5. To a brick, concrete, or masonry structure;
6. To a statue, monument, or similar structure;

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7. On or adjacent to a fire hydrant; or
8. In a College District building, except on a bulletin board designated for that purpose.

Removal

A student or registered student organization shall remove each sign not later than 14 days after posting or, if it relates to an event, not longer than 24 hours after the event to which it relates has ended.

A sign posted in accordance with this section shall not be removed without permission from the campus administrator, the student, or the registered student organization.

Disclaimer

Materials distributed by a registered student organization must include a disclaimer indicating that the materials are not sponsored by the College District and do not represent the views of the College District or College District officials, faculty, or staff.

Use of Facilities and Grounds

The facilities and grounds of the College District shall be made available to students or registered student organizations [see FKC] when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting students or student organization shall pay all expenses incurred by their use of facilities in accordance with a fee schedule developed by the Board.

Requests

To request permission to meet or host a speaker in College District facilities, interested students or registered student organizations shall file a written request with the campus administrator in accordance with administrative procedures.

The students or the registered student organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Approval

The campus administrator shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the student's or registered student organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;

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2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation [see FI];
4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; or
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.
9. The proposed use would constitute expression that is considered prohibited harassment or antisemitism.

The campus administrator shall provide the applicant a written statement of the grounds for rejection if a request is denied.

*Common
Outdoor Area
Exception*

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Students and student organizations may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful, including, but not limited to, expression that is considered prohibited harassment or antisemitism;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

Announcements
and Publicity

In accordance with administrative procedures, all students and registered student organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.

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Identification	Students or registered student organizations distributing materials on campus or using College District facilities shall provide identification when requested to do so by a College District representative.
Violations of Policy	Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, expulsion, confiscation of nonconforming materials, suspension of a student's or registered student organization's use of College District facilities, and/or other disciplinary action in accordance with the College District's discipline policies and procedures [see FM and FMA].
Interference with Expression	Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures [see DH, FM, and FMA].
Appeals	Decisions made by the administration in accordance with this policy may be appealed in accordance with DGBA(LOCAL) or FLD(LOCAL), as applicable.
Publication	This policy and associated procedures must be posted on the College District's website and distributed in the student and employee handbooks and other appropriate publications. They must also be distributed to students at orientation.

Note: For expression and use of College District facilities and distribution of literature by students and registered student organizations, see FLA. For expression and use of College District facilities by employees and employee organizations, see DGC. For use of the College District's internal mail system, see CHE.

As defined by the Texas Government Code 448.001, "Antisemitism," means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.

**Use of College
District Facilities**

The grounds and facilities of the College District shall be made available to members of the College District community and community organizations, including College District support organizations, when such use is for educational, recreational, civic, or social activities and the use does not conflict with use by, or any of the policies and procedures of, the College District.

Requests

To request permission to meet in College District facilities, interested community members or organizations shall file a written request with the campus administrator in accordance with administrative procedures.

The community members or organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Approval

Requests for community use of College District facilities shall be considered on a first-come, first-served basis.

The campus administrator shall approve or reject the request in accordance with provisions of and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the community members' or organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that:

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES

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1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is subject to a sanction [see Violations of Policy, below] prohibiting the use of the facility;
3. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
4. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
5. The proposed activity would disrupt or disturb the regular academic program; or
6. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property.
7. The proposed use would constitute expression that is considered prohibited harassment or antisemitism.

*Common
Outdoor Area
Exception*

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Community members and organizations may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful, including, but not limited to, expression that is considered prohibited harassment or antisemitism;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

For-Profit Use

The College District shall not permit individuals or for-profit organizations to use its facilities for financial gain; however, the College District shall permit private academic instruction, as well as public performances or presentations so long as no admission fee is charged, when these activities do not conflict with College District use or with this policy.

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<i>Nonprofit Use</i>	The College District shall permit nonprofit organizations to conduct fundraising events on College District property when these activities do not conflict with College District use or with this policy.
<i>Campaign-Related Use</i>	Except to the extent a College District facility is used as an official polling place, College District facilities shall not be available for use by individuals or groups for political advertising, campaign communications, or electioneering, as those terms are used in state law.
<i>No Approval Required</i>	No approval shall be required for nonschool-related recreational use of the College District's unlocked, outdoor recreational facilities, such as the track, tennis courts, and the like, when the facilities are not in use by the College District or for another scheduled purpose.
<i>Written Notice if Request Rejected</i>	The campus administrator shall provide the applicant a written statement of the grounds for rejection if a request is denied.
<i>Emergency Use</i>	In case of emergencies or disasters, the College President may authorize the use of College District facilities by civil defense, health, or emergency service authorities.
<i>Repeated Use</i>	The College District shall permit repeated use by any community member or organization in accordance with administrative procedures.
<i>Exception</i>	Any limitations on repeated use by a community member or organization shall not apply to any group or organization when the primary participants in the activities are College District students, faculty, or staff.
<i>Scheduling</i>	Academic and extracurricular activities sponsored by the College District shall always have priority when any use is scheduled. The campus administrator shall have authority to cancel a scheduled use by a community member or organization if an unexpected conflict arises with a College District activity.
<i>Use Agreement</i>	Any community member or organization approved for a nonschool use of College District facilities shall be required to complete a written agreement indicating receipt and understanding of this policy and any applicable administrative regulations, and acknowledging that the College District is not liable for any personal injury or damages to personal property related to the nonschool use.
<i>Fees for Use</i>	A community member or organization authorized to use College District facilities shall be charged a fee for the use of designated facilities.

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES

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The Board shall establish and publish a schedule of fees based on the cost of the physical operation of the facilities, as well as any applicable personnel costs for supervision, custodial services, food services, security, and technology services.

Exception

Fees shall not be charged when College District buildings are used for public meetings sponsored by state or local governmental agencies.

Required Conduct

Community members and organizations using College District facilities shall:

1. Conduct business in an orderly manner;
2. Provide identification when requested to do so by a College District representative;
3. Abide by all laws, policies, and procedures, including, but not limited to, those prohibiting the use, sale, or possession of alcoholic beverages, illegal drugs, and firearms, and the use of tobacco products or e-cigarettes on College District property; [See CHF and GDA]
4. Make no alteration, temporary or permanent, to College District property without prior written consent from the College President; and
5. Be responsible for the cost of repairing any damages incurred during use and shall be required to indemnify the College District for the cost of any such repairs.

Distribution of Literature

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any community member or organization, including a College District support organization except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by a community member or organization.

Limitations on Content

Materials shall not be distributed by a community member or organization on College District property if:

1. The materials are obscene;
2. The materials contain defamatory statements about public figures or others;
3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action;

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4. The materials are considered prohibited harassment or anti-semitism [see DIA series and FFD series];
5. The materials constitute unauthorized solicitation [see Use of College District Facilities, above]; or
6. The materials infringe upon intellectual property rights of the College District [see CT].

Time, Place, and
Manner Restrictions

Distribution of materials shall be conducted in a manner that:

1. Is not disruptive [see FLB];
2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;
4. Does not coerce, badger, or intimidate a person;
5. Does not interfere with the rights of others; and
6. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

The campus administrator shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by community members or organizations to others in College District facilities and in areas that are not considered common outdoor areas.

Posting of Signs

For the purposes of this policy, "sign" shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; and "posting" shall be defined as any means used for displaying a sign.

No signs may be posted on College District property by a community member or organization unless the posting qualifies as a permitted campaign-related use or is in a common outdoor area subject to administrative procedures.

Exception

A College District support organization may post a sign in College District facilities with prior approval of the campus administrator in accordance with the procedures developed for that purpose.

Identification

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES

GD
(LOCAL)

A community member or organization distributing materials on campus shall provide identification when requested to do so by a College District representative.

Violations of Policy

Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, withdrawal of consent to remain on campus, the suspension of the individual's or organization's use of College District facilities and the confiscation of nonconforming materials.

Interference with
Expression

Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures. [See DH, FM, and FMA]

Appeals

Decisions made by the administration in accordance with this policy may be appealed in accordance with GB(LOCAL), DGBA(LOCAL), and FLD(LOCAL) as applicable.

Publication

This policy and associated procedures must be posted on the College District's website and distributed in the employee and student handbooks and other appropriate publications.

Note: For expression and use of College District facilities and grounds by students and registered student organizations, see FLA. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD. For use of the College District's internal mail system, see CHE.

As defined by the Texas Government Code 448.001, "Antisemitism," means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.

Academic Freedom

The College District, as an institution of higher education, serves the common good which depends upon an uninhibited search for truth and its open expression. The points enumerated below constitute the College District's position on academic freedom:

1. Faculty members are appointed to impart to their students and to their communities the truth as they see it in their respective disciplines. The teacher's right to teach preserves the student's right to learn.
2. The mastery of a subject makes a faculty member a qualified authority in that discipline and competent to choose how to present its information and conclusions to students. The following are among the freedoms and responsibilities, which should reside primarily with the faculty: sharing participation in planning and revising curricula, selecting supplemental readings, and selecting classroom films and other teaching materials.
3. Faculty members are citizens and, therefore, possess the rights of citizens. These rights include, among others, the right as private citizens to speak freely outside the classroom on matters of public concern and to participate in lawful political activities.
4. Prior restraint or sanctions should not be imposed upon faculty members in the exercise of their rights as citizens or duties as teachers. Nor should faculty members fear reprisals for exercising their civic rights and academic freedom.

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(LOCAL)

5. Faculty members have a right to expect the Board and administrators to uphold vigorously the principles of academic freedom and to protect them from harassment, censorship, or interference from outside groups and individuals.
6. Academic freedom should not be used to infringe on student rights or abilities.
7. Individual faculty members will be responsible for choosing instructional methodologies, assigning grades, and maintaining classroom discipline.

The academic freedom of faculty members is accompanied by equally compelling obligations and responsibilities to their profession, their students, their institutions, and their communities. Faculty members must defend the rights of academic freedom while accepting willingly the responsibilities enumerated below:

1. Faculty members should be judicious in the introduction of material in the classroom without forfeiting the instructional benefits of controversy.
2. Faculty members are entitled to all rights and privileges of academic freedom in the classroom while discussing the subjects they teach. No faculty member, however, should attempt to force on students a personal viewpoint that is intolerant of the rights of others to hold or express diverse opinions.
3. Faculty members recognize their responsibility to maintain competence in their disciplines through continued professional development and to demonstrate that competence through consistently adequate preparation and performance.
4. Faculty members recognize that the public will judge their institutions and their profession by their public conduct. Therefore, faculty members should always make clear that the views they express are their own and should avoid creating the impression that they speak or act on behalf of their employing institutions or of their profession.

It is the policy of the College District to:

1. Entitle faculty members freedom in the classroom in discussing the subject that they teach;
2. Hold each faculty member responsible for judicious use of controversial material in the classroom and limit introduction of such material only as it has clear relationship to the approved curriculum and subject; and

EMPLOYEE RIGHTS AND PRIVILEGES
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3. Hold each faculty member responsible for maintenance of competencies, exercising professional integrity, being professional in conduct with students, and recognizing and exercising that the faculty member's right to freedom of expression must be balanced with the interest of the state as an employer, so as not to nullify constitutional protection.

The College District shall address faculty academic freedom and the associated responsibilities in appropriate College District publications.

Complaints regarding alleged violations of the right to academic freedom shall be filed in accordance with DGBA(LOCAL).

Distribution of Literature

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any employee or employee organization, except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by an employee or employee organization.

Limitations on Content

Materials shall not be distributed by an employee or employee organization on College District property if:

1. The materials are obscene;
2. The materials contain defamatory statements about public figures or others;
3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action;
4. The materials are considered prohibited harassment or anti-semitism. [see DIA series and FFD series];
5. The materials constitute nonpermissible solicitation [see DHC]; or
6. The materials infringe upon intellectual property rights of the College District [see CT].

Time, Place, and Manner Restrictions

Distribution of materials shall be conducted in a manner that:

1. Is not disruptive to College District operations;
2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;

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(LOCAL)

4. Does not interfere with the rights of others; and
5. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the distribution area of any discarded or leftover materials. Additionally, any posted material shall be removed and disposed of properly.

The campus administrator shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by employees or employee organizations to employees or others in College District facilities and areas that are not considered common outdoor areas.

Use of Facilities and Grounds

The facilities and grounds of the College District shall be made available to employees or employee organizations when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting employees or employee organization shall pay all expenses incurred by their use of the facilities in accordance with a fee schedule developed by the College President or designee and approved by the Board.

An "employee organization" is an organization composed only of College District faculty and staff or an employee professional organization.

Requests

To request permission to meet or host a speaker in College District facilities, interested employees or employee organizations shall file a written request with the campus administrator in accordance with administrative procedures.

The employees or the employee organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Approval

The campus administrator shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the employees' or employee organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that:

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation [see DHC];
4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; or
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.
9. The proposed use would constitute expression that is considered prohibited harassment or antisemitism.

The campus administrator shall provide the applicant a written statement of the grounds for rejection if a request is denied.

*Common
Outdoor Area
Exception*

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Employees and employee organizations may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful, including, but not limited to, expression that is considered prohibited harassment or antisemitism;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

Announcements and Publicity	In accordance with administrative procedures, all employees and employee organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.
Identification	Employees and employee organizations using College District facilities must provide identification when requested to do so by a College District representative.
Violations	Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, termination, suspension of an employee's or employee organization's use of College District facilities and/or other disciplinary action in accordance with the College District's policies and procedures and the employee handbook.
Interference with Expression	Faculty, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures. [See DH, FM, and FMA]
Appeals	Decisions made by the administration under this policy may be appealed in accordance with DGBA(LOCAL) and FLD(LOCAL) as applicable.
Publication	This policy and associated procedures must be posted on the College District's website and distributed in the employee and student handbooks and other appropriate publications.



Midland College

Office of the President

Office of the Texas Governor
Budget and Policy Division
PO Box 12428
Austin, TX 78711

RECEIVED
JUN 26 2024
GENERAL COUNSEL

RE: Executive Order GA-44, Midland College Report

To Whom It May Concern:

On March 27, 2024, Governor Abbott issued Executive Order GA-44. In accordance with the requirements of GA-44, Midland College has completed the following:

1. "Review and update free speech policies to address the sharp rise in antisemitic speech and acts on university campuses and establish appropriate punishments, including expulsion from the institution."

We have reviewed our local policy and find existing policy is adequate.

The College prohibits discrimination, harassment, and retaliation by and against both employees and students through DIAB(Local) and FFDB(Local). DIAB(Local) requires the College to take "appropriate disciplinary or corrective action..." against employees for violation which includes termination as an option. FFDB(Local) requires the College to take "appropriate disciplinary or corrective action..." against students for violation which includes expulsion as an option. GD(Local) addresses community member behavior on campus and requires the College to take "appropriate administrative action" in cases of violation of policy.

President's Cabinet has approved clarifying language including the definition of antisemitism be added to the Catalog/Student Handbook and the Employee Handbook. Under the Discrimination Definition section, the following language has been added:

Antisemitism, an impermissible form of discrimination, has been defined by the State of Texas in Texas Government Code Section 448.001(2) as "a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities."

2. "Ensure that these policies are being enforced on campuses and that groups such as the Palestine Solidarity Committee and Students for Justice in Palestine are disciplined for violating these policies."

3600 N. Garfield • Midland, Texas 79705-6399 • (432) 685-4520 • Fax (432) 685-4522 • www.midland.edu

We find our policy and administrative regulations are being enforced on campus. President's Cabinet has communicated to individuals responsible for enforcement the updates herein.

3. "Include the definition of antisemitism, adopted by the State of Texas in Section 448.001 of the Texas Government Code, in university free speech policies to guide university personnel and students on what constitutes antisemitic speech."

The definition of antisemitism adopted by the State of Texas has been included and incorporated into the Catalog/Student Handbook and the Employee Handbook updates.

Midland College continues to be committed to providing an education climate that is conducive to the personal and professional development of each individual.

Sincerely,



Steven C. Kiser
Chair, Board of Trustees



PRESIDENT'S OFFICE

June 5, 2024

Office of the Governor
Attn: Budget and Policy Division
P.O. Box 12428
Austin, TX 78711

RECEIVED
JUN 26 2024
GENERAL COUNSEL

RE: Executive Order GA 44

Dear Sir or Madam,

Pursuant to Executive Order GA 44, the Board of Trustees for College of the Mainland has taken the following actions:

1. Reviewed and updated free speech policies to address the sharp rise in antisemitic speech and acts on university campuses and established appropriate punishments, including expulsion from the institution.
2. Ensured that these policies are being enforced on campus and that groups such as the Palestine Solidarity Committee and Students for Justice in Palestine are disciplined for violating these policies.
3. Included the definition of antisemitism, adopted by the State of Texas in Section 448.001 of the Texas Government Code, in university free speech policies to guide university personnel and students on what constitutes antisemitic speech.

Please find attached a copy of College of the Mainland's free speech policy as amended and adopted by the Board of Trustees on May 29, 2024.

Sincerely,

A handwritten signature in black ink that reads 'Donald G. Gartman'.

Don Gartman,
Chair, Board of Trustees

cc: Dr. Warren Nichols, President
Christine Brasher, General Counsel

Attachment

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

Note: For expression and use of College District facilities and grounds by employees and employee organizations, see DGC. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD.

Distribution of Literature

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any College District student or registered student organization [see FKC], except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by students or registered student organizations that is not sponsored by the College District.

Materials distributed under the supervision of instructional personnel as a part of instruction or other authorized classroom activities shall not be governed by this policy.

Limitations on Content

Materials shall not be distributed by students or registered student organizations on College District property if:

1. The materials are obscene.
2. The materials contain defamatory statements about public figures or others.
3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
4. The materials are considered prohibited harassment. [See DIAA, DIAB, FFDA, and FFDB]
5. The materials constitute nonpermissible solicitation. [See FI]
6. The materials infringe upon intellectual property rights of the College District. [See CT]

Time, Place, and Manner Restrictions

Distribution of the materials shall be conducted in a manner that:

1. Is not disruptive; [See FLB]
2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

4. Does not coerce, badger, or intimidate a person;
5. Does not interfere with the rights of others; and
6. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

The Vice President for Student Affairs shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by students or registered student organizations to students or others in College District facilities and in areas that are not considered common outdoor areas.

Posting of Signs

For the purposes of this policy, "sign" shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; and "posting" shall be defined as any means used for displaying a sign.

Except for signs that violate the restrictions in this policy and administrative procedures, a student or registered student organization may publicly post a sign on College District property in common outdoor areas and in areas or locations designated by the Vice President for Student Affairs or designee. No object other than a sign may be posted on College District property.

Restrictions

A sign shall not be larger than 22 inches by 28 inches, unless authorized by the Vice President for Student Affairs. A sign shall not be attached or posted:

1. To a shrub or plant;
2. To a tree, except by string to its trunk;
3. To a permanent sign installed for another purpose;
4. To a fence or chain or its supporting structure;
5. To a brick, concrete, or masonry structure;
6. To a statue, monument, or similar structure;
7. On or adjacent to a fire hydrant; or
8. In a College District building, except on a bulletin board designated for that purpose.

Removal

A student or registered student organization shall remove each sign not later than 14 days after posting or, if it relates to an event,

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

not longer than 24 hours after the event to which it relates has ended.

A sign posted in accordance with this section shall not be removed without permission from the Vice President for Student Affairs, the student, or the registered student organization.

Disclaimer

Materials distributed by a registered student organization must include a disclaimer indicating that the materials are not sponsored by the College District and do not represent the views of the College District or College District officials, faculty, or staff.

Use of Facilities and Grounds

The facilities and grounds of the College District shall be made available to student clubs or registered student organizations [see FKC] when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting student club or student organization shall not be required to pay a facility use fee so long as the use of the facility supports an educational benefit.

Requests

To request permission to meet or host a speaker in College District facilities, interested students or registered student organizations shall file a written request with the Vice President for Student Affairs in accordance with administrative procedures.

The students or the registered student organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Approval

The Vice President for Student Affairs shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the student's or registered student organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation [see FI];

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; or
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.

The Vice President for Student Affairs shall provide the applicant a written statement of the grounds for rejection if a request is denied.

*Common
Outdoor Area
Exception*

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Students and student organizations may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

Antisemitic Speech

The College District prohibits speech which has the effect of inciting violence or harassing other students. Antisemitic speech which has the effect of inciting violence or harassment of other students is prohibited conduct.

Prohibited conduct is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, national origin, age, veteran status, disability, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program. [See FFDB]

"Antisemitism" is defined as a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

	<p>Jewish individuals or their property or toward Jewish community institutions and religious facilities.</p> <p>Students engaging in prohibited conduct may be subject to disciplinary action up to and including expulsion.</p>
<p>Announcements and Publicity</p>	<p>In accordance with administrative procedures, all students and registered student organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.</p>
<p>Identification</p>	<p>Students or registered student organizations distributing materials on campus or using College District facilities shall provide identification when requested to do so by a College District representative.</p>
<p>Violations of Policy</p>	<p>Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, confiscation of nonconforming materials, suspension of a student's or registered student organization's use of College District facilities, and/or other disciplinary action in accordance with the College District's discipline policies and procedures [see FM and FMA].</p>
<p>Interference with Expression</p>	<p>Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures [see DH, FM, and FMA].</p>
<p>Appeals</p>	<p>Decisions made by the administration in accordance with this policy may be appealed in accordance with DGBA(LOCAL) or FLD(LOCAL), as applicable.</p>
<p>Publication</p>	<p>This policy and associated procedures must be posted on the College District's website and distributed in the student and employee handbooks and other appropriate publications. They must also be distributed to students at orientation.</p>



OFFICE OF THE DISTRICT PRESIDENT
NAVARRO COLLEGE

3200 W. 7TH AVENUE • CORSICANA, TEXAS 75110 • 903.875.7306

June 11, 2024

Office of the Governor of the State of Texas
Budget and Policy Division
RE: GA-44 Navarro College Response

RECEIVED
JUN 26 2024

GENERAL COUNSEL

Navarro College (NC) certifies compliance with Executive Order No. GA-44 regarding the addressing of acts of antisemitism in institutions of higher education. As outlined in Executive Order No. GA-44:

1. Navarro College has reviewed and updated speech policies to address the sharp rise in antisemitic speech and acts on university campuses and establish appropriate punishments, including expulsion from the institution.

On April 16, 2024, the Navarro College Leadership Team reviewed and approved updates to the speech Board Policy and Administrative Procedures (BPAP), specifically to [BPAP FKA – Student Expression](#) and [FKA.1 – Student Rights and Responsibilities – Student Expression](#), to address the sharp rise in antisemitic speech and acts on university campuses and establish appropriate punishments, including expulsion from the institution. The Board of Trustees approved BPAP FKA – Student Expression on April 25, 2024. These updates have been added to the NC BPAP website for [BPAP – Section FKA](#) and [BPAP Section FKA.1](#) and to the NC Student Handbook ([page 12](#)).

Section FKA

Student
Student Rights and Responsibilities
Student Expression

STUDENT EXPRESSION

Navarro College shall uphold and protect the rights of freedom of speech, petition, and peaceful assembly as set forth in the U. S. Constitution.

Navarro College reserves the authority to establish reasonable time, place, and manner restrictions through administrative procedures regarding acts of expression and dissent. Acts of antisemitism or any disruptive behavior, including but not limited to, interference with classes or College operation, as well as acts that invade the rights of others will not be tolerated.

Approved: 2015
Reviewed: 2020, 2022
Updated: 2024

Section FKA.1

Student
Student Rights and Responsibilities
Student Expression

FREE EXPRESSION AND PUBLIC ASSEMBLY PROVISIONS

Navarro College recognizes and supports the right of free expression and public assembly. This procedure informs members of the college community and the public about the guidelines for engaging in constitutionally protected speech and expression at Navarro College. It is intended to ensure the primary educational purpose of the college, which includes promoting debate and the sharing of information.

The College will protect the rights of freedom of speech, petition, and peaceful assembly as set forth in the U.S. Constitution. Navarro College maintains the right to regulate reasonable time, place, and manner restrictions concerning acts of expression and dissent. Neither acts that are disruptive to the normal operations of the college, including but not limited to classes and college business, nor acts that invade the rights of others will be tolerated. Faculty, staff, and students engaging in a disruptive activity may be subject to disciplinary action. Any participant in a disruptive activity may face criminal charges.

The definition of antisemitism as adopted by the State of Texas in Section 448.001 of the Texas Government Code, is provided as follows: "Antisemitism means a certain perception of Jews that may be expressed as hatred towards Jews."

Acts of antisemitism, disruption to the normal operations of the college (including classes and college business), harassment, or infringement upon the rights of others will not be tolerated. Faculty, staff, and students engaging in a disruptive or harassing activities may be subject to disciplinary action, including expulsion or dismissal. Participants in disruptive activities may also face criminal charges.

2. Ensures that these policies are enforced on campus and that groups such as the Palestine Solidarity Committee and Students for Justice in Palestine are disciplined for violating them.

The following is included in [NC BPAP – Section FKA](#) to ensure these policies are enforced.

“Navarro College reserves the authority to establish reasonable time, place, and manner restrictions through administrative procedures regarding acts of expression and dissent. Acts of antisemitism or any disruptive behavior, including but not limited to, interference with classes or College operations, as well as acts that invade the rights of others will not be tolerated.”

In addition, the following is included in —[Section FKA.1](#) to ensure the enforcement of these policies.

“Acts of antisemitism, disruption to the normal operations of the college (including classes and college business), harassment, or infringement upon the rights of others will not be tolerated. Faculty, staff, and students engaging in a disruptive or harassing activities may be subject to disciplinary action, including expulsion or dismissal. Participants in disruptive activities may also face criminal charges.”

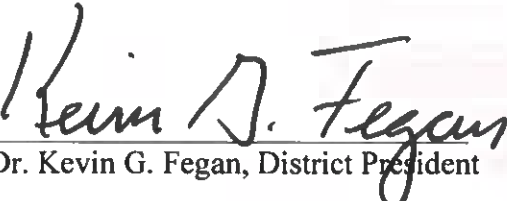
3. Include the definition of antisemitism, adopted by the State of Texas in Section 448.001 of the Texas Government Code, in university speech policies to guide university personnel and students on what constitutes antisemitic speech.

The following definition of antisemitism, as adopted by the State of Texas in Section 448.001 of the Texas Government Code, is included in [NC BPAP – Section FKA.1](#).

*“The definition of antisemitism as adopted by the State of Texas in Section 448.001 of the Texas Government Code, is provided as follows:
“Antisemitism means a certain perception of Jews that may be expressed as hatred towards Jews.”*

Navarro College is dedicated to offering a secure and welcoming educational environment for all students, faculty, and staff. We consistently work to ensure the safety and comfort of everyone on our campus.

I certify that the above information is correct, and that Navarro College complies with Executive Order No. GA-44.



Dr. Kevin G. Fegan, District President



Phil Judson, Board of Trustees Chairman

6-20-24
Date

6-20-24
Date

May 28, 2024

Office of the Governor of the State of Texas
Budget and Policy Division
RE: GA-44 Northeast Texas Community College Response

Northeast Texas Community College (NTCC) certifies compliance with Executive Order No. GA-44 relating to addressing acts of antisemitism at our institution.

NTCC has reviewed and updated its board policies related to free speech and student conduct to address the sharp rise in antisemitic speech and acts on university campuses. It has also established appropriate punishments, including expulsion from the institution, for non-compliance.

The following policies were modified in compliance with the GA-44 executive order and formally approved by the NTCC Board of Trustees at their May 28th regular meeting.

- FLA (Local) – Student Expression and Use of College Facilities
- FLB (Local) – Student Conduct
- DGC (Local) – Employee Expression and Use of College Facilities
- GD (Local) – Community Expression and Use of College Facilities

The above policies were changed by adding the following statement prohibiting individual behavior or groups that seek to:

"...engage in antisemitic speech or acts that express hatred toward Jews as defined by the Texas Government Code; section 448.001."

NTCC has also reviewed its Student Handbook and revised the section on *Prohibited Conduct* to include the same wording, as cited above, that prohibits antisemitism as defined by the Texas Government Code; section 448.001. The revised excerpt (#7) from the NTCC Student Handbook reads as follows:

Behavior Targeting Others (p.119, NTCC Student Handbook)

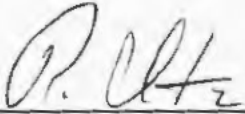
The following behavior targeting others shall be prohibited:

1. Threatening another person, including a student or employee;
2. Intentionally, knowingly, or negligently causing physical harm to any person;
3. Engaging in conduct that constitutes harassment, sexual assault, dating violence, stalking, or bullying directed toward another person, including a student or employee;

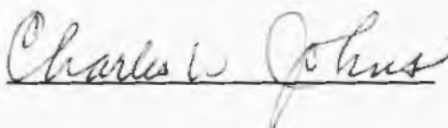
4. Hazing with or without the consent of a student;
5. Initiations by organizations that include features that are dangerous, harmful, or degrading to the student, a violation of which also renders the organization subject to appropriate discipline; and
6. Endangering the health or safety of members of the College District community or visitors to the premises.
7. *Engaging in antisemitic speech or acts that express hatred toward Jews as defined by the Texas Government Code, section 448.001.*

NTCC ensures that these policies are being enforced on campus and that any individual or groups, such as the Palestine Solidarity Committee and Students for Justice in Palestine, are disciplined for violating these policies. Campus Administration, Leadership, and Security Officers employed by NTCC have all been specifically informed of this executive order and are aware of their responsibility in the enforcement of the order.

I hereby certify that the above information is correct, and that Northeast Texas Community College is compliant with Executive Order No. GA-44.

Signature of Institution President: 

Date: 5/28/24

Signature of Board Chair: 

Date: 5/28/24

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

Note: For expression and use of College District facilities and grounds by employees and employee organizations, see DGC. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD.

Distribution of Literature

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any College District student or registered student organization [see FKC], except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by students or registered student organizations that is not sponsored by the College District.

Materials distributed under the supervision of instructional personnel as a part of instruction or other authorized classroom activities shall not be governed by this policy.

Limitations on Content

Materials shall not be distributed by students or registered student organizations on College District property if:

1. The materials are obscene.
2. The materials contain defamatory statements about public figures or others.
3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
4. The materials are considered prohibited harassment. [See DIAA, DIAB, FFDA, and FFDB]
5. The materials constitute nonpermissible solicitation. [See FI]
6. The materials infringe upon intellectual property rights of the College District. [See CT]

Time, Place, and Manner Restrictions

Distribution of the materials shall be conducted in a manner that:

1. Is not disruptive; [See FLB]
2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

4. Does not coerce, badger, or intimidate a person;
5. Does not interfere with the rights of others; and
6. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

The Associate Vice President for Student Services shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by students or registered student organizations to students or others in College District facilities and in areas that are not considered common outdoor areas.

Posting of Signs

For the purposes of this policy, "sign" shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; and "posting" shall be defined as any means used for displaying a sign.

Except for signs that violate the restrictions in this policy and administrative procedures, a student or registered student organization may publicly post a sign on College District property in common outdoor areas and in areas or locations designated by the Associate Vice President for Student Services. No object other than a sign may be posted on College District property.

Restrictions

A sign shall not be larger than 22 inches by 28 inches, unless authorized by the Associate Vice President for Student Services. A sign shall not be attached or posted:

1. To a shrub or plant;
2. To a tree, except by string to its trunk;
3. To a permanent sign installed for another purpose;
4. To a fence or chain or its supporting structure;
5. To a brick, concrete, or masonry structure;
6. To a statue, monument, or similar structure;
7. On or adjacent to a fire hydrant; or
8. In a College District building, except on a bulletin board designated for that purpose.

Removal

A student or registered student organization shall remove each sign not later than 14 days after posting or, if it relates to an event,

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

not longer than 24 hours after the event to which it relates has ended.

A sign posted in accordance with this section shall not be removed without permission from the Associate Vice President for Student Services, the student, or the registered student organization.

Disclaimer

Materials distributed by a registered student organization must include a disclaimer indicating that the materials are not sponsored by the College District and do not represent the views of the College District or College District officials, faculty, or staff.

Use of Facilities and
Grounds

The facilities and grounds of the College District shall be made available to students or registered student organizations [see FKC] when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting students or student organization shall pay all expenses incurred by their use of facilities in accordance with a fee schedule developed by the Board.

Requests

To request permission to meet or host a speaker in College District facilities, interested students or registered student organizations shall file a written request with the Associate Vice President for Student Services in accordance with administrative procedures.

The students or the registered student organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Approval

The Associate Vice President for Student Services shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the student's or registered student organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation [see FI];

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; or
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.
9. The persons or participating groups would engage in antisemitic speech or acts that express hatred toward Jews as defined by the Texas Government Code; section 448.001.

The Associate Vice President for Student Services shall provide the applicant a written statement of the grounds for rejection if a request is denied.

*Common
Outdoor Area
Exception*

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Students and student organizations may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.
5. The persons or participating groups would engage in antisemitic speech or acts that express hatred toward Jews as defined by the Texas Government Code; section 448.001.

Announcements
and Publicity

In accordance with administrative procedures, all students and registered student organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.

Identification

DATE ISSUED: 10/13/2023
LDU 2023.01
FLA(LOCAL)-AJC

Adopted:
8/22/2023

4 of 5

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

Students or registered student organizations distributing materials on campus or using College District facilities shall provide identification when requested to do so by a College District representative.

Violations of Policy

Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, confiscation of nonconforming materials, suspension of a student's or registered student organization's use of College District facilities, and/or other disciplinary action in accordance with the College District's discipline policies and procedures [see FM and FMA].

Interference with Expression

Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures [see DH, FM, and FMA].

Appeals

Decisions made by the administration in accordance with this policy may be appealed in accordance with DGBA(LOCAL) or FLD(LOCAL), as applicable.

Publication

This policy and associated procedures must be posted on the College District's website and distributed in the student and employee handbooks and other appropriate publications. They must also be distributed to students at orientation.

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Definitions

Definitions of terms used in this policy shall be as follows.

Student

A "student" shall mean an individual who is currently enrolled in the College District and any prospective or former student who has been accepted for admission or readmission to any component institution while on the premises of any component institution.

Premises

The "premises" of the College District is defined as all real property over which the College District has possession and control.

Scholastic Dishonesty

"Scholastic dishonesty" shall include, but not be limited to, cheating, plagiarism, and collusion.

"Cheating" shall include, but not be limited to:

1. Copying from another student's test or class work;
2. Using test materials not authorized by the person administering the test;
3. Collaborating with or seeking aid from another student during a test without permission from the test administrator;
4. Knowingly using, buying, selling, stealing, or soliciting, in whole or in part, the contents of an unadministered test, paper, or another assignment;
5. The unauthorized transporting or removal, in whole or in part, of the contents of the unadministered test;
6. Substituting for another student, or permitting another student to substitute for oneself, to take a test;
7. Bribing another person to obtain an unadministered test or information about an unadministered test; or
8. Manipulating a test, assignment, or final course grades.

"Plagiarism" shall be defined as the appropriating, buying, receiving as a gift, or obtaining by any means another's work and the unacknowledged submission or incorporation of it in one's own written work.

"Collusion" shall be defined as the unauthorized collaboration with another person in preparing written work for fulfillment of course requirements.

Disorderly Conduct

"Disorderly conduct" shall include any of the following activities occurring on premises owned or controlled by the College District:

1. Behavior of a boisterous and tumultuous character such that there is a clear and present danger of alarming persons where no legitimate reason for alarm exists.

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2. Interference with the peaceful and lawful conduct of persons under circumstances in which there is reason to believe that such conduct will cause or provoke a disturbance.
3. Violent and forceful behavior at any time such that there is a clear and present danger that free movement of other persons will be impaired.
4. Behavior involving personal abuse or assault when such behavior creates a clear and present danger of causing assaults or fights.
5. Violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which there is reason to believe that such conduct will cause or provoke a disturbance.
6. Willful and malicious behavior that interrupts the speaker of any lawful assembly or impairs the lawful right of others to participate effectively in such assembly or meeting when there is reason to believe that such conduct will cause or provoke a disturbance.
7. Willful and malicious behavior that obstructs or causes the obstruction of any doorway, hall, or any other passageway in a College District building to such an extent that the employees, officers, and other persons, including visitors, having business with the College District are denied entrance into, exit from, or free passage in such building.

Responsibility

Each student shall be charged with notice and knowledge of, and shall be required to comply with, the contents and provisions of the College District's rules and regulations concerning student conduct.

All students shall obey the law, show respect for properly constituted authority, and observe correct standards of conduct. Each student shall be expected to:

1. Demonstrate courtesy, even when others do not;
2. Behave in a responsible manner, always exercising self-discipline;
3. Attend all classes, regularly and on time;
4. Prepare for each class and take appropriate materials and assignments to class;
5. Obey all classroom rules;

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6. Respect the rights and privileges of students, faculty, and other College District staff and volunteers;
7. Respect the property of others, including College District property and facilities; and
8. Cooperate with and assist the College District staff in maintaining safety, order, and discipline.

Prohibited Conduct

Federal, State, and Local Law	Violations of federal, state, or local law or College District policies, procedures, or rules, including the student handbook shall be prohibited.
Prohibited Weapons and Devices	Possession, distribution, sale, or use of firearms, location-restricted knives, clubs, knuckles, firearm silencers, or other prohibited weapons or devices in violation of law or College District policies and procedures shall be prohibited. [See CHF]
Drugs and Alcohol	Behaviors regarding drugs and alcohol and associated paraphernalia shall be prohibited as described in policy FLBE.
Debts	Owing a monetary debt to the College District that is considered delinquent or writing an "insufficient funds" check to the College District shall be prohibited.
Disruptions	"Disorderly conduct," as defined above, or disruptive behavior shall be prohibited.
Behavior Targeting Others	The following behavior targeting others shall be prohibited: <ol style="list-style-type: none">1. Threatening another person, including a student or employee;2. Intentionally, knowingly, or negligently causing physical harm to any person;3. Engaging in conduct that constitutes harassment, sexual assault, dating violence, stalking, or bullying directed toward another person, including a student or employee; [See DIA series, FFD series, and FFE as appropriate]4. Hazing with or without the consent of a student; [See FLBC]5. Initiations by organizations that include features that are dangerous, harmful, or degrading to the student, a violation of which also renders the organization subject to appropriate discipline; and6. Endangering the health or safety of members of the College District community or visitors to the premises.

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7. Engaging in antisemitic speech or acts that express hatred toward Jews as defined by the Texas Government Code; section 448.001.

Property

The following behavior regarding property shall be prohibited:

1. Intentionally, knowingly, or negligently defacing, damaging, misusing, or destroying College District property or property owned by others;
2. Stealing from the College District or others; and
3. Theft, sabotage, destruction, distribution, or other use of the intellectual property of the College District or third parties without permission.

Directives

Failure to comply with directives given by College District personnel, and failure to provide identification when requested to do so by College District personnel shall be prohibited.

Tobacco and
E-cigarettes

Possession or use of tobacco products or e-cigarettes on College District property without authorization shall be prohibited. [See FLBD]

Misuse of
Technology

The following behavior regarding misuse of technology shall be prohibited:

1. Violating policies, rules, or agreements signed by the student regarding the use of technology resources;
2. Attempting to access or circumvent passwords or other security-related information of the College District, students, or employees or uploading or creating computer viruses;
3. Attempting to alter, destroy, disable, or restrict access to College District technology resources including but not limited to computers and related equipment, College District data, the data of others, or other networks connected to the College District's system without permission;
4. Using the internet or other electronic communications to threaten College District students, employees, or volunteers;
5. Sending, posting, or possessing electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal;
6. Using electronic means to engage in or encourage illegal behavior or threaten the safety of the College District, students, employees, or visitors; and

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7. Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten the safety of the College District, students, employees, or visitors.

Dishonesty

The following behavior regarding dishonesty shall be prohibited:

1. Scholastic dishonesty, as defined above;
2. Making false accusations or perpetrating hoaxes regarding the safety of the College District, students, employees, or visitors;
3. Intentionally or knowingly providing false information to the College District; and
4. Intentionally or knowingly falsifying records, passes, or other College District-related documents.

Gambling and Other Conduct

Gambling or engaging in any other conduct that College District officials might reasonably believe will substantially disrupt the College District program or incite violence shall be prohibited.

Discipline

A student shall be subject to discipline, including suspension, in accordance with FM and FMA if the student violates this policy:

1. While on College District premises;
2. While attending a College District activity; or
3. While elsewhere if the behavior adversely impacts the educational environment or otherwise interferes with the College District's operations or objectives.

Publication

The student conduct rules contained in this policy and any other conduct rules of the College District developed by the College President shall be published in the student handbook.

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Note: For expression and use of College District facilities and grounds by students and registered student organizations, see FLA. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD. For use of the College District's internal mail system, see CHE.

Academic Freedom

The modern concept of academic freedom, which the College District adopts, took form in the 19th century in Germany, and it embraces both freedom in teaching (lehrfreiheit) and freedom in learning (lernfreiheit). According to many professional education associations in the United States, academic freedom is summed up in two statements. First, the instructor is entitled to full freedom in research and in the expression of those results, and second, the instructor is entitled to freedom in the classroom for discussion of his or her subject, but the instructor should be careful not to introduce controversial material that has no relationship to the subject being taught.

Academic freedom is accompanied by recognized responsibilities: the preserving of scholarly objectivity; the refraining from utilizing the classroom forum for extraneous purposes; and the distinguishing of the instructor's personal role from his or her instructional or academic role. The freedoms accorded by academic freedom exist elsewhere in a democratic society, but it is in the institutional context of higher education that academic freedom becomes distinctive.

Distribution of Literature

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any employee or employee organization, except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by an employee or employee organization.

Limitations on Content

Materials shall not be distributed by an employee or employee organization on College District property if:

1. The materials are obscene;
2. The materials contain defamatory statements about public figures or others;

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3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action;
4. The materials are considered prohibited harassment [see DIA series and FFD series];
5. The materials constitute nonpermissible solicitation [see DHC]; or
6. The materials infringe upon intellectual property rights of the College District [see CT].

**Time, Place, and
Manner Restrictions**

Distribution of materials shall be conducted in a manner that:

1. Is not disruptive to College District operations;
2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;
4. Does not interfere with the rights of others; and
5. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

The College President shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by employees or employee organizations to employees or others in College District facilities and areas that are not considered common outdoor areas.

**Use of Facilities and
Grounds**

The facilities and grounds of the College District shall be made available to employees or employee organizations when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting employees or employee organization shall pay all expenses incurred by their use of the facilities in accordance with a fee schedule developed by the Board.

An "employee organization" is an organization composed only of College District faculty and staff or an employee professional organization.

Requests

To request permission to meet or host a speaker in College District facilities, interested employees or employee organizations shall file a written request in accordance with administrative procedures and to the following officials:

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- For the main campus – the administrative assistant to the Associate Vice President for Instruction.
- For Hanson-Sewell Center – the administrative assistant to the Associate Vice President for Instruction.

The employees or the employee organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Approval

The Executive Director of Human Resources shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the employees' or employee organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation [see DHC];
4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; or
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.
9. The persons or participating groups would engage in antisemitic speech or acts that express hatred toward Jews as defined by the Texas Government Code; section 448.001.

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	<p>The Executive Director of Human Resources shall provide the applicant a written statement of the grounds for rejection if a request is denied.</p>
<p><i>Common Outdoor Area Exception</i></p>	<p>Common outdoor areas are traditional public forums and are not subject to the approval procedures. Employees and employee organizations may engage in expressive activities in common outdoor areas, unless:</p> <ol style="list-style-type: none">1. The person's conduct is unlawful;2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;3. The use would materially or substantially disrupt or disturb the regular academic program; or4. The use would result in damage to or defacement of property.5. The persons or participating groups would engage in antisemitic speech or acts that express hatred toward Jews as defined by the Texas Government Code; section 448.001.
<p>Announcements and Publicity</p>	<p>In accordance with administrative procedures, all employees and employee organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.</p>
<p>Identification</p>	<p>Employees and employee organizations using College District facilities must provide identification when requested to do so by a College District representative.</p>
<p>Violations</p>	<p>Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, suspension of an employee's or employee organization's use of College District facilities and/or other disciplinary action in accordance with the College District's policies and procedures and the employee handbook.</p>
<p>Interference with Expression</p>	<p>Faculty, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures. [See DH, FM, and FMA]</p>
<p>Appeals</p>	<p>Decisions made by the administration under this policy may be appealed in accordance with DGBA(LOCAL) and FLD(LOCAL) as applicable.</p>

Northeast Texas Community College
225500

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Publication

This policy and associated procedures must be posted on the College District's website and distributed in the employee and student handbooks and other appropriate publications.

DATE ISSUED: 10/13/2023
LDU 2023.01
DGC(LOCAL)-X

Adopted:
8/22/2023

Note: For expression and use of College District facilities and distribution of literature by students and registered student organizations, see FLA. For expression and use of College District facilities by employees and employee organizations, see DGC. For use of the College District's internal mail system, see CHE.

**Use of College
District Facilities**

The grounds and facilities of the College District shall be made available to members of the College District community and community organizations, including College District support organizations, when such use is for educational, recreational, civic, or social activities and the use does not conflict with use by, or any of the policies and procedures of, the College District.

Requests

To request permission to meet in College District facilities, interested community members or organizations shall file a written request with the Associate Vice President for Instruction in accordance with administrative procedures.

The community members or organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Approval

Requests for community use of College District facilities shall be considered on a first-come, first-served basis.

The Associate Vice President for Instruction shall approve or reject the request in accordance with provisions of and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the community members' or organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is subject to a sanction [see Violations of Policy, below] prohibiting the use of the facility;
3. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;

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4. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
5. The proposed activity would disrupt or disturb the regular academic program; or
6. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property.
7. The persons or participating groups would engage in antisemitic speech or acts that express hatred toward Jews as defined by the Texas Government Code; section 448.001.

*Common
Outdoor Area
Exception*

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Community members and organizations may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.
5. The persons or participating groups would engage in antisemitic speech or acts that express hatred toward Jews as defined by the Texas Government Code; section 448.001.

For-Profit Use

The College District shall not permit individuals or for-profit organizations to use its facilities for financial gain; however, the College District shall permit private academic instruction, as well as public performances or presentations so long as no admission fee is charged, when these activities do not conflict with College District use or with this policy.

Nonprofit Use

The College District shall permit nonprofit organizations to conduct fundraising events on College District property when these activities do not conflict with College District use or with this policy.

*Campaign-
Related Use*

Except to the extent a College District facility is used as an official polling place, College District facilities shall not be available for use by individuals or groups for political advertising, campaign communications, or electioneering, as those terms are used in state law.

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<i>No Approval Required</i>	No approval shall be required for nonschool-related recreational use of the College District's unlocked, outdoor recreational facilities, such as the track, tennis courts, and the like, when the facilities are not in use by the College District or for another scheduled purpose.
<i>Written Notice if Request Rejected</i>	The Associate Vice President for Instruction shall provide the applicant a written statement of the grounds for rejection if a request is denied.
Emergency Use	In case of emergencies or disasters, the College President may authorize the use of College District facilities by civil defense, health, or emergency service authorities.
Repeated Use	The College District shall permit repeated use by any community member or organization in accordance with administrative procedures.
<i>Exception</i>	Any limitations on repeated use by a community member or organization shall not apply to any group or organization when the primary participants in the activities are College District students, faculty, or staff.
Scheduling	Academic and extracurricular activities sponsored by the College District shall always have priority when any use is scheduled. The Associate Vice President for Instruction shall have authority to cancel a scheduled use by a community member or organization if an unexpected conflict arises with a College District activity.
Use Agreement	Any community member or organization approved for a nonschool use of College District facilities shall be required to complete a written agreement indicating receipt and understanding of this policy and any applicable administrative regulations, and acknowledging that the College District is not liable for any personal injury or damages to personal property related to the nonschool use.
Fees for Use	<p>A community member or organization authorized to use College District facilities shall be charged a fee for the use of designated facilities.</p> <p>The Board shall establish and publish a schedule of fees based on the cost of the physical operation of the facilities, as well as any applicable personnel costs for supervision, custodial services, food services, security, and technology services.</p>
<i>Exception</i>	Fees shall not be charged when College District buildings are used for public meetings sponsored by state or local governmental agencies.
Required Conduct	

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Community members and organizations using College District facilities shall:

1. Conduct business in an orderly manner;
2. Provide identification when requested to do so by a College District representative;
3. Abide by all laws, policies, and procedures, including, but not limited to, those prohibiting the use, sale, or possession of alcoholic beverages, illegal drugs, and firearms, and the use of tobacco products or e-cigarettes on College District property; [See CHF and GDA]
4. Make no alteration, temporary or permanent, to College District property without prior written consent from the College President; and
5. Be responsible for the cost of repairing any damages incurred during use and shall be required to indemnify the College District for the cost of any such repairs.

Distribution of Literature

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any community member or organization, including a College District support organization except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by a community member or organization.

Limitations on Content

Materials shall not be distributed by a community member or organization on College District property if:

1. The materials are obscene;
2. The materials contain defamatory statements about public figures or others;
3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action;
4. The materials are considered prohibited harassment [see DIA series and FFD series];
5. The materials constitute unauthorized solicitation [see Use of College District Facilities, above]; or
6. The materials infringe upon intellectual property rights of the College District [see CT].

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Time, Place, and Manner Restrictions	<p>Distribution of materials shall be conducted in a manner that:</p> <ol style="list-style-type: none">1. Is not disruptive [see FLB];2. Does not impede reasonable access to College District facilities;3. Does not result in damage to College District property;4. Does not coerce, badger, or intimidate a person;5. Does not interfere with the rights of others; and6. Does not violate local, state, or federal laws or College District policies and procedures. <p>The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.</p> <p>The Associate Vice President for Instruction shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by community members or organizations to others in College District facilities and in areas that are not considered common outdoor areas.</p>
<i>Posting of Signs</i>	<p>For the purposes of this policy, "sign" shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; and "posting" shall be defined as any means used for displaying a sign.</p> <p>No signs may be posted on College District property by a community member or organization unless the posting qualifies as a permitted campaign-related use or is in a common outdoor area subject to administrative procedures.</p>
Exception	<p>A College District support organization may post a sign in College District facilities with prior approval of the Associate Vice President for Instruction in accordance with the procedures developed for that purpose.</p>
Identification	<p>A community member or organization distributing materials on campus shall provide identification when requested to do so by a College District representative.</p>
Violations of Policy	<p>Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, the suspension of the individual's or organization's use of College District facilities and the confiscation of nonconforming materials.</p>

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Interference with Expression	Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures. [See DH, FM, and FMA]
Appeals	Decisions made by the administration in accordance with this policy may be appealed in accordance with GB(LOCAL), DGBA(LOCAL), and FLD(LOCAL) as applicable.
Publication	This policy and associated procedures must be posted on the College District's website and distributed in the employee and student handbooks and other appropriate publications.



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N **NORTHEAST TEXAS**
COMMUNITY COLLEGE

Dr. Ron Clinton
President
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Mt. Pleasant, TX 75455

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June 26, 2024

budgetandpolicyreports@gov.texas.gov

Office of the Governor
Office of Budget and Policy Division
P.O. Box 12428
Austin, TX 78711

RE: Compliance Report on GA-44

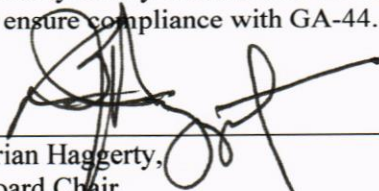
To the Governor's Office of Budget and Policy Division:

This letter will serve as El Paso County Community College District's ("El Paso Community College") Board of Trustees' report on GA-44 Compliance.

El Paso Community College recognizes that the Governor of the State of Texas (the "Governor") issued Executive Order GA 44 ("GA-44"), relating to addressing acts of antisemitism in institutions of higher education. Accordingly, El Paso Community College has taken the following steps to comply with GA-44:

- (1) Passed a board resolution requiring the College President to review and update El Paso Community College free speech policies/procedures to address antisemitic speech and actions on campuses, enforce these speech policies/procedures with appropriate punishments, and include the definition of antisemitism under Section 448.001 of the Texas Government Code to guide personnel and students on what constitutes antisemitic speech to be in compliance with GA-44. Attached.
- (2) Reviewed and amended free speech policies/procedures to address the sharp rise in antisemitic speech and acts on university (and college) campuses and establish appropriate punishment, including expulsion from the institution, as directed by GA-44.
- (3) Drafted and implemented and/or amended an Anti-Discrimination policy/procedure to ensure that the EPCC's speech policies/procedures are being enforced on all EPCC campuses, including that individuals and groups will be disciplined for violating these policies, as directed by GA- 44. See Paragraph 3, herein. Microsoft Word - GD- 7 policy final 060424 (epcc.edu)
- (4) Included the definition of antisemitism, adopted by the State of Texas in Section 448.001 of the Texas Government Code, in El Paso Community College free speech policies/procedures to guide personnel and students on what constitutes antisemitic speech as directed by GA-44. See Paragraph 3, herein.

I hereby certify that the above-referenced actions were taken by El Paso Community College to ensure compliance with GA-44.



Brian Haggerty,
Board Chair

6/26/24
Date

The Best Place to Start *and Finish!*

**RESOLUTION OF THE BOARD OF TRUSTEES OF
THE EL PASO COUNTY COMMUNITY COLLEGE DISTRICT
REGARDING GA-44**

WHEREAS, the El Paso County Community College District (hereinafter “El Paso Community College”) Board of Trustees recognizes that Greg Abbott, the Governor of the State of Texas (the “Governor”) issued Executive Order GA-44 (“GA-44”), relating to addressing acts of antisemitism in Texas institutions of higher education; and

WHEREAS, El Paso Community College’s Board of Trustees recognizes that the Governor issued GA-44 after Hamas committed heinous acts against Israel on October 7, 2023, resulting in over 1,200 civilian deaths and taking hostages, including Americans; and

WHEREAS, El Paso Community College’s Board of Trustees recognizes that the Governor reaffirmed his support for Israel and the Texas Jewish community, initiating steps to address antisemitism in Texas, including funding \$4 million for Jewish institution security, banning state purchases from the Gaza Strip or Hamas supporters, and directing educational efforts on the Israel-Hamas War and antisemitism; and

WHEREAS, El Paso Community College’s Board of Trustees recognizes that the Governor expressed Texas’ continued stance with Israel and support for the Jewish neighbors in Texas pursuant to GA-44; and

WHEREAS, El Paso Community College’s Board of Trustees recognizes that the Governor expressed concerns of incidents of increased antisemitism since Hamas’ attack, and the proliferation of antisemitism at public universities; and

WHEREAS, El Paso Community College’s Board of Trustees recognizes that the Governor expressed that while many Texas universities have condemned antisemitism and encouraged appropriate discussions on the terrorist attacks against Israel and the Israel-Hamas War, some radical organizations have engaged in unacceptable actions on university campuses; and

WHEREAS, El Paso Community College’s Board of Trustees recognizes that the Governor proclaims that protected free speech areas on Texas university campuses, as well as the buildings and parking lots of Jewish student organizations, have been covered in antisemitic graffiti; and

WHEREAS, El Paso Community College’s Board of Trustees recognizes that the Governor proclaims that multiple protests and walkouts have been staged by universities’ student organizations, with students chanting antisemitic phrases, which have been used by Hamas supporters to call for the violent dismantling of the State of Israel and the destruction of the Jewish people who live there; and

WHEREAS, El Paso Community College’s Board of Trustees recognizes the Governor’s stance that Texas supports free speech, especially on university campuses, but that freedom comes with responsibilities for both students and the institutions themselves; and

WHEREAS, El Paso Community College’s Board of Trustees recognizes that free speech can never incite violence, encourage people to violate the law, harass other students or other Texans, or

disrupt the core educational purpose of a university; and

WHEREAS, Section 51.93 15(f) of the Texas Education Code requires all higher education institutions to adopt policies detailing students' responsibilities regarding free expression on campus; and

WHEREAS, Section 51.93 15(c)(2) of the Texas Education Code provides that students should not participate in, and higher education institutions should not allow, expression that is unlawful or disrupts the operations of the institution; and

WHEREAS, El Paso Community College's Board of Trustees recognizes that antisemitism and the harassment of Jewish students have no place on Texas university campuses and will not be tolerated by the Governor's administration; and

WHEREAS, the Governor directed all Texas higher education institutions, including El Paso Community College, to:

- (1) Review and update free speech policies to address the sharp rise in antisemitic speech and acts on university campuses and establish appropriate punishments, including expulsion from the institution.
- (2) Ensure that these policies are being enforced on campuses and that individuals and groups are disciplined for violating these policies.
- (3) Include the definition of antisemitism, adopted by the State of Texas in Section 448.001 of the Texas Government Code, in university free speech policies to guide university personnel and students on what constitutes antisemitic speech.

WHEREAS, the Board of Trustees of El Paso Community College believes the public purposes described above are fulfilled by efficiently and effectively making certain delegations, as described more fully herein, to the College President, to address antisemitism in Texas as proscribed by the Governor pursuant to GA-44;

IT IS THEREFORE:

RESOLVED THAT the Board of Trustees of El Paso Community College finds a substantial public purpose exists in supporting free speech and addressing antisemitism by reviewing and updating El Paso Community College free speech policies/procedures to address antisemitic speech and actions on campuses, enforce these policies/procedures with appropriate punishments, and include the definition of antisemitism under Section 448.001 of the Texas Government Code to guide university and college personnel and students on what constitutes antisemitic speech;

FURTHER RESOLVED THAT in furtherance of the public purposes so stated in this Resolution, the Board of Trustees of El Paso Community College makes the following delegations to the President, to act as follows, in his sole discretion, unless otherwise indicated, in order to efficiently and effectively support free speech and address antisemitism by reviewing and updating free speech policies to address antisemitic speech and actions on El Paso Community College campuses, enforce these policies with appropriate punishments, and include the definition of antisemitism as stated in Section 448.001 of the Texas Government Code to guide El Paso

Community College personnel and students on what constitutes antisemitic speech:

- (1) The authority to review and update free speech policies to address antisemitic speech and actions on El Paso Community College campuses, enforce these policies with appropriate punishments, and include the definition of antisemitism as stated in Section 448.001 of the Texas Government Code, to guide El Paso Community College personnel and students on what constitutes antisemitic speech;
- (2) The authority to bypass the procedures and timeframe(s) outlined in Board Policy BD (Local), if necessary, to develop, revise, and implement new or existing policies and procedures in order to address antisemitic speech and actions on El Paso Community College campuses in compliance with GA-44;
- (3) The authority to assign any legal matter, case, or controversy to general legal counsel or conflict counsel;
- (4) The authority to create guidelines and/or procedures and make determinations regarding free speech to address antisemitic speech and actions on El Paso Community College campuses, enforce these policies with appropriate punishments, including expulsion, and include the definition of antisemitism as stated in Section 448.001 of the Texas Government Code to guide El Paso Community College personnel and students on what constitutes antisemitic speech.

FURTHER RESOLVED THAT the College President and/or designee(s) will provide timely and reasonable information to the Board of Trustees with regard to decisions made pursuant to this Resolution; and

FURTHER RESOLVED THAT this Resolution shall only apply to Dr. William Serrata, the College President, and shall remain in effect until otherwise rescinded by a majority vote of the Board of Trustees, at a duly called Board Meeting.

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CERTIFICATE FOR RESOLUTION

I hereby certify that the foregoing resolution was presented to the Board of Trustees of El Paso County Community College District during a regular Board meeting on June 26, 2024, with a quorum of the Board of Trustees being then present, and it was then duly moved and seconded that the resolution be adopted, and such resolution was then adopted according to the following vote:

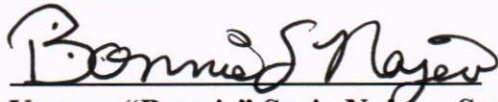
Ayes: 4
Nays: 0
Abstentions: 0

To certify which, witness my hand and the official seal of the District this 26th day of June, 2024.



**Brian J. Haggerty, Chair
Board of Trustees**

ATTEST:



**Yvonne "Bonnie" Soria Najera, Secretary
Board of Trustees**



University Policy on Free Speech, Expression, and Assembly

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I. Title

University Policy on Free Speech, Expression, and Assembly

II. Policy

A. Governing Principles

1. The University of Texas at Arlington (UTA or University) is committed to providing an educational and work climate that is conducive to the personal and professional development of each individual. The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the University. The University will protect the rights of students, faculty members, staff members, and members of the public to assemble, to speak, and to attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen. The University maintains its right to regulate reasonable time, place and manner restrictions concerning acts of expression and dissent.
2. Those who choose to observe and/or listen to expressive activities, bear the responsibility of recognizing and honoring the right of free speech. Any acts that are disruptive to the normal operations of the University, including classes and University business, or that invade the rights of others will not be allowed. Faculty, staff, and students engaging in a disruptive activity or other violation of this policy may be subject to disciplinary action up to and including termination or

expulsion. Any participant in a disruptive activity may face criminal charges.

3. Ideas or expressions put forth in expressive activities are not necessarily the views of UTA, its officers, administrators, or leaders, unless otherwise noted.

B. Scope

1. This policy protects and regulates speech, expression, and assembly of students, faculty members, staff members, and members of the public on campus or participating in University sponsored activities. This policy applies to speech regardless of where it occurs, including off University property, if it potentially affects a University person's education or employment with the University or potentially affects the University community. This policy regulates speech that is part of the teaching, research, or other official functions of the University and also applies to speech that is submitted for academic credit, and speech made using the University's information resources as defined in its Acceptable Use Policy. The Director of Involvement and Engagement ("I&E" in reference to the department or "Director" in reference to the person), administers and schedules reservations for the use of the temporary exhibit and banner spaces, and use of University tables, for all University persons and organizations. Scheduling through a single office is necessary to avoid conflicts. The Director also administers and schedules reservations in the common outdoor areas and the use of the amplified sound for all University persons, University organizations, and members of the public.
2. This policy details individual's and organizations' rights and responsibilities regarding expressive activities at UTA. It does not limit other existing authority of University officials to authorize programs and events sponsored by an academic or administrative unit and not provided for in this policy.
3. Rules requiring University employees to make clear that controversial statements are made in their personal capacity are found in the UT System Rules and Regulations of the Board of Regents [Rule 10403](#) *Board Meeting Accessibility and Public Participation*. Rules restricting use of University equipment, supplies, services, and working hours for political activities are found in the UT System Rules and Regulations of the Board of Regents [Rule 30103](#) *Standards of Conduct*.

C. Freedom of Speech, Expression and Assembly

1. In furtherance of the University's educational mission, the University provides forums for the expression of ideas and opinions. These include:

a. Traditional Public Forums

Traditional public forums include the University's public streets, sidewalks, parks, and similar Common Outdoor Areas. These areas are generally available, subject to the University's time, place, and manner restrictions, for expressive activity by members of the public at any time without the need for reservation or prior approval when the area is not reserved and promoted in advance for an event.

b. Designated Public Forums

Designated public forums include other parts of campus that may become temporarily available for expressive activity as designated by the University. These temporary locations, while in existence, will be treated similar to public streets, sidewalks, and parks in terms of access and availability for expressive activity.

c. Limited Public Forums

Limited public forums have limited open access for public expression, and include the University buildings including their outside surfaces, surfaces associated with or connected to a University building, or a University structure. Limited public forums are open only to the expressive activities of faculty, staff, and students as set forth in this policy. Student, faculty, and staff organizations may not invite the public at large to events in University buildings, facilities, or locations that are not a common outdoor area.

d. Non-Public Forums

Non-public forums are areas that are not traditional public forums or designated public forums. These forums will be restricted to use for their intended purpose and are not available for public expressive activity. Examples include, but are not limited to, classrooms, residence hall rooms, faculty and staff offices, academic buildings, administration buildings, medical treatment facilities, libraries, and research and computer laboratories.

2. Additionally, there are areas such as utility buildings, research labs, etc. that may have distance requirements, crowd placement

restrictions, and security concerns that may vary depending on security needs, terror alerts, and other factors. Furthermore, security needs, terror alerts, local and national events may affect the availability of spaces that would otherwise be routinely available.

3. Students, faculty, and staff members are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, in all parts of the campus, subject only to rules necessary to preserve the equal rights of others and the other functions of the University. Teaching, research, and other official functions of the University will have priority in allocating the use of space on campus.
4. Except as expressly authorized by the section herein on prohibited expression and state and federal law, the University will not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of this policy or otherwise.
5. The University of Texas at Arlington Police Department ("UTA PD") may immediately enforce this policy if a violation of this policy constitutes a breach of the peace, compromises public safety, or otherwise violates applicable laws.

D. Prohibited Items or Actions

The following restrictions are intended to protect the health and safety of all persons on campus, to maintain the free flow of pedestrian traffic in and out of University buildings, and to protect the educational mission of the University.

1. A mask, facial covering, or disguise that conceals the identity of the wearer that is calculated to obstruct the enforcement of these rules or the law, or to intimidate, hinder or interrupt a University official, UTA PD Officer, or other person in the lawful performance of their duties. This restriction does not apply to facial coverings worn for religious or health reasons.
2. The possession, use, or display of firearms, facsimile firearms, ammunitions, explosives, or any other items that could be used as weapons, including but not limited to sticks, poles, blubs, swords, shields, or rigid signs that can be used as a shield, without written permission from the UTA PD Chief or designee, unless authorized by federal, state, or local laws.
3. Body-armor or makeshift body-armor, helmets, and other garments, such as sporting protective gear, that alone or in combination could

be reasonably construed as weapons or body-armor, without written permission from the UTA PD Chief or designee.

4. Open flame, unless approved in advance by UTA Environmental Health and Safety in accordance with applicable policy.
5. No person or organization may engage in expressive activity within a twenty-five-foot clearance around points of entry, and if not a point of entry, then within ten feet of the perimeter, of all University buildings.

E. Prohibited Expression

1. Obscenity

No person or organization will distribute or display on the campus any writing or visual image, or engage in any public performance, that is obscene. Obscene is defined in Texas Penal Code, [Section 43.21](#) or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

2. Defamation

No person shall publish to a third party any statement that defames any other person. A statement defames another person if it is: (i) published to a third party other than the subject of the statement or their legal representative; (ii) of and concerning that person; (iii) is a false statement of fact; (iv) that holds the person up to hatred, ridicule, or contempt; (v) is made negligently, if the person is a private figure or, with knowledge of falsity or reckless disregard for the truth, if the person is a public official or public figure; (vi) which proximately causes damages; and (vii) is not privileged.

3. Incitement to Imminent Violations of Law

a. Any incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or UTA policy committed because of the offender's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, including Antisemitism or Islamophobia, or for any other unlawful reason will be subject to discipline, up to and including possible termination of employment or expulsion from the University.

b. Student Groups

Any registered student group that engages in incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a University activity, or any other violation of state or federal law or University policy because of a bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, including Antisemitism and Islamophobia, is subject to discipline, up to and including possible loss of recognized status for the registered student group.

4. Harassment

- a. No person will engage in conduct that constitutes harassment of another person. No person will make, distribute, or display any statement that constitutes harassment of another person on campus or through University information resources. This section applies to speech regardless of where it occurs, including off University property, if it potentially affects a University person's education or employment with the University or potentially affects the University community, and includes, all speech made using University resources, including speech that is part of teaching, research, or other official functions of the University whether in person or not, and whether oral, written, or symbolic.
- b. To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not harassment, even if some listeners are offended by the argument or idea. The categories of sexually harassing speech set forth in UTA Policy [EI-PO-08 Sexual Misconduct](#) are rarely, if ever, necessary to argue for or against the substance of any political, religious, philosophical, ideological, or academic idea.
- c. In general, verbal harassment will not be tolerated. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in UTA Policy [EI-PO-08 Sexual Misconduct](#). Verbal harassment is often based on the individual's appearance, personal characteristics, or group membership, including but not limited to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity or gender expression, ideology, political views, or political affiliation. Verbal harassment has been interpreted very narrowly by the federal courts. This

policy will be interpreted as narrowly as need be to preserve its constitutionality.

- d. The harassment that this section prohibits does not include speech that is necessary and appropriate to support a vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense, and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within the University and in the larger society.
- e. Members of the University community are strongly encouraged to report harassment to the Office for Equal Opportunity Services. Any University official, administrator, or supervisor who receives a report of alleged harassment will promptly refer that report and the complainant to the Office for Equal Opportunity Services. A complainant whose report is not forwarded to the Office for Equal Opportunity Services has not initiated proceedings for providing a remedy to the complainant or for imposing discipline on the alleged harasser.

F. Solicitation and Commercial Speech

No University person, University organization, or member of the public will make, distribute, or display on the campus any statement that promotes, offers, or advertises any product or service for sale or lease that includes commercial identifiers, such as for-profit logos, trademarks, and service marks, or that requests any gift or contribution, except as authorized by UTA Policy [CO-UF-PO-02](#) *Solicitations* or by the Regents' Rules and Regulations.

G. General Rules on Means of Expression

Rules regarding disruption of speech, damage to property, coercing attention, and incidental effects on speech are addressed in the Free Speech, Expression, and Assembly Procedure implementing this policy.

H. Distribution of Literature

Distribution and display of literature on campus, is permitted subject to the rules in this policy, the Free Speech, Expression, and Assembly Procedure and to the general rules in UTA Policy [CO-UF-PO-01](#) *University Facilities Use*.

I. Signs, Banners, and A-Frames

Use of signs, banners and A-Frames is subject to the rules in this policy, the Free Speech, Expression, and Assembly Procedure and to the general rules in UTA Policy [CO-UF-PO-01](#) *University Facilities Use*.

J. Tables, Exhibits, and Amplified Sound

University persons and University organizations may set up tables and exhibits from which to display literature, disseminate information and opinion, and raise funds, and make use of amplified sound, all subject to the rules in this policy, the Free Speech, Expression, and Assembly Procedure and to the general rules in UTA Policy [CO-UF-PO-01](#) *University Facilities Use*.

K. Public Assemblies

“Publicly assemble” and “public assembly” include any gathering of persons, including discussions, rallies, and demonstrations. Rules regarding amplified sound apply to any use of amplified sound at a public assembly. Persons and organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this policy, the Free Speech, Expression, and Assembly Procedure, and the rules on use of University property contained in UTA Policy series CO-UF. No advance permission is required in the common outdoor areas.

L. Guest Speakers

“Guest speaker” means a speaker or performer who is not a student, faculty member, or staff member.

Subject to the rules in this policy and the Free Speech, Expression, and Assembly Procedure, University persons, University organizations, and members of the public may present guest speakers in common outdoor areas of the campus.

M. Responding to Speech, Expression, and Assembly

Persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this policy. Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard. Means of response that are permitted in many locations and without advance permission or reservation, such as signs, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized in this policy.

Means of response that require advance permission or reservation, such as temporary banners, A-frames exhibits, general exhibits, and amplified

sound, may be used as soon as the needed permission or reservation may be arranged. Temporary banner space, temporary outdoor exhibit space, and some amplified sound areas may be unavailable on short notice because of earlier reservations, but I&E will reasonably expedite approval of available temporary banner spaces, available temporary outdoor exhibit spaces, and amplified sound areas where necessary to permit appropriate response to other speech, assembly, or expression.

Means of response that are confined to authorized locations, such as banners, exhibits, and amplified sound, may be used only in those locations. It is not possible to respond to amplified sound with amplified sound in the same location; similarly, if an exhibit or public assembly is in a location where amplified sound is not permitted, it is not possible to respond with amplified sound in that location. In either case, it is possible to respond with amplified sound in another location and to use signs or distribution of literature to advertise the response at the other location.

N. Enforcement and Appeals

1. Police Protection and Additional Administrative Support

- a. It is the responsibility of the University to protect the safety of all persons on campus and when necessary to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty areas in the area of such events will be at the cost of the University. When the magnitude, timing, or nature of an event in a University building, University facility, or other area of the University's limited public forum that requires additional or overtime hours from police officers (including contract hours for officers hired from other departments or private security agencies), the University will, to the extent specified in this section, charge the cost of overtime or contract officers to the person or organization sponsoring the event or exhibit that requires overtime police protection. The University will charge for additional police and overtime hours where reasonably possible, but not for additional police and overtime hours made necessary by the content of speech at the event or by the controversy associated with any event. University persons or organizations planning such events should budget for the cost of police protection.
- b. A reasonable and nondiscriminatory fee for overtime police work will be charged to the individual or organization sponsoring an event in a University building, University facility, or other area of the University's limited public forum

that require overtime police protection, and charge a price for admission; or have a paid speaker, band, or other off-campus person or organization for services at the event.

- c. The University will have the sole power to decide, after reasonable consultation with the person or organization planning the event, whether and to what extent overtime police protection is required. No fee will be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees will be based on the number of officers required for an uncontroversial event of the same size and kind, in the same place and at the same time of day, handling the same amount of cash. Nothing in this Section applies to any interdepartmental charge or transfer among units or accounts funded by the University.
- d. If an event requires additional assistance from I&E or other units beyond normal work responsibilities or that require employee overtime, a reasonable and nondiscriminatory fee may be charged to the individual or organization sponsoring the event.

2. Responses to Violations

- a. Individuals or organizations wishing to make a grievance regarding a violation of [Texas Education Code §51.9315](#) (Protected Speech on Campus) may report it via the University compliance email at compliance@uta.edu. A student organization who violates a provision of this policy may be disciplined under this policy or UTA Policy SL-SO-PO-04. Staff or faculty who violate a provision of this policy may be disciplined under applicable procedures provided by other policies. If no such procedures exist, violations will be referred to the Office of the Provost or Talent, Culture and Engagement as applicable.
- b. Authorized University personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this policy, by explanation and persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively, or additionally, they may initiate disciplinary proceedings under this policy. Discretion regarding the means and necessity of enforcement will be vested in the UTA Chief of Police, or in University personnel designated by the president, as appropriate, but

such discretion will be exercised without regard to the viewpoint of any speaker.

- c. University persons and University organizations on the campus must comply with all reasonable instructions from University administrators and law enforcement officials at the scene. A University person or University organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under the appeal section below.
- d. Off-campus person(s) or organization(s) on the campus who violate a prohibition in this policy may be subject to criminal trespass charges, arrest, or other lawful measures.

3. Appeals

A University person or organization that is denied permission for an activity requiring advance permission under this policy may appeal the denial of permission. A University person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth weekday after complying with the order, file a written appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal will be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order. An appeal authorized by this section must be submitted to I&E within five business days of the action being appealed. The appeal will be forwarded by I&E to the president's designee who will issue a written decision, which will include any corrective action, if necessary, to the appellant within five business days. A copy will be provided to the head of the applicable unit which took the action under appeal.

4. Notice

A link to this policy will be included in any official student or personnel handbooks, posted on UTA's website, and may be provided to students during freshman and transfer student orientations.

III. Definitions

Academic or Administrative Unit: Means any office or department of the University.

Amplified Sound: Means sound whose volume is increased by any artificial, electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on amplified sound but are subject to general rules on disruption.

Antisemitism: Means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

Common Outdoor Area: Means outdoor space that is not used for dedicated University business or an event, an educational function, or a research function on either a permanent or temporary basis. It does not include the outside surfaces of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, or any other space with the University's limited public forum. Common outdoor areas are designated by state law as traditional public forums.

Event: Means something that occurs in a certain place during a particular interval of time. Events include; but are not limited to; guest speakers, exhibits, tables, distribution of literature, signs, and public assemblies.

Faculty Member and Staff Member: Includes any person who is employed by the university.

Harassment: Means hostile or threatening conduct or speech, whether oral, written, or symbolic, that is not necessary to the expression of any idea described in section [II. E. 4](#); is sufficiently severe, pervasive, and objectively offensive to create an objectively hostile or threatening environment that interferes with or diminishes the victim's ability to participate in or benefit from the services, activities, or privileges provided by the university; and personally describes or is personally directed to one or more specific individuals.

Islamophobia: Means a fear, prejudice and hatred of Muslims that leads to provocation, hostility, and intolerance by means of unlawful threatening, harassment, abuse, incitement, and intimidation of Muslims and non-Muslims. Motivated by institutional, ideological, political and religious hostility that transcends into structural and cultural racism, which targets the symbols and markers of being a Muslim.

Limited Public Forum: Means the university property, both indoors and outdoors, that is not part of the common outdoor area. This includes the outside surfaces of a university building, surfaces associated with or connected to a university building, a university structure, spaces dedicated to temporary outdoor

banners, spaces dedicated to temporary outdoor exhibits, residential outdoor spaces managed by university housing.

Literature: Means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informal matter, that is produced in multiple copies of distribution to potential readers.

Off-Campus Person or Organization / Member of the Public: Mean any person, organization, or business that is not an academic or administrative unit, a registered student, faculty, or staff organization, or a student, faculty member, or staff member.

Registered Student, Sponsored Student, Faculty, or Staff Organization: Includes a registered student organization or a sponsored student organization under UTA Policy Series SL-SO-PO, or a faculty or staff organization under the UT System Rules and Regulations of the Board of Regents [Rule 40201](#) *Registered Organizations*.

Room or Space: Includes any room or space, indoors or outdoors, owned or controlled by the university.

Student: Means a person who is currently enrolled at the university or has been enrolled at the university in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.

Temporary Banner Space: Means designated outdoor or indoor display area reserved for university persons and university organizations' use, as managed by I&E or the head unit where a university person or organization's temporary banner may be affixed for multiple days as permitted by this policy. These areas are part of the university's limited public forum and not open to members of the public.

Temporary Exhibit Space: Means designated indoor or outdoor display area reserved for university persons and university organizations use, as managed by the dean of students, where a university person or organization may erect a temporary exhibit as permitted by section [II.I](#). These areas are part of the university's limited public forum and not open to members of the public.

University Holiday / Skeleton Crew Days: Means days identified in the holiday schedule published by the Office of Human Resources. If a deadline defined in this policy falls on a Saturday, Sunday, university holiday, or skeleton crew day that deadline will be moved to the next day.

University Person or Organization: Includes academic and administrative units, registered students, sponsored students, faculty, and staff organizations, and individual students, faculty members, and staff members.

IV. Relevant Federal and State Statutes

Texas Education Code, Title 3 Higher Education, Subtitle A Higher Education in General, Chapter 51 Provisions Generally Applicable to Higher Education, Subchapter Z Miscellaneous Provisions, [Section 51.9315 Protected Expression on Campus](#)

Texas Penal Code, Title 9 Offenses Against Public Order and Decency, Chapter 43 Public Indecency, Subchapter B Obscenity, [Section 43.21 Definitions](#)

V. Relevant UT System Policies, Procedures and Forms

UTA Policy Series CO-UF-PO University Facilities

UTA Policy Series SL-SO-PO Student Organizations

UTA Policy [EI-PO-08](#) *Sexual Misconduct*

UTA Procedure [GA-PA-PR-01](#) *Free Speech, Expression, and Assembly*

UTA Policy [CO-UF-PO-02](#) *Solicitations*

UT System Rules and Regulations of the Board of Regents [Rule 10403](#) *Board Meeting Accessibility and Public Participation*

UT System Rules and Regulations of the Board of Regents [Rule 30103](#) *Standards of Conduct*

UT System Rules and Regulations of the Board of Regents [Rule 40201](#) *Registered Organizations*

UT System Rules and Regulations of the Board of Regents [Rule 40501](#) *Speech and Assembly*

UT System Rules and Regulations of the Board of Regents [Rule 80101](#) *Category of Facilities and Authorized Users*

UT System Rules and Regulations of the Board of Regents [Rule 80103](#) *Solicitation*

VI. Who Should Know

The entire UTA community.

VII. UTA Office(s) Responsible for Policy: Office of Legal Affairs

Responsible Officer: Chief Legal Officer

VIII. Dates Approved or Amended

July 31, 2020

August 23, 2022

XXXXXX, 2024

IX. Contact Information

All questions regarding this policy should be directed to the Office of Legal Affairs:
policysite@uta.edu

Send notifications of errors or changes to: policysite@uta.edu

Manual of Policies and Procedures for Student Affairs

Chapter 6. Speech, Expression, and Assembly

Subchapter 6-100. Governing Principles

Sec. 6-101. General Definitions--Categories of Speakers

As used in this chapter,

1. "Academic or administrative unit" means any office or department of the University.
2. "Antisemitism" means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.
3. "Event" means something that occurs in a certain place during a particular interval of time; events include but are not limited to guest speakers, exhibits, tables, distribution of literature, signs, and public assemblies.
4. "Faculty member and staff member" includes any person who is employed by the University.
5. "Off-campus person or organization" and "member of the public" means any person, organization, or business that is not an academic or administrative unit, a registered student, faculty, or staff organization, or a student, faculty member, or staff member.
6. "Registered student, faculty, or staff organization" includes a registered student organization under chapter 2, subchapter 2.7 of the manual of policies and procedures (MOPP), a faculty or staff organization under the Regents' Rules and Regulations (Rule 40201), and Student Government and any unit or subdivision thereof;
7. "Student" means a person who is currently enrolled in residence at the University, or who is accepted for admission or readmission to the University, or who has been enrolled at the University in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows, or who is attending an educational program sponsored by the University while that person is on campus.
8. "University person or organization" includes academic and administrative units, registered student, faculty, and staff organizations, and individual students, faculty members, and staff members. This phrase describes the most inclusive category of potential speakers on campus; all persons and organizations of any kind are either an "off-campus person or organization" or a "University person or organization."

Sec. 6-102. Other General Definitions

As used in this chapter:

1. "Amplified sound" means sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting and group chanting are not amplified sound and are not subject to the special rules on amplified sound, but are subject to general rules on disruption.
2. "Braithwaite Gardens" includes the paved areas adjacent to the Cowan Center.
3. "Chief student success officer" means the Chief Student Success Officer or his/her designee and "director" refers to the Director of Student Engagement or his/her designee.
4. "Common outdoor area" means outdoor space that is not used for dedicated University business or an event, an educational function, or a research function on either a permanent or temporary basis. It does not include the outside surfaces of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, or any other space within the University's limited public forum. Common outdoor areas are designated by state law as traditional public forums.
5. "Day" means calendar day.
6. "Harvey Deck" includes the patio near Harvey Lake
7. "Limited public forum" means the University property, both indoors and outdoors, that is not part of the common outdoor area. This includes the outside surfaces of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, residential outdoor spaces managed by University Housing and Dining including but not limited to Soules College of Business, Fisch College of Pharmacy.
8. "Patriot Plaza" includes the grass and paved area outside the main entrance to the

University Center and next to Riter Plaza.

9. "Riter Plaza" includes the Carillon/Bell Tower, surrounding landscaped and paved sidewalk areas.
10. "Room or space" includes any room or space, indoors or outdoors, owned or controlled by the University.
11. "Spence Plaza" includes the paved area outside the main entrance to the Cowan Center and areas surrounding the fountain.
12. "University" means The University of Texas at Tyler.
13. "Weekday" means Monday through Friday except for official University holidays, skeleton crew days, or any days the university must close due to events that interfere with the ability of the university to continue normal operations, including but not limited to natural disasters, epidemics, attacks on infrastructure, etc.

Sec. 6-103. Freedom of Speech, Expression, and Assembly

a. The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the University. Students, faculty, and staff have the right to assemble, to speak, and to attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen.

b. Students, faculty, and staff are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, in all parts of the campus, subject only to rules necessary to preserve the equal rights of others and the other functions of the University. Teaching, research, and other official functions of the University shall have priority in allocating the use of space on campus. Members of the public are able to engage in expressive activities only in common outdoor areas of the campus, subject to the time, place and manner rules in this chapter necessary to preserve the operations of the University.

c. In furtherance of the University's educational mission, the University buildings including their outside surface, surfaces associate with or connected to a University building, or a University structure are limited public forums open only to the expressive activities of faculty, staff and students as set forth in this chapter. Members of the public may engage in expressive activities at the University in accordance with the time, place, and manner rules contained in this chapter. Student, faculty and staff organizations may not invite the public at large to events in University buildings, facilities or locations that are not a common outdoor area.

d. Except as expressly authorized by subchapter 6-200, the University shall not discriminate on the basis of, including but not limited to, race, color, religion, national origin, gender, age, disability, citizenship, veteran status, political, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise.

e. The University of Texas at Tyler Police Department (UTTPD) may immediately enforce these rules if a violation of these rules constitutes a breach of the peace or compromises public safety. Any registered student group that engages in violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy because of antisemitism or bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, is subject to discipline, up to and including possible loss of recognized status for the registered student group.

Sec. 6-104. Scope of this Chapter and Related Provisions

a. This chapter protects and regulates speech, expression, and assembly of students, faculty members, staff members, and members of the public that are not part of the teaching, research, or other official functions of the University, not otherwise sponsored by the University or any academic or administrative unit, and not submitted for academic credit.

b. This chapter also regulates certain speech that is part of the teaching, research, or other official functions of the University:

1. Section 6-204 on harassment applies to all speech on campus or otherwise actionable by the university.
2. This chapter applies to speech by University persons and University organizations in the common outdoor areas and the limited public forums. This chapter also applies to members of the public in common outdoor areas. It also applies to speech that is submitted for academic credit, and speech made using the University's resources as determined by the director. The director and/or designee approves reservations for the use of the temporary exhibit and banner spaces, and use of University tables, for all University persons and organizations because scheduling through a single office is necessary to avoid conflicts. The director also administers and schedules reservations in the common outdoor areas and the use of the amplified sound for all University persons, University organizations and members of the public.

c. Any program or event sponsored by an academic or administrative unit of the University shall have priority in the use of space and facilities over any speech, expression, and assembly that is not sponsored by an academic or administrative unit, except that programs or events sponsored by an academic or administrative unit shall not have priority in the use of weekday amplified sound areas defined in section 6-802. This chapter does not limit other existing authority of University officials to authorize programs and events sponsored by an academic or administrative unit and not provided for in this chapter.

d. Additional rules concerning free speech and academic freedom of faculty are found in the Regents' Rules and Regulations (Rule 40501).

e. Underlying rules concerning free speech of students are found in the Regents' Rules and Regulations (Rule 40501). This chapter implements those provisions and applies them to the University.

f. Rules restricting access to the campus and restricting speech on the campus by persons who are not students, faculty, or staff are found in the Regents' Rules and Regulations (Rule 40501).

g. Rules protecting and regulating speech on University computer networks are promulgated by Information Resources and are currently found in IR Policies, Information Resources Acceptable Use Policy.

h. Rules requiring University employees to make clear that controversial statements are in their personal capacity are found in the Regents' Rules and Regulations (Rule 30103). Rules restricting use of University equipment, supplies, services, and working hours for political activities are found in the Regents' Rules and Regulations (Rule 30103).

Subchapter 6-200. Prohibited Expression

Sec. 6-201. Obscenity

a. No person or organization shall distribute or display on the campus any writing or visual image, or engage in any public performance, that is obscene. A writing, image, or performance is "obscene" if it is obscene as defined in Texas Penal Code, Section 43.21 or successor provisions and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

Sec. 6-202. Defamation

a. No person shall make, distribute, or display on the campus any statement that unlawfully defames any other person.

b. A statement unlawfully defames another person if it is false, if the false portion of the statement injures the reputation of the other person, or otherwise defamatory under applicable law.

Sec. 6-203. Incitement to Imminent Violations of Law

a. No person shall make, distribute, or display on the campus any statements directed to inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law. Any incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy that was committed

because of antisemitism or the offender's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference will be subject to discipline, up to and including possible termination/expulsion.

Sec. 6-204. Harassment

a. No person shall make, distribute, or display on the campus any statement that constitutes verbal harassment of any other person. This section applies to all speech on the campus or otherwise actionable by the university, including speech that is part of teaching, research, or other official functions of the University.

b. "Verbal harassment" means hostile or offensive speech, oral, written, or symbolic, that

1. personally describes or is personally directed to one or more specific individuals; and
2. is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the victim's ability to participate in or benefit from the services, activities, or privileges provided by the University; and
3. is not necessary to the expression of any idea described in item c. of this subsection.

c. To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not verbal harassment, even if some listeners are offended by the argument or idea. The categories of sexually harassing speech set forth in Series 200 of the Handbook of Operating Procedures are rarely, if ever, necessary to argue for or against the substance of any political, religious, philosophical, ideological, or academic idea.

d. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in Series 200 of the Handbook of Operating Procedures, and is often based on the victim's appearance, personal characteristics, or group membership, including but not limited to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity, ideology, political views, or political affiliation.

e. Harassment can also consist of nonverbal conduct, such as hazing, practical jokes, damage to property, and physical assault. In the case of sexual harassment and sexual misconduct, sexual conduct is often central to the offense. These forms of harassment are prohibited in sections 2.4.1, and 2.4.3, of the Handbook of Operating Procedures, and in the Regents' Rules and Regulations (Rule 30105). For enhanced penalties for disciplinary offenses motivated by the race, color, or national origin of a student harmed by the offense, see MOPP chapter 8, section 8-501(b). To the extent of any conflict in the definition of verbal harassment, the more detailed definition in this section controls. For enhanced penalties for disciplinary offenses related to hazing, see MOPP chapter 8, section 8-804(a).

f. The harassment that this section prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense, and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within the University and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules.

g. Verbal harassment has been interpreted very narrowly by the federal courts. Many university policies on verbal harassment or hate speech have been held unconstitutional, either because they prohibited harassment only when it was based on race, sex, and similar categories, or because they failed to protect the expression of potentially offensive ideas. This policy should be interpreted as narrowly as need be to preserve its constitutionality. Members of the University community are required to report harassment.

1. A student who believes he or she has been harassed should report the alleged violation to the chief student success officer.
2. A faculty member or staff member who believes he or she has been harassed should report the alleged violation to the complainant's supervisor or to the Office of Human Resources.
3. Alternatively, any person who believes he or she has been harassed may report the alleged violation to the Office of Human Resources or to any University official, administrator, or supervisor. A faculty member is not an "official, administrator, or supervisor" for this purpose

- unless that faculty member holds an administrative position.
4. Any University official, administrator, or supervisor who receives a report of alleged harassment shall promptly refer that report and the complainant to the Office of Human Resources, or to the chief student success officer, as appropriate. A complainant, whose report is not forwarded to the Office of Human Resources, or to the chief student success officer, has not initiated proceedings for providing a remedy to the complainant or for imposing discipline on the alleged harasser.
 5. Investigation of the information provided, and any remedial or disciplinary proceedings, shall proceed under the procedures set out in the harassment policies cross referenced in section 6-204(e).

Sec. 6-205. Solicitation

- a. No person shall make, distribute, or display on the campus any statement that offers or advertises any product or service for sale or lease, or requests any gift or contribution, except as authorized in paragraph (b), by section 6-403, or by the Regents' Rules and Regulations.
1. Words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle, are not solicitation within this definition.
 2. Unadorned acknowledgments or thanks to donors are not solicitation within this definition.
- b. A registered student, faculty, or staff organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions, for the benefit of the organization, for the benefit of another registered student, faculty, or staff organization, or for the benefit of an organization that is tax-exempt under Section 501(c)(3) of the Internal Revenue Code. No organization may sell items obtained on consignment. No organization may request contributions for an off-campus tax-exempt organization for more than fourteen days in any fiscal year.
- c. Registered student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature that contains advertising, subject to the limits in section 6-403. Individual students, faculty members, and staff members may distribute or display such literature, but may not sell it.
- d. Individual students, faculty members, and staff members may post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used, but only on a bulletin board or other location designated for that purpose by an academic or administrative unit in space that the unit occupies or controls. Any unit that designates a bulletin board or other location for this purpose may regulate that bulletin board or other location under the procedures set forth in section 6-506.
1. A resident of a University residence hall or apartment building may occasionally invite one or more salespersons to come to the resident's room or apartment and in that room or apartment, the salesperson may offer products or services for sale to other residents of that residence hall or apartment building.
- e. A registered student, faculty, or staff organization may collect admission fees for programs scheduled in advance under MOPP chapter 7; provided, that neither University persons nor organizations may collect admissions fees for the exhibition of movies on the campus.
- f. A registered student, faculty, or staff organization may collect membership fees or dues at meetings of the organization scheduled in advance under MOPP chapter 7.
- g. Registered student, faculty, or staff organization may sell charitable raffle tickets on behalf of an organization that is authorized to conduct a charitable raffle under the Texas Charitable Raffle Enabling Act, Texas Occupations Code, chapter 2002, or successor provisions.
- h. A registered student organization that receives funds from solicitations under this section shall deposit and account for such funds under the rules in MOPP chapter 2, subchapter 2.7. More detailed regulation of solicitation appears in the Regents' Rules and Regulations (Rule 80103). The provisions most relevant to students, faculty, and staff have been incorporated here.

Subchapter 6-300. General Rules on Means of Expression

Sec. 6-301. Disruption

a. Except as expressly authorized in section 6-802, or by an authorized University official responsible for a program or event sponsored by an academic or administrative unit, no speech, expression, or assembly may be conducted in a way that disrupts or interferes with any

1. teaching, research, administration, or other authorized activities on the campus;
2. free and unimpeded flow of pedestrian and vehicular traffic on the campus; or
3. signs, tables, exhibits, public assemblies, distribution of literature, guest speakers, or use of amplified sound by another person or organization acting under the rules in this chapter.

b. The term "disruption" and its variants, as used in this rule, are distinct from and broader than the phrase "disruptive activities," as used in the Regents' Rules and Regulations (Rule 40502). This rule is concerned not only with deliberate disruption, but also with scheduling and coordination of events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity.

1. Except in the most extreme cases, interference and disruption are unavoidably contextual. Intentional physical interference with other persons is nearly always disruptive in any context. Interfering with traffic depends on the relation between the volume of traffic and the size of the passageway left open. Disruptive noise is the most contextual of all, because it depends on the activity disrupted. Any distracting sound may disrupt a memorial service. Any sound sufficiently loud or persistent to make concentration difficult may disrupt a class or library. Occasional heckling in the speaker's pauses may not disrupt a political speech, but persistent heckling that prevents listeners from hearing the speaker does disrupt a political speech. These illustrations may be helpful, but none of them includes enough context to be taken as a rule. We cannot escape relying on the judgment and fairness of University authorities in particular cases. In this context where difficult enforcement judgments are unavoidable, it is especially important to remind administrators and law enforcement officials that their judgments should not be influenced by the viewpoint of those claiming disruption or of those allegedly disrupting.

c. Potentially disruptive events can often proceed without disruption if participants, administrators, and law enforcement officials cooperate to avoid disruption without stopping the event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the event or resorting to disciplinary charges or arrest.

Sec. 6-302. Damage to Property

a. No speech, expression, or assembly may be conducted in a way that damages or defaces property of the University or of any person who has not authorized the speaker to damage or deface his or her property.

b. No person may damage, deface, or interfere with any sign, table, or exhibit posted or displayed by another person or organization acting under the rules in this chapter.

Sec. 6-303. Coercing Attention

a. No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication.

b. No person may persist in requesting or demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication.

Sec. 6-304. Co-sponsorship

a. Academic or administrative units with authority delegated from the president of the University may co-sponsor events with an off-campus person or organization.

b. Student Organizations with approval from the director may co-sponsor events with an off-campus person or organization.

c. An event is a prohibited co-sponsorship if an individual or a student, faculty, or staff organization

1. Depends on an off-campus person or organization for planning, staffing, or management of the event; or
2. Advertises the event as co-sponsored by an off-campus person or organization; or
3. Operates the event as agent of, or for the benefit of, an off-campus person or organization, except for solicitation of charitable contributions under the authority of section 6-205(b); or
4. Distributes any proceeds of the event to an off-campus person or organization, except for
 - a. the proceeds of charitable contributions solicited under the authority of section 6-205(b); or
 - b. payment of a fair market price for goods or services provided to the University person or organization; or
5. Reserves a room or space for the use of an off-campus person or organization; or
6. Engages in any other behavior that persuades the director that an off-campus person or organization is in fact responsible for the event, in full or in substantial part.

d. The following facts do not, in and of themselves, indicate a prohibited co-sponsorship:

1. That a University person or organization endorses an off-campus person or organization or its message;
2. That a University person or organization sells, distributes, or displays literature prepared by an off-campus person or organization or containing contact information for an off-campus person or organization;
3. That a University person or organization has purchased goods or services from an off-campus provider;
4. That a registered student, faculty, or staff organization has invited a guest speaker under subchapter 6-1000;
5. That a registered student, faculty, or staff organization has received financial contributions to support the event from an off-campus donor.

e. The purpose of this rule is to preserve the limited space on campus for the use of students, faculty, and staff, and the rule shall be interpreted to serve that purpose. It is not the purpose of this rule to prevent students, faculty, staff, or members of the public from exercising their right to associate with other persons or organizations holding views similar to their own.

Sec. 6-305. Other Rules with Incidental Effects on Speech

a. Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to compile or cross-reference here. For example, libraries typically have highly restrictive rules concerning noise; laboratories and rooms containing the electrical and mechanical infrastructure of the University typically have safety rules and rules excluding persons without specific business there; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways. Speech within classrooms is generally confined to the subject matter of the class; the right to attend a class at all is subject to registration and payment of tuition; individual professors may have rules of decorum in their classroom. These kinds of rules limit the right of students, faculty, and staff to enter and speak in the places to which these rules apply.

b. Reasonable and nondiscriminatory rules of this kind generally control the rights of free speech guaranteed in this chapter. But even these kinds of rules are subject to the constitutional right of free speech. Such rules must be viewpoint neutral. Such rules cannot regulate speech more restrictively than they regulate other activities that cause the problems to be avoided by the rule. Such rules should not restrict speech more than is reasonably necessary to serve their purpose. Such rules cannot ban unobtrusive forms of communication with no potential for disruption even in the specialized environment subject to the localized rule. Thus, for example, means of silent expression or protest confined to the speaker's immediate person, such as armbands, buttons, and t-shirts, are nearly always protected because they are rarely disruptive in any environment.

Subchapter 6-400. Distribution of Literature

Sec. 6-401. General Rule on Distribution of Literature

a. Registered student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature on campus, subject to the rules in this subchapter and to the general rules in subchapters 6-200 and 6-300. Individual students, faculty members, and staff members may distribute or display literature but may not sell it. In either case, no advance permission is required. Members of the public may distribute literature in the common outdoor areas, subject to the rules outlined in this chapter but may not sell literature.

b. "Literature" means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informal matter, that is produced in multiple copies for distribution to potential readers.

Sec. 6-402. Not-for-Profit Literature Only

a. Except as expressly authorized by the Regents' Rules and Regulations or by contract with the University, no person or organization may sell, distribute, or display on campus any publication operated for profit. A registered student, faculty, or staff organization may sell publications operated for profit as part of a fund-raiser authorized by, and subject to the limits of, section 6-205(b)(1).

b. A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, inures to the benefit of any private shareholder or individual.

Sec. 6-403. Limits on Advertising

a. Literature distributed on campus may contain the following advertising:

1. advertising for a registered student, faculty, or staff organization, or an academic or administrative unit;
2. advertising for an organization that is tax exempt under Section 501(c)(3) of the Internal Revenue Code;
3. paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising; and
4. other advertising expressly authorized by the Regents' Rules and Regulations or by contract with the University.

b. All other advertising in literature distributed on campus is prohibited.

Sec. 6-405. Clean-up of Abandoned Literature

a. Any person or organization distributing literature on campus shall pick up all copies dropped on the ground in the area where the literature was distributed.

Subchapter 6-500. Signs and Banners**Sec. 6-501. General Rule on Signs**

a. "Sign" means any method of displaying a visual message to others except that transferring possession of a copy of the message is distribution of literature and not a sign.

b. Subject to the rules in this subchapter and to the general rules in subchapters 6-200 and 6-300, a University person or organization may display a sign by holding or carrying it, by displaying it at a table (see subchapter 6-600), or by posting it on a kiosk, bulletin board, or other designated location. Signs may not be posted in any other location.

Sec. 6-502. Signs & Demonstrative Materials

a. Students, faculty, and staff may display a sign on campus by holding or carrying it by hand or otherwise attaching it to their person. Members of the public may display a sign in common outdoor areas by holding or carrying it by hand or otherwise attaching it to their person. No advance permission is required. Signs on sticks or poles or otherwise attached to any device are prohibited.

b. Hand-held signs, hazard materials, and exhibits that create a hazard to other people are

not permitted. Signs constructed of rigid materials, including sticks, poles, wood, metal, hard plastic, or other materials that could be construed as a hazard are not permitted.

c. Any person holding or carrying a sign shall exercise due care to avoid bumping, hitting, or injuring any other person.

d. Any person holding or carrying a sign at a speech, performance, or other event shall exercise due care to avoid blocking the view of any other person observing the speech, performance, or event. Depending on the venue, this may mean that signs may be displayed only around the perimeter of a room or an audience.

e. A law enforcement officer or the chief student success officer, or an usher or other University employee if authorized by officials responsible for managing the venue, may warn any person that his or her sign is being handled in violation of paragraphs (b) -(d). If the violation persists after a clear warning, the law enforcement officer, chief student success officer, authorized usher, or other authorized employee may confiscate the sign. A law enforcement officer may take any action necessary to keep the peace including but not limited to issuing a criminal trespass warning to the violator.

Sec. 6-503. Signs on Kiosks

a. A kiosk is an outdoor structure, attached to the ground in a fixed location, designed for the posting of signs.

b. University persons and organizations may post signs on kiosks. No advance permission is required. Individuals may not post on kiosks any sign advertising goods or services for sale (see section 6-205).

c. Each sign posted on a kiosk must identify the University person or organization that posted the sign, and must state the date the sign was posted or the date of the event being advertised. No sign advertising an event may be posted on a kiosk more than fourteen days before the date of the event.

d. The person or organization that posts a sign on a kiosk must remove that sign not later than fourteen days after it was posted, or twenty-four hours after the event it advertised, whichever is earlier.

e. No sign may be posted on a kiosk on top of another properly posted sign.

f. No person or organization may post more than two signs on the same kiosk at the same time.

g. The director, or their designee, may remove any sign that violates any of the rules in this section.

Sec. 6-504. Banners

a. "Banner" means a sign hung from a structure, or between two buildings, structures, or poles. Banners on sticks or poles or otherwise attached to any device are prohibited.

b. The chief student success officer shall designate places where banners may be hung in indoor/outdoor locations not occupied or controlled by any other academic or administrative unit. Other academic and administrative units may designate one or more places where banners may be hung in indoor or outdoor locations that the unit occupies or controls.

1. Academic and administrative units and registered student, faculty, and staff organizations may hang banners in locations designated by the chief student success officer. Individuals may not hang banners.
2. Advance permission is required from the unit administering the location, and usually, advance reservations are required. Academic and administrative units advertising official University events or programs may be given priority. In locations administered by academic or administrative units other than the chief student success officer, organizations affiliated with the unit administering the location may be given priority.
3. In locations administered by the chief student success officer, each banner may be hung for up to two weeks. The banner may be renewed for additional time if space is available, but

- usually, other organizations are waiting their turn and renewal is not possible.
4. Other units administering a location for banners may limit the time each banner may hang. Any such time limit shall be applied without discrimination to all organizations, except that academic and administrative units may be given preference.
- e. The director shall maintain, on a Web site or on a flyer or pamphlet conveniently available at the Department of Student Engagement:
1. a list of locations where banners may be hung;
 2. the academic or administrative unit that administers banners at each outdoor location; and
 3. a current description of the rules and procedures for reserving the right to hang a banner in locations administered by the chief student success officer.
- f. The unit administering a banner location may require that the physical work of hanging the banners be performed only by employees of Physical Plant or other appropriate University personnel.
- g. Hand-held banners. University persons, university organization, and members of the public are permitted to display a hand-held banner carried by two or more individuals without poles, in accordance with this chapter, in the common outdoor areas.

Sec. 6-505. Decal

- a. "Decal" means a non-permanent object designed to adhere on the ground.
1. Decals may be placed only by academic or administrative units in locations approved by the chief student success officer and must comply with section 6-200.

Sec. 6-506. Signs in Other Designated Locations (Including Departmental Bulletin Boards)

- a. Each academic or administrative unit of the University may authorize the posting of signs in spaces that unit occupies and controls. Such authorization may be granted by general rule, by stamping or initialing individual signs, or by long-standing tradition.
- b. Signs in spaces occupied by academic or administrative units may be:
1. confined to bulletin boards or other designated locations;
 2. subject to viewpoint-neutral rules limiting the size of signs, limiting how long they may be posted, requiring each sign to show the date it was posted and the name of the person or organization who posted it, and similar rules designed to facilitate fair and equal opportunities to post signs;
 3. confined to official statements or business of the unit, or to certain subject matters of interest within the unit, or to signs posted by persons or organizations affiliated with the unit.
- c. Each academic or administrative unit shall post on or near each bulletin board or other designated location that it administers:
1. either the rules applicable to that bulletin board or location, or a particular office or Web site where the rules applicable to that bulletin board or location may conveniently be found; and
 2. if a stamp or initials are required on signs before they are posted on that bulletin board or location, the name and office location of the person whose stamp or initials are required.
- d. This notice shall be posted in the upper left corner of each bulletin board or other designated location for posting signs, or conspicuously in another nearby location. If no such notice is posted, or the bulletin board is in a general use area such as a hallway, the sign must be approved for posting by the Department of Student Engagement to verify that the sign complies with subchapter 6-200 and sections 6-301 to 6-304.
- e. Within the scope of the subject matters permitted on a particular bulletin board or other designated location, no academic or administrative unit shall discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed on a

sign.

f. This section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official University business.

Subchapter 6-600. Tables

Sec. 6-601. General Rule on Tables

University persons or organizations may set up tables from which to display literature and disseminate information and opinions, subject to the rules in this subchapter and to the general rules in subchapters 6-200 and 6-300. No advance permission is required for groups providing their own tables; however, reservations are required for on-campus groups wishing to use University-supplied tables.

a. Subject to the restrictions in paragraph (b) and subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic (see section 6-301), University persons and organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location.

b. Restrictions on table placement:

1. Tables may not be set up on the Riter Plaza, Spence Plaza, and Braithwaite Gardens.
2. Tables may not be set up inside any library, classroom, laboratory, performance hall, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time.
3. Academic or administrative units may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. Academic and administrative units are encouraged to clearly state any such rules in writing, and to publish those rules on a Web site or on a flyer or pamphlet conveniently available at the chief administrative office of the unit.

c. If any table is set up in a prohibited or disruptive location, any University employee pointing out the violation shall also point out other locations, as nearby as is reasonably possible, where the table is permitted.

Sec. 6-602. Identification

a. Each table must have a sign or literature that identifies the University person or organization sponsoring the table.

Sec. 6-603. Clean-up around Tables

a. Any person or organization sponsoring a table shall remove litter from the area around the table at the end of each day.

Sec. 6-604. Sources of Tables

a. Persons and organizations may supply their own tables. In addition, the university maintains a supply of tables that may be reserved and checked out for use on campus. The director shall maintain, on a Web site or on a flyer or pamphlet conveniently available at the Department of Student Engagement, a current description of the rules and procedures for reserving and checking out tables.

Subchapter 6-700. Exhibits and A-Frames

Sec. 6-701. General Rule on Exhibits

a. "Exhibit" means an object or collection of related objects, designed to stand on the ground or on a raised surface, that is not a table, and that is designed for temporary display and is not permanently attached to the ground.

b. "A-frame" means a movable and self-supporting sign board designated to stand on the ground, an A-frame is an exhibit

c. University person, organization or member of the public may erect exhibits, subject to the rules in this subchapter and to the general rules in subchapters 6-200 and 6-300. Advance permission is required from the director, except that an academic unit may authorize indoor exhibits in a space that it occupies and controls. Exhibits may not be erected on the Riter Plaza, Spence Plaza, and Braithwaite Gardens.

Sec. 6-702. Application Process

a. A person or organization desiring to erect an exhibit shall apply via means prescribed by the director.

Sec. 6-703. Criteria for Approval

a. The director shall authorize an exhibit described in a completed application under section 6-702 unless the director finds that use of the proposed space for the proposed exhibit must be disapproved under the criteria in section 7-203.

b. The director shall specify the location of each exhibit to reduce the hazard to visually impaired pedestrians.

c. The director shall advise each applicant how to correct, if possible, any conditions that preclude approval of his or her application. Even if an applicant is entitled to have their application approved as submitted, the director may give advice about other possible locations, or about modifications to the exhibit, that would avoid potential problems or make the proposed exhibit more workable.

Sec. 6-704. Time Limits

a. In locations administered by the director, each exhibit may be displayed for fourteen days. The exhibit may be renewed for an additional fourteen days if space is available.

b. The exhibit must be removed at the end of each day and may be re-erected each morning. However, the chief student success officer may authorize overnight exhibits in designated locations. Overnight exhibit locations shall be listed on a Web site, or on a flyer or pamphlet conveniently available in the Department of Student Engagement. A-frame signs and other small exhibits may be left overnight if the exhibit is relatively small in size and is placed in specified locations according to section 6-703(b).

Sec. 6-705. Clean Up Around Exhibits

a. Any person or organization sponsoring an exhibit shall remove litter from the area around the exhibit at the end of each day.

Sec. 6-706. Liability

a. Any person or organization sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. The University shall not be liable for any damage that may occur to the exhibit, and any person or organization sponsoring the exhibit shall indemnify the University for any claims arising from the exhibit's presence on campus.

Subchapter 6-800. Amplified Sound

Sec. 6-801. General Rule on Amplified Sound

a. All individuals may use amplified sound on campus at designated times and locations, subject to the rules in this subchapter and to the general rules in subchapters 6-200 and 6-300. Advance permission is required. This subchapter creates limited exceptions to the general rule on disruption in section 6-301.

Sec. 6-802. Location and Times of Weekday Amplified Sound Areas

a. The University West Yard Amplified Sound Area is located adjacent to the University Center between the University Center and Stewart Hall.

1. All individuals may use amplified sound in this area from 11:00 a.m. to 1:00 p.m., and after 5:00 p.m. Monday through Friday.

b. The Deck Amplified Sound Area is located adjacent to Harvey Lake near Stewart Hall.

1. All individuals may use amplified sound in this area from 11:00 a.m. to 1:00 p.m., and after 5:00 p.m. Monday through Friday.

c. The Patriot Plaza is located adjacent to the main entrance to the University Center, Alumni House and Riter Plaza.

1. All individuals may use amplified sound in this area from 11:00 a.m. to 1:00 p.m. and after 5:00 p.m. Monday through Friday.

d. The chief student success officer may designate additional areas for weekday use of amplified sound.

Sec. 6-803. Regulation and Scheduling of Weekday Amplified Sound

a. The Director may prescribe rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of weekday amplified sound areas, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact. All such rules shall be reasonable and nondiscriminatory.

b. Amplified sound in the Deck and University West Yard is in fact disruptive of teaching, administration, and research in the University Center and Stewart Hall. The disruption inherent in this use of amplified sound is expressly authorized, but no other disruption is authorized. Disruption is permitted to this extent because otherwise, it would be necessary to ban all use of amplified sound in and near the center of campus during working hours. The hours are limited because otherwise, work in these important buildings would be continuously disrupted.

c. Between 8:00 a.m. and 5:00 p.m. Monday through Friday, university persons must use sound equipment owned or controlled by the University.

d. All individuals using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area.

e. Any designations of additional areas, any additional rules regulating the designated areas, and the rules and procedures for reserving the right to use a designated area, shall be clearly stated on a Web site or on a flyer or pamphlet conveniently available at the Department of Student Engagement.

Sec. 6-804. Amplified Sound on Evenings and Weekends

a. With advance permission from the director, all individuals may use amplified sound in any outdoor location on campus, including the weekday amplified sound areas designated in section 6-802, after 5:00 p.m. Monday through Friday, and after 8:00 a.m. Saturday and Sunday, except for the early morning hours excluded in paragraph (b).

b. If amplified sound is authorized for an event on a Sunday, Monday, Tuesday, Wednesday, or Thursday evening, the sound must be turned off by 1:00 a.m. on the following day. If amplified sound is authorized for an event on a Friday or Saturday evening, the sound must be turned off by 2:00 a.m. on the following day.

c. The director may prescribe reasonable and nondiscriminatory rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of amplified sound on evenings and weekends, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact.

Sec. 6-805. Amplified Sound Indoors

a. Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the director may limit or prohibit sound that would be disruptive outside the room. Reservations may be required. Rules concerning use of University buildings are contained in MOPP chapter 7.

Sec. 6-806. Noise Level

a. All amplified sound must comply with the City of Tyler noise ordinance.

1. Monday through Thursday 7:00 a.m. to 10:00 p.m. the limit is 75 decibels.
2. Monday through Thursday 10:00 p.m. to 6:59 a.m. the limit is 63 decibels.

3. Friday through Sunday 7:00 a.m. to 11:00 p.m. the limit is 75 decibels.
4. Friday through Sunday 11:00 p.m. to 6:59 a.m. the limit is 63 decibels.

Subchapter 6-900. Public Assemblies

Sec. 6-901. General Rule on Public Assemblies

- a. "Publicly assemble" and "public assembly" include any gathering of persons, including discussions, rallies, and demonstrations. The rules of subchapter 6-800 apply to any use of amplified sound at a public assembly.
- b. All individuals may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this subchapter, to the general rules in subchapters 6-200 and 6-300, and to the rules on use of University property in MOPP chapter 7. No advance permission is required.

Sec. 6-902. Reservation of Space

- a. University persons or organizations who wish to publicly assemble in a particular room or space at a particular time may reserve the room or space under the provisions in MOPP Chapter 7, subchapter 7-200.
- b. An organization with a reservation has the right to the reserved room or space for the time covered by the reservation. Any person or organization using or occupying the room or space without a reservation must yield control of the room or space in time to permit any organization with a reservation to begin using the room or space promptly at the beginning of its reserved time.

Sec. 6-903. Notice and Consultation

- a. Persons or organizations who are planning a public assembly with seventy-five or more participants are strongly encouraged to notify and consult with the director as soon as practicable after the point at which the planners anticipate or plan for seventy-five or more participants. Persons or organizations planning smaller assemblies are encouraged to consult the director if there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events. The director can help identify appropriate space and potentially conflicting events. Refer to the Student Organization Handbook for additional information, policies, and procedures related to student organizations reserving space for public assemblies with seventy-five or more participants.

Subchapter 6-1000. Guest Speakers

Sec. 6-1001. Definitions

- a. "Guest speaker" means a speaker or performer who is not a student, faculty member, or staff member.

Sec. 6-1002. Who May Present

- a. Registered student, faculty, and staff organizations, and academic and administrative units, may present guest speakers on University property. In the case of registered student organizations, advance permission from the director is required through the proper form reservation system for events. Individuals may not present a guest speaker in University buildings or University facilities.

Sec. 6-1003. Location and Form of Presentation

- a. A guest speaker may present a speech or performance, or lead a discussion, at a time announced in advance, in a fixed indoor location, or in a fixed outdoor location approved by the chief student success officer. A guest speaker may distribute literature to persons who attend the speech, performance, or discussion.

- b. A guest speaker may not

1. accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
2. distribute literature to persons who have not chosen to attend the speech, performance, or discussion; or
3. help staff a table or exhibit set up under subchapter 6-600 or 6-700.

Sec. 6-1004. Application

a. A registered student organization that wishes to present a guest speaker shall apply to the director, on a form prescribed by the director, at least 14 days prior to the scheduled event or any planned advertising for the event, whichever is earlier. The application shall be combined with an application under section 7-202 to reserve the use of a University room or space for the event.

b. The director shall approve an application properly made under subsection (a) unless it must be disapproved under the criteria in section 7-203.

Sec. 6-1005. Obligations of Presenting Organization

a. student, faculty, or staff organization that presents a guest speaker must make clear that

1. the organization, and not the University, invited the speaker; and
2. the views expressed by the speaker are his or her own and do not necessarily represent the views of the University, the University of Texas System, or any component institution.

Subchapter 6-1100. Responding to Speech, Expression, and Assembly

Sec. 6-1101. General Rule on Responding

a. University persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this chapter.

Sec. 6-1102. Applications of Section 6-1101

a. Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.

b. Means of response that are permitted in many locations and without advance permission or reservation, such as signs, tables, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized in this policy.

c. Means of response that require advance permission or reservation, such as banners, A-frames, exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Banner space and some amplified sound areas may be unavailable on short notice but the director shall expedite approval of A-frames, exhibits, and available banner space and amplified sound areas where necessary to permit appropriate response to other speech, assembly, or expression.

d. Means of response that are confined to authorized locations, such as banners and amplified sound, may be used only in those locations. It is not possible to respond to amplified sound with amplified sound in the same location; similarly if an exhibit or public assembly is in a location where amplified sound is not permitted, it is not possible to respond with amplified sound in that location. In either case, it is possible to respond with amplified sound in another location and to use signs or distribution of literature to advertise the response at the other location.

Subchapter 6-1200. Enforcement and Appeals

Sec. 6-1201. Police Protection

a. It is the responsibility of the University to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty hours in the area of such events will be at the cost of the University. When the magnitude, timing, or nature of an event requires overtime hours from police officers (including contract hours for officers hired from other departments or private security agencies), the University will, to the extent specified in subsections

(b) and (c), charge the cost of overtime or contract officers to the person or organization sponsoring the event or exhibit that requires overtime police protection. The purpose of subsections (b) and (c) is to charge for police overtime where reasonably possible, but not to charge for police overtime made necessary by the content of speech at the event or by the controversy associated with any event.

b. A reasonable and nondiscriminatory fee for overtime police work will be charged for events that require overtime police protection, and

1. charge a price for admission, or
2. pay a speaker, band, or other off-campus person or organization for services at the event.

Persons or organizations planning such events should budget for the cost of police protection.

c. The University shall have the sole power to decide, after reasonable consultation with the person or organization planning the event, whether and to what extent overtime police protection is required. In accordance with SB 18 section 2 subsection h No fee shall be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees shall be determined by the department providing the security service.

Sec. 6-1202. Response to Violations

a. Anyone wishing to make a grievance regarding a violation may report it via the Speech, Expression and Assembly Grievance Form.

b. A student or student organizations who violates a prohibition in this chapter may be disciplined under the procedures in MOPP chapter 8, including suspension and/or expulsion.

c. A faculty member who violates a prohibition in this chapter may be disciplined under applicable procedures provided by the Handbook of Operating Policies. If no such procedures exist, violations by faculty members shall be referred to their direct supervisor or the Office of Academic Affairs and Provost.

d. A staff member who violates a prohibition in this chapter may be disciplined under applicable procedures provided by the Handbook of Operating Policies. If no such procedures exist, violations by staff members shall be referred to their direct supervisor or the Office of Human Resources.

e. Authorized University personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this chapter, by explanation and persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively or additionally, they may initiate disciplinary proceedings under paragraph (b), (c), or (d). Discretion regarding the means and necessity of enforcement shall be vested in the chief of police, or in University personnel designated by the president, as appropriate, but such discretion shall be exercised without regard to the viewpoint of any speaker.

f. Persons and organizations on the campus shall comply with instructions from University administrators and law enforcement officials at the scene. A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under section 6-1203.

Sec. 6-1203. Appeals

a. A person or organization that is denied permission for an activity requiring advance permission under this chapter may appeal the denial of permission.

b. A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth weekday after complying with the order, file an appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal shall be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.

c. An appeal authorized by this section shall be heard under the procedures set out in MOPP chapter 7, Use of University Property, Rooms and Spaces, subchapter 7-400.

Speech, Expression, and Assembly

Section:	II: Student Affairs
Chapter:	2
Date Updated:	June 13, 2024

2.1 Governing Principles

2.1.1 Freedom of Speech, Expression, and Assembly

The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the University. Students, faculty, staff, and members of the public have the right to assemble, to speak, and to attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen.

2.1.1.1 Students, faculty, and staff are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, in all parts of the campus, subject only to rules necessary to preserve the equal rights of others and the other functions of the University. Teaching, research, and other official functions of the University shall have priority in allocating the use of space on campus. Members of the public may engage in expressive activities in common outdoor areas of the campus, subject to discretionary time, place, and manner limitations necessary for preserving the functions of the University.

2.1.1.2 In furtherance of the University's educational mission, University buildings, including their outside surfaces, surfaces associated with or connected to a University building, or a University structure are limited public forums open only to the expressive activities of faculty, staff, and students as set forth in this Chapter. Student, faculty, and staff organizations may not invite the public at large to events in University buildings, facilities, or locations that are not considered common outdoor areas.

2.1.1.3 Except as expressly authorized by 2.2, the University shall not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise.

2.1.2 Scope and Related Provisions

2.1.2.1 This chapter protects and regulates speech, expression, and assembly of students, faculty, staff, and members of the public that are not part of the teaching,

research, or other official functions of the University, not otherwise sponsored by the University or any academic or administrative unit, and not submitted for academic credit.

2.1.2.2 This chapter also regulates certain speech that is part of the teaching, research, or other official functions of the University:

- a. Section 2.2.4 on Harassment applies to all speech regardless of where it occurs, including off University property, if it potentially affects a University person's education or employment with the University or potentially affects the University community.
- b. This entire chapter applies to speech by academic and administrative units, and speech that is submitted for academic credit in outdoor locations on the campus. The Dean of Students administers and schedules reservations for outdoor signs, tables, exhibits, public assemblies, and amplified sound, even for faculty, staff, and administrative and academic units, because scheduling through a single office is necessary to avoid conflicts.

2.1.2.3 Any program or event sponsored by an academic or administrative unit of the University shall have priority in the use of space and facilities over any speech, expression and assembly that is not sponsored by an academic or administrative unit, except that programs or events sponsored by an academic or administrative unit shall not have priority in the use of weekday amplified sound areas described in section 2.8.2. Academic or administrative units have equal access to scheduling the amplified sound areas. This chapter does not limit other existing authority of University officials to authorize programs and events sponsored by an academic or administrative unit and not provided for in this chapter.

2.1.2.4 Related Regulations and Policies include:

- a. Additional rules concerning free speech and academic freedom of faculty are found in the Regents' *Rules and Regulations*, Rule 31004.
- b. Underlying rules concerning free speech, the University's right to impose time, place, and manner restrictions, and the regulation of off-campus speakers, can be found in Regents' *Rules and Regulations*, Rule 40501.
- c. Rules concerning free speech and regulations regarding use and access to various campus facilities are found in Regents' *Rules and Regulations*, Rules 80101-80110.
- d. Rules protecting and regulating speech on University computer networks are promulgated by Information Technology Services, and are currently found in IT Policies, Information Computing and Web Policy.

e. Rules requiring University employees to make clear that controversial statements are in their personal capacity are found in the Regents' *Rules and Regulations*, Rule 10101. Rules restricting use of University equipment, supplies, services, and working hours for political activities are found in the Regents' *Rules and Regulations*, Rule 30103.

2.1.3 Definitions

In addition to the general definitions contained in Chapter 2.2, as used in this chapter, unless the context requires a different meaning:

- a. "Amplified sound" means sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting and group chanting are not amplified sound and are not subject to the special rules on amplified sound, but are subject to general rules on disruption;
- b. "Antisemitism" means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.
- c. "Common outdoor area" means outdoor space that is not used for dedicated University business or an event, an educational function, or a research function on either a permanent or temporary basis. It does not include the outside surfaces of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, or any other space within the University's limited public forum. Common outdoor areas are designated by state law as traditional public forums.
- d. "Event" means something that occurs in a certain place during a particular interval of time; events include but not limited to guest speakers, exhibits, tables, distribution of literature, signs and public assemblies.
- e. "Expressive activities" means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
- f. "Limited public forum" means University property, both indoors and outdoors, that is not part of the common outdoor area, including the outside surface of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, residential outdoor spaces managed by

the University, or other areas dedicated to operations or functions of the University.

g. "Off-campus person or organization" means any person, organization, or business that is not an academic or administrative unit, a registered student, faculty, or staff organization, or a student, faculty member, or staff member, including invited speakers;

h. "Room or space" includes any room or space, indoors or outdoors, owned or controlled by the University.

i. "Student event request form" means the form used by a registered student organization to schedule an activity on the campus and is available at the Student Engagement and Leadership Center.

j. "Table" means booths, displays, furniture, enclosure or any other structure temporarily used for distribution of literature, or for displaying signs or posters or for raising funds or soliciting, or for other similar activities;

k. "University facility" means an auditorium, arena, dormitory, other building, room, public area, or any other area on the campus.

l. "University person or organization" includes academic and administrative units, registered student, faculty, and staff organizations, and individual students, faculty members, and staff members.

2.2 Prohibited Expression

2.2.1 Obscenity

No person or organization shall distribute or display on the campus any writing or visual image, or engage in any public performance, that is obscene. A writing, image, or performance is "obscene" if it is obscene as defined in Texas Penal Code, Section 43.21 or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

2.2.2 Defamation

2.2.2.1 No person shall make, distribute, or display on the campus any statement that unlawfully defames any other person.

2.2.2.2 A statement unlawfully defames another person if it is false, if the false portion of the statement injures the reputation of the other person, and if the speaker has the constitutionally required state of mind as set forth in decisions of the United States Supreme Court.

2.2.3 Incitement to Imminent Violations of Law

2.2.3.1 No person shall make, distribute, or display on the campus any statements directed to inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law.

2.2.3.2 Any incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy that was committed because of antisemitism or the offender's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference will be subject to discipline, up to and including possible termination/expulsion.

2.2.3.3 Any registered student group that engages in incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy because of antisemitism or bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, is subject to discipline, up to and including possible loss of recognized status for the registered student group.

2.2.4 Harassment

2.2.4.1 No person shall make, distribute, or display on the campus any statement that constitutes verbal harassment of any other person. This section applies to all University speech including speech that is part of teaching, research, or other official functions of the University whether in person or not. "Verbal harassment" means hostile or offensive speech, oral, written, or symbolic, that:

- a. personally describes or is personally directed to one or more specific individuals; and
- b. is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the victim's ability to participate in or benefit from the services, activities, or privileges provided by the University; and
- c. is not necessary to the expression of any idea described in paragraph 2.2.4.1.1 below.

2.2.4.1.1 To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not verbal harassment, even if some listeners are offended by the argument or idea. The categories of sexually harassing speech set forth in Section VI: Equal Opportunity of this Handbook are rarely, if ever, necessary to argue for or against the substance of any political, religious,

philosophical, ideological, or academic idea.

2.2.4.1.2 Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in Section VI: Equal Opportunity of this Handbook and is often based on the victim's appearance, personal characteristics, or group membership, including but not limited to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, ideology, political views, or political affiliation.

2.2.4.2 Harassment can also consist of nonverbal conduct, such as hazing, practical jokes, damage to property, and physical assault. In the case of sexual harassment and sexual misconduct, sexual conduct is often central to the offense.

These forms of harassment are prohibited in this Handbook, Section II: Student Affairs, Chapter 1.3.8; Section VI: Equal Opportunity and in the Regents' *Rules and Regulations*, Rule 30105. To the extent of any conflict in the definition of verbal harassment, the more detailed definition in this section controls.

2.2.4.3 The harassment that this section chapter prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense, and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within the University and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules.

2.2.4.4 Verbal harassment has been interpreted very narrowly by the federal courts. Many University policies on verbal harassment or hate speech have been held unconstitutional, either because they prohibited harassment only when it was based on race, sex, and similar categories, or because they failed to protect the expression of potentially offensive ideas. This policy should be interpreted as narrowly as need be to preserve its constitutionality.

2.2.4.5 Complaints about harassment on the basis of race, color, national origin, religion, age, disability, genetic information, veteran's status, may be reported as follows:

- a. Students, faculty, and staff who believe they have been harassed based on a protected class, should report the alleged violation to the Equal Opportunity Office.
- b. Any University official, administrator, or supervisor who receives a report of alleged harassment must promptly refer the complainant and the report to the Equal Opportunity Office. A complainant whose report is not presented to the Equal Opportunity Office, has not initiated the process for providing a potential

remedy to complainant, or imposing potential discipline on the alleged harasser.

2.2.4.6 In accordance with the Sexual Misconduct Policy, reports received by a Responsible Employee regarding Sexual Misconduct discrimination based on a person's sex (which may also include on the basis of sexual orientation, gender, gender identity or expression, pregnancy or pregnancy-related condition, or a sex stereotype) must be reported promptly to a Title IX Coordinator. For more information on the applicability of the University's Sexual Misconduct Policy, please refer to Handbook Section VI, Chapter 3, or visit www.utep.edu/titleix.

2.2.4.7 Investigation of the information provided by a complainant, and any subsequent remedial or disciplinary proceedings, shall proceed under the procedures set out in the harassment policies found in Section VI, Equal Opportunity.

2.2.5 Solicitation

2.2.5.1 No person shall make, distribute, or display on the campus any statement that offers or advertises any product or service for sale or lease, or requests any gift or contribution, except as authorized in paragraph (b), by 2.4.3, or by the Regents' *Rules and Regulations*, Rule 80103. The following are not solicitation within this definition:

- a. words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle;
- b. unadorned acknowledgements or thanks to donors.

2.2.5.2 Permissible Solicitation includes:

- a. a registered student, faculty, or staff organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions for the benefit of the organization, for the benefit of another registered student, faculty, or staff organization, or for the benefit of an organization that is tax-exempt under Section 501(c)(3) of the Internal Revenue Code. No organization may sell items obtained on consignment. No organization may request contributions for an off-campus tax-exempt organization for more than fourteen days in any fiscal year;
- b. registered student, faculty, and staff organizations, and academic and administrative units may sell, distribute, or display literature that contains advertising, subject to the limits in 2.4.3. Individual students, faculty members, and staff members may distribute or display such literature, but may not sell it;
- c. individual students, faculty members, and staff members may post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used, but only on a bulletin board designated for

that purpose by an academic or administrative unit in space that the unit occupies or controls. Any unit that designates a bulletin board for this purpose may regulate that bulletin board under the procedures set forth in 2.5.6;

d. a resident of a University residence hall or apartment building may occasionally invite one or more salespersons to come to the resident's room or apartment, and in that room or apartment, the salesperson may offer products or services for sale to other residents of that residence hall or apartment building;

e. a registered student, faculty, or staff organization may collect admission fees for programs scheduled in advance under Section II - Chapter 3 (Use of University Facilities);

f. a registered student, faculty, or staff organization may collect membership fees or dues at meetings of the organization scheduled in advance under Section II - Chapter 3;

g. a registered student, faculty, or staff organization may sell charitable raffle tickets on behalf of an organization that is authorized to conduct a charitable raffle under the Texas Charitable Raffle Enabling Act, Texas Occupations Code, Chapter 2002, or successor provisions.

h. A registered student, faculty, or staff organization may host a public performance of a film scheduled in advance in accordance with Section II – Chapter 3. In accordance with Regents' *Rules and Regulations*, Rule 80103, admission fees may be collected. All registered student, faculty or staff organizations that exhibit films on campus must obtain a Public Performance License for the individual film(s) from a licensing agent. This license is required even if the exhibition of the film is offered to the public for free and is educational in nature. Registered student, faculty, or staff organizations will be required to follow the process prescribed by the film distributor to obtain approval to exhibit the film. Federal Copyright Laws protect all films viewed in public areas regardless of format. There are a few exceptions. Registered student, faculty, and staff organizations may exhibit a film publicly if:

- The film is in the Public Domain
- The registered student, faculty, or staff organization has written permission from the film's producer or other holder of the right to grant such permission; or
- The film is obtained from a company that provides Public Performance License with the purchase of the rental of the film

2.2.5.3 A registered student organization that receives funds from solicitations under this section shall deposit and account for such funds under the rules in Section II-

2.3 General Rules on Means of Expression

2.3.1 Disruption

Except as expressly authorized in 2.8.2 or by an authorized University official responsible for a program or event sponsored by an academic or administrative unit, no speech, expression, or assembly may be conducted in a way that disrupts or interferes with any:

- a. teaching, research, administration, or other authorized activities on the campus;
- b. free and unimpeded flow of pedestrian and vehicular traffic on the campus; or
- c. signs, tables, exhibits, public assemblies, distribution of literature, guest speakers, or use of amplified sound by another person or organization acting under the rules in this chapter.

2.3.1.1 The term "disruption" and its variants, as used in this rule, are distinct from and broader than the phrase "disruptive activities," as used in the Regents' *Rules and Regulations*, Rules 30103 and 40502. This rule is concerned not only with deliberate disruption, but also with scheduling and coordination of events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity, and to preserve the University's ability to execute such functions.

2.3.1.2 Except in the most extreme cases, interference and disruption are unavoidably contextual. Intentional physical interference with other persons is nearly always disruptive in any context. Interfering with traffic depends on the relation between the volume of traffic and the size of the passageway left open. Disruptive noise is the most contextual of all, because it depends on the activity disrupted. Any distracting sound may disrupt a memorial service. Any sound sufficiently loud or persistent to make concentration difficult may disrupt a class or library. Occasional heckling in the speaker's pauses may not disrupt a political speech, but persistent heckling that prevents listeners from hearing the speaker does disrupt a political speech. These illustrations may be helpful, but none of them includes enough context to be taken as a rule. We cannot escape relying on the judgment and fairness of University authorities in particular cases. In this context where difficult enforcement judgments are unavoidable, it is especially important to remind administrators and law enforcement officials that their judgments should not be influenced by the viewpoint of those claiming disruption or of those allegedly disrupting.

2.3.1.3 Potentially disruptive events can often proceed without disruption if participants, administrators, and law enforcement officials cooperate to avoid disruption without stopping the event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what

they consider disruptive and seek voluntary compliance before stopping the event or resorting to disciplinary charges or arrest.

2.3.2 Damage to Property

2.3.2.1 No speech, expression, or assembly may be conducted in a way that damages or defaces property of the University or of any person who has not authorized the speaker to damage or deface his or her property.

2.3.2.2 No person may damage, deface, or interfere with any sign, table, or exhibit posted or displayed by another person or organization acting under the rules in this chapter.

2.3.3 Coercing Attention

2.3.3.1 No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication.

2.3.3.2 No person may persist in requesting or demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication.

2.3.4 Co-sponsorship

Neither registered student, faculty, or staff organizations, nor individual students, faculty, or staff, may co-sponsor any event on campus with an off-campus person or organization. Only academic or administrative units with authority delegated from the President of the University may co-sponsor events with an off-campus person or organization.

2.3.4.1 An event is a prohibited co-sponsorship if an individual or a student, faculty, or staff organization:

- a. depends on an off-campus person or organization for planning, staffing, or management of the event; or
- b. advertises the event as cosponsored by an off-campus person or organization; or
- c. operates the event as agent of, or for the benefit of, an off-campus person or organization, except for solicitation of charitable contributions under the authority of 2.2.5.2(a); or
- d. distributes any proceeds of the event to an off-campus person or organization, except for
 - A. the proceeds of charitable contributions solicited under the authority of 2.2.5.2(a); or

- B. payment of a fair market price for goods or services provided to the University person or organization; or
- e. reserves a room or space for the use of an off-campus person or organization; or
- f. engages in any other behavior that persuades the Dean of Students that an off-campus person or organization is in fact responsible for the event, in full or in substantial part.

2.3.4.2 The following facts do not, in and of themselves, indicate a prohibited co- sponsorship:

- a. That a University person or organization endorses an off- campus person or organization or its message;
- b. That a University person or organization sells, distributes, or displays literature prepared by an off-campus person or organization or containing contact information for an off-campus person or organization;
- c. That a University person or organization has purchased goods or services from an off-campus provider;
- d. That a registered student, faculty, or staff organization has invited a guest speaker under 2.10;
- e. That a registered student, faculty, or staff organization has received financial contributions to support the event from an off-campus donor.

2.3.4.3 The purpose of this rule is to preserve the limited space on campus for the use of students, faculty, staff, and members of the public as applicable, and the rule shall be interpreted to serve that purpose. It is not the purpose of this rule to prevent students, faculty, or staff from exercising their right to associate with other persons or organizations holding views similar to their own.

2.3.5 Other Rules with Incidental Effects on Speech

2.3.5.1 Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to compile or cross-reference here. For example, libraries typically have highly restrictive rules concerning noise; laboratories and rooms containing the electrical and mechanical infrastructure of the University typically have safety rules and rules excluding persons without specific business there; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways. Speech within classrooms is generally confined to the subject matter of the class; the right to attend a class at all is subject to registration and payment of tuition; individual professors

may have rules of decorum in their classroom. These kinds of rules limit the right of students, faculty, staff, and members of the public to enter and speak in the places to which these rules apply.

2.3.5.2 Reasonable and nondiscriminatory rules of this kind generally control over the rights of free speech guaranteed in this chapter. But even these kinds of rules are subject to the constitutional right of free speech. Such rules must be viewpoint neutral. Such rules cannot regulate speech more restrictively than they regulate other activities that cause the problems to be avoided by the rule. Such rules should not restrict speech more than is reasonably necessary to serve their purpose. Such rules cannot ban unobtrusive forms of communication with no potential for disruption even in the specialized environment subject to the localized rule. Thus, for example, means of silent expression or protest confined to the speaker's immediate person, such as armbands, buttons, and t-shirts, are nearly always protected because they are rarely disruptive in any environment.

2.4 Distribution of Literature

2.4.1 General Rule on Distribution of Literature

2.4.1.1 Registered student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature on campus, subject to the rules in 2.4 and to the general rules in 2.2 and 2.3. Individual students, faculty members, and staff members may distribute or display literature but may not sell it. Members of the public may also distribute literature in common outdoor areas of campus but may not sell it. In either case, no advance permission is required.

2.4.1.2 "Literature" means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informal matter, that is produced in multiple copies for distribution to potential readers.

2.4.2 Not-for-Profit Literature Only

2.4.2.1 Except as expressly authorized by the Regents' *Rules and Regulations* or by contract with the University, no person or organization may sell, distribute, or display on campus any publication operated for profit. A registered student, faculty, or staff organization may sell publications operated for profit as part of a fundraiser authorized by, and subject to the limits of, 2.2.5.2(a).

2.4.2.2 A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, inures to the benefit of any private shareholder or individual.

2.4.3 Limits on Advertising

Literature distributed on campus may contain the following advertising:

- a. advertising for a registered student, faculty, or staff organization, or an academic or administrative unit;
- b. advertising for an organization that is tax exempt under Section 501(c)(3) of the Internal Revenue Code;
- c. paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising; and
- d. other advertising expressly authorized by the Regents' *Rules and Regulations* or by contract with the University.

All other advertising in literature distributed on campus is prohibited

2.4.4 Clean-up of Abandoned Literature

Any person or organization distributing literature on campus shall pick up all copies dropped on the ground in the area where the literature was distributed.

2.5 Signs and Banners

2.5.1 General Rules on Signs

2.5.1.1 "Sign" means any method of displaying a visual message to others, except that transferring possession of a copy of the message is distribution of literature and not a sign.

2.5.1.2 Subject to the rules in this chapter and to the general rules in 2.2 and 2.3, a University person or organization may display a sign by holding or carrying it, by displaying it at a table (see 2.6 below), or by posting it on a kiosk, bulletin board, or other designated location. Signs may not be staked in the ground, attached to foliage, or posted in any other location.

2.5.2 Hand-Held Signs

2.5.2.1 Students, faculty, and staff may display a sign on campus by holding or carrying it by hand or otherwise attaching it to their person. Members of the public may display a sign in common outdoor areas of campus by holding or carrying it by hand or otherwise attaching it to their person. No advance permission is required. Signs on sticks or poles or otherwise attached to any device are prohibited.

2.5.2.2 Any person holding or carrying a sign shall exercise due care to avoid bumping, hitting, or injuring any other person.

2.5.2.3 Any person holding or carrying a sign at a speech, performance, or other event shall exercise due care to avoid blocking the view of any other person

observing the speech, performance, or event. Depending on the venue, this may mean that signs may be displayed only around the perimeter of a room or an audience.

2.5.2.4 A law enforcement officer or the Dean of Students, or an usher or other University employee if authorized by officials responsible for managing the venue, may warn any person that his or her sign is being handled in violation of 2.5.2.2 or 2.5.2.3. If the violation persists after a clear warning, the law enforcement officer, Dean, authorized usher, or other authorized employee may confiscate the sign.

2.5.3 Banner

2.5.3.1 "Banner" means a sign hung from a structure, or between two buildings, structures, or poles.

2.5.3.2 The Dean of Students, with approval from the President of the University, shall designate places where banners may be hung by registered student organizations in outdoor locations.

2.5.3.3 Academic and administrative units, faculty, and staff organizations may hang banners as established in Section VIII - Chapter 7 (Banners) of this Handbook. Individuals may not hang banners.

2.5.3.4 Advance permission is required from the Dean of Students and usually, advance reservations are required. Academic and administrative units advertising official University events or programs may be given priority.

2.5.3.5 In locations administered by the Dean of Students, each banner may be hung for one week. The banner may be renewed from week to week if space is available, but usually, other organizations are waiting their turn and renewal is not possible. Any such time limit shall be applied without discrimination to all organizations, except that academic and administrative units may be given preference.

2.5.3.6 The Dean of Students shall maintain, on a Web site or on a flyer or pamphlet conveniently available at the Dean's office: a list of outdoor locations where banners may be hung; the academic or administrative unit that administers banners at each outdoor location; and a current description of the rules and procedures for reserving the right to hang a banner in locations administered by the Dean of Students.

2.5.3.7 The Dean of Students may require that the physical work of hanging the banners be performed only by employees of Facility Services or other appropriate University personnel. Actual costs will be charged to the organization or unit making the request.

2.5.4 A-Frames

2.5.4.1 "A-frame" means a movable and self-supporting sign board designed to stand

on the ground.

2.5.4.2 A-frames are subject to the rules on exhibits in subchapter 2.7 below.

2.5.5 Signs in Other Designated Locations (Including Departmental Bulletin Boards)

2.5.5.1 Each academic or administrative unit of the University may authorize the posting of signs in spaces that unit occupies and controls. Such authorization may be granted by general rule, by stamping or initialing individual signs, or by longstanding tradition.

2.5.5.2 Signs in spaces occupied by academic or administrative units may be:

- a. confined to bulletin boards or other designated locations;
- b. subjected to viewpoint-neutral rules limiting the size of signs, limiting how long they may be posted, requiring each sign to show the date it was posted and the name of the person or organization who posted it, and similar rules designed to facilitate fair and equal opportunities to post signs;
- c. confined to official statements or business of the unit, or to certain subject matters of interest within the unit, or to signs posted by persons or organizations affiliated with the unit.

2.5.5.3 Each academic or administrative unit shall post on or near each bulletin board or other designated location that it administers:

- a. either the rules applicable to that bulletin board or location, or a particular office or Web site where the rules applicable to that bulletin board or location may conveniently be found; and
- b. if a stamp or initials are required on signs before they are posted on that bulletin board or location, the name and office location of the person whose stamp or initials are required.

This notice shall be posted in the upper left corner of each bulletin board or other designated location for posting signs, or conspicuously in another nearby location. If no such notice is posted, then the only applicable rules are those contained in subchapter

2.2 and 2.3.1 to 2.3.4 above.

2.5.5.4 Within the scope of the subject matters permitted on a particular bulletin board or other designated location, no academic or administrative unit shall discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed on a sign.

2.5.5.5 This section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official University business.

2.6 Tables

2.6.1 General Rule on Tables

University persons or organizations may set up tables from which to display literature and disseminate information and opinions, subject to the rules in this subchapter and to the general rules in 2.2 and 2.3 above. No advance permission is required. Members of the public may not set up tables in the common outdoor areas or in the University's limited public forum areas.

2.6.2 Locations

2.6.2.1 University persons and organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic (see 2.3.1), and the following restrictions:

- a. tables set up in the Union Plaza must follow the policies listed under Section II-Chapter 3.5;
- b. tables may not be set up inside any library, classroom, laboratory, performance hall, stadium, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time;
- c. an academic or administrative unit may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. Academic and administrative units are encouraged to clearly state any such rules in writing, and to publish those rules on a Web site or on a flyer or pamphlet conveniently available at the chief administrative office of the unit.

2.6.2.2 If any table is set up in a prohibited or disruptive location, any University employee pointing out the violation shall also point out other locations, as nearby as is reasonably possible, where the table is permitted.

2.6.3 Identification

Each table must have a sign or literature that identifies the University person or organization sponsoring the table.

2.6.4 Clean-Up Around Tables

Any person or organization sponsoring a table shall remove litter from the area around the table at the end of each day.

2.6.5 Sources of Tables

University persons and organizations may supply their own tables. In addition, the Dean of Students maintains a supply of tables that may be reserved and checked out for use on campus. The Dean of Students shall maintain, on a Web site or on a flyer or pamphlet conveniently available at the Dean's office, a current description of the rules and procedures for reserving and checking out tables.

2.7 Exhibits and A-Frames

2.7.1 General Rule on Exhibits

2.7.1.1 "Exhibit" means an object or collection of related objects, designed to stand on the ground or on a raised surface, that is not a table, and that is designed for temporary display and is not permanently attached to the ground. An A-frame sign (see 2.5.4) is an exhibit.

2.7.1.2 "A-frame exhibit" means a moveable and self-support sign board designed to stand on the ground and remain overnight in a temporary outdoor exhibit space. A-frame exhibits may not exceed five feet in height or width. Structures that do not meet this criteria will be considered general exhibits and will be subject to the general rules and conditions applicable to exhibits.

2.7.1.3 Academic or administrative units and registered students, faculty, or staff organizations may erect exhibits and A-frame exhibits, subject to the rules in this subchapter and to the general rules in 2.2 and 2.3. Advance permission is required from the Dean of Students, except that an academic unit may authorize indoor exhibits in a space that it occupies and controls. Members of the public may not erect exhibits or A-frame exhibits.

2.7.2 Application Process

An academic or administrative unit or a registered student, faculty, or staff organization desiring to display an outdoor general exhibit or A-frame exhibit shall apply on a form prescribed by the Dean of Students.

2.7.3 Criteria for Approval

2.7.3.1 The Dean of Students shall authorize an exhibit described in a completed application under 2.7.2 unless the Dean finds that use of the proposed space for the proposed exhibit must be denied under the criteria in Section II-Chapter 3.3.

2.7.3.2 The Dean shall specify the location of each exhibit to reduce the hazard to visually impaired pedestrians.

2.7.3.3 The Dean shall advise each applicant how to correct, if possible, any conditions that preclude approval of his or her application. Even if an applicant is entitled to have his or her application approved as submitted, the Dean may give advice about other possible locations, or about modifications to the exhibit, that would avoid potential problems or make the proposed exhibit more workable.

2.7.4 Time Limits

2.7.4.1 In locations administered by the Dean of Students, each exhibit or A-frame may be displayed for fourteen days. The exhibit or A-frame may be renewed for an additional fourteen days if space is available.

2.7.4.2 The exhibit must be removed at the end of each day and may be re-erected each morning. However, the Vice President for Student Affairs or the Dean of Students may authorize overnight exhibits.

2.7.5 Clean-Up Around Exhibits

Any academic or administrative unit or registered student, faculty, or staff organization sponsoring an exhibit or A-frame shall remove litter from the area around the exhibit or A-frame at the end of each day.

2.7.6 Liability

Any registered student, faculty, or staff organization sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. The University shall not be liable for any damage that may occur to the exhibit, and any person or organization sponsoring the exhibit shall indemnify the University for any claims arising from the exhibit's presence on campus.

2.8 Amplified Sound

2.8.1 General Rule on Amplified Sound

University persons and organizations and members of the public may use amplified sound on campus at designated times and locations, subject to the rules in this subchapter and to the general rules in 2.2 and 2.3. Advance permission is required. This subchapter creates limited exceptions to the general rule on disruption in 2.3.1.

2.8.2 Location and Times of Weekday Amplified Sound Areas

Upon reservation subject to availability, amplified sound may be used in the following areas during the times specified:

- a. The Leech Grove Amplified Sound Area is at the corner of University and Wiggins Rd. University persons and organizations may use amplified sound in this area from 11:30 a.m. to 1:30 p.m. Monday through Friday.

- b. The Centennial Plaza Amplified Sound Area is the grass area west of the Union. University persons and organizations may use amplified sound in this area from 11:00 a.m. to 2:00 p.m. Monday through Friday.
- c. The Geology Lawn Amplified Sound Area is the grass area facing east of the Geology Building. University persons and organizations may use amplified sound in this area from 11:30 a.m. to 1:30 p.m. Monday through Friday.
- d. The UGLC Plaza Amplified Sound Area is located under the canopy on the UGLC Plaza. University persons and organizations may use amplified sound in this area from 11:30 a.m. to 1:30 p.m. Monday through Friday.

2.8.3 Regulation and Scheduling of Weekday Amplified Sound

The Dean of Students may prescribe rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of weekday amplified sound areas, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact. All such rules shall be reasonable and nondiscriminatory.

2.8.3.1 Persons or organizations wishing to use a weekday amplified sound area must reserve a particular area at a particular time. Reservations must be made with the Dean of Students on a form prescribed by the Dean. The Dean shall approve a properly completed application to reserve an amplified sound area, unless the application must be denied under the criteria in 2.8 or under rules promulgated by the Dean under the authority of this chapter.

2.8.3.2 The Dean of Students may limit the number or frequency of reservations for each person or organization to ensure reasonable access for all persons and organizations desiring to use amplified sound on weekdays.

2.8.3.3 Persons and organizations using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.

2.8.3.4 Any designations of additional areas, any additional rules regulating the designated areas, and the rules and procedures for reserving the right to use a designated area, shall be clearly stated on a Web site or on a flyer or pamphlet conveniently available at the Dean of Students' office.

2.8.3.5 When amplified sound areas are not reserved for use for an assembly

including amplified sound, they are available for use, for permitted expressive activity, without reservation as part of the common outdoor areas. Any person or organization using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of its reserved time.

2.8.4 Amplified Sound on Evenings and Weekends

2.8.4.1 With advance permission, Persons and organizations may use amplified sound in the amplified sound areas designated in 2.8.2, after 5:00 p.m. Monday through Friday, and after 8:00 a.m. Saturday and Sunday, except for the early morning hours excluded in 2.8.4.2 below.

2.8.4.2 If amplified sound is authorized for an event on a Sunday, Monday, Tuesday, Wednesday, or Thursday evening, the sound must be turned off by 1:00 a.m. on the following day. If amplified sound is authorized for an event on a Friday or Saturday evening, the sound must be turned off by 2:00 a.m. on the following day.

2.8.4.3 The Dean of Students may prescribe reasonable and nondiscriminatory rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of amplified sound on evenings and weekends, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact.

2.8.4.4 Use of amplified sound on evenings and weekends requires advance permission from the Dean of Students. Persons and organizations shall apply on a form prescribed by the Dean. The Dean shall authorize amplified sound as described in a completed application unless the Dean finds that the application must be denied under the criteria in 2.8 or under rules promulgated by the Dean under the authority of this section. The Dean shall advise each applicant how to correct, if possible, any conditions that preclude approval of its application. Even if an applicant is entitled to have its application approved as submitted, the Dean may give advice about other possible locations, or about modifications to the proposed event, that would avoid potential problems or make the proposed event more workable.

2.8.5 Amplified Sound Indoors

Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the Dean of Students may limit or prohibit sound that would be disruptive outside the room. Reservations may be required. Rules concerning use of University buildings are contained in Handbook Section II - Chapter 3.

2.9 Public Assemblies without Amplified Sound

2.9.1 General Rule on Public Assemblies

2.9.1.1 "Publicly assemble" and "public assembly" include any gathering of persons, including discussions, rallies, and demonstrations. The rules of 2.8 apply to any use of amplified sound at a public assembly.

2.9.1.2 Persons and organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this subchapter, to the general rules in 2.9.1.1 and 2.2 and 2.3, and to the rules on use of University property in Handbook Section II-Chapter 3. No advance permission is required.

2.9.2 Reservation of Space

2.9.2.1 University persons or organizations who wish to publicly assemble in a particular room or space at a particular time may reserve the room or space under the provisions in Section II – Chapter 3.3. Members of the public may take similar steps to reserve space in common outdoor areas.

2.9.2.2 An organization with a reservation has the right to the reserved room or space for the time covered by the reservation. Any person or organization using or occupying the room or space without a reservation must yield control of the room or space in time to permit any organization with a reservation to begin using the room or space promptly at the beginning of its reserved time.

2.9.2.3 Reservations are not required but are strongly encouraged. A person or organization planning to use a room or space without a reservation may find the facility locked or in use by another person or organization. The University Police rely on a list of scheduled events, and a large group without a reservation is likely to attract their courteous but inquiring attention.

2.9.3 Notice and Consultation

Persons or organizations who are planning a public assembly with more than fifty participants are strongly encouraged to notify and consult with the Dean of Students and are encouraged to provide advance notice of no less than two weeks to help the University improve the safety and success of the expressive activity. If there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events, persons and organizations are encouraged to consult the Dean of Students. The Dean has much experience in helping student organizations structure events in ways that both comply with the University's rules and achieve the organization's goals for the event. The Dean can help identify appropriate space and potentially conflicting events. The Dean can help the planners avoid unintended disruption or other violations that may result in subsequent discipline or subsequent interference with the assembly by campus authorities.

Registered student, faculty, and staff organizations are afforded privileges not available to individual faculty, staff, and students. Individual persons and organizations may take steps to

reserve space in common outdoor areas.

Commented [RD1]: Per Courtney Rios.
Typo (outdoor --> outdoor)
6/12/24

2.10 Guest Speakers

2.10.1 Definitions

"Guest speaker" means a speaker or performer who is not a student, faculty member, or staff member.

2.10.2 Who May Present

Registered student, faculty, and staff organizations, and academic and administrative units, may present guest speakers on University property. In the case of registered student organizations, advance permission from the Dean of Students is required.

2.10.3 Location and Form of Presentation

2.10.3.1 A guest speaker may present a speech or performance, or lead a discussion, at a time announced in advance, in a fixed indoor location, or in a fixed outdoor location approved by the Dean of Students. A guest speaker may distribute literature to persons who attend the speech, performance, or discussion. Student, faculty and staff organizations may not invite the public at large to events in University buildings or facilities.

2.10.3.2 A guest speaker may not:

- a. accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
- b. distribute literature to persons who have not chosen to attend the speech, performance, or discussion; or
- c. help staff a table or exhibit set up under 2.6 or 2.7.

2.10.4 Application

A registered student organization that wishes to present a guest speaker shall apply to the Dean of Students, on a form prescribed by the Dean, at least two weeks prior to the scheduled event or any planned advertising for the event, whichever is earlier. The application shall be combined with an application under Section II-Chapter 3.3 to reserve the use of a University room or space for the event. The Dean shall approve an application properly made under subsection (a) unless it must be denied under the criteria in Section II-Chapter 3.3.

2.10.5 Obligations of Presenting Organization

A student, faculty, or staff organization that presents a guest speaker must make clear that:

- a. the organization, and not the University, invited the speaker; and

- b. the views expressed by the speaker are his or her own and do not necessarily represent the views of the University, the University of Texas System, or any component institution.

2.11 Responding to Speech, Expression, and Assembly

2.11.1 General Rule on Responding

Persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this chapter.

2.11.2 Applications

2.11.2.1 Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.

2.11.2.2 Means of response that are permitted in many locations and without advance permission or reservation, such as signs, tables, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized in this policy.

2.11.2.3 Means of response that require advance permission or reservation, such as banners, A-frames, exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Banner space and some amplified sound areas may be unavailable on short notice because of earlier reservations, but the Dean of Students shall expedite approval of A-frames, exhibits, and available banner space and amplified sound areas where necessary to permit appropriate response to other speech, assembly, or expression.

2.11.2.4 Means of response that are confined to authorized locations, such as banners and amplified sound, may be used only in those locations. It is not possible to respond to amplified sound with amplified sound in the same location; similarly if an exhibit or public assembly is in a location where amplified sound is not permitted, it is not possible to respond with amplified sound in that location. In either case, it is possible to respond with amplified sound in another location and to use signs or distribution of literature to advertise the response at the other location.

2.12 Enforcement and Appeals

2.12.1 Police Protection

2.12.1.1 It is the responsibility of the University to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty in the area of such events will be at the cost of the University. When the magnitude, timing, or nature of an event requires overtime hours from police

officers (including contract hours for officers hired from other departments or private security agencies), the University will, to the extent specified in 2.12.12 and 2.12.13, charge the cost of overtime or contract officers to the person or organization sponsoring the event or exhibit that requires overtime police protection. The purpose of 2.12.12 and 2.12.13 is to charge for police overtime where reasonably possible, but not to charge for police overtime made necessary by the content of speech at the event or by the controversy associated with any event.

2.12.1.2 A reasonable and nondiscriminatory fee for overtime police work will be charged for events that require overtime police protection, and charge a price for admission, or pay a speaker, band, or other off-campus person or organization for services at the event.

Persons or organizations planning such events should budget for the cost of police protection.

2.12.1.3 The University shall have the sole power to decide, after reasonable consultation with the person or organization planning the event, whether and to what extent overtime police protection is required. No fee shall be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees shall be based on the number of officers required for an uncontroversial event of a similar size, type, location, time of day, and other similar considerations.

2.12.1.4 Nothing in this section applies to any interdepartmental charge or transfer among units or accounts funded by the University.

2.12.2 Response to Violations

2.12.2.1 A student who violates a prohibition in this chapter may be disciplined under the procedures in chapter 1.

2.12.2.2 A faculty member who violates a prohibition in this chapter may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by faculty members shall be referred to the Office of the Provost.

2.12.2.3 A staff member who violates a prohibition in this chapter may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by staff members shall be referred to Human Resource Services.

2.12.2.4 Authorized University personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this chapter, by explanation and persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively or additionally, they may initiate disciplinary proceedings under 2.12.2.1, 2.12.2.2, or 2.12.2.3. Discretion regarding the means

and necessity of enforcement shall be vested in the chief of police, or in University personnel designated by the President, as appropriate, but such discretion shall be exercised without regard to the viewpoint of any speaker.

2.12.2.5 Persons and organizations on the campus shall comply with instructions from University administrators and law enforcement officials at the scene. A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under 2.12.3.

2.12.2.6 Members of the public or organization(s) on the campus who violate a prohibition of this Chapter may be subject to criminal trespass charges, arrest, or other lawful measures.

2.12.2.7 Individuals or organizations wishing to make a grievance regarding a violation of Texas Education Code § 51.9315 may report it by submitting a complaint at: <https://www.reportlineweb.com/Welcome.aspx?Client=utep>, or may report through the compliance helpline at 888-228-7713

2.12.3 Appeals

2.12.3.1 A person or organization that is denied permission for an activity requiring advance permission under this chapter may submit a written appeal of the denial of permission to the Dean of Students.

2.12.3.2 A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth weekday after complying with the order, file an appeal in writing with the Dean of Students to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal shall be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.

2.12.3.3 An appeal authorized by this section shall be heard under the procedures set out in Section II - Chapter 3.6.

2.12.3.4 Members of the public who wish to submit a complaint or report an incident or order which denied their right to engage in expressive activities in a common outdoor area of campus, may submit a complaint through the compliance reporting system at: <https://www.reportlineweb.com/Welcome.aspx?Client=utep>, or may report through the compliance helpline at 888-228-7713. Anonymous complaints are available as an option for either reporting method.



9.1.9 Expressive Activities

Chapter 9 - Facilities	Original Effective Date: June 2000
Section: 9.1 University Facilities	Date Last Reviewed: August 2021
Responsible Entity: Vice President for Academic, Faculty and Student Affairs	Date Last Revised: August 2021

I. Purpose

In furtherance of UT Health San Antonio’s (“UTHSA”) mission of making lives better through excellence in education, research, health care, and community engagement, the purpose of this Policy is to protect and promote “Expressive Activities” taking place in UTHSA Outdoor Public Forums, as defined in Section IV of this Policy. Any Expressive Activities engaged in by individuals under this Policy are the views of those individuals and do not necessarily represent the views of UTHSA.

II. Scope

The Policy applies to all UTHSA administrators, faculty, staff, students, residents, fellows, post-doctoral research fellows, other trainees, visiting scholars, Registered Student Organizations and/or UTHSA organizations, and invited guests, hereinafter collectively referred to as “UTHSA Community,” and members of the public who desire to conduct Expressive Activities on any property owned by UTHSA. This Policy shall not apply to Commercial Speech.

III. Policy

A. Rights and Responsibilities

1. UTHSA will protect and promote the rights of all persons to engage in Expressive Activities as guaranteed and defined by the United States Constitution and the Constitution and laws of the State of Texas. Every person shall be at liberty to speak, write, or publish their opinions on any subject, being responsible for the abuse of that privilege, as well as following all applicable State laws as well as UTHSA rules. All the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the state institutions of higher education of this state.
2. UTHSA shall encourage free, robust, uninhibited debate and deliberation to the extent that the Expressive Activity does not:
 - a. threaten or endanger the health or safety of any person,

9.1.9 Expressive Activities

- b. deny or infringe upon the rights of others,
 - c. interfere or disrupt the orderly conduct of classroom activities, patient care, normal operations, or the use of any UTHSA facility,
 - d. generate a volume of sound that interferes with the conduct of normal UTHSA functions,
 - e. obstruct pedestrian or vehicular traffic on campus,
 - f. obstruct or interfere with the free movement of any persons between any properties owned or leased by the UTHSA, and
 - g. damage UTHSA property or contribute to the damage of property
3. UTHSA Community Members may invite outside speakers to speak on campus in accordance with UTHSA procedural requirements (see Procedure section) and as detailed in the [Handbook of Operating Policies \(HOP\)](#).
 4. No student, faculty or staff organization will be denied any benefit that is generally available to other organizations based on their political, religious, philosophical, ideological, or academic viewpoint(s).
 5. UTHSA reserves the right to specify the time, manner, and place for individuals engaging in Expressive Activities. (see Procedure Section)
 6. Expressive Activities carried out for the purpose of commercial/for-profit benefit (commercial speech) are prohibited.
- B. Signage
1. Signage will be allowed so long as signs are carried, attached to an individual's person, or under the constant care, custody, and control of the owner.
 2. Signage may not be attached to UTHSA buildings or structures, staked into campus grounds, or hoisted on poles, sticks, or other objects that may pose a danger to others, without prior written permission from UTHSA.
 3. UTHSA shall not be liable for any damages to property or persons caused by signage.
- C. Public Assembly and Distribution of Printed Materials
1. Public assembly, speech, and distribution of written materials will be permitted in Outdoor Public Forums, areas designated by UTHSA (see attached Campus Maps), provided the expression is of a lawful nature and does not conflict with other activities that are scheduled at the same time and location.
 - a. To assist in the coordination and reservation of space, members of the public are encouraged to declare, by registration, their intent to sponsor or lead an Expressive Activity on any property that is owned by the UTHSA. (See Procedure section)

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- b. UTHSA reserves the right to relocate any Expressive Activity where the time and/or location conflicts with a UTHSA promoted event, a Registered Student Organization sponsored event, or significant institutional interest.

D. Disrupting and Interference

1. Disrupting, interfering, and/or preventing the Expressive Activities of others is prohibited.
2. Any member of the UTHSA Community who violates subsection 1. shall be subject to sanctions in accordance with the procedures published herein, as well as any applicable disciplinary actions as defined within the HOP, as noted below in the Procedure Section.
3. Members of the public who violate subsection 1 will be asked to leave the campus, and if necessary, UTHSA Police will be called upon to maintain order and enforce UTHSA policies, as well as all other applicable laws.
4. Any incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy that was committed because of antisemitism or the offender's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference will be subject to discipline, up to and including possible termination or expulsion.
5. Any Registered Student Organization that engages in incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy because of antisemitism or bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, is subject to discipline, up to and including possible loss of recognized status for the registered student group..

E. Restrictions

1. In order to fulfill UTHSA's mission of making lives better through excellence in education, research, health care and community engagement, UTHSA shall restrict Expressive Activities based on the time, place, and manner of the Expressive Activity. These restrictions are necessary to implement UTHSA's strategies of educating a diverse student body to become excellent health care providers and scientists by providing a learning environment for students, faculty, and staff. These restrictions also implement UTHSA's strategy for providing compassionate and culturally proficient health care by allowing patients and their companions access to the many health care services provided by UTHSA. By restricting Expressive Activities based on the time, place, and manner, UTHSA will be able to implement other strategies of engaging our community to improve health and influencing thoughtful advances in health policy, by providing space on the campus for the Expressive Activities, as it is available.
2. Space shall be restricted based on the following:

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- a. the needs of teaching, research, clinical education and/or practice,
 - b. official activities of the UTHSA, and
 - c. security and/or safety reasons.
3. In the event of security and/or safety reasons, previously scheduled Expressive Activities may be relocated or be required to cease. No person or organization may engage in Expressive Activities within thirty (30) feet of points of entry and perimeter of a UTHSA building.
 4. Expressive Activities are prohibited outside the weekday (M-F) hours of 7:00 am to 6:00 pm, unless occurring in conjunction with a pre-approved UTHSA or Registered Student Organization-sponsored event, or prior written permission is given by UTHSA. An Expressive Activity event may not continue beyond three consecutive days.
 - a. Long Campus Outdoor Public Forums (Long Campus Map):
 - i. ALTC Plaza
 - ii. Holly Courtyard
 - iii. AAB Breezeway
 - iv. Library Plaza
 - v. Nursing Courtyard
 - vi. Athletic Fields
 - b. Greehey Campus Outdoor Public Forum (Greehey Campus Map):
 - i. STRF Plaza
 - c. Laredo Campus Outdoor Public Forum (Laredo Campus Map):
 - i. The Courtyard at the Regional Campus-Laredo
 5. Notwithstanding sections E. 1. – 4., UTHSA reserves the right to relocate Expressive Activity in accordance with all applicable laws

F. Procedures

1. Inviting Guest Speakers (budget, approval, and fees)
2. Guest speakers may be invited to speak on UTHSA property in the Outdoor Public Forums listed above. Requests for guest speakers on campus must be submitted to the Office of Room Scheduling at least two (2) weeks prior to the desired date of the event to allow the UTHSA to determine if the desired location and time will not disrupt a prior scheduled event or interfere with a significant institutional interest.
3. For community members requesting space on campus for an expressive activity with the intent of reaching students, please contact the Office of Student Life at studentlife@uthscsa.edu. And for expressive activities with the intent of reaching faculty or staff, please contact the Office of University Scheduling at scheduling@uthscsa.edu
4. Procedures for Reporting Violations of this Policy and Law.

9.1.9 Expressive Activities

- a. Compliance Hotline - (877) 507-7317
 - b. UTHSA Police - (210) 567-2800
5. Procedure to Sanction for Interference
- a. [HOP 4.9.3 Progressive Disciplinary Action](#)
 - b. All applicable general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the UTHSA.
6. Procedure to file Grievance or Appeal Disciplinary Action
- a. UTHSA Community Members
 - i. Faculty and Staff - [HOP 4.9.5 Grievance Policy and Procedures](#)
 - ii. Students - [HOP 14.1.1 Procedures and Regulations Governing Student Conduct and Discipline](#)
 - b. Members of the public who would like to appeal a disciplinary action may call the UTHSA Compliance Hotline at (877) 507-7317.

G. Communication

This Policy will be available on UTHSA's website and in the Student Handbook.

IV. Definitions

When used in this document with initial capital letter(s), the following words have the meaning set forth below unless a different meaning is required by context.

Antisemitism – a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

Expressive Activities– any conduct protected by the First Amendment of the United States Constitution or by Section 8, Article I, Texas Constitution, and including assemblies, protests, speeches, the distribution of written materials, displaying of signs, and the circulation of petitions. The term does not include commercial speech.

OutdoorPublicForums– exterior rooms, spaces, or elements that are made available for the shared use of two (2) or more people, and as designated herei

RegisteredStudent Organization means an organization defined by The University of Texas System Board of Regents' Rules and Regulations 50202.

V. Related References

Texas Constitution, Article I, § 8

9.1.9 Expressive Activities
Texas Education Code, Ann. § 51.201
Executive Order No. GA-44

VI. Review and Approval History

- A. The approving authority of this policy is the University Executive Committee.
- B. The review frequency cycle is set for three years following the last review date, a time period that is not mandated by regulatory, accreditation, or other authority.

Effective Date	Action Taken	Approved By	Date Approved
06/2000	Policy Origination		
05/2020	Policy Revision		
06/2021	Policy Revision/discretionary edits		
08/2021	Policy Revision/discretionary edits		

Institutional Handbook of Operating Procedures Policy 02.09.02	
Section: General Administration	Responsible Vice President: Vice President, Business Operations and Facilities
Subject: Buildings and Grounds	Responsible Entity: Business Operations and Facilities

I. Title

Freedom of Expression

II. Policy

The University of Texas Medical Branch (UTMB or University) recognizes that the freedoms of speech, expression, and assembly are a central mission to higher education. UTMB is committed to fostering the free exchange of ideas and protecting the rights of freedom of speech, expression, and peaceful assembly set forth in the U. S. Constitution. Additionally, the University maintains its right to establish reasonable time, place, and manner restrictions on the expressive activities on UTMB grounds.

A. Forums –

To further the ability to freely express oneself, UTMB provides multiple forums. These forums include:

- **Traditional Public Forums:** UTMB’s common outdoor areas are considered traditional public forums. Generally, the common outdoor areas are available for lawful expressive activity, planned or spontaneous, for individual or small groups of 24 or less individuals at any time without the need for reservation. To ensure the use of a specific common outdoor area, interested individuals or groups are encouraged to make a reservation as described in Section III.B. Individuals or groups engaged in an expressive activity in a common outdoor area with a reservation will be given priority to those individuals without reservations and may be required to relocate.
- **Designated public forums:** UTMB may temporarily make limited public forums available for expressive activities as specified by UTMB. These areas while designated as such will be treated similarly to the common outdoor areas for access and expressive activity to the general public. Obstruction or impeding the flow of vehicular or pedestrian traffic is prohibited.
- **Limited Public Forums:** UTMB buildings, grounds, and facilities that are not common outdoor areas are limited public forums and the freedom of expression may be limited for particular groups or particular topics. [IHOP – 02.06.01 – Use of UTMB Facilities](#) and [02.06.02 – Special Use Facilities](#) discuss the use and reservation of these areas.
- **Nonpublic Forums –** Areas of UTMB facilities and campus that are not traditional public forums and are not by tradition or designated for public communication. These areas will be restricted to their intended use and not available for public expressive activity. The nonpublic forums include, but are not limited to:
 - Galveston National Lab
 - Hospital and clinic facilities
 - Research facilities
 - Administrative facilities
 - Academic facilities
 - Libraries
 - Classrooms

- Faculty or staff offices

Those individuals choosing to engage in an expressive activity and those choosing to listen to an expressive activity must recognize and respect the right and freedom to express oneself; thus faculty, staff, or students who unduly interfere with an expressive activity will be subject to disciplinary sanctions.

Individual or group speech, expression, or ideas during an expressive activity on UTMB properties is the viewpoint of the individual or group and not of UTMB.

B. Expression Restrictions

UTMB will place priority in allocating the use of space on campus based upon the needs of teaching, research, providing healthcare, and other official functions of the University. Thus, distance restrictions, crowd placement restrictions, and security concerns may vary depending on security concerns for patients, faculty, staff, and students. The security concerns may be such that, whether due to disruptive activity or other extenuating security events, permitted expressive activities be relocated and/or required to cease the activity.

- No person or organization may engage in expressive activity within a 15 feet clearance around points of entry and the perimeter of all UTMB buildings.
- Any acts that are disruptive to the normal operations of UTMB, including academic, healthcare, research, or administrative are not permitted.
- Expressive activities are permitted from 7:00 am to 7:00 pm.
- No expression is permitted that may damage, deface, discolor, or alter in any way UTMB property or property of another displayed or posted on UTMB grounds.
- Amplified sounds may be permitted in areas that are not disruptive to ordinary UTMB business.
- Literature distribution is permitted; however, the distributing group will be responsible for maintaining UTMB grounds by disposing disregarded literature on University property.
- Expressive displays, tables, and banners may be permitted when not disruptive to ordinary UTMB business, are not attached to UTMB buildings or facilities, not damaging UTMB property, and not obstructing or impeding the flow of vehicular or pedestrian traffic.
- Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.
- No person is permitted to engage in, display, or distribute speech on UTMB properties that is obscene, harassing, defamatory, inciting imminent violations of the law, or soliciting or commercial in nature.
- No person or group is permitted to engage in any incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy that was committed because of antisemitism or the offender's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference.
- No person is permitted to engage in an expressive activity that may be in violation of any other UTMB policy or may endanger the health or safety of others.

C. Disruptive Activities

- Faculty, students, and staff engaging in a disruptive activity may be subject to disciplinary sanctions. Additionally, faculty, students, and staff engaging in any incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy that was committed because of antisemitism or the offender's bias or prejudice against a group identified by race,

color, disability, religion, national origin or ancestry, age, gender, or sexual preference will be subject to discipline, up to and including possible termination/expulsion.

- Any registered student group that engages in incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy because of antisemitism or bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, is subject to discipline, up to and including possible loss of recognized status for the registered student group
- Any participant engaging in a disruptive activity may be subject to criminal charges.

III. Reservation Requirements and Procedures for Common Outdoor Areas

Reservations are required for particular expressive activities to ensure safety of the participants and those with ordinary business at UTMB. For reservations of limited public forums such as indoor facilities see [IHOP – 02.06.01 – Use of UTMB Facilities](#) and [02.06.02 – Special Use Facilities](#).

A. Groups Requiring Reservations:

- Expecting 25 or more in attendance;
- Requesting more than one day for activity;
- Requesting areas regularly utilized for University sponsored activities;
- Intending the utilization of amplified sound or other special equipment; and/or
- Intending to set up a display that will impede the flow of pedestrian and/or vehicular traffic.

B. Reservation Procedure

Groups required to make reservations for an expressive activity as well as individuals or groups wanting to make a non-required reservation shall follow the procedure below. Registered Student Organizations will follow the requirements and procedures provided by Student Life.

The requesting group must file a [Freedom of Expression Reservation](#) form at a minimum of two weeks prior to the proposed dated.

Upon completion and submittal, the form will be routed to the Reservation Committee. This committee will coordinate with the requesting group the location, date based upon information provided and availability. University sponsored activities will have first priority for location, and UTMB reserves the right to relocate expressive activities in the interest of safety and security of all people on UTMB property.

Approval or denial of a reservation request will be based upon completion of form, timeliness of the request, and availability. The committee will not consider nor base their decision on the content or viewpoint of the expressive activity or the expected reaction of others. The committee will communicate a confirmation or denial of reservation request in writing. Those who receive a denial may file an appeal.

IV. Grievances and Appeals of Disciplinary Sanctions Students

- Students seeking to file a grievance for undue interference with an expressive activity as governed by this policy shall obtain guidance from [IHOP – 07.01.13 – Student General Grievance Policy](#)

- Students seeking to appeal disciplinary sanctions shall obtain guidance from [IHOP – 07.01.03 – Student Conduct and Discipline Policy](#)

Faculty Members

- Faculty members seeking to file a grievance for undue interference with an expressive activity as governed by this policy or for disciplinary sanctions shall follow guidance and procedures set forth in [IHOP – 05.03.08 – Faculty Grievance Policy](#).

Staff Members

- Staff members seeking to file a grievance for undue interference with an expressive activity as governed by this policy or for certain disciplinary sanctions (e.g. verbal warning, written warning, or final written warning) shall follow guidance and procedures set forth in [IHOP – 03.01.10– Grievance Policy](#).
- Classified Employees seeking to appeal certain disciplinary sanctions (e.g. suspension without pay, demotion, or termination) shall seek guidance from [IHOP – 03.01.09 – Discipline, Dismissal, and Appeal for Classified Employees](#)

Non-UTMB Person or Organization

- Any non-UTMB person or organization may file a grievance for noncompliance of this policy with the Office of Institutional Compliance by contacting the Fraud, Abuse, and Privacy Hotline at (800) 898-7679 or via internet at <https://www.reportlineweb.com/UTMB>.

V. Definitions

Amplified sound - sound where volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on amplified sound but are subject to general rule disruption.

Antisemitism - a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish-~~devis~~ individuals or their property or toward Jewish ~~com~~ community institutions and religious facilities.

Common outdoor area - outdoor space that is not used for dedicated ~~UTMB~~ business or an event, an educational function, or a research function on either a permanent or temporary basis. It does not include the outside surfaces of ~~UTMB~~ building, surfaces associated with or connected to a University building, surfaces or grounds enclosed within a barrier created to restrict entrance ~~property~~ owned or controlled by ~~UTMB~~ University structure, ~~spaces~~ dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, or any other space within the University's limited public forum. Common outdoor areas are designated by state law as traditional public forums.

Off campus person or organization - any person, organization, or business that is not an academic or administrative unit, a registered student, faculty, or staff organization, or a ~~staff~~ ~~faculty~~ member, or staff member.

Room or space includes any room or space, indoors ~~outdoors~~, owned or controlled by ~~UTMB~~.

Registered student, faculty and/or staff organization - an organization whose members consist of current UTMB students, faculty and/or staff that has completed the necessary registration criteria as outlined in

the Student Organizations Handbook, published by the Office of Student Life. The organization may be profession and discipline specific, cultural, religious or social.

VI. Relevant Federal and State Statutes

[Texas Education Code § 51.9315](#)

VII. Relevant System Policies and Procedures

[Regents’ Rules and Regulations, Rule 30103](#)

[Regents’ Rules and Regulations, Rule 31004](#)

[Regents’ Rules and Regulations, Rule 40201](#)

[Regents’ Rules and Regulations, Rule 40501](#)

[Regents’ Rules and Regulations, Rule 80103](#)

[Regents’ Rules and Regulations, Rule 80104](#)

VIII. Related UTMB Policies and Procedures

[IHOP – 02.06.01 – Use of UTMB Facilities](#)

[IHOP – 02.06.02 – Special Use Facilities](#)

[IHOP – 02.06.04 – Registering a Faculty, Staff, or Student Organization](#)

IX. Dates Approved or Amended

<i>Originated: 05/06/2020</i>	
Reviewed with Changes	Reviewed without Changes
6/20/2024	

X. Contact Information

Business Operations and Facilities

(409) 772-0333

SPEECH, EXPRESSION, AND ASSEMBLY

A. Purpose

This policy protects and regulates speech, expression, and assembly of students, faculty, and staff of The University of Texas Permian Basin and members of the public in a manner that encourages and facilitates speech, expression, and assembly without disrupting or interfering with academic programs, administrative functions, or other authorized activities of UT Permian Basin.

B. Persons Affected

This policy applies to UT Permian Basin students, faculty, and staff. It also applies to members of the public who visit property, buildings, or facilities owned or controlled by UT Permian Basin.

C. Definitions

1. **Academic or administrative unit:** any office or department at UT Permian Basin.
2. **Amplified Sound:** sound whose volume is increased by any electric, electronic, mechanical, or other means. This includes, but is not limited to, sound produced by a speaker, amplifier, or other device that is used to increase the volume of sound. This includes, but is not limited to, sound produced by a speaker, amplifier, or other device that is used to increase the volume of sound.
3. **Antisemitism:** a certain perception of Jews that may be expressed as hatred toward Jews. It includes, but is not limited to, the use of derogatory terms, such as "kikes" or "yids," and the use of symbols, such as the Star of David, to represent Jews or Judaism.
4. **Chief Student Affairs Officer:** the administrative officer or their designee(s) directly responsible for the Student Affairs Office.
5. **Common Outdoor Area:** outdoor space of UT Permian Basin property that is not used for academic, administrative, or other authorized activities. This includes, but is not limited to, areas used for recreation, social activities, or other purposes.

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6. Dean of Students: the administrative officer or their designee(s) responsible for the
7. Event: something that occurs in a certain particular interval of time; events include but are
8. Expressive Activities: Expressive activities include all forms of non-commercial expression
9. Faculty member or staff member: any person employed by UT Permian Basin.
10. Guest speaker: a speaker or performer who is not a UT Permian Basin student, faculty member,
11. Harassment: in this policy, means hostile or offensive speech (oral, written, or symbolic) that
 - a. To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not verbal harassment, even if some listeners are offended by the argument or idea. The categories of sexually harassing speech set forth in HOP ADM-03-300 Sexual Harassment and Sexual Misconduct and HOP ADM-03-100 Non-Discrimination are rarely, if ever, necessary to argue for or against the substance of any political, religious, philosophical, ideological, or academic idea.
 - b. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, and the categories of harassing sexual speech set forth in HOP ADM-03-300 Sexual Harassment and Sexual Misconduct and HOP ADM-03-100 Non-Discrimination and is often based on the victim's appearance, personal characteristics, or group membership, including but not limited to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, ideology, political views, or political affiliation.
 - c. Harassment can also consist of nonverbal conduct, such as hazing, practical jokes, damage to property, and physical assault. In the case of sexual harassment and sexual

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misconduct, sexual conduct is often central to the offense. These forms of harassment are prohibited in HOP ADM-03-300 Sexual Harassment and Sexual Misconduct, HOP ADM-03-100 Non-Discrimination, and in the Regents' *Rules and Regulations*, [Rule 40201](#).

12. Limited Public Forum: means UT Permian Basin property, both indoors and outdoors, that is v}š %o œ š }(šZ }uu}v }μš }}œ œ X dZ]•]v oμ • šZ •μœ(μ]o]vPU •μœ(• ••}] š Á]šZ }œ }vv š š} hd W œu] v •]v •šœμ šμœ U •%o •] š š} š u%o}œ œÇ }μš }}œ vv œ }μš }}œ •%o • u v P Ç Z •] v >](X
13. Literature: any printed material, including any newspaper, magazine, or other publication, and vÇ o G šU GÇ œœu}œ μšœ œU]všZ š]• %oœ} μ]v uμoŸ%oo } š} %o}š vŸ o œ œ•X
14. Off-campus individual or organization or member of the public: any person, organization, or μ•]v •• šZ š]• v}š v u] }œ u]v]•šœ Ÿ%o}vμŸœU •šœ RŸ•U (μošÇ }œ •š + }œP v]î Ÿ}vU }œ •šμ všU (μošÇ u u œU •]vX
15. Regents' Rules: The University of Texas System Board of Regents' *Rules and Regulations*
16. Registered or sponsored student, faculty, or staff organization: a registered or sponsored •šμ vš }œP v]î Ÿ}v œ }Pv]î Ç dZ K8 }(^šμ vš >](U }œ μv œ Z [Rule 40201](#).
17. Room or space: includes any room or space, indoors or outdoors, owned or controlled by UT W œu] v •]vX
18. Solicitation: the sale, lease, rental or offer for sale, lease, rental of any property, product, u œ Z v]• U %oμ o] Ÿ}vU }œ • œÀ] U ÁZ šZ œ (}œ]uu] š •š š u vš }œ šZ]•šœ] μŸ}v }œ]•%oo Ç }(%oœ]vš u š œ] oU •]Pv š} v }μœ P šZ %oμœ Z}(• UÇμ%oœœ%oœœšœœU %oœ} μ š U %oμ o] Ÿ}vU }œ • œÀ] V šZ œ]%oš }(}œ œ œ μ •š (}œ vÇ P] •μ%o%o}œ š }œ }%o%o}• }œ š} Á}š (}œ }œ P]v•š v] š U]••μ oo}š š vœ Zoo Ÿ%oμœ•μ vš š} ^š š }œ (œ o o Á }œ o } o }

 - a. Engaging in expressive activities as defined in [Section 51.9315\(2\)](#) of the Texas μ Ÿ}v }]v}v}μš }}œ œ }(u%oμ • } • v}š }v•Ÿšμš Á]šZ]v šZ]• .v]Ÿ}vX

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- b. Words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle are not solicitation within this definition.
 - c. Unadorned acknowledgments or thanks to donors are not solicitation within this definition.
19. Student: a person who is currently enrolled at UT Permian Basin, is accepted for admission or
20. Table: booths, displays, furniture, enclosure, or any other structure temporarily used for
21. Temporary Banner Space: designated indoor or outdoor display area reserved for UTPB
22. Temporary Exhibit Space: designated indoor or outdoor display area reserved for UTPB
23. UTPB-affiliated individual: individual students, faculty members, and staff members.
24. UTPB-affiliated organization: academic and administrative units; registered or sponsored
25. Weekday: Monday through Friday from 7:30 a.m. – 5:30 p.m., excluding UT Permian Basin

D. Policy

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1. *Governing Principles*

- a. The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of UT Permian Basin. In accordance with this policy, students, faculty, staff, and members of the public have the right to assemble, speak, and attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen.
- b. Students, faculty, and staff are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, in all parts of the campus, subject only to rules necessary to preserve the equal rights of others and the other functions of UT Permian Basin. Teaching, research, and other official functions of UT Permian Basin shall have priority in allocating the use of space on campus. Members of the public are able to engage in expressive activities only in common outdoor areas of campus, subject to the time, place, and manner rules in this policy necessary to preserve the functions of UT Permian Basin.
- c. To support and advance UT Permian Basin's educational mission, UT Permian Basin buildings, surfaces associated with or connected to a UT Permian Basin building, and UT Permian Basin structures are limited public forums only open to the expressive activities of students, faculty, and staff as set forth in this policy. Student, faculty, and staff organizations may not invite the public at large to events in UT Permian Basin buildings, facilities, or locations that are not a common outdoor area.
- d. UT Permian Basin common outdoor areas are traditional public forums. Members of the public are free to engage in expressive activities only in these common outdoor areas. Expressive activities are subject to time, place, and manner restrictions of this policy necessary to preserve the functions of UT Permian Basin.
- e. Except as expressly authorized in Section D.3 of this policy, or by federal or state law, UT Permian Basin shall not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise.
- f. The UT Permian Basin Police Department may immediately enforce these rules if a violation of these rules constitutes a breach of the peace or compromises public safety.

2. *Scope*

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- a. This policy protects and regulates speech, expression, and assembly of UTPB-affiliated individuals, UTPB-affiliated organizations, and members of the public that are not part of the teaching, research, or other official functions of UT Permian Basin, not otherwise sponsored by UT Permian Basin or any academic or administrative unit, and not submitted for academic credit, with the following exceptions:
 - i. This policy applies to speech by academic and administrative units and speech that is submitted for academic credit occurring in outdoor locations on campus.
 - ii. Section D.3(d) on Harassment applies to all speech regardless of where it occurs, including off University property, if it potentially affects a University person's education or employment with the University or potentially affects the University community.
- b. This policy applies to speech by UTPB-affiliated individuals, UTPB-affiliated organizations, and members of the public in common outdoor areas. It also applies to speech that is submitted for academic credit, and speech made using UT Permian Basin's [Acceptable Use Policy](#). The Chief Student Affairs Officer administers and
- c. Any program or event sponsored by an academic or administrative unit of UT Permian Basin shall have priority in the use of space and facilities over any speech, expression, and assembly that is not sponsored by an academic or administrative unit, except that programs or events sponsored by an academic or administrative unit will not have priority in the use of amplified sound areas defined in Section D.9. This policy does not limit other existing authority of UT Permian Basin officials to authorize programs and events sponsored by an academic or administrative unit and not provided for in this policy.
- d. Specific time, place, and manner rules applying to various means of expression are found in Sections D.5 - D.12 of this policy.
- e. Every employee must protect UT Permian Basin and The UT System against unauthorized use of opinions for advertising purposes.

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- f. Additional rules concerning free speech and academic freedom of faculty members are found in the Regents' Rules, [Rule 31004](#).
- g. Underlying rules concerning free speech of students are found in the Regents' Rules, [Rule 40501](#), [Rule 80101](#), [Rule 80103](#), and [Rule 80104](#). This policy implements those
- h. Rules restricting use of UT Permian Basin equipment, supplies, services, and working hours for political activities are found in the Regents' Rules, [Rule 30103](#).

3. *Prohibited Expression*

a. Obscenity

No persons or organizations shall distribute or display on the campus any writing or visual image, or engage in any public performance, that is obscene. A writing, image, or performance is "obscene" if it is obscene as defined in [Section 43.21](#) of the *Texas* W v o or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

b. Defamation

- i. No person shall publish to a third party any statement that defames another person.
- ii. A statement defames another person if it is: (i) published to a third party other than the subject of the statement or their legal representative; (ii) of and concerning that person; (iii) is a false statement of fact; (iv) that holds the person up to hatred ridicule or contempt; (v) is made negligently, if the person is a private figure or, if the person is a public official or public figure, with knowledge of falsity or reckless disregard of the truth; (vi) which proximately causes damages; and (vii) is not privileged.
- iii. Defamation is further defined in [Chapter 73](#) of the *Texas Civil Practices & Z u] • or* other successor provisions.

c. Incitement to Imminent Violations of Law

No person shall make, distribute, or display on the campus any statements directed at inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law.

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d. Harassment

- i. No person shall make, distribute, or display on the campus any statement that constitutes harassment, as defined in Section C of this policy, of any other person. This section applies to all speech at UT Permian Basin, including speech that is part of teaching, research, or other official functions or UT Permian Basin, whether in person or not, and whether oral, written, or symbolic.
- ii. The harassment that this Section D.3(d) prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense, and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within UT Permian Basin and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules.
- iii. Verbal harassment has been interpreted very narrowly by the federal courts. Policies on verbal harassment or hate speech at many universities have been held unconstitutional, either because they prohibited harassment only when it was based on race, sex, and similar categories, or because they failed to protect the expression of potentially offensive ideas. This policy should be interpreted as narrowly as need be to preserve its constitutionality.
- iv. Members of the UT Permian Basin community are strongly encouraged to report harassment, as discussed in Section E.1 of this policy.

e. Solicitation & Commercial Speech

- i. No UTPB-affiliated individual, UTPB-affiliated organization, or member of the public shall make, distribute, or display on the campus any statement that offers or advertises any product or service for sale or lease that includes commercial identifiers, such as for-profit logos, trademarks, and service marks, or that requests any gift or contribution, except as authorized by Section D.3(e)(ii), or by the Regents' *Rules*, [Rule 80103](#).
- ii. Permissible solicitation includes:

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1. a registered student, faculty, or staff organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions for the benefit of the organization, for the benefit of another registered student, faculty, or staff organization, or for the benefit of an organization that is tax-exempt under Section 501(c)(3) of the Internal Revenue Code. No organization may sell items obtained on consignment. No organization may request contributions for an off-campus tax-exempt organization for more than fourteen days in any fiscal year;
2. registered or sponsored student, faculty, and staff organizations, and academic and administrative units may sell, distribute, or display literature that contains advertising, subject to the limits in Section D.5(c). Individual students, faculty members, and staff members may distribute or display such literature, but may not sell it;
3. individual students, faculty members, and staff members may post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used, but only on a bulletin board designated for that purpose by an academic or administrative unit in space that the unit occupies or controls. Any unit that designates a bulletin board for this purpose may regulate that bulletin board under the procedures set forth in Section D.6(g);
4. a resident of a UT Permian Basin residence hall or apartment building may occasionally invite one or more salespersons to come to the resident's room or apartment, and in that room or apartment, the salesperson may offer products or services for sale to other residents of that residence hall or apartment building;
5. a registered or sponsored student, faculty, or staff organization may collect admission fees for programs scheduled in advance under Student Life Departmental Policies;
6. registered student, faculty, or staff organization may collect membership fees or dues at meetings of the organization scheduled in advance under Student Life Departmental Policies;
7. a registered student organization that is a qualified organization as that term is defined in the Texas Charitable Raffle Enabling Act, *Texas*

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Occupations Code, [Chapter 2002](#), or successor provisions, may sell
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8. A registered or sponsored student, faculty, or staff organization may host a public performance of a film scheduled in advance in accordance with Student Life Departmental Policies. In accordance with the Regents' Rules, [Rule 80103](#), admission fees may be collected.

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- a. the film is in the Public Domain;
- b. the registered or sponsored student, faculty or staff organization has written permission from the film's producer or other holder of the right to grant such permission; or
- c. the film is obtained from a company that provides a Public Performance License with the purchase or rental of the film.

9. A registered student organization that receives funds from solicitations under this section shall deposit and account for such funds under the rules in Student Life Departmental Policies and in Regents' Rules, [Rule 80103](#).

f. Prohibited Items or Actions

i. The restrictions discussed in this Section D.3(f) are intended to protect the health and safety of all persons on campus, to maintain the free flow of pedestrian traffic in and out of UT Permian Basin buildings, and to protect the educational mission of UT Permian Basin. The following items are prohibited:

- 1. Masks, facial coverings, or disguises that conceal the identity of the wearer and that are calculated to obstruct the enforcement of this

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policy or the law, or are calculated to intimidate, hinder, or disrupt a UT Permian Basin official, officer of the UT Permian Basin Police Department, or other person in the lawful performance of their duty.

2. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons (including without limitation sticks, poles, clubs, swords, shields, or rigid signs that can be used as a shield) without written permission of the Chief of Police or designee, unless authorized by other federal, state, or local laws or ordinances.
 3. Body armor or make-shift body armor, helmets and other garments (e.g., sporting protective gear, etc.) that alone or in combination could reasonably be construed as weapons or body armor, without written permission from the Chief of Police or designee.
 4. Open flame, unless approved in advance by the Director of Environmental Health and Safety or designee.
- ii. No person or organization may engage in expressive activity within a ten-foot clearance around points of entry and the perimeter of all UT Permian Basin buildings.

4. General Rules of Means of Expression

a. Disruption

- i. Except as expressly authorized in Student Life Departmental Policies or by an authorized a UT Permian Basin official responsible for a program or event sponsored by an academic or administrative unit, no speech, expression, or assembly may be conducted in a way that disrupts or interferes with any:
 1. teaching, research, administration, or other authorized activities on the campus;
 2. free and unimpeded flow of pedestrian and vehicular traffic on the campus; or
 3. signs, tables, exhibits, public assemblies, distribution of literature, guest speakers, or use of amplified sound by another person or

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organization acting under the rules in this policy and Student Life Departmental Policies.

ii. The term "disruption" and its variants, as used in this Section D.4, are distinct from and broader than the phrase "disruption of activities," as used in the Regents' Rules, Rule 30103, and the phrase "disruptive activities," as used in the Regents' Rules, Rule 40502. This section is concerned not only with deliberate disruption, but also with scheduling and coordination of events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity, and to preserve UT Permian Basin's ability to execute its functions.

iii. Except in the most extreme cases, interference and disruption are unavoidably contextual. Intentional physical interference with other persons is nearly always disruptive in any context. Interfering with traffic depends on the relation between the volume of traffic and the size of the passageway left open. Disruptive noise is the most contextual of all, because it depends on the activity disrupted. Any distracting sound may disrupt a memorial service. Any sound sufficiently loud or persistent to make concentration difficult may disrupt a class or library. Occasional heckling in the speaker's pauses may not disrupt a political speech, but persistent heckling that prevents listeners from hearing the speaker does disrupt a political speech. These illustrations may be helpful, but none of them includes enough context to be taken as a rule. We cannot escape relying on the judgment and fairness of UT Permian Basin authorities in particular cases. In this context where difficult enforcement judgments are unavoidable, it is especially important to remind administrators and law enforcement officials that their judgments should not be influenced by the viewpoint of those claiming disruption or of those allegedly disrupting.

iv. Potentially disruptive events can often proceed without disruption if participants, administrators, and law enforcement officials cooperate to avoid disruption without stopping the event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the event or resorting to disciplinary charges or arrest.

b. Damage to Property

i. No speech, expression, or assembly may be conducted in a way that damages, defaces, or alters in any way property of UT Permian Basin or of any person who has not authorized the speaker to damage, deface, or alter their property.

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- ii. No person may damage, deface, alter, or interfere with any sign, table, or exhibit posted or displayed by another person or organization acting under the rules of this policy.
- c. Coercing Attention
 - i. No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication.
 - ii. No person may persist in requesting or demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication.
- d. Other Rules with Incidental Effects on Speech
 - i. Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to compile or cross-reference here. For example, libraries typically have highly restrictive rules concerning noise; laboratories and rooms containing the electrical and mechanical infrastructure of UT Permian Basin typically have safety rules and rules excluding persons without specific business there; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways. Speech within classrooms is generally confined to the subject matter of the class; the right to attend a class at all is subject to registration and payment of tuition; individual professors may have rules of decorum in their classroom. These kinds of rules limit the right of students, faculty, and staff to enter and speak in the places to which these rules apply.
 - ii. Reasonable and nondiscriminatory rules of this kind generally control over the rights of free speech guaranteed under this policy. But even these kinds of rules are subject to the constitutional right of free speech. Such rules must be viewpoint neutral. Such rules cannot regulate speech more restrictively than they regulate other activities that cause the problems to be avoided by the rule. Such rules should not restrict speech more than is reasonably necessary to serve their purpose. Such rules cannot ban unobtrusive forms of communication with no potential for disruption even in the specialized environment subject to the localized rule. Thus, for example, means of silent expression or protest confined to the speaker's immediate person, such as armbands, buttons, and t-shirts, are nearly always protected because they are rarely disruptive in any environment.

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5. *Distribution of Literature*

a. General Rule on Distribution of Literature

Registered or sponsored student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature on campus, subject to the rules in Sections D.3 and to the general rules in Section D.4. Individual students, faculty members, and staff members may distribute or display literature subject to the rules in D.3 and to the general rules in D.4, but may not sell it. Members of the public may distribute literature in the common outdoor areas, subject to the rules in D.3 and to the general rules in D.4, but may not sell literature. In any case, no advance permission is required.

b. Not-for-Profit Literature Only

- i. Except as expressly authorized by the Regents' *Rules* or by contract with UT Permian Basin, no person or organization may sell, distribute, or display on campus any publication operated for profit. A registered or sponsored student, faculty, or staff organization may sell publications operated for profit as part of a fundraiser authorized by, and subject to the limits of, Section D.3(e)(ii)(1).
- ii. A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, inures to the benefit of any private shareholder or individual.

c. Limits on Advertising

- i. Literature distributed on campus may contain the following advertising:
 1. advertising for a registered or sponsored student, faculty, or staff organization, or an academic or administrative unit;
 2. advertising for an organization that is tax exempt under Section 501(c)(3) of the Internal Revenue Code;
 3. paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising; and

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4. other advertising expressly authorized by the Regents' *Rules* or by contract with UT Permian Basin.
 - ii. All other advertising in literature distributed on campus is prohibited.
- d. Clean up of Abandoned Literature

Any person or organization distributing literature on campus shall pick up all copies dropped in the area where the literature was distributed.

6. *Signs and Banners*

- a. General Rules on Signs
 - i. "Sign" means any method of displaying a visual message to others, except that transferring possession of a copy of the message is distribution of literature and not a sign.
 - ii. Subject to the rules in this policy and to the general rules in Section D.3 and D.4, a UTPB-affiliated individual or UTPB-affiliated organization may display a sign by holding or carrying it, by displaying it at a table (see Section D.7 below), or by posting it on a kiosk, bulletin board, or other designated location. Signs may not be posted in any other location. Subject to viewpointneutral size requirements, Residence Life and Dining has designated the window and door of a residence hall room as locations where the resident(s) of that room may post signs. Section D.6(g) lists other designated locations.
- b. Hand-Held Signs
 - i. A UTPB-affiliated individual or UTPB-affiliated organization may display a sign on campus by holding or carrying it by hand or otherwise attaching it to their person. Members of the public may display a sign in the common outdoor areas by holding or carrying it by hand or otherwise attaching it to their person. No advance permission is required. Signs on sticks or poles or otherwise attached to any device are prohibited.
 - ii. Hand-held signs constructed of materials that create a hazard to other people are not permitted. Signs constructed of rigid materials, including sticks, poles, wood, metal, hard plastic, or other materials that could be construed as a hazard are not permitted.

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- iii. Any person holding or carrying a sign shall exercise due care to avoid bumping, hitting, or injuring any other person.
- iv. Any person holding or carrying a sign at a speech, performance, or other event shall exercise due care to avoid blocking the view of any other person observing the speech, performance, or event. Depending on the venue, this may mean that signs may be displayed only around the perimeter of a room or an audience.
- v. A law enforcement officer or the dean of students, or an usher or other UT Permian Basin employee if authorized by officials responsible for managing the venue, may warn any person that his or her sign is being handled in violation of Section D.6(b). If the violation persists after a clear warning, the law enforcement officer, Dean of Students, authorized usher, or other authorized employee may confiscate the sign. A law enforcement officer may take any action necessary to keep the peace including but not limited to issuing a criminal trespass warning to the violator.

c. Banner

- i. "Banner" means an affixed, stationary sign hung from a structure or building, or between two buildings, structures, or poles.
 - 1. Hand-held banners. UTPB-affiliated individuals, UTPB-affiliated organizations, and members of the public are permitted to display a hand-held banner carried by two or more individuals without poles in the common outdoor areas.
- ii. Temporary banner space designations
 - 1. The Chief Student Affairs Officer or designee shall designate places where banners may be hung in outdoor locations not occupied or controlled by any other academic or administrative unit.
 - 2. Other academic and administrative units may designate one or more temporary banner spaces where banners may be hung in indoor or outdoor locations that the unit occupies or controls.
 - 3. Temporary banner spaces are not open to members of the public.

iii. Space priority

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1. Academic and administrative units and registered or sponsored student, faculty, and staff organizations may hang banners in locations designated under Section D.6(c)(ii) of this policy. Individuals and members of the public may not hang banners.
 2. Advance permission is required from the unit administering the location; usually, advance reservations are required. Academic and administrative units advertising official UT Permian Basin events or programs may be given priority. In locations administered by academic or administrative units other than the Chief Student Affairs Officer or their designee, organizations affiliated with the unit administering the location may be given priority.
- iv. Time limits
1. In locations administered by the Chief Student Affairs Officer, each banner may be hung for up to two weeks. The banner may be renewed from week to week if space is available.
 2. Other units administering a location for banners may limit the time each banner may hang. Any such time limit shall be applied without discrimination to all organizations, except that academic and administrative units may be given preference.
- v. The Chief Student Affairs Officer shall maintain, on a Web site or on a flyer or pamphlet:
1. a list of outdoor temporary locations where banners may be hung;
 2. the academic or administrative unit that administers this banner policy at each outdoor location;
 3. and a current description of the rules and procedures for reserving the right to hang a banner in locations administered by the Chief Student Affairs Officer.
- vi. The unit administering a banner location may require that the physical work of hanging the banners be performed only by employees of the Physical Plant or other appropriate UT Permian Basin personnel.

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- d. Decal
 - i. “Decal” means a non-permanent object designed to adhere on the ground or on windows.
 - ii. Decals may be placed only by academic or administrative units in locations approved by the Chief Students Affairs Officer and must comply with Section D.6.
- e. Signs in Other Designated Locations (Including Departmental Bulletin Boards)
 - i. Each academic or administrative unit of UT Permian Basin may authorize the posting of signs in spaces that unit occupies and controls. Such authorization may be granted by general rule or by stamping or initialing individual signs.
 - ii. Signs in spaces occupied by academic or administrative units may be:
 - 1. confined to bulletin boards or other designated locations;
 - 2. subjected to viewpoint-neutral rules limiting the size of signs, limiting how long they may be posted, requiring each sign to show the date it was posted and the name of the person or organization who posted it, and similar rules designed to facilitate fair and equal opportunities to post signs;
 - 3. confined to official statements or business of the unit, or to certain subject matters of interest within the unit, or to signs posted by persons or organizations affiliated with the unit.
 - iii. Each academic or administrative unit shall post on or near each bulletin board or other designated location that it administers:
 - 1. either the rules applicable to that bulletin board or location, or a particular office or Web site where the rules applicable to that bulletin board or location may conveniently be found; and
 - 2. if a stamp or initials are required on signs before they are posted on that bulletin board or location, the name and office location of the person whose stamp or initials are required.

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3. This notice shall be posted in the upper left corner of each bulletin board or other designated location for posting signs, or conspicuously in another nearby location. If no such notice is posted, then the only applicable rules are those contained in Sections D.3 and D.4 and the sign must be approved for posting by the Department of Student Life to verify that the sign complies with Sections D.3 and D.4.
- iv. Within the scope of the subject matters permitted on a particular bulletin board or other designated location, no academic or administrative unit shall discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed on a sign.
- v. This section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official UT Permian Basin business.

7. Chalking

a. General Rules on Chalking

- i. "Chalking" means the temporary use of sidewalk chalk on the ground.
- ii. Academic and administrative units and registered or sponsored student, faculty, or staff organizations may chalk, subject to the rules in this section and to the general rules in D.3 and D.4. Individuals and members of the public may not chalk.
- iii. A current description of the rules and procedures for reserving a temporary chalking space on campus are located in Student Life Departmental Policies.

8. Tables

a. General Rule of Tables

UTPB-affiliated individuals or UTPB-affiliated organizations may set up tables from which to display literature and disseminate information and opinions, subject to the rules in this Section and to the general rules in Section D.3 and D.4. No advance permission is required for groups providing their own tables; however, reservations are required for those groups wishing to use UT Permian Basin-supplied tables. Members of the public may not set up tables in the common outdoor areas or in UT Permian Basin's limited public forum areas.

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b. Locations

Subject to the restrictions elsewhere in these rules, including Section D.8(b)(i), and subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic, Section D.4, UTPB-affiliated individuals or UTPB-affiliated organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location.

i. Restrictions on Table Placement

1. Tables may not be set up inside any library, classroom, laboratory, performance hall, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time.
2. Academic or administrative units may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. Academic and administrative units are encouraged to clearly state any such rules in writing, and to publish those rules on a Web site or on a flyer or pamphlet available at the chief administrative office of the unit.

- ii. If any table is set up in a prohibited or disruptive location, any UT Permian Basin employee pointing out the violation shall also point out other locations, as nearby as is reasonably possible, where the table is permitted.

c. Clean-Up Around Tables

UTPB-affiliated individuals or UTPB-affiliated organizations sponsoring a table shall remove litter from the area around the table at the end of each day.

d. Sources of Tables

UTPB-affiliated individuals or UTPB-affiliated organizations may supply their own tables. In addition, UT Permian Basin maintains a supply of tables that may be reserved and checked out for use on campus in designated areas. The Chief Student Affairs Officer shall maintain, on a Web site or on a flyer or pamphlet, a current description of the rules and procedures for reserving and checking out tables.

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9. Exhibits and A-Frames

a. General Rules on Exhibits

- i. "Exhibit" means an object or collection of related objects, designed to stand on the ground or on a raised surface, that is not a table, and that is designed for temporary display and is not permanently attached to the ground.
- ii. "A-frame exhibit" means a moveable and self-supported sign board designed to stand on the ground and remain overnight in temporary outdoor space. A-frame exhibits may not exceed five feet in height or width. Structures that do not meet this criteria will be considered general exhibits and will be subject to the rules in this section on general exhibits.
- iii. Academic and administrative units and registered or sponsored student, faculty, or staff organizations may erect general and A-frame exhibits, subject to the rules in this section and to the general rules in D.3 and D.4. Advance permission is required from the Chief Student Affairs Officer, except that an academic or administrative unit may authorize indoor exhibits in a space that it occupies and controls. Members of the public may not erect general or A-frame exhibits.

b. Application Process

An academic or administrative unit or a registered or sponsored student, faculty, or staff organization desiring to display an outdoor general exhibit shall apply on a form prescribed by the Chief Student Affairs Officer.

c. Approval Process

i. General exhibits

1. The Chief Student Affairs Officer will designate temporary outdoor exhibit spaces where general exhibits may be placed. The Chief Student Affairs Officer shall authorize an exhibit described in a completed application under Section D.9(b) unless the Chief Student Affairs Officer finds that use of the proposed temporary outdoor exhibit space for the proposed exhibit must be disapproved under the criteria in Student Life Departmental Policies. The Chief Student Affairs Officer shall advise each applicant how to correct, if possible, any conditions that preclude approval of their application.

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2. The Chief Student Affairs Officer will consider the totality of the circumstances, including safety concerns, as part of the approval process.
 - a. Even if an applicant is entitled to have their application approved as submitted, the Chief Student Affairs Officer may give advice about other possible locations, or about modifications to the exhibit, that would avoid potential problems or make the proposed exhibit more workable.
- ii. A-frame exhibits
 1. The Chief Student Affairs Officer will designate temporary outdoor exhibit spaces where A-frame exhibits may be placed. If an academic or administrative unit or a registered or sponsored student, faculty, or staff organization wishes to place an A-frame exhibit in a different location then the structure will be considered a general exhibited under this section.
 2. The Chief Student Affairs Officer will maintain, on a Web site or on a flyer or pamphlet, a current description of the rules and procedures for reserving a temporary outdoor exhibit space for A-frame exhibits on campus.
- d. Time Limits
 - i. General exhibits
 1. In locations administered by the Chief Student Affairs Officer, each exhibit may be displayed for fourteen days. The exhibit may be renewed for an additional fourteen days if space is available.
 2. The exhibit may be displayed no earlier than 8:00 am and must be removed by 10:00 pm each day. However, the Chief Student Affairs Officer may authorize overnight exhibits in designated locations. Overnight exhibits will be considered on a case by case basis and subject to Section D.9(c).
 - ii. A-frame exhibits

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A-frame exhibits may be placed for seven days and remain overnight. The A-frame exhibit may be renewed for an additional seven days if space is available.

- iii. If the general or A-frame exhibit is left on campus for longer than the reservation, the exhibit may be removed by the UT Permian Physical Plant, at the expense of the academic or administrative unit or registered or sponsored student, faculty, or staff organization.

e. Clean-Up Around Exhibits

Any academic or administrative unit or registered or sponsored student, faculty or staff organization sponsoring an exhibit shall remove litter from the area around the exhibit before vacating the space.

f. Liability

Any registered student, faculty, or staff organization sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. UT Permian Basin shall not be liable for any damage that may occur to the exhibit, and any registered student, faculty, or staff organization sponsoring the exhibit shall indemnify UT Permian Basin for any claims arising from the exhibit's presence on campus.

10. *Amplified Sound*

a. General Rule on Amplified Sound

UTPB-affiliated individuals, UTPB-affiliated organizations, and members of the public may use amplified sound on campus at designated times and locations, subject to the rules in this policy and Student Life Departmental Policies. Advance permission is required. This section creates limited exceptions to the general rule on disruption in Section D.4(a).

b. Location and Times of Weekday Amplified Sound Areas

Upon reservation subject to availability, amplified sound may be used in areas as defined in Student Life Departmental Policies.

c. Regulation and Scheduling of Weekday Amplified Sound

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The Chief Student Affairs Officer may prescribe rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of weekday amplified sound areas, to mediate any conflict with UT Permian Basin functions and other nearby activities, and to manage environmental impact. All such rules shall be reasonable and nondiscriminatory.

i. Reservations

1. UTPB-affiliated individuals, UTPB-affiliated organizations, and members of the public wishing to use a weekday amplified sound area must reserve a particular area at a particular time. Reservations by UT Permian Basin-affiliated individuals and organizations must be made with the Chief Student Affairs Officer on a form prescribed by the Chief Student Affairs Officer. Members of the public may reserve space by making a request to studentlife@utpb.edu. The Chief Student Affairs Officer may limit the number or frequency of reservations for each applicant to ensure reasonable access for all persons or organizations desiring to use amplified sound on weekdays.
2. When amplified sound areas are not reserved for use for an assembly including amplified sound, they are available for use, for permitted expressive activity, without reservation as part of the common outdoor areas. Any person or organization using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of its reserved time.

- ii. UTPB-affiliated individuals, UTPB-affiliated organizations, or members of the public using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through that area. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.

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- iii. Any designations of additional areas, any additional rules regulating the designated areas, and the rules and procedures for reserving the right to use a designated area are defined in Student Life Departmental Policies.
- d. Amplified sound on Evenings and Weekends
- i. With advance permission from the Chief Student Affairs Officer, UTPB-affiliated individuals, UTPB-affiliated organizations, or members of the public may use amplified sound in any outdoor location on campus, including the amplified sound areas designated in Student Life Departmental Policies, after 5:30 p.m. Monday through Friday, and after 8:00 a.m. Saturday and Sunday, except for the early morning hours excluded in Section D.10(d)(ii) below.
 - ii. If amplified sound is authorized for an event on a Sunday, Monday, Tuesday, Wednesday, or Thursday evening, the sound must be turned off by 12:00 a.m. on the following day. If amplified sound is authorized for an event on a Friday or Saturday evening, the sound must be turned off by 2:00 a.m. on the following day.
 - iii. The Chief Student Affairs Officer may prescribe reasonable and nondiscriminatory rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of amplified sound on evenings and weekends, to mediate any conflict with UT Permian Basin functions and other nearby activities, and to manage environmental impact.
 - iv. Use of amplified sound on evenings and weekends requires advance permission from the Chief Student Affairs Officer. Reservations by UTPB-affiliated individuals or UTPB-affiliated organizations must be made with the Chief Student Affairs Officer on a form prescribed by the Chief Student Affairs Officer. Members of the public may reserve space by making a request to studentlife@utpb.edu. The Chief Student Affairs Officer will approve a properly completed application or email request to reserve an amplified sound area, unless the application or request must be disapproved under the criteria in Student Life Departmental Policies or under rules promulgated by the Chief Student Affairs Officer under the authority of this section. The Chief Student Affairs Officer will advise each application or requestor how to correct, if possible, any conditions that preclude approval of its application.
- e. Amplified Sound Indoors

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Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the Chief Student Affairs Officer may limit or prohibit sound that would be disruptive outside the room. Reservations may be required. Rules concerning use of UT Permian Basin buildings are contained in Student Life Departmental Policies.

11. *Public Assemblies*

a. General Rules on Public Assemblies

- i. "Publicly assemble" and "public assembly" include any gathering of persons, including discussions, rallies, and demonstrations. The rules of Section D.10 apply to any use of amplified sound at a public assembly.
- ii. Individuals and organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this section, to the general rules in Sections D.3 and D.4, and to the rules on use of UT Permian Basin property in Student Life Departmental Policies. No advance permission is required in the common outdoor areas.

b. Reservation of Space

i. Reservation of Common Outdoor Areas

1. UTPB-affiliated individuals, UTPB-affiliated organizations, or members of the public may reserve a space to assemble in the common outdoor areas, as defined by this policy.
2. Reservations by UTPB-affiliated individuals or UTPB-affiliated organizations must be made with the Chief Student Affairs Officer on a form prescribed by the Chief Student Affairs Officer. Members of the public may reserve space by making a request to studentlife@utpb.edu. Applications and requests for a reservation for such assemblies will be approved pursuant to Student Life Departmental Policies.
3. Persons and organizations are encouraged to seek a reservation of a space that is suited to their assembly's anticipated size.

ii. Reservation of Limited Public Forums

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1. Registered or sponsored student, faculty, or staff organizations and academic or administrative units may reserve a space to assemble in limited public forum areas, as defined by this policy.
 2. The Chief Student Affairs Officer will receive applications for reservations of a space within the limited public forum areas. Applications for a reservation for such assemblies will be processed under the provisions in Student Life Departmental Policies. Individual faculty, staff, and students may not reserve space under the provisions in Student Life Departmental Policies.
 - iii. An organization with a reservation has the right to the reserved room or space for the time covered by the reservation. Any person or organization using or occupying the room or space without a reservation must yield control of the room or space in time to permit any organization with a reservation to begin using the room or space promptly at the beginning of its reserved time.
 - iv. Should the size of any assembly exceed the maximum number of participants that is safe for a given location, including a reserved space, assembly participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly to the extent relocation is practicable.
 - v. While reservations are not always required, they are strongly encouraged. Without a reservation, a person or organization may find the facility locked or the space in use by another person or organization.
- c. Notice and Consultation
- i. Persons or organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be.
 - ii. Persons or organizations who are planning a public assembly in a common outdoor area with or without a guest speaker and expected attendance of more than 50 participants, including potential counter-protestors, are encouraged to provide advance notice of no less than two weeks to the Chief Student Affairs Officer to help UT Permian Basin improve the safety and success of the expressive activity. Members of the public may provide this notice by emailing studentlife@utpb.edu. If there is uncertainty about

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- applicable UT Permian Basin rules, the appropriateness of the planned location, or possible conflict with other events, persons and organizations are encouraged to consult the Chief Student Affairs Officer. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.
- iii. UTPB-affiliated individuals or UTPB-affiliated organizations planning an event in the limited public forum areas with or without a guest speaker and an expected attendance of more than 50 participants, are required to provide advanced notice of no less than two weeks to the Chief Student Affairs Officer to help UT Permian Basin improve the safety and success of the expressive activity. Notice will be provided on a form prescribed by the Chief Student Affairs Officer.
 - iv. The notice and consultation requirements of this section do not apply to academic or administrative units.
 - v. The UTPB-affiliated individuals or UTPB-affiliated organizations notice and consultation requirements of this section may be waived by the Chief Student Affairs Officer.
 - vi. Registered or sponsored student, faculty, and staff organizations are afforded privileges not available to individual faculty, staff, and students. Individuals may not reserve indoor space on campus.

12. *Guest Speakers*

a. Who May Present

- i. UTPB-affiliated individuals, UTPB-affiliated organizations, or members of the public may present guest speakers in common outdoor areas of the campus.
- ii. Registered or sponsored student, faculty, and staff organizations and academic and administrative units may present guest speakers in the limited public forums of the campus. In the case of registered student organizations and sponsored student organizations, advance permission from the Chief Student Affairs Officer is required. Registered faculty organizations are required to seek advance permission from the Vice President for Academic Affairs. Registered staff organizations are required to seek advance permission from the Vice President for Business Affairs. Individuals may not present a guest speaker in UT Permian Basin buildings or UT Permian Basin facilities.

b. Location and Form of Presentation

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- i. Subject to the rules in this policy, including the applicable time, place, and manner rules, UTPB-affiliated individuals, UTPB-affiliated organizations, or members of the public may utilize the common outdoor areas for guest speaker assemblies. No reservation or prior approval is necessary but notice and reservations are encouraged for assemblies of 50 or more people.
 - ii. A guest speaker may present a speech or performance, or lead a discussion, at a time announced in advance, in a fixed indoor location, or in a fixed outdoor location approved by the Chief Student Affairs Officer.
 - 1. A guest speaker may distribute literature only immediately before, during, and immediately after the normal course of their speech, presentation, or performance, and only to persons in attendance.
 - 2. Student, faculty, and staff organizations may not invite the public at large to events in UT Permian Basin buildings or facilities.
 - iii. A guest speaker may not:
 - 1. Accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
 - 2. Distribute literature to persons who have not chosen to attend the speech, performance, or discussion; or
 - 3. Help staff a table or exhibit set up outside the common outdoor areas or in UT Permian Basin buildings or facilities.
 - iv. No UTPB-affiliated individual, UTPB-affiliated organization, or member of the public may present a guest speaker in violation of the prohibitions against solicitation in Section D.3(e) or co-sponsorship in Student Life Departmental Policies.
- c. Application
- i. A registered or sponsored student organization that wishes to present a guest speaker will apply to the Chief Student Affairs Officer, through a process prescribed by the Chief Student Affairs Officer, at least two weeks before the scheduled event or any planned advertising for the event, whichever is earlier. The application shall be combined with an application under Student Life

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Departmental Policies to reserve the use of a UT Permian Basin room or space for the event. The Chief Student Affairs Officer will approve an application properly made under Section D.12(c) unless it must be disapproved under the criteria in Student Life Departmental Policies.

- ii. A registered faculty organization that wishes to present a guest speaker will apply to the Vice President for Academic Affairs through a process prescribed by the Vice President for Academic Affairs, at least two weeks before the scheduled event or any planned advertising for the event, whichever is earlier. The application will be combined with an application under Student Life Departmental Policies to reserve the use of a UT Permian Basin room or space for the event. The Vice President for Student Affairs will approve an application properly made under Section D.12(c) in consultation with the Chief Student Affairs Officer unless it must be disapproved under the criteria in Student Life Departmental Policies.
- iii. A registered staff organization that wishes to present a guest speaker will apply to the Vice President for Business Affairs through a process prescribed by the Vice President for Business Affairs, at least two weeks before the scheduled event or any planned advertising for the event, whichever is earlier. The application will be combined with an application under Student Life Departmental Policies to reserve the use of a UT Permian Basin room or space for the event. The Vice President for Business Affairs will approve an application properly made under Section D.12(c) in consultation with the Chief Student Affairs Officer unless it must be disapproved under the criteria in Student Life Departmental Policies.

d. Obligations of Presenting Organization

A registered or sponsored student, faculty, and staff organization and academic and administrative units that present a guest speaker in a UT Permian Basin building or facility must make clear that:

- i. the organization, and not UT Permian Basin, invited the speaker; and
- ii. the views expressed by the speaker are their own and do not necessarily represent the views of UT Permian Basin, the University of Texas System, or any component institution; and
- iii. members of the general public are not invited to attend the guest speaker's presentation.

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13. *Responding to Speech, Expression, and Assembly*

a. General Rule on Responding

UTPB-affiliated individuals, UTPB-affiliated organizations, or members of the public may respond to the speech, expression, or assembly of others, subject to all the rules in this policy.

b. Applications

- i. Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.
- ii. Means of response that are permitted in many locations and without advance permission or reservation, such as signs, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized in this policy and Student Life Departmental policies.
- iii. Means of response that require advance permission or reservation, such as temporary banners, general exhibits, A-frame exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Temporary banner space, temporary outdoor exhibit space, and some amplified sound areas may be unavailable on short notice because of earlier reservations, but approval will be expedited where possible and necessary to permit appropriate response to other speech, assembly, or expression.
- iv. Means of response that are confined to authorized locations, such as banners, exhibits, and amplified sound, may be used only in those locations. It is not possible to respond to amplified sound with amplified sound in the same location; similarly if an exhibit or public assembly is in a location where amplified sound is not permitted, it is not possible to respond with amplified sound in that location. In either case, it is possible to respond with amplified sound in another location and to use signs or distribution of literature to advertise the response at the other location.

14. *Enforcement*

a. Police Protection

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- i. It is the responsibility of UT Permian Basin to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty in the area of such events will be at the cost of UT Permian Basin. When the magnitude, timing, or nature of an event in a UT Permian Basin building, facility, or other area in UT Permian Basin's limited public forum requires overtime hours from police officers (including contract hours for officers hired from other departments), UT Permian Basin will, to the extent specified in Sections D.14(a)(ii) and D.14(a)(iii) of this policy, charge the cost of overtime or contract officers to the individual or organization sponsoring the event or exhibit that requires overtime police protection. The purpose of D.14(a)(ii) and D.14(a)(iii) is to charge for police overtime when reasonable, but not to charge for police overtime made necessary by the content of speech at the event or by the controversy associated with any event.
- ii. UTPB-affiliated individuals or UTPB-affiliated organizations planning such events should budget for the cost of police protection. A reasonable and nondiscriminatory fee for overtime police work will be charged to UTPB affiliated organizations for events in a UT Permian Basin building, facility, or other area in UT Permian Basin's limited public forum that require overtime police protection, and:
 1. Charge a price for admission; or
 2. Pay a speaker, band, or other off-campus person or organization for services at the event.
- iii. UT Permian Basin shall have the sole power to decide, after reasonable consultation with the individual or organization planning the event, whether and to what extent overtime police protection is required. No fee shall be charged for officers assigned on the basis of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees shall be based on the number of officers required for an uncontroversial event of the same size and kind, in the same place and at the same time of day, handling the same amount of cash.
- iv. Nothing in Section D.14 applies to any interdepartmental charge or transfer among units or accounts funded by UT Permian Basin.

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E. Procedures

1. Reporting Harassment

- a. a student who believes they have been harassed should report the alleged violation to the Dean of Students or via the "[Report It](#)" link on the UT Permian Basin Web site.
- b. a faculty member or staff member who believes they have been harassed should report the alleged violation to the Title IX Coordinator, the Chief Compliance Officer, or the Chief Human Resources Officer.
- c. alternatively, any member of the UT Permian Basin community who believes they have been harassed may report the alleged violation to the Title IX Coordinator or to any UT Permian Basin official, administrator, or supervisor. A faculty member is not an "official administrator, or supervisor" for this purpose unless that faculty member holds an administrative position.
- d. any UT Permian Basin official, administrator, or supervisor who receives a report of alleged harassment shall promptly refer that report and the complainant to the Title IX Coordinator, Chief Compliance Officer, or to the Dean of Students, as appropriate.
- e. Investigation of the information provided by a complainant, and any subsequent remedial or disciplinary proceedings, shall proceed under the procedures set out in the harassment policies found in HOP ADM-03-300 Sexual Harassment and Sexual Misconduct and HOP ADM-03-100 Non-Discrimination.

2. Response to Alleged Violations

- a. Students wishing to make a grievance regarding an alleged violation of Section 51.9315 of the *Texas Education Code* may report it online via the "[Report It](#)" link on the UT Permian Basin website.
- b. Faculty, staff, or members of the public who have concerns about compliance with Section 51.9315 of the Texas Education Code may express their concerns by calling the UT Permian Basin compliance and ethics hotline at 1-888-228-7725.
- c. A student who violates a prohibition in this policy may be disciplined under the procedures in HOP ADM-02-100 Student Conduct. A registered or sponsored student organization that violates a prohibition in this policy may be disciplined under Student Life Departmental Policies.

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- d. A faculty or staff member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules. If no such procedures exist, faculty violations shall be referred to the Vice President of Academic Affairs and staff violations shall be referred to the Office of Human Resources.
- e. Any incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy that was committed because of antisemitism or the offender's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference will be subject to discipline, up to and including possible termination/expulsion.
- f. Any registered student group that engages in incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy because of antisemitism or bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, is subject to discipline, up to and including possible loss of recognized status for the registered student group.
- g. Authorized UT Permian Basin personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this policy, by explanation and persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively or additionally, they may initiate disciplinary proceedings under Section E.2. Discretion regarding the means and necessity of enforcement shall be vested in the Chief of Police, or in UT Permian Basin personnel designated by the President, as appropriate, but such discretion shall be exercised without regard to the viewpoint of any speaker.
- h. UTPB-affiliated individuals or UTPB-affiliated organizations on campus shall comply with instructions from UT Permian Basin administrators and law enforcement officials at the scene. A UTPB-affiliated individual or UTPB-affiliated organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under Section E.3.
- i. Members of the public on campus who violate a prohibition of this policy may be subject to criminal trespass charges, arrest, or other lawful measures.

3. Appeals

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- a. A UTPB-affiliated individual or UTPB-affiliated organization that is denied permission for an activity requiring advance permission under this chapter may appeal the denial of permission.
- b. A UTPB-affiliated individual or UTPB-affiliated organization that complies with an on-the-scene order limiting speech, expression, or assembly may file an appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal shall be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.
- c. An individual or organization denied permission or appealing an on-the-scene order must submit a written appeal to the Chief Student Affairs Officer within 14 days. The notice must contain the individual or organization's name and mailing address, a contact person, a concise description of the decision or order being challenged, the reasons for disagreeing with the decision, and the date the decision or order was made. The individual or organization must send a copy of the appeal to the decision maker.
- d. After the appeals process is exhausted, the individual or organization may petition in writing to the President to review the Chief Student Affairs Officer's appellate decision concerning the application within seven days after notice of the decision. The President may establish an ad hoc committee to review the appeal and make recommendations regarding it. The President reviews appeals solely at their discretion.
- e. In the event of a review, the President shall communicate their decision to the individual or organization through the Chief Student Affairs Officer within 30 days after notice of the appeal and receipt of relevant documents or, in cases where an ad hoc committee is established, within 30 days after the receipt of the committee's written recommendation. The President's decision shall be final.

F. Related Statutes or Regulations, Rules, Policies, or Standards

[Charitable Raffle Enabling Act](#), Chapter 2002, *Texas Occupations Code*

Regents' Rules, [Rule 30103](#), Standards of Conduct

Regents' Rules, [Rule 30105](#), Sexual Harassment, Sexual Misconduct, and Consensual Relationships

Z P v [Rule 31004](#), Rights and Responsibilities of Faculty Members

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Regents' Rules, [Rule 40201](#), Registered Organizations
Regents' Rules, [Rule 40501](#), Speech and Assembly
Regents' Rules, [Rule 40502](#), Negotiations Related to Disruptive Activities Prohibited
Regents' Rules, [Rule 50101](#), Student Conduct & Discipline
Regents' Rules, [Rule 50202](#), Student Organizations
Regents' Rules, [Rule 80101](#), Category of Facilities and Authorized Users
Regents' Rules, [Rule 80103](#), Solicitation
Regents' Rules, [Rule 80104](#), Use of Facilities
Regents' Rules, [Rule 80105](#), Joint Sponsorship of the Use of Property or Buildings
Regents' Rules, [Rule 80106](#), Special Use Facilities

Texas Civil Practices and Remedies Code, [Chapter 73](#)
Texas Education Code, [Section 51.9315](#)
Texas Penal Code, [Section 43.21](#)
Texas Government Code, Section 448.001

UTPB_ADM-02-100 Student Conduct and Discipline
UTPB_ADM-03-100 Non-Discrimination
UPPB_ADM-03-300 Sexual Harassment and Sexual Misconduct
UTPB_ADM 04-101 Standards of Conduct
UTPB_ADM-05-100 Faculty Senate Constitution
UTPB_ADM-05-200 Staff Senate Constitution
UTPB_ADM 06-106 Faculty Rights and Responsibilities
UTPB_ADM 08-101 Information Resources Use and Security
UTPB_ADM 10-104 Solicitation on Campus
UTPB_ADM 10-301 Facility Use

UT Permian Basin [Acceptable Use Policy](#)
UT Permian Basin Student Life Departmental Policies

G. Dates Reviewed or Amended

Amended on **03/17/2020**.

POLICY STAKEHOLDER REVIEW TRACKING			
Policy Title	FSS-103 PROTECTED EXPRESSION ON CAMPUS		
Date Started	05/30/2024	Executive Sponsor	Executive Vice President for Business Affairs
Key Stakeholders	Erin Sine, Holly Cameron, Policy Executive Committee, Dr. Daniel K. Podolsky		
DATE	STAKEHOLDER	ACTION OR COMMENT	
12/13/19	Policy Executive Committee	Approved Policy Concept Form to develop policy, which is required by S.B. 18, 86TH Leg. (Tex. 2019); University of Texas System Office of General Counsel Guidance re: Senate Bill 18 (Campus Free Speech Bill) Implementation – Speech Policies.	
1/13/2020	Jessica Spaniol	Completed draft of policy; submitted draft to Policy Office for formatting.	
1/14/2020	Policy Office	Sent formatted draft to J. Spaniol for circulation.	
1/16/2020	Marcus Lewis	Reviewed draft policy, and provided input regarding security and law enforcement issues.	
1/23/2020	Juan Guerra	Reviewed draft policy, and provided input regarding safety issues. Recommended adding Seldin Plaza to the definition of limited public forum.	
2/11/2020	Erin Sine	Reviewed draft policy; provided edits to grievance process and disciplinary procedures.	
2/11/2020	Jessica Spaniol	Submitted draft to Policy Office for review by stakeholders; has already been reviewed by E. Sine, M. Lewis, and J. Guerra; policy will be on the February 25 PEC agenda.	
2/11/2020	Policy Office	Emailed draft to N. Ramello, B. Brown, C. Slocum, C. Ginsburg, and A. Dontes for review by February 19, 2020.	
2/12/2020	Arnim Dontes	Requested the radius be changed from 15 feet to 20 feet from points of entry and the perimeter of all UT Southwestern buildings. J. Spaniol agreed.	
2/13/2020	Bruce Brown	Supports policy as written.	
2/18/2020	Natalie Ramello	Supports policy as written.	
2/20/2020	Policy Office	Prepared policy for February 2020 PEC meeting.	
2/25/2020	Policy Executive Committee	Approved policy; recommended adding vendors to the Scope and to define “commercial speech.”	
2/27/2020	Policy Office	Requested definition of commercial speech from Legal Affairs (E. Sine and J. Spaniol).	
2/27/2020	Jessica Spaniol	Provided a definition for “Commercial Speech.”	
2/28/2020	Policy Office	Prepared signature copy for Dr. Podolsky.	
3/4/2020	Robin Jacoby and Melanie Woodard	Revised Policy Rationale and Text opening sentence.	
3/5/2020	Dr. Podolsky	Approved policy (signature on file).	

DRAFT
June 5, 2024

5/30/2024	Policy Office	Prepared first draft of revision to comply with guidance from the UT System for the implementation of Executive Order GA-44 and the directive from UT System.
6/6/2024	Holly Crawford	Reviewed and approved for UTS review.

UT SOUTHWESTERN POLICY HANDBOOK

FSS-103 PROTECTED EXPRESSION ON CAMPUS

CHAPTER 8: FACILITIES AND SUPPORT SERVICES

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ADMINISTRATIVE INFORMATION

Responsible Office: Office of Legal Affairs
Executive Sponsor: Executive Vice President for Business Affairs
Effective Date: 03/05/2020
Last Updated: 03/05/2020
Contact: policyoffice@utsouthwestern.edu

POLICY LINK

To ensure appropriate access when sharing or linking to this policy, *copy and paste* this URL:

<https://secure.compliance360.com/ext/cMWZ11VTbel=>

POLICY RATIONALE AND TEXT

The freedoms of speech, expression, and assembly are fundamental rights of all persons, and it is the policy of UT Southwestern to ensure that students, student organizations, residents, postdoctoral scholars appointed to academic training positions, faculty members, employees (collectively, “UT Southwestern personnel”), and members of the public may engage in expressive activities on campus, including listening to or observing expressive activities of others, in accordance with applicable law and this policy.

Engaging in Expressive Activities in Common Outdoor Areas

Subject to the procedures set forth below, any person may engage in expressive activities in common outdoor areas of UT Southwestern’s campus, including by responding to the expressive activities of others.

Expressive activities include distribution of written material and holding or carrying signs or otherwise attaching signs to oneself. Any person or organization distributing written material in common outdoor areas will pick up all copies of written material dropped on the ground in the area where the material was distributed.

Expressive activities do not include commercial speech. For information pertaining to commercial speech on campus, see [ETH-105 Relationships of UT Southwestern Faculty, Employees, and Trainees with Vendors and Other Outside Entities](#).

In order to protect the safety of all individuals at UT Southwestern and to maintain campus security, all individuals engaging in expressive activities must identify themselves in response to a request by an authorized UT Southwestern representative by

providing their name, substantiated by a drivers' license, UT Southwestern identification badge, or other official documentation. For additional information regarding requirements for identification upon request, see [SEC-153 Badge and Identification Requirements](#).

Invitations to Off-Campus Speakers in Limited Public Forums

Subject to the procedures set forth below, UT Southwestern faculty and registered student and employee organizations may invite Off-Campus Speakers to speak in limited public forums on campus. Utilization of UT Southwestern facilities for any such speaker engagements is addressed in [FSS-101 Use of UT Southwestern Facilities](#). Student organizations should refer to the Registered Student Organizations Manual for additional procedures regarding reservation of facilities.

SCOPE

This policy applies to all individuals associated with or on the premises of UT Southwestern Medical Center, including without limitation employees, faculty, clinical residents and fellows, postdoctoral scholars appointed to academic training positions, students, patients, visitors, volunteers, vendors, contractors, commercial tenants, business associates, and members of the public.

PROCEDURES

Expressive Activities in Common Outdoor Areas

Individuals or organizations that are planning a public assembly in a common outdoor area and expect attendance of more than 25 participants, including potential counter-demonstrators, must provide advance notice of no less than two weeks to the Office of the Executive Vice President of Business Affairs to help UT Southwestern improve the safety and success of the expressive activity. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.

The following items and actions are prohibited in the common outdoor areas of UT Southwestern campus. These prohibitions are intended to protect the health and safety of all persons on campus, to maintain the free flow pedestrian traffic in and out of UT Southwestern buildings, and to ensure the teaching, research, healthcare, and administrative functions of UT Southwestern continue without disruption.

- No person or organization may engage in expressive activity within a 20-foot radius of points of entry and the perimeter of all UT Southwestern buildings.
- Use of masks, facial coverings, or disguises that conceal the identity of the wearer and are calculated to obstruct the enforcement of these rules or the law, or to intimidate, hinder, or interrupt a UT Southwestern official, police officer, or other person in the lawful performance of their duty are prohibited.
- Signs that a person holds, carries by hand, or attaches to their person may be used in engaging in expressive activities in common outdoor areas. Use of tables, kiosks, or displays other than signs that a person holds, carries by hand, or attaches to their person are prohibited.
- No speech, expression, or assembly may be conducted in a way that damages, defaces, marks, discolors, or alters in any way UT Southwestern property or the property of any individual.
- Any person who engages in incitement of violence; incitement of imminent violation of law; harassment; property damage; or any other violation of state or federal law or UT Southwestern policy that was committed because of antisemitism, bias, or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, will be subject to discipline, up to and including termination of employment or expulsion from UT Southwestern.

- Any registered student organization, who engages in incitement of violence; incitement of imminent violation of law; harassment; property damage; or any other violation of state or federal law or UT Southwestern policy that was committed because of antisemitism, bias, or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, will be subject to discipline, up to and including possible loss of recognized status for the registered student organization.

Furthermore, no person or organization may engage in expressive activities in common outdoor areas that:

- are obscene, libelous, or directed to inciting or producing imminent lawless action and are likely to incite or produce such action;
- materially and substantially disrupt or interfere with any teaching, research, healthcare, or administrative function of UT Southwestern or other authorized activities on the campus;
- materially and substantially disrupt or interfere with free and unimpeded flow of pedestrian or vehicular traffic on campus; or
- violate federal, state, or local laws or regulations.

Invitations to Off-Campus Speakers in Limited Public Forums

UT Southwestern faculty and registered student and employee organizations may invite Off-Campus Speakers to speak in limited public forums on campus. The provisions of this section do not apply to invitations to speakers for classes, seminars, symposia, and conferences held in the normal course of UT Southwestern business and intended for the use and benefit of UT Southwestern and its invited guests.

For registered student organizations, requests for Off-Campus Speaker approval for invitations to speak in limited public forums must be submitted to the Director of the Bryan Williams, M.D. Student Center in accordance with the Registered Student Organizations Manual. For UT Southwestern faculty and registered employee organizations, requests for Off-Campus Speaker approval for invitations to speak in limited public forums must be submitted to the Office of the Executive Vice President for Business Affairs at least two weeks prior to the proposed event or the circulation of advertisement for the event, whichever occurs earlier.

In determining whether to approve an Off-Campus Speaker or in determining the amount of a fee, if any, to be charged for use of the institution's facilities for purposes of engaging in expressive activities, UT Southwestern may consider:

- the proposed venue and the expected size of the audience;
- any anticipated need for campus security;
- any necessary accommodations; and
- any relevant history of compliance or noncompliance with this or other applicable policy by the requestor.

UT Southwestern will not consider any anticipated controversy regarding the event in determining whether to approve an Off-Campus Speaker invitation or in determining the amount of fee, if any, to charge for use of the institution's facilities. No fee will be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees will be based on the number of officers required for an uncontroversial event of the same size and kind, and in the same place and at the same time of day.

Grievance Process and Disciplinary Procedures

Any UT Southwestern personnel who wish to submit a grievance regarding an alleged violation of this policy (including undue interference with expressive activities) may submit a written complaint to the Office of Institutional Compliance no later than 30

days after the action that is the basis for the grievance. The Office of Institutional Compliance will conduct an appropriate inquiry and issue a written decision regarding the grievance within 60 days. The decision by the Office of Institutional Compliance is final.

If the Office of Institutional Compliance determines this policy was violated, the matter will be referred for possible disciplinary action in accordance with the applicable disciplinary policies and procedures based on the status of the individual (e.g., student, resident, faculty, and employee) or the group (e.g., student or employee organization) responsible for the violation.

RESPONSIBILITIES

Deans' Offices of UT Southwestern Medical School, UT Southwestern Graduate School of Biomedical Sciences, and UT Southwestern School of Health Professions:

- Ensure that this policy is available to all students enrolled at UT Southwestern by: (1) including a copy of this policy in the General Catalog; and (2) providing a copy of this policy to students during new student orientations and upon request.

Office of the Executive Vice President for Business Affairs:

- Process requests for public assemblies of more than 25 people in common outdoor areas, and coordinate support for the same.
- Process requests for Off-Campus Speakers in limited public forums, and coordinate support for the same.

Office of Institutional Compliance:

- Investigate grievances regarding alleged violations of this policy.

University Police:

- Coordinate with the Office of the Executive Vice President for Business Affairs to address security needs for public assemblies in common outdoor areas on campus and for Off-Campus Speaker events in limited public forums.

DEFINITIONS

Antisemitism – a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

Commercial speech – expression related solely to the economic interests of the speaker and its audience, which proposes a commercial transaction. Commercial speech includes but is not limited to promotional speaking and other expression regarding the sale, lease, rental, or offer for sale, lease or rental of any property, product, merchandise, publication, or service for third party organizations. As used in this policy, commercial speech does not include solicitation permitted pursuant to [FSS-102 Solicitation](#) See [ETH-105 Relationships of UT Southwestern Faculty, Employees, and Trainees with Vendors and Other Outside Entities](#).

Common outdoor areas – outdoor spaces, including publicly accessible sidewalks, streets, and parks, that are not used for dedicated UT Southwestern business or a UT Southwestern event or teaching, research, healthcare, or administrative functions on either a permanent or temporary basis. Common outdoor areas include the area in front of the Skillern Building (the “M” building); and the area between the “M” building and the Green Research Building (the “Y” building). Common outdoor areas do not include the outside surfaces of a UT Southwestern building, surfaces associated with or connected to a UT Southwestern building, a UT Southwestern structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, or any other space within UT Southwestern’s limited public forum. Common outdoor areas are designated by state law as traditional public forums.

Expressive activities – any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

Limited public forum – the UT Southwestern property, both indoors and outdoors, that is not designated a common outdoor area. This includes space that is used for dedicated UT Southwestern business or a UT Southwestern event or teaching, research, healthcare, or administrative functions on either a permanent or temporary basis, the outside surfaces of a UT Southwestern building, surfaces associated with or connected to a UT Southwestern building, a UT Southwestern structure, spaces dedicated to temporary outdoor banners, and spaces dedicated to temporary or permanent outdoor exhibits, including McDermott Plaza and Seldin Plaza.

Off-Campus Speaker – an individual who is unaffiliated with UT Southwestern and is presented as a speaker by UT Southwestern faculty or a registered student or employee organization in UT Southwestern’s limited public forum.

Sign – any method of displaying visual messages to others via a display that a person holds, carries by hand, or otherwise attaches to their person.

RELATED STATUTES, POLICIES, OR STANDARDS

Texas Education Code, Section 51.9315

Texas Government Code, Section 448.001

UT System Regents’ Rules and Regulations, Rule 40501 Speech and Assembly

UT System Regents’ Rules and Regulations, Rule 80101 Category of Facilities and Authorized Users

[EMP-351 Discipline and Dismissal of Classified Employees](#)

[EMP-351P-01 Appealing Disciplinary Actions](#)

[EDU-151 Student Conduct and Discipline](#)

[EDU-151P-01 Procedures for Student Discipline](#)

[ETH-105 Relationships of UT Southwestern Faculty, Employees, and Trainees with Vendors and Other Outside Entities](#)

[FSS-101 Use of UT Southwestern Facilities](#)

[FSS-102 Solicitation](#)

[SEC-153 Badge and Identification Requirements](#)

FORMS, TOOLS, ONLINE PROCESSES

Registered Student Organizations Manual

CONTACTS/FOR FURTHER INFORMATION

Office of Business Affairs 214-648-2508

Office of Legal Affairs 214-648-7986

POLICY HISTORY

DRAFT
June 5, 2024

March 5, 2020: Developed as a new policy; published as FSS-103 Protected Expression on Campus.

Expressive Activities in MD Anderson's Common Outdoor Areas Policy

Purpose

This policy governs the rights and responsibilities of any person, subject to reasonable restrictions, to engage in Expressive Activities in the Common Outdoor Areas of The University of Texas MD Anderson Cancer Center (MD Anderson).

Policy Statement

MD Anderson recognizes and supports the rights of its Workforce Members, as well as members of the public, to conduct or participate in Expressive Activities in the Common Outdoor Areas of MD Anderson's campus.

The Common Outdoor Areas of MD Anderson are deemed to be traditional public forums, and are generally open to assembly, speech, and other Expressive Activities subject to reasonable restrictions on time, place, and manner.

Any person or entity, whether a member of the public or a Workforce Member, may conduct Expressive Activities in the Common Outdoor Areas of MD Anderson's campus within the time, place, and manner parameters established in this policy and other MD Anderson policies referenced herein.

At no time is commercial solicitation or Commercial Speech permitted on MD Anderson's campus. Refer to the [Charitable Activities, Charitable Expenditures, and Solicitation Policy \(MD Anderson Institutional Policy #ADM0115\)](#).

Scope

Compliance with this policy is the responsibility of all Workforce Members and members of the public who conduct or participate in Expressive Activities in the Common Outdoor Areas of MD Anderson's campus.

Target Audience

The target audience for this policy includes, but is not limited to, Workforce Members as well as members of the public who wish to conduct or participate in Expressive Activities in the Common Outdoor Areas of MD Anderson's campus.

Definitions

Antisemitism: A certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of Antisemitism directed toward Jewish or non-Jewish individuals, or their property, or toward Jewish community institutions and religious facilities.

Benefit: For the purpose of this policy, a Benefit includes:

- Recognition by or registration with MD Anderson;

- The privilege to use MD Anderson facilities and/or grounds for meetings or speaking purposes;
- The privilege to use MD Anderson communication channels; and
- Any funding sources that may be generally made available.

Commercial Speech: Any speech or expression related solely to the economic interests of non-MD Anderson programs, including promoting or advertising any product, service or other transaction (e.g., sale, lease, rental etc.).

Common Outdoor Area: Any outdoor area owned, leased, or controlled by MD Anderson that is generally used for informal gatherings and that is not specifically designated for MD Anderson's official business, events, education, and/or administrative functions, on either a permanent or temporary basis (if on a temporary basis, the area may be a Common Outdoor Area when not in use for such purposes). Common Outdoor Areas are deemed to be traditional public forums and generally open to assembly, speech, and other Expressive Activities, subject to reasonable restrictions on time, place, and manner. Refer to the [Common Outdoor Areas on MD Anderson's Campus \(Attachment #ATT3353\)](#).

Contractor: Any organization or individual who performs a service for MD Anderson for any period of time pursuant to a contract with MD Anderson.

Expressive Activity: Any speech or expressive conduct protected by the First Amendment to the U.S. Constitution or by Section 8, Article I of the Texas Constitution. Expressive Activity includes assemblies, protests, speeches, the distribution of non-commercial written material, the carrying of signs, and the circulation of petitions. Expressive Activity does not include activities or behavior prohibited by MD Anderson policies or Commercial Speech and/or commercial solicitation.

Off-Campus Speaker: An individual or organization who is unaffiliated with or sponsored by MD Anderson, and who is invited by a Workforce Member to speak on campus.

Student Organization: Any organization that is composed mostly of students enrolled in an MD Anderson undergraduate or graduate program, including the School of Health Professions and/or the MD Anderson UT Health Graduate School, and that receives a Benefit from MD Anderson. For the purpose of this policy, residents, fellows, and others participating in Clinical Health Education Programs (CHEP), Graduate Medical Education (GME), or other health care professional graduate programs are not considered students under this policy.

Volunteer: Individuals who give freely of their time to perform established Volunteer job duties for specified, minimal periods, usually on a regular basis. They are interviewed, selected, and placed in non-paid positions without reimbursement or educational credit for their services. They are oriented, trained, monitored, and evaluated only by Volunteer Services staff in accordance with Joint Commission requirements. Volunteers cannot perform specific functions, duties, and responsibilities of a position encompassed by an established MD Anderson compensated employee job classification.

Workforce Member: Faculty, administrative/classified employees, Volunteers, trainees/students, Contractors, and other persons whose conduct, in the performance of work for or academic studies at MD Anderson, is under the direct control of MD Anderson, whether or not they are paid by MD Anderson.

Procedure

1.0 Overview

- 1.1 MD Anderson recognizes and respects that Expressive Activities, including the freedoms of speech, expression, and assembly, are fundamental rights of all persons. To that end, Workforce Members as well as members of the public may engage in Expressive Activities in Common Outdoor Areas owned, leased, or controlled by MD Anderson.
- 1.2 Expressive Activities include responding to the Expressive Activities of others.

- 1.3 Engaging in Expressive Activities does not require prior notice nor permission from MD Anderson.
- 1.4 In all instances, Expressive Activities in Common Outdoor Areas owned, leased, or controlled by MD Anderson must meet the requirements set forth in this policy including, but not limited to, time, place, and manner requirements put in place to provide our patients and their families an environment that promotes health and healing, as well as safeguard our Workforce Members.
- 1.5 Expressive Activities in Common Outdoor Areas explicitly excludes any activity, speech, or material distribution in support of Commercial Speech. Those found to be facilitating Commercial Speech in MD Anderson's Common Outdoor Areas will be asked to leave MD Anderson's premises immediately. Any Workforce Member found to be facilitating Commercial Speech in MD Anderson's Common Outdoor Areas may be subject to corrective action.
- 1.6 Those holding or organizing Expressive Activities that do not involve an Off-Campus Speaker do not need to submit an [Expressive Activities at MD Anderson Registration Form](#), nor need to alert MD Anderson that such an event will be held. However, should multiple parties wish to use the same Common Outdoor Area at the same time, priority will be given to those who have submitted an [Expressive Activities at MD Anderson Registration Form](#).

2.0 Common Outdoor Areas

- 2.1 As defined by the Texas State Legislature, Common Outdoor Areas are deemed traditional public forums in which Expressive Activities may take place.
- 2.2 MD Anderson's Common Outdoor Areas may be found in the [Common Outdoor Areas on MD Anderson's Campus \(Attachment #ATT3353\)](#).
- 2.3 From time to time, renovation and construction activities may preclude use of MD Anderson's Common Outdoor Areas to prevent bodily harm and ensure such renovation and construction activities continue without interruption.
- 2.4 Each Common Outdoor Area on MD Anderson's campus may have unique time and manner restrictions, depending on its proximity to patient care areas. These time and manner restrictions may vary depending on patient needs, institutional safety concerns, and other operational priorities. Refer to the [Common Outdoor Areas on MD Anderson's Campus \(Attachment #ATT3353\)](#) for details.

3.0 Expressive Activities

- 3.1 Workforce Members as well as members of the public may engage in Expressive Activities in the Common Outdoor Areas of MD Anderson's campus.
- 3.2 Expressive Activities include:
 - A. Distribution of written material(s);
 - B. Carrying or displaying signage;
 - C. Circulating petitions; and
 - D. Assemblies, protests, and speeches.
- 3.3 Expressive Activities do not include:
 - A. Soliciting by private, commercial entities;
 - B. Affixing signs or banners to buildings or structures;

- C. Staking signs into the ground;
 - D. Installing or placing objects that may pose a danger to individuals, such as poles, pickets, and sticks; or
 - E. Any activity or behavior that is prohibited by other MD Anderson policies referenced herein.
- 3.4 Expressive Activities may not:
- A. Impair egress and ingress to MD Anderson facilities;
 - B. Block pedestrian or vehicular traffic from its path of travel;
 - C. Otherwise impede safety measures put in place to protect MD Anderson's patients and visitors, as well as Workforce Members; nor
 - D. Include the use of tables, kiosks, and/ or other structures.

4.0 Invited Speakers

- 4.1 Student Organizations and MD Anderson faculty members may invite Off-Campus Speakers to speak as part of Expressive Activities held in MD Anderson's Common Outdoor Areas.
- 4.2 Student Organizations and MD Anderson faculty members must submit an [Expressive Activities at MD Anderson Registration Form](#) to register any Expressive Activity that involves an Off-Campus Speaker. The form will request information necessary to determine the level of operational impact that the Expressive Activity may have, including:
- A. The proposed Common Outdoor Area;
 - B. The expected number of attendees;
 - C. Any anticipated need for campus security;
 - D. Any necessary accommodations; and
 - E. Any relevant history of compliance or noncompliance by the requesting Student Organization or MD Anderson faculty member with existing MD Anderson institutional policies, MD Anderson's Code of Conduct, and MD Anderson's Standards of Conduct: Do the Right Thing.
- 4.3 Depending on the nature of the Expressive Activity involving an Off-Campus Speaker, MD Anderson may elect to charge reasonable fees for overtime police protection. Such charges will be based on the criteria outlined in Section 7.
- A. At no time will MD Anderson assess fees based on the political, religious, philosophical, ideological, or academic controversy anticipated or experienced during the Expressive Activity.
 - B. MD Anderson will assess fees based on the number of police officers required for an uncontroversial event of the same size, kind, location, time of day, and handling the same amount of cash, if any.

5.0 Behavior During Expressive Activities

By necessity, the expectations for behavior outlined below are context-specific; therefore, university officials and The University of Texas Police at Houston (UT Police) have discretion to apply these restrictions as appropriate to particular situations or events. UT Police may immediately enforce these rules if a violation of

these rules constitutes a breach of the peace or compromises public safety. Any individual or group that disagrees with the application of such restrictions to a particular situation may access the grievance process outlined in Section 8.2.

- 5.1 Workforce Members participating in Expressive Activities must not create the impression that they are acting in their capacity as a Workforce Member and must take reasonable steps to ensure that their participation is not seen as an endorsement of or support for the Expressive Activity by MD Anderson. Reasonable steps include not wearing MD Anderson employee ID badges and not wearing MD Anderson branded items. Refer to the [Political Activities Policy \(MD Anderson Institutional Policy #ADM0262\)](#).
- 5.2 Those participating in Expressive Activities must comply with expectations of behavior set forth in [MD Anderson's Code of Conduct](#) and [MD Anderson's Do the Right Thing: MD Anderson's Standards of Conduct](#) and other applicable MD Anderson policies. Anyone found violating any of these standards while participating in Expressive Activities in MD Anderson's Common Outdoor Areas will be asked to leave MD Anderson's premises immediately.
- 5.3 Those participating in Expressive Activities on MD Anderson's Common Outdoor Areas may not:
 - A. Engage in an Expressive Activity within 20 feet of the entrance to an MD Anderson facility or MD Anderson-sponsored event.
 - B. Wear masks, facial coverings, or disguises that conceal the identity of the wearer; that is calculated to obstruct the enforcement of this policy or the law; or to intimidate, hinder or interrupt a university official, law enforcement officer, or other person in the lawful performance of their duty (exceptions may be made for religious attire). Note that protective masks or face coverings are permitted for public health reasons and/or compliance with orders issued by city, county, state, or federal health officials.
 - C. Possess, use, or display firearms, facsimile firearms ("toy guns"), ammunition, explosives, or other items that could be used as weapons including, but not limited to, sticks, poles, clubs, swords, shields, glass objects, or rigid signs that can be used as a shield, unless authorized by federal, state, or local laws.
 - D. Openly carry firearms, or carry firearms in a concealed manner, regardless of whether an individual possesses a License to Carry. Refer to the [Policy on Concealed Handgun Carriage on MD Anderson's Campus \(MD Anderson Institutional Policy #ADM1254\)](#).
 - E. Wear body-armor or makeshift body-armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body-armor.
 - F. Have an open flame, unless advanced permission is obtained.
 - G. Smoke or use tobacco products. Refer to the [Tobacco Free Policy \(MD Anderson Institutional Policy #ADM0258\)](#).
 - H. Consume, distribute, or possess alcohol. Refer to the [Alcoholic Beverages Policy \(MD Anderson Institutional Policy #ADM0108\)](#).
 - I. Record, either through photography, video, or audio, those not participating in the Expressive Activity, or those participating in the Expressive Activity, without their consent.
 - J. Post to any social media site images, video, or audio of those not participating in the Expressive Activity; or post to any social media site images, video, or audio of those participating in the Expressive Activity without their consent. Refer to the [Social Media Policy \(MD Anderson Institutional Policy #ADM1112\)](#).

- K. Place or display signage that violates the [Displays and Signage for Areas Open to Patients and the Public Policy \(MD Anderson Institutional Policy #ADM1182\)](#).
- L. Use speech, signage, or behavior that:
 - Damages, defaces, marks, discolors, or alters any property, whether of MD Anderson or of an individual;
 - Is obscene, libelous, or designed to incite or produce imminent lawless actions; and/or
 - Materially or substantially disrupts or interferes with any MD Anderson's operations, whether academic, research, clinical, or administrative.

6.0 Political Campaigns

- 6.1 Political campaigns may hold Expressive Activities in MD Anderson's Common Outdoor Areas. Such campaigns may advocate for or against a particular candidate or proposed legislation.
- 6.2 All political campaigns that hold Expressive Activities in MD Anderson's Common Outdoor Areas are encouraged to submit an [Expressive Activities at MD Anderson Registration Form](#), and comply with the provisions in this policy, as well as all UT System Regents' Rules, UT System policies, and state and federal laws.
- 6.3 Refer to the [Political Activity Policy \(MD Anderson Institutional Policy #ADM0262\)](#) for additional information.

7.0 Security and Accommodations

- 7.1 The expected attendance, duration, and nature of an Expressive Activity may require that UT Police officers provide security for the Expressive Activity. If such is required, the Expressive Activity organizers are responsible for making payment in advance for the required services of UT Police officers. The determination of whether an Expressive Activity requires UT Police officers is at the sole discretion of MD Anderson.
- 7.2 The organizers of an Expressive Activity in MD Anderson's Common Outdoor Areas are responsible for providing all accommodations, including power and sanitation facilities (e.g., portable toilets and hand-washing or hand-sanitizing stations), required by the City of Houston, based on the expected attendance, duration, and nature of an Expressive Activity. MD Anderson may require any group that does not comply with this Section to leave the premises.
- 7.3 At no time may those participating in Expressive Activities utilize MD Anderson's indoor facilities, including restrooms and water fountains.

8.0 Disciplinary Procedures and Grievance Process

- 8.1 Workforce Members who do not comply with the standards and expectations set forth in this policy may be subject to the [Corrective Action Policy \(MD Anderson Institutional Policy #ADM0256\)](#), the [Education & Training Corrective Actions and Appeals Policy \(MD Anderson Institutional Policy #ACA0068\)](#), the [School of Health Professions Conduct and Discipline Policy \(MD Anderson Institutional Policy #ACA1264\)](#), or the [Non-Renewal of Faculty Appointment Policy \(MD Anderson Institutional Policy #ACA0058\)](#), as applicable.
 - A. Any Workforce Member who engages in incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of any MD Anderson activity, or any other violation of state or federal law or MD Anderson policy because of Antisemitism or the Workforce Member's bias or prejudice against a group identified by race, color,

disability, religion, national origin or ancestry, age, gender, or sexual preference will be subject to corrective action up to and including possible termination/expulsion.

- B. Any Student Organization that engages in incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of any MD Anderson activity, or any other violation of state or federal law or MD Anderson policy because of Antisemitism or bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, is subject to corrective action up to and including possible loss of recognized status for the Student Organization.
- 8.2 Any Workforce Member, Student Organization, or member of the public who believes that there has been an undue interference of their rights to assembly, speech, and/or other Expressive Activities may submit their concerns or complaints to Institutional Compliance by any of the methods below:
- Institutional Compliance direct line, 713-745-6636
 - Institutional Compliance email, [Institutional Compliance@mdanderson.org](mailto:Institutional_Compliance@mdanderson.org)
 - The Chief Compliance and Ethics Officer via the Page Operator, 713-792-7090
 - The Compliance Hotline, 800-789-4448

Attachments/Links

[Common Outdoor Areas on MD Anderson's Campus \(Attachment #ATT3353\)](#)

[Expressive Activities at MD Anderson Registration Form](#)

[MD Anderson's Code of Conduct](#)

[MD Anderson's Do the Right Thing: MD Anderson's Standards of Conduct](#)

Related Policies

[Alcoholic Beverages Policy \(MD Anderson Institutional Policy #ADM0108\)](#)

[Charitable Activities, Charitable Expenditures, and Solicitation Policy \(MD Anderson Institutional Policy #ADM0115\)](#)

[Clery Act Policy on Reporting Criminal Activity \(MD Anderson Institutional Policy #ADM1104\)](#)

[Corrective Action Policy \(MD Anderson Institutional Policy #ADM0256\)](#)

[Displays and Signage for Areas Open to Patients and the Public Policy \(MD Anderson Institutional Policy #ADM1182\)](#)

[Education & Training Academic Corrective Actions and Appeals Policy \(MD Anderson Institutional Policy #ACA1194\)](#)

[Education & Training Corrective Actions and Appeals Policy \(MD Anderson Institutional Policy #ACA0068\)](#)

[Guests and Tours on Campus Policy \(MD Anderson Institutional Policy #ADM3251\)](#)

[News Media, Interviews, and Press Releases Policy \(MD Anderson Institutional Policy #ADM0414\)](#)

[Non-Renewal and Termination of Appointment Policy for Trainees \(MD Anderson Institutional Policy #ACA0062\)](#)

[Non-Renewal of Faculty Appointment Policy \(MD Anderson Institutional Policy #ACA0058\)](#)

[Policy on Concealed Handgun Carriage on MD Anderson's Campus \(MD Anderson Institutional Policy #ADM1254\)](#)

[Political Activity Policy \(MD Anderson Institutional Policy #ADM0262\)](#)

[Public and Retail Space Use Policy \(MD Anderson Institutional Policy #ADM0234\)](#)

[Professional Standards and Safety Policy \(MD Anderson Institutional Policy #ADM0261\)](#)

[School of Health Professions Conduct and Discipline Policy \(MD Anderson Institutional Policy #ACA1264\)](#)

[Social Media Policy \(MD Anderson Institutional Policy #ADM1112\)](#)

[Tobacco Free Policy \(MD Anderson Institutional Policy #ADM0258\)](#)

Joint Commission Standards / National Patient Safety Goals

None.

Other Related Accreditation / Regulatory Standards

None.

References

[Regents' Rule 40501, Speech and Assembly](#)

[Regents' Rule 80101, Category of Facilities and Authorized Users](#)

[Regents' Rule 80103, Solicitation](#)

[Texas Senate Bill 18 \(SB18\), Enrolled](#)



Expressive Activities

Provisional

Purpose

The purpose of this policy is to protect and regulate speech, expression, and assembly of students, faculty members, and staff of Stephen F. Austin State University (SFASU) and members of the public in a manner that encourages and facilitates speech, expression, and assembly, while at the same time ensuring that these activities do not intrude upon or interfere with academic programs, administrative processes, or other authorized activities of SFASU.

Persons Affected

Students, faculty, staff, guests, and visitors.

Definitions

Antisemitism: a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

Assembly: any group of persons organized and united at the same place, usually for some common purpose.

Banner: a sign hung from a structure, or between two buildings, structures, or poles. A banner posted as part of a manned exhibit may be considered to be a "sign".

Chalking: use of water-soluble sidewalk chalk on paved areas.

Demonstration: any public exhibition of the disposition, perspective, or opinion of a group of persons toward a controversial issue, or other matter, made by picketing, protesting, parading, etc.

Exhibit: a temporary outdoor display used for marketing or informational purposes. This includes all free-standing products, sandwich boards, easels, etc.

Faculty/Staff: any person employed by the university.

Handbills: a printed sheet that is distributed by hand.

Kiosk: an outdoor structure designated by the university for the posting of signs.

Petitions: any document embodying a formal written request made to an official person or organization.

Registered Student Organization: any organization recognized by the university.

Sign: any method of displaying a visual message to others, except transferring possession of a



copy of the message will be considered distribution of literature and not a sign.

Student: any person registered for academic credit at the university.

Traditional public forum: a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity.

University Property: all land, buildings, facilities, and other property in the possession of and/or owned, used, or controlled by the University (including adjacent streets and sidewalks).

University-sponsored: any program or event initiated, aided, authorized, or supervised by a registered student organization, faculty or staff organization.

Yard sign: a temporary outdoor sign displayed above the ground. Yard signs must not exceed 18 inches x 24 inches in size.

Policy

Assembly and Demonstrations

These rules shall govern the conduct of all assemblies and demonstrations on university property or at university-sponsored events.

- A. Assemblies and demonstrations must be conducted in compliance with these rules, all other applicable university policies, and must not:
 1. result in a breach of peace or violation of law;
 2. negatively impact the security, health and safety of persons and/or property on campus; interfere with the free and unimpeded flow of pedestrian and vehicular traffic on campus or the entry or exit into university buildings;
 3. materially and substantially disrupt the normal activities of the university; or
 4. result in damage to the university's grounds, buildings, and facilities.
- B. No person conducting or participating in an assembly or demonstration on university property or at university-sponsored events may advocate the deliberate violation of the law. For the purposes of this section, "advocate" means speech directed to inciting or producing the audience for imminent action with the likelihood of producing such action, as opposed to the abstract espousal of the moral propriety of a course of action.
- C. Individuals may assemble and demonstrate, including to distribute written material, in outdoor areas (not including university facilities) between the hours of 8 a.m. and 8 p.m. as long as the assembly and/or demonstration adheres to all applicable university policies and procedures, and a properly submitted Event Notification form has been received.
 1. Although a reservation may be requested as many times per year as desired, no single reservation request can exceed five (5) working days.
- D. The university may designate certain days in which outdoor areas may not be used. These include, but are not limited to, commencements, Showcase Saturdays or other admission events, dead week, final exam week, and new student orientation days. Appeals may be made to the Assistant Vice President of Student Affairs/Dean of Students.
- E. Persons or groups who violate this policy may, based on the severity of the offense, be



restricted from using university facilities, in accordance with the Use of University Facilities policy.

Guest Speakers

These rules shall govern the invitation and presentation of guest speakers on university property or at university-sponsored events.

- A. These rules do not apply to:
 - 1. regularly scheduled classes offered for academic credit;
 - 2. professional conferences sponsored directly by a university department; or
 - 3. activities sponsored by non-university entities in rented university facilities.
- B. For the purpose of these rules, "guest speaker" means a person invited to speak on university property or at a university-sponsored event who is presently not enrolled as a student or employed by the university. If the guest speaker is a distinguished guest, the sponsoring organization must adhere to SFA HOP 01-303 Distinguished Guests.
- C. Only registered student organizations, faculty or staff organizations, or non-university entities renting university facilities may invite and present guest speakers on university property or at university-sponsored events.
- D. The organization sponsoring a guest speaker is responsible for making clear that the organization, not the university, is extending the invitation to speak and that any views or opinions the speaker expresses are those of the speaker and not necessarily those of the university.
- E. The organization sponsoring a guest speaker is responsible for the guest speaker's actions.
- F. If a guest speaker is to be paid from university funds as consideration for their speech:
 - 1. The facility in which the speech is to be delivered must be open to the public and the news media.
 - 2. The sponsoring organization must follow all applicable university procurement procedures.
- G. The presentation of guest speakers must not:
 - 1. result in a breach of peace or violation of law;
 - 2. interfere with the free and unimpeded flow of pedestrian and vehicular traffic; or
 - 3. materially disrupt or interfere with the normal activities of the university.
- H. Guest speakers may not:
 - 1. present material that is obscene or libelous; or
 - 2. advocate the deliberate violation of law.

For the purposes of this section, "advocate" means speech directed to inciting or producing imminent lawless action that is likely to incite or produce such action, as opposed to the abstract espousal of the moral propriety of a course of action.

Amplified Sound

In general, amplified sound equipment will not be approved for use on campus grounds if such use would be disruptive to the learning and work environment. Amplified sound will not be approved before 8:00 p.m. or after 11:00 p.m., Monday through Thursday, or anytime classes are in session, unless approved by the Executive Director of Student Life, or their designee. This rule



does not apply to the university and its agents or employees, acting in the course and scope of their agency or employment; nor does it apply to the SFASU Alumni Association or the SFASU Foundation.

Petitions and Handbills

These rules shall govern the circulation and distribution of all petitions and handbills on university property.

- A. Individuals may circulate and distribute petitions and handbills on university property, except in university buildings unless otherwise authorized by law or university policy.
- B. No person or organization may circulate or distribute a petition or handbill that:
 1. violates the university's policy on solicitation;
 2. contains material that is obscene or libelous; or
 3. advocates the deliberate violation of law. For the purposes of this section "advocacy" means preparing the group addressed for imminent action and directing it to such action with the likelihood of producing that action, as opposed to the abstract espousal of the moral propriety of a course of action.
 4. Handbills may not be placed on parked vehicles or any other stationary object, (i.e., table, bench, etc.) as a means of distribution.
- C. Circulation and distribution by all parties must be conducted in compliance with these rules and university policy and must not:
 1. result in a breach of peace or violation of law;
 2. interfere with the free and unimpeded flow of pedestrian and vehicular traffic; or
 3. materially and substantially disrupt the normal activities of the university.
- D. The person or organization circulating or distributing these materials shall clean and remove any litter which results from this activity.
- E. In addition to these rules, petitions and handbills to be circulated and distributed in:
 1. residence halls must comply with the rules governing residence halls; and
 2. University facilities must comply with the rules governing that facility.

Signs and Exhibits

All individuals or groups may display a sign as part of an assembly or demonstration. Signs on sticks, poles, or otherwise attached to any device are prohibited.

- A. **Posting Signs on Kiosks**
 1. No person may post any sign advertising goods or services for sale except as allowed by SFA HOP 05-409 Solicitation on Campus.
 2. Due to space considerations, no sign posted on a kiosk may be larger than 11 inches by 17 inches.
 3. Each sign must state the date the sign was posted or the date of the event being advertised.
 4. Students, faculty, staff and their official organizations must take care to use the names and marks of the university on postings only in ways that are allowable and never in a way that would give the impression an event was sponsored by the university if that is not the case.
 5. Signs may not be posted more than 14 days before the date of the event they advertise.



6. The person or organization that posts a sign on a kiosk must remove that sign no later than 14 days after it was posted, or 24 hours after the event it advertised has concluded, whichever is earlier. The university reserves the right to remove sign from kiosks after the date of the event has passed.
7. No sign may be posted on a kiosk over another properly posted sign.
8. No person or organization may post more than two of the same signs on any one kiosk at the same time. If space is limited, the university reserves the right to remove multiple signs for the same event, program, or service, or signs sponsored by the same individual or organization, even if each is materially different.

B. Signs in Other Designated Locations

Each academic or administrative unit of the university may authorize the posting of signs in spaces that unit occupies and controls. The use of posting space controlled by academic or administrative units may be limited to official statements or business of the unit, or to certain subject matters of interest within the unit, or to signs posted by persons or organizations affiliated with the unit.

C. Removal of Signs

The Director of Student Engagement, or their designee, may remove any sign that violates any of the rules outlined in this policy, or any sign that meets the legal standards below:

1. A sign may be removed if it contains expressions that are an incitement to imminent lawlessness. Such removals may be conducted only with the advice of the vice president and general counsel and approval of the vice president for university affairs. Careful consideration must be given to the actual circumstances surrounding such expression, and removal can only occur if it appears that such provocation causes an immediate likelihood of violence or illegal acts. Advocacy of lawlessness is insufficient, and the speech must be directed to inciting or producing imminent lawless action and likely to incite or produce such action.
2. A sign may be removed if it contains "fighting words" expressions. Such removals may be conducted only with the advice of the vice president and general counsel and approval of the vice president for university affairs. "Fighting words" are similar to expressions of imminent lawlessness, except they are addressed to individuals on a personal scale. Only those "fighting words" that pose an immediate likelihood to provoke the average person to retaliation and thereby cause a breach of the peace should be considered under this exception. Again, careful consideration must be given to the actual circumstances surrounding such expression.
3. Signs may be removed if they contain obscenity. Such removals may be conducted only with the advice of the vice president and general counsel and approval of the Vice President of Student Affairs. In determining what constitutes obscene material, a three-part test applies:
 - a. The average person applying contemporary community standards would find that the work taken as a whole, appeals to the prurient interest;
 - b. The work depicts or describes in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
 - c. The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

D. Banners, Yard Signs and Exhibits

Banners, yard signs and exhibits may be posted and displayed only by academic or



administrative departments of the university unless required by law. Those that do not clearly identify the sponsoring department may be removed.

E. Tables

Students, employees and their official organizations may set up tables from which to display literature and disseminate information, subject to this policy.

F. Locations

Students, employees and their official organizations may set up tables in any outdoor location on the campus and in any indoor location subject to the rules governing the building housing this location. Persons not affiliated with the university may set up tables in designated locations outdoors on campus and in indoor locations subject to the rules governing the building or grounds of the location.

G. Table Reservations by Student Organizations

a. Restrictions

- a. Tables may not disrupt university functions and/or interfere with vehicular and pedestrian traffic.
- b. Tables may not be set up on the lower level of Centennial Plaza.
- c. Tables may only be set up inside any building with permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time. Academic or administrative units may specify additional rules by restricting tables to reasonable locations in spaces occupied by that unit.
- d. Each table must have a sign or literature that identifies the sponsor of the table.
- e. Any person or organization sponsoring a table shall remove litter from the area that resulted from tabling activity.
- f. Students, faculty, staff and their official organizations may supply their own tables.

H. Chalking

Chalking is permitted by students, faculty, staff, and their official organizations in approved designated areas.

Penalties for Violation of Policy

Any incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy that was committed because of antisemitism or the offender's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference will be subject to discipline, up to and including possible termination/expulsion.

Any registered student group that engages in incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy because of antisemitism or bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, is subject to discipline, up to and including possible loss of recognized status for the registered student group.

Procedures

Assembly and Demonstration



Notifications by outside groups to reserve campus grounds for an assembly and/or demonstration, including to distribute written material, must be made in writing using the appropriate form. These forms are available in the Office of Student Engagement and on the Student Engagement website. The completed form must be submitted to the Director of Student Engagement, or their designee, for programs for approval and must be received at least forty-eight (48) hours in advance of the activity. This advance notice allows the university to review whether such assembly or demonstration will be in compliance with these rules and to arrange for adequate security. Each form requires the applicant to provide his/her name, address and phone number.

Guest Speakers

Registered student organizations, faculty or staff organizations, and non-university entities may be permitted the use of university facilities to present guest speakers on university property or at university-sponsored events pursuant to the SFA HOP 05-413 Use of University Facilities. An application for the use of the university facility to be used for the speaker's presentation must be made to the appropriate university official at least forty-eight (48) hours before the time the event is scheduled to take place.

Amplified Sound

Applications to use amplified sound on campus shall be made to the Office of Student Engagement at least forty-eight (48) hours in advance of the proposed use.

Table Reservations by Student Organizations

Tables may be reserved through the Office of Student Engagement. Tables may also be available on a first-come, first-served basis.

Related Statutes or Regulations, Rules, Policies, or Standards

Executive Order No. GA-44

Regents' *Rules and Regulations*, Rule 10701, Policy Against Discrimination

Regents' *Rules and Regulations*, Rule 30103, Standard of Conduct

Regents' *Rules and Regulations*, Rule 30105, Sexual Harassment, Sexual Misconduct, and Consensual Relationships

Regents' *Rules and Regulations*, Rule 31004, Rights and Responsibilities of Faculty Members

Regents' *Rules and Regulations*, Rule 40201, Registered Organizations

Regents' *Rules and Regulations*, Rule 40501, Speech and Assembly

Regents' *Rules and Regulations*, Rule 50101, Student Conduct and Discipline

Regents' *Rules and Regulations*, Rule 50202, Student Organizations

Regents' *Rules and Regulations*, Rule 60306, Use of University Resources

Regents' *Rules and Regulations*, Rule 80101, Categories of Facilities and Authorized Users

Regents' *Rules and Regulations*, Rule 80103, Solicitation

Regents' *Rules and Regulations*, Rule 80104, Use of Facilities

Regents' *Rules and Regulations*, Rule 80105, Joint Sponsorship of the Use of Property or Buildings

Regents' *Rules and Regulations*, Rule 80106, Special Use Facilities



**STEPHEN F. AUSTIN
STATE UNIVERSITY**

Handbook of
Operating Procedures

Policy Number: 05-403
Last Revised: June 12, 2024

SFA HOP 05-413 Use of University Facilities
SFA HOP 05-409 Solicitation on Campus Policy
SFA HOP 01-303 Distinguished Guests

Responsible Executive

Vice President of Student Affairs

Forms

Event Notification Form

Revision History

September 1, 2023 (original)
June 12, 2024

Chapter 13. Speech, Expression, and Assembly

Subchapter 13–100. Governing Principles

Sec. 13–101. Freedom of Speech, Expression, and Assembly

- a. The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the University. In accordance with this Chapter, students, faculty members, staff members, and members of the public have the right to assemble, to speak, and to attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen. Generally, University events and programming, and events at University spaces leased or managed by other parties, are outside the scope of this Chapter and are not considered expressive activity. These events and activities may be implemented as approved by the appropriate vice president or under the applicable contractual terms.
- b. In furtherance of the University's educational mission, the University buildings including their outside surfaces, surfaces associated with or connected to a University building, and a University structures are limited public forums open only to the expressive activities of faculty, staff, and students as set forth in this Chapter. Members of the public may engage in expressive activities at the University in accordance with the rules contained in this Chapter, including generally applicable or localized "time, place, and manner" rules as described in Subsection 13-304. Student, faculty, and staff organizations may not invite the public at large to events in University buildings, or facilities, or locations that are not a Common Outdoor Area.
- c. Students, faculty and staff members are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, in all parts of the campus as permitted by law, and subject to the applicable University rules and policies. Teaching, research, and other official functions of the University will have priority in allocating the use of space on campus. Members of the public may engage in expressive activities only in Common Outdoor Areas. The University's the time, place, and manner rules in this Chapter apply to individuals and groups engaging in expressive activity and are necessary to preserve the University's efficient and effective operations and functions.
- d. The University will not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise. This subsection does not limit the University's ability to enforce provisions involving prohibited categories of expression described in Subchapter 13–200.
- e. The University of Texas at Austin Police Department (UTPD) and any other peace officer with lawful jurisdiction may immediately enforce these rules if a violation of these rules constitutes a breach of the peace, compromises public safety, or violates the law. They may also assist dean of students staff or other University officials, as appropriate, when individuals refuse to follow University rules.

Sec. 13–102. Scope of This Chapter and Related Provisions

- a. This Chapter protects and regulates on-campus speech, expression, and assembly of students, faculty members, staff members, and members of the public, regardless of whether those activities are part of the teaching, research, or other official functions of the University

or whether they are sponsored by the University or any academic or administrative unit.

1. This Chapter also regulates certain speech that is part of the teaching, research, or other official functions of the University.
 2. Section 13–204 on harassment applies to all speech on campus, to speech made using University resources, and to off-campus speech that materially interferes with a person's education or employment.
- b. This Chapter applies to speech and expressive activity by University persons, University organizations, and members of the public whether conducted in the Common Outdoor Areas or the Limited Public Forums. It also applies to speech made using University information resources as defined in University policies, regardless of whether the speech was submitted for academic credit. The Dean of Students administers and schedules reservations for the use of the temporary exhibit and banner spaces the use of University tables and the use of amplified sound because scheduling through a single office is necessary to avoid conflicts.
 - c. Any program or event sponsored by an academic or administrative unit of the University will have priority in the use of space and facilities over any speech, expression, or assembly that is not sponsored by an academic or administrative unit, except that programs or events sponsored by an academic or administrative unit will not have priority in the use of weekday amplified sound areas defined in Section 13–802. This Chapter does not limit other existing authority of University officials to authorize programs and events sponsored by the University or an academic or administrative unit and not provided for in this Chapter.
 - d. Additional rules concerning free speech and academic freedom of faculty members are found in the Regents' *Rules and Regulations*, Rule 31004, Paragraph 2, Sections 1 and 2.
 - e. Additional rules concerning free speech at the University are found in the Regents' *Rules and Regulations*, Rule 40501, Rule 80101, Rule 80103, and Rule 80104. Chapter 13 of the *Institutional Rules* implements those provisions and applies them to UT Austin.
 - f. Rules requiring University employees to make clear that controversial statements are made in their personal capacity are found in the Regents' *Rules and Regulations*, Rule 10101, Section 6.2. Rules restricting use of University equipment, supplies, services, and working hours for political activities are found in the Regents' *Rules and Regulations*, Rule 30103.
 - g. If a deadline stated in this Chapter falls on a Saturday, Sunday, University holiday, or skeleton crew day, that deadline will be moved to the next day that is not a Saturday, Sunday, University holiday, or skeleton crew day.

Sec 13–103. General Definitions—Categories of Speakers and Users

In this Chapter, unless the context requires a different meaning, the following definitions apply.

1. "Academic or administrative unit" means any office or department of the University.
2. "Event" means something that occurs in a certain place during a particular interval of time. Events include but are not limited to presentations by guest speakers, public assemblies, and other speech activities, which may include the distribution of literature or the use of exhibits, tables, or signs.
3. "Faculty member and staff member" includes any person who is employed by the University.
4. "Off-campus person or organization" and "member of the public" mean any person, organization, or business that is not an academic

or administrative unit, a registered student, faculty, or staff organization, or a student, faculty member, or staff member.

5. "Registered faculty or staff organization" means a faculty organization or staff organization under the Regents' *Rules and Regulations*, Rule 40201 and Handbook of Operating Procedures 4-1110 that has completed the University's registration process in Handbook of Operating Procedures 4-1110.
6. "Registered or sponsored student organization" means a registered student organization or a sponsored student organization under Subchapter 6–200 of the *Institutional Rules*.
7. "Student" means a person who is currently enrolled at the University, or has been enrolled at the University in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.
8. "University person or organization" includes academic or administrative units, registered or sponsored student organizations, registered faculty or staff organizations, and individual students, faculty members, and staff members.

Sec. 13–104. Other General Definitions

In this Chapter, unless the context requires a different meaning, the following definitions apply.

1. "Amplified Sound" means sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on amplified sound, but are subject to general rules on disruption.
2. "Common Outdoor Area" means outdoor space that is not regularly used for dedicated University business and does not have an educational function or a research function. It does not include the outside surfaces of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, or any other space within the University's limited public forum. Common outdoor areas are designated by state law as traditional public forums.
3. "Dean of Students" means the Dean of Students of The University of Texas at Austin or any delegate or representative of the Dean of Students.
4. "Limited Public Forum" means the University property, both indoors and outdoors, that is not a common outdoor area. This includes the outside surfaces of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, and residential outdoor spaces managed by University Housing and Dining, including Jester Spanish Oaks Terrace, San Jacinto Amphitheatre, Honors Quad, Duren Courtyard, the Blanton Museum's outdoor Plaza and Art Garden, the Union Building Patios, the William C. Powers Jr. Student Activity Center patios, Goldsmith Hall, the pedestrian bridge adjoining the Graduate School of Business, Moody Pedestrian Bridge, and the Cronkite Plaza.
5. "Main Mall" means the area bounded by the south wall of the Main Building, the west walls of Garrison Hall, the north edge of Inner Campus Drive, the south wall of the Dorothy L. Gebauer Building and the east wall of Battle Hall. The Main Mall includes the south steps and south porches of the Main Building.
6. "Room or Space" includes any Room or Space, indoors or outdoors, owned or controlled by the University.
7. "Temporary Banner Space" means designated outdoor or indoor display area reserved for University persons and University organizations' use, as managed by the Dean of Students, where a

University person or organization's temporary banner may be affixed for multiple days as permitted by Subsection 13–503. These areas are part of the University's limited public forum and not open to members of the public.

8. "Temporary Exhibit Space" means an outdoor display area, designated and managed by the Dean of Students, where an authorized person or organization may erect a temporary exhibit as permitted by Subsection 13–503. These areas are part of the University's limited public forum and not open to members of the public.
9. "University" means The University of Texas at Austin.
10. "Vice President" means the Vice President for Student Affairs at The University of Texas at Austin.

Sec. 13-105. Prohibited Items or Actions

The following restrictions apply to a person's expressive activities and are intended to protect the health and safety of all persons on campus, to maintain the free flow of pedestrian traffic in and out of University buildings, and to protect the educational mission of the University.

- a. The following items are prohibited on campus:
 - i. A mask, facial covering, or disguise that conceals the identity of the wearer that is calculated to obstruct the enforcement of these rules or the law, or to intimidate others, or hinder or interrupt a University official, UTPD officer, or other person in the lawful performance of their duty;
 - ii. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, as determined by University staff, including but not limited to sticks, poles, clubs, swords, shields, or rigid signs that can be used as shields, without prior written permission from the Dean of Students, unless authorized by federal, state or local laws;
 - iii. Body armor or makeshift body armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body armor, without prior written permission from the Dean of Students; and
 - iv. Open flame, unless approved in advance by The University of Texas at Austin Fire Marshal with notice of that approval provided in advance to the Dean of Students.

No person or organization may engage in expressive activity within a ten-foot clearance around points of entry and the perimeter of all University buildings. In some instances, as determined by University staff and based on specific circumstances, a greater perimeter may be required to prevent disruption to events occurring inside buildings.

Subchapter 13–200. Prohibited Expression

Sec. 13–201. Obscenity

No person or organization will distribute or display on the campus any writing or visual image, or engage in any public performance, that is obscene. A writing, image, or performance is "obscene" if it is obscene as defined in Texas Penal Code, Section 43.21 or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

Sec. 13–202. Defamation

- a. No person shall publish to a third party any statement that defames any other person.
- b. A statement defames another person if it is: (i) published to a third party other than the subject of the statement or their legal representative; (ii) of and concerning that person; (iii) is a false statement of fact; (iv) that holds the person up to hatred ridicule or

contempt; (v) is made negligently, if the person is a private figure or, if the person is a public official or public figure, with knowledge of falsity or reckless disregard of the truth; (vi) which proximately causes damages; and (vii) is not privileged.

Sec. 13–203. Incitement to Imminent Violations of Law

No person will make, distribute, or display on the campus any statements directed to inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law.

Sec. 13–204. Harassment

- a. No person will engage in conduct that constitutes harassment of another person or make, distribute, or display on the campus or through University information resources any statement that constitutes harassment of any other person. This Section applies to all speech at UT Austin, all speech made using University resources, including speech that is part of teaching, research, or other official functions of the University whether in person or not, and whether oral, written, or symbolic, and off-campus speech that materially interferes with a person's education or employment.
- b. "Harassment" means hostile or threatening conduct or speech, whether oral, written, or symbolic, that (1) is sufficiently severe, pervasive, and objectively offensive to create an objectively hostile or threatening environment that interferes with or diminishes the victim's ability to participate in or benefit from the services, activities, or privileges provided by the University; and (2) personally describes or is personally directed to one or more specific individuals. When harassment is sex or gender based, the definitions for quid pro quo and hostile environment harassment, set out in Handbook of Operating Procedures 3-3031 (V)(B), apply over this policy's harassment provision.
- c. To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not harassment, even if some listeners are offended by the argument or idea.
- d. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in Policy 3-3031 of the Handbook of Operating Procedures.
- e. Harassment can also consist of nonverbal conduct, such as hazing, practical jokes, damage to property, and physical assault. In the case of sexual harassment and other sex-based misconduct, sexual conduct is often central to the offense. These forms of harassment are prohibited by Policy 3-3031 of the Handbook of Operating Procedures, and by the Regents' *Rules and Regulations*, Rule 30105. Some forms of harassment violate the Prohibition of Campus Violence, Policy 8-1010, in the Handbook of Operating Procedures. Harassment directed at an individual or group of individuals because of race, sex, or certain other characteristics is prohibited by Handbook of Operating Procedures 3-3020. For enhanced sanctions for disciplinary offenses motivated by the race, color, or national origin of a student harmed by the offense, see Subsection 11–701(b) of the *Institutional Rules*. To the extent of any conflict in the definition of verbal harassment, the more detailed definition in this Section controls.
- f. An essential part of higher education is to learn to separate substantive argument from personal offense. Inherent in freely exploring ideas and engaging in educational inquiry is discussion where controversial and offensive ideas may be expressed and even welcomed in furtherance of free inquiry and pursuit of knowledge. We strive as a university community to express even the deepest disagreements in a manner that reflects mutual respect, understanding, and sensitivity within the University and in the larger society. These are community norms, even though they cannot be

enforced by disciplinary rules. Sometimes community members may engage in a manner that falls short of the desired norms, but this failure does not convert the communication at issue to harassment or a conduct violation.

- g. Verbal harassment has been interpreted very narrowly by the federal courts. Policies on verbal harassment or hate speech at many universities have been held unconstitutional, either because they prohibited harassment only when it was based on race, sex, and similar categories, or because they failed to protect the expression of potentially offensive ideas. This policy should be interpreted as narrowly as need be to preserve its constitutionality.
- h. Members of the University community are strongly encouraged to report harassment and in some cases are required to do so by law. See Handbook of Operating Procedures 3-3031 and 3-3020 for more information. Investigation of the information provided, and any remedial or disciplinary proceedings, will proceed under the procedures set out in the appropriate policy.

Sec. 13–205. Solicitation & Commercial Speech

- a. General Rules.
 1. No University person, University organization, or member of the public will make, distribute, or display on the campus any statement that promotes, offers, or advertises any product or service for sale or lease that includes commercial identifiers, such as for-profit logos, trademarks, and service marks, or that requests any gift or contribution, except as authorized by Subsection 13–205(b), by section 13–403, or by the Regents' *Rules and Regulations*.
 2. Words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle, are not solicitation within this definition.
 3. Unadorned acknowledgments or thanks to donors are not solicitation within this definition.
- b. Rules specific to campus community members.
 1. A registered or sponsored student organization or a registered faculty or staff organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions: for the benefit of the registered or sponsored student organization or registered faculty or staff organization; for the benefit of another registered or sponsored student organization or registered faculty or staff organization; or for the benefit of an organization that is tax-exempt under Section 501(c)(3) of the Internal Revenue Code. No organization may sell items obtained on consignment. No organization may request contributions for an off-campus tax-exempt organization for more than fourteen days in any fiscal year.
 2. Registered or sponsored student organizations, registered faculty or staff organizations, and academic or administrative units may sell, distribute, or display literature that contains advertising, subject to the limits in Section 13–403. Individual students, faculty members, and staff members may distribute or display such literature, but may not sell it.
 3. Individual students, faculty members, and staff members may post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used, but only on a bulletin board or website designated for that purpose by an academic or administrative unit in space that the unit occupies or controls. Any unit that designates a bulletin board or website for this purpose may regulate that bulletin board or website under the procedures set forth in Section 13–504.
 4. A resident of a University residence hall or apartment building may occasionally invite one or more salespersons to come to the resident's room or apartment, and in that room or apartment,

the salesperson may offer products or services for sale to other residents of that residence hall or apartment building.

5. A registered or sponsored student organization or a registered faculty or staff organization may collect admission fees for programs scheduled in advance in accordance with Subchapter 10–200 of the *Institutional Rules*.
 6. A registered or sponsored student organization or a registered faculty or staff organization may collect membership fees or dues at meetings of the organization scheduled in advance under Subchapter 10–200 of the *Institutional Rules*.
 7. A registered student organization that is a qualified organization as that term is defined in the Texas Charitable Raffle Enabling Act, Texas Occupations Code, Chapter 2002 or successor provisions, may sell charitable raffle tickets pursuant to that act.
 8. A registered or sponsored student organization or a registered faculty or staff organization may host a public performance of a film scheduled in advance in accordance with Subchapter 10–200 of the *Institutional Rules*. In accordance with the Regents' *Rules and Regulations*, Rule 80103, admission fees may be collected. All registered or sponsored student organizations or registered faculty or staff organizations that exhibit films on campus must obtain a Public Performance License for the individual film(s) from a licensing agent. This license is required even if the exhibition of the film is offered to the public for free and is educational in nature. Registered or sponsored student organizations and registered faculty or staff organizations will be required to follow the process prescribed by the film distributor to obtain approval to exhibit the film. Federal copyright laws generally protect all films viewed in public areas, regardless of format. However, registered or sponsored student organizations and registered faculty or staff organizations may exhibit a film publicly if:
 1. the film is in the public domain;
 2. the organization has written permission from the film's producer or other holder of the right to grant such permission; or
 3. the film is obtained from a company that provides a Public Performance License with the purchase or rental of the film.
- c. More detailed regulation of solicitation appears in the Regents' *Rules and Regulations*, Rule 80103.

Sec. 13–206. Antisemitic and other discriminatory conduct.

- a. "Antisemitism" means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.
- b. Any incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy that was committed because of antisemitism or the offender's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference will be subject to discipline, up to and including possible termination/expulsion.
- c. Any registered student group that engages in incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy because of antisemitism or bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual

preference, is subject to discipline, up to and including possible loss of recognized status for the registered student group.

- d. The University's Nondiscrimination Policy, [Handbook of Operating Procedures 3-3020](#), separately prohibits subjecting individuals or groups to discrimination or harassment because of their race, color, sex, pregnancy, gender, gender identity, sexual orientation, gender expression, religion, age, national origin, ethnicity, veteran status, disability, genetic information, military status, or any other legally protected basis.

Subchapter 13–300. General Rules on Means of Expression

Sec. 13–301. Disruption

- a. Except as expressly authorized in Section 13–802, or by an authorized University official responsible for a program or event sponsored by an academic or administrative unit, no speech, expression, or assembly may be conducted in a way that disrupts or interferes with:
 1. Any teaching, research, administration, function of the University, or other authorized activities on the campus;
 2. The free and unimpeded flow of pedestrian and vehicular traffic on the campus; or
 3. Any public assemblies, distribution of literature, guest speakers, or use of signs, tables, exhibits, or approved amplified sound by the University or another person or organization acting under the rules in this Chapter.
- b. Scope
 1. The term "disruption" and its variants, as used in this Rule, are distinct from and broader than the phrase "disruption of activities," as used in the Regents' *Rules and Regulations*, Rule 30103, Number 2, Section 2, and the phrase "disruptive activities," as used in the Regents' *Rules and Regulations*, Rule 40502. This Rule is concerned not only with deliberate disruption, but also with scheduling and coordination of events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity, and to preserve the University's ability to execute its functions.
 2. Except in the most extreme cases, interference and disruption are unavoidably contextual. Intentional physical interference with other persons is nearly always disruptive in any context. Interfering with traffic depends on the relation between the volume of traffic and the size of the passageway left open. Disruptive noise is the most contextual of all, because it typically depends on factors like the time of day and the occurrence of other activities. Any distracting sound may disrupt a memorial service. Any sound sufficiently loud or persistent to make concentration difficult may disrupt a class or library. Occasional heckling in the speaker's pauses may not disrupt a political speech, but persistent heckling that prevents listeners from hearing the speaker does disrupt a political speech. These illustrations may be helpful, but none of them includes enough context to be taken as a rule. We cannot escape relying on the judgment and fairness of University authorities in particular cases. In this context, where difficult enforcement judgments are unavoidable, it is especially important that the judgment of administrators and law enforcement officials should not be influenced by the viewpoint of those claiming disruption or of those allegedly disrupting.
 3. The use of Amplified Sound, drums or other musical or percussive instruments (including makeshift instruments), Guest Speakers, and Assembly for the purpose of expressive activity in the Common Outdoor Areas during the period of final exams and

the week immediately preceding final exams is in fact disruptive of University students' ability to prepare for and take their final exams. The University prohibits these activities during the week of final exams and the week immediately preceding final exams. During this time, persons may still engage in other expressive activity permitted by this Chapter. This provision does not limit the University's ability to hold University events during this time period.

4. If amplified sound is authorized for an event under this Chapter, the sound must be turned off by 10:30 p.m. that day.
 5. Drums or other musical or percussive instruments (including makeshift instruments) without amplified sounds may be used except when they become disruptive whether because of volume, repeated sound audible in academic or administrative buildings, or any other appropriate basis as determined by the University official charged with managing disruption during the public assembly.
 6. As part of the University's educational mission, the University provides dormitories and other living spaces for its students and employees. The University strives to create living spaces that permit a resident to live comfortably, including providing quiet hours to ensure residents have conditions conducive to adequate study, rest, and sleep. With this in mind, any expressive activity in the Common Outdoor Area is deemed disruptive if the sound created by the activity can be heard from a University residence after 10:30 p.m. and before 8:00 a.m. the following morning.
- c. Potentially disruptive events can often proceed without disruption if participants, administrators, and law enforcement officials cooperate to avoid disruption without stopping the event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the event or resorting to disciplinary charges or arrest.
 - d. The University is responsible for safety on campus. During periods of disruption as determined by the president, president's delegate, dean of students, or other university official charged with managing activities, events, or space, staff may ask an individual to briefly open a cooler, ice chest, or other receptacle to allow a visual inspection for the presence of weapons or other prohibited items. If a person declines to open the container, they may not remain in the area with the container capable of holding weapons or other prohibited items. Before staff can conduct visual inspections, it must contact the Office of the Vice President for Legal Affairs to ensure the course of action is reasonable, considering the circumstances, and does not violate the law, including but not limited to the Fourth Amendment to the United States Constitution. This provision does not modify, limit, or supersede security measures and policies concerning student housing, athletic events, performances in University venues, or other officially sanctioned events.
 - e. No assembled groups or individuals may refuse the direction of a University official or police officer to disperse or to cease conduct because it is a disruption to University functions or the educational environment.

Sec. 13–302. Impermissible Use of and Damage to Property

- a. No speech, expression, or assembly may be conducted in a way that damages, defaces, marks (including by chalking), discolors, or alters in any way property of the University or of any person who has not authorized the speaker to damage or deface his or her property.
- b. No person may damage, deface, mark, discolor, alter, or interfere with any sign, table, or exhibit posted or displayed by another person or organization acting under the rules in this Chapter.

- c. No person may affix a sign, banner, hammock or other item on University property unless otherwise permitted by this Chapter.
- d. No person may use or access University property, whether in the Common Outdoor Areas or the Limited Public Forum Areas, in a manner outside of its intended or approved use or access. For example, this provision prohibits persons hanging items from University statues and outdoor art installations and from climbing, hanging from, or otherwise accessing University property in a way that is not otherwise permitted by this Chapter or other University policy. This prohibition also includes, but is not limited to, the activities prohibited by Section 11-402(12)(A-D) of Chapter 11 of the Institutional Rules on Student Services and Activities.

Sec. 13–303. Coercing Attention

- a. No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication.
- b. No person may follow another person or persist in requesting or demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication.

Sec. 13–304. Other Rules with Incidental Effects on Speech

- a. Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to compile or cross-reference here. For example, libraries typically have highly restrictive rules concerning noise; laboratories and rooms containing the electrical and mechanical infrastructure of the University typically have safety rules and rules excluding persons without specific business there; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways. Speech within classrooms is generally confined to the subject matter of the class; the right to attend a class at all is subject to registration and payment of tuition; individual professors may have rules of decorum in their classrooms. These "time, place, and manner" rules limit the rights of persons to enter and speak in the places to which these rules apply.
- b. Reasonable and nondiscriminatory "time, place, and manner" rules generally control over the rights of free speech guaranteed in this Chapter. But even "time, place, and manner" rules are subject to the constitutional right of free speech. Accordingly, such rules must be viewpoint neutral and cannot regulate speech more restrictively than they regulate other activities that cause the problems to be avoided by the rule, or more than is reasonably necessary to serve their purpose. Such rules cannot ban unobtrusive forms of communication with no potential for disruption even in the specialized environment subject to the localized rule. Thus, for example, means of silent expression or protest confined to the speaker's immediate person, such as armbands, buttons, and T-shirts, are nearly always protected because they are rarely disruptive in any environment.

Sec. 13–304. Other Rules with Incidental Effects on Speech

While the University's Common Outdoor Areas are generally available to its students, faculty, staff, and the public for expressive activity, subject to the rules herein, the primary purpose and function of the University is an institution of higher education. In order to protect the core functions inherent to such an institution and its students, faculty, and staff, the Common Outdoor Area is generally open for expressive activity from 8:00 a.m. through 10:30 p.m., subject to this Chapter. Individuals and groups present for the purpose of engaging in expressive activity outside of this permitted time period are trespassing. Trespassing individuals are subject to University discipline and removal and/or arrest by law

enforcement. University events and programming are not expressive activity subject to this curfew or other limitations in this rule.

Subchapter 13–400. Distribution of Literature

Sec. 13–401. General Rule on Distribution of Literature

- a. “Literature” means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informal matter, that is produced in multiple copies for distribution to potential readers.
- b. Registered or sponsored student organizations, registered faculty or staff organizations, and academic or administrative units may sell, distribute, or display literature on campus, subject to the rules in this Subchapter and to the general rules in Subchapter 13–200 and Subchapter 13–300. Individual students, faculty members, and staff members may distribute or display literature, subject to the rules in this Subchapter and to the general rules in Subchapter 13–200 and Subchapter 13–300, but may not sell it. In either case, no advance permission is required. Members of the public may distribute literature in the common outdoor areas, subject to the rules in this Subchapter and to the general rules in Subchapter 13–200 and Subchapter 13–300, but may not sell literature.

Sec. 13–402. Not-for-Profit Literature Only

- a. Except as expressly authorized by the Regents’ *Rules and Regulations* or by contract with the University, no person or organization may sell, distribute, or display on campus any publication operated for profit. A registered or sponsored student organization or a registered faculty or staff organization may sell publications operated for profit as part of a fundraiser authorized by, and subject to the limits of, Subsection 13–205(b)(1).
- b. A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, benefits any private shareholder or individual.

Sec. 13–403. Limits on Advertising

Literature distributed on campus may contain the following advertising:

1. advertising for a registered or sponsored student organization, a registered faculty or staff organization, or an academic or administrative unit;
2. advertising for an organization that is tax exempt under Section 501(c)(3) of the Internal Revenue Code;
3. paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising; and
4. other advertising expressly authorized by the Regents’ *Rules and Regulations* or by contract with the University.

All other advertising in literature distributed on campus is prohibited.

Sec. 13–404. Clean Up of Abandoned Literature

Any person or organization distributing literature on campus will pick up all copies dropped on the ground in the area where the literature was distributed.

Subchapter 13–500. Signs, Banners, and A-Frames

Sec. 13–501. General Rule on Signs

- a. “Sign” means any method of displaying a visual message to others, except that transferring possession of a copy of the message is distribution of literature and not a sign.
- b. Subject to the rules in this Subchapter and to the general rules in Subchapter 13–200 and Subchapter 13–300, a University person

or organization may display a sign by holding or carrying it, by displaying it at a table (see Subchapter 13–600), or by posting it on a bulletin board or other designated location. Signs may not be staked in the ground or posted in any other location except for those areas allowed by longstanding tradition or otherwise allowed by Subsections 13–304(a)-(b) and 13–504(a). Subject to viewpoint-neutral size requirements, University Housing and Dining has designated the windows and doors of a residence hall room as locations where the resident(s) of that room may post signs. Section 13–504 lists other designated locations.

Sec. 13–502. Hand-Held Signs

- a. A University person or University organization may display a sign on campus by holding or carrying it by hand or attaching it to their person. Members of the public may display a sign in the common outdoor areas by holding or carrying it by hand or attaching it to their person. No advance permission is required. Signs on sticks or poles or otherwise attached to any device are prohibited.
- b. Hand-held signs constructed of materials that create a hazard to other people are not permitted. Signs constructed of rigid materials, including sticks, poles, wood, metal, hard plastic, or other materials that could be construed as a hazard are not permitted.
- c. Any person holding or carrying a sign will exercise due care to avoid bumping, hitting, or injuring any other person.
- d. Any person holding or carrying a sign at a speech, performance, or other event will exercise due care to avoid blocking the view of any other person observing the speech, performance, or event. Depending on the venue, this may mean that signs may be displayed only around the perimeter of a room or an audience.
- e. A law enforcement officer, the Dean of Students, or an usher or other University employee (if authorized by officials responsible for managing the venue), may warn any person that his or her sign is being handled in violation of Subsections 13–502(a), (b), (c) or (d). If the violation persists after a clear warning, the law enforcement officer, Dean of Students, authorized usher, or other authorized employee may confiscate the sign. A law enforcement officer may take any action necessary to keep the peace, including but not limited to issuing a criminal trespass warning to or arresting the violator.

Sec. 13–503. Banners

“Banner” means an affixed, stationary sign hung from a structure or building or between two buildings, structures, or poles. Banners on poles may not be carried by individuals.

- a. Hand-held banners. University persons, University organizations, and members of the public are permitted to display a hand-held banner carried by two or more individuals without poles, in accordance with Rule 13–502(a) above, in the common outdoor areas.
- b. Temporary banner space designations.
 1. The Dean of Students will designate temporary banner spaces where banners may be hung in outdoor locations not occupied or controlled by any other academic or administrative unit. Temporary banner spaces are not open to members of the public.
 2. Other academic or administrative units may designate one or more temporary banner spaces where banners may be hung in indoor or outdoor locations that the unit occupies or controls. These temporary banner spaces are not open to members of the public.
- c. Space priority.
 1. Academic or administrative units, registered or sponsored student organizations, and registered faculty or staff organizations may hang banners in locations designated under Subsection 13–503(b). The Dean of Students may set reasonable

- limits on the number of banners that any unit or organization may hang at one time. Individuals and members of the public may not hang banners.
2. Advance permission is required from the unit administering the location; usually, advance reservations are required. Academic or administrative units advertising official University events or programs may be given priority. In locations administered by academic or administrative units other than the Dean of Students, organizations affiliated with the unit administering the location may be given priority.
- d. Time limits.
1. In locations administered by the Dean of Students, each banner may be hung with a minimal commitment of two weeks. After the initial week reservation, the banner may be renewed from week to week, for up to four weeks, if space is available.
 2. Other units administering a location for banners may limit the time each banner may hang. Any such time limit will be applied without discrimination to all organizations, except that academic or administrative units may be given preference.
- e. The Dean of Students will maintain, on a website or on a flyer or pamphlet available at the Dean of Students' office:
1. a list of outdoor temporary banner spaces where banners may be hung;
 2. the academic or administrative unit that administers this banner policy at each outdoor location; and
 3. a current description of the rules and procedures for reserving a temporary banner space in order to hang a banner in locations administered by the Dean of Students.
- f. The unit administering a banner location may require that the physical work of hanging the banners be performed only by Department of Facilities Services employees or other appropriate University personnel.
- g. A law enforcement officer, dean of students staff member, or other University official charged with managing activities, events, or spaces may confiscate banners handled or affixed in violation of this Policy or in instances that create a safety concern.

Sec. 13–504. Signs in Other Designated Locations (Including Departmental Bulletin Boards)

- a. Each academic or administrative unit may authorize the posting of signs in spaces that unit occupies and controls. Such authorization may be granted by general rule, by stamping or initialing individual signs, or by longstanding tradition.
- b. Signs in spaces occupied by academic or administrative units may be:
 1. confined to bulletin boards or other designated locations;
 2. subjected to viewpoint-neutral rules limiting the size of signs, limiting how long they may be posted, requiring each sign to show the date it was posted and the name of the person or organization who posted it, and similar rules designed to facilitate fair and equal opportunities to post signs; and
 3. confined to official statements or business of the unit, or to certain subject matters of interest within the unit, or to signs posted by persons or organizations affiliated with the unit.
- c. Each academic or administrative unit will post on or near each bulletin board or other designated location that it administers:
 1. either the rules applicable to that bulletin board or location, or a particular office or website where the rules applicable to that bulletin board or location may be found; and
 2. if a stamp or initials are required on signs before they are posted on that bulletin board or location, the name and office location of the person whose stamp or initials are required.
3. This notice will be posted in the upper left corner of each bulletin board or other designated location for posting signs, or conspicuously in another nearby location. If no such notice is posted, then the only applicable rules are those contained in Subchapter 13–200 and Sections 13–301 to 13–304.
- d. Within the scope of the subject matters permitted on a particular bulletin board or other designated location, no academic or administrative unit will discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed on a sign.
- e. This Section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official University business.

Subchapter 13–600. Tables

Sec. 13–601. General Rule on Tables

University persons and University organizations may set up tables to display literature, disseminate information and opinions, and raise funds, subject to the location restrictions and other rules in this Subchapter and to the general rules in Subchapter 13–200, Subchapter 13–300, and Subchapter 13–1000. University persons and University organizations do not need advance permission to set up tables but are encouraged to reserve tabling space on the West Mall and in other high-demand areas where tabling spaces are designated and limited. Subject to the above rules, members of the public may set up tables in the Common Outdoor Areas and do not need advance permission except on the West Mall and on the east side of Speedway between 21st Street and the south edge of Gregory Plaza; in those locations, members of the public may not set up tables without obtaining a reservation as described below. Members of the public may not set up tables in the University's Limited Public Forum Areas.

Sec. 13–602. Locations

- a. Subject to the restrictions elsewhere in these rules, including in Subsection 13–602(b) and the rules on disruption of other functions and interference with vehicular and pedestrian traffic (see Section 13–301), University persons, University organizations, and members of the public may set up tables on impervious surfaces in the Common Outdoor Areas on the campus. University persons and University organizations may set up tables in University buildings in any large, open, indoor location as permitted by the specific building protocols and with permission of the academic or administrative unit controlling the space. In some buildings, tabling may be prohibited completely. The Main building is not available for tabling at any time.
- b. Additional restrictions.
 1. Tables may not be set up on the Main Mall between 8:00 a.m. and 5:00 p.m. on weekdays, or on the west side of any portion of Speedway at any time.
 2. Tables may not be set up in areas covered by grass, landscaping, or other pervious substances.
 3. Tables may not be set up inside any library, classroom, laboratory, performance hall, stadium, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time.
 4. An academic or administrative unit may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. Academic and administrative units are encouraged to state any such rules clearly in writing and to publish those rules on a website or on a flyer or pamphlet available at the chief administrative office of the unit.

5. Tabling space on the West Mall or on the east side of Speedway between 21st Street and the south edge of Gregory Plaza may be reserved by University persons, University organizations, and members of the public by submitting a request using the HornsLink.org PublicReservation Form. Members of the general public who wish to table on the West Mall or on the east side of Speedway between 21st Street and the south edge of Gregory Plaza must have a reservation. University persons and University organizations are not required to have a reservation to table on the West Mall or on the east side of Speedway between 21st Street and the south edge of Gregory Plaza, but are encouraged to secure a reservation. Tabling space on the West Mall or on the east side of Speedway between 21st Street and the south edge of Gregory Plaza may be reserved up to four weeks in advance by University persons or organizations and up to three weeks in advance by members of the general public.
 6. Tables must be attended at all times. Unattended tables and their contents may be confiscated by University personnel.
- c. If any table is set up in a prohibited or disruptive location, any University employee pointing out the violation is encouraged to also point out other locations, as nearby as is reasonably possible, where the table is permitted.

Sec. 13–603. Tabling Cleanup

Every person or organization sponsoring a table will remove their table, items used during tabling, and any litter from the area around the table before vacating the space.

Sec. 13–604. Sources of Tables

University persons and organizations may supply their own tables. In addition, the Dean of Students maintains a supply of tables for registered or sponsored student organizations that may be checked out for use on campus in designated areas. The Dean of Students will maintain, on a website or on a flyer or pamphlet available at the office of the Dean of Students, a current description of the rules and procedures for checking out tables. Members of the general public, and University persons and organizations other than registered or sponsored student organizations, must supply their own tables.

Subchapter 13–700. Exhibits

Sec. 13–701. General Rule on Exhibits

- a. “General exhibit” means an object or collection of related objects, designed to stand on the ground or on a raised surface, which is not a table, is designed for temporary display, and is not permanently attached to the ground including, but not limited to floor decals, flags, outdoor decorations, and panels.
- b. “A-frame exhibit” means a movable and self-supported sign board designed to stand on the ground and remain overnight in a temporary outdoor exhibit space. A-frame exhibits may not exceed five feet in height or width. Structures that do not meet these criteria will be considered general exhibits and will be subject to the rules governing general exhibits.
- c. Academic or administrative units, registered or sponsored student organizations, and registered faculty or staff organizations may erect general exhibits and A-frame exhibits, subject to the rules in this Subchapter and to the general rules in Subchapter 13–200, Subchapter 13–300, and Subchapter 13–1000. Advance permission is required from the Dean of Students, except that an academic unit may authorize indoor exhibits in a space that it occupies and controls. A-frame exhibits may not be erected on the Main Mall at any time. Members of the public and individual students, faculty, or staff may not erect general exhibits, but may—with permission from the Dean of Students—erect A-frame exhibits in approved locations, subject to the rules in this Subchapter and the general

rules in Subchapter 13–200, Subchapter 13–300, and Subchapter 13–1000.

Sec. 13–702. Application Process

Requests for approval of, or reservation of space for, outdoor general exhibits and A-frame exhibits may be submitted via the HornsLink.org Public Reservation Form.

Sec. 13–703. Approval Process

- a. General exhibits.
 1. The Dean of Students will designate temporary outdoor exhibit spaces where academic or administrative units, registered or sponsored student organizations, and registered faculty or staff organizations may place general exhibits upon approval by the Dean of Students. Applications must, where feasible, be submitted at least fourteen days in advance of the beginning of the requested display period. The Dean of Students will approve a general exhibit described in a completed and timely application under Section 13–702 unless the Dean of Students disapproves the application under the criteria in Section 10–203 of the Institutional Rules, or for other good cause. The Dean of Students will, if possible, advise the applicant how to correct any conditions that preclude approval of the application.
 2. The Dean of Students will consider the totality of the circumstances, including safety concerns, as part of the approval process.
- b. A-frame exhibits.
 1. The Dean of Students will designate locations where A-frame exhibits may be placed. If an academic or administrative unit, a registered or sponsored student organization, or a registered faculty or staff organization wishes to place an A-frame exhibit in a location that is not one of the designated A-frame exhibit locations, then the structure will be considered a general exhibit under this Subchapter and may be placed, if approved, only in a designated temporary outdoor exhibit space. Members of the public and individual students, faculty, or staff may not erect A-frame exhibits outside of the designated A-frame exhibit locations.
 2. The Dean of Students will maintain, on a website, a current description of the rules and procedures for reserving a space for A-frame exhibits on campus. Space for A-frame exhibits may be reserved up to four weeks in advance by University persons or organizations and up to three weeks in advance by members of the general public. The Dean of Students may establish reasonable limits on the number of times per semester or per academic year an individual or organization may reserve space for an A-frame exhibit.
 3. The Dean of Students may establish reasonable limits on the number of A-frame exhibits that an individual or organization may display in a designated area, or on campus, at any time.

Sec. 13–704. Time Limits

- a. General exhibits.
 1. In locations administered by the Dean of Students, each exhibit may be displayed for up to fourteen consecutive days. The exhibit may be renewed for an additional fourteen days if space is available.
 2. The exhibit may be displayed no earlier than 8:00 a.m. and must be removed by 10:00 p.m. each day and may be re-erected each morning during the permit period. Requests to display exhibits overnight will be considered on a case-by-case basis and subject to Subsection 13–703.
 3. If an exhibit is displayed without permission, including outside the permit period, the exhibit may be removed by the Department

of Facilities Services at the expense of the person or organization sponsoring the exhibit.

b. A-frame exhibits.

1. Each A-frame exhibit may be placed for up to fourteen consecutive days and remain overnight. The A-frame exhibit may be renewed for an additional fourteen consecutive days if space is available.
2. If an A-frame exhibit is left on campus without permission, including outside the permit period, the exhibit may be removed by the Department of Facilities Services at the expense of the person or organization sponsoring the exhibit.

Sec. 13–705. Exhibit Cleanup

The person or organization sponsoring an exhibit will remove the exhibit and any litter from the area around the exhibit before vacating the space.

Sec. 13–706. Liability

The person or organization sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. The University will not be liable for any damage that may occur to the exhibit, and the person or organization sponsoring the exhibit will indemnify the University for any claims arising from the exhibit's presence on campus.

Subchapter 13–800. Amplified Sound

Sec. 13–801. General Rule on Amplified Sound

Registered or sponsored student organizations, registered faculty or staff organizations, and members of the public may use amplified sound on campus at designated times and locations, subject to the rules in this Subchapter and to the general rules in Subchapter 13–200 and Subchapter 13–300. Advance permission is required. Academic and administrative units need not obtain permission from the Dean of Students to use amplified sound in areas under their control, but should provide advance notice to the Dean of Students when feasible so that the Dean of Students can coordinate timing and help units avoid conflicts. The following unit-controlled areas are sufficiently isolated that coordination by the Dean of Students is unnecessary: the Blanton Museum of Art Courtyard; the McCombs School of Business South Plaza; the Walter Cronkite Plaza at the Jesse H. Jones Communication Center; and the Whitis Court Courtyard.

This Subchapter creates limited exceptions to the general rule on disruption in Section 13–301. An Amplified Sound Areas Map may be found [here](#).

Sec. 13–802. Location and Times of Weekday Amplified Sound Areas

a. West Mall Amplified Sound Area.

1. The West Mall Amplified Sound Area is the extreme east end of the West Mall, adjacent to the west steps of the Main Building.
2. University persons, University organizations, and members of the public may use amplified sound in this area from 11:30 a.m. to 1:30 p.m. on weekdays.
3. All academic and administrative units, registered and sponsored student organizations, and faculty and staff organizations may use sound equipment owned or controlled by the Dean of Students' office for this sound area.
4. Members of the public must use their own sound equipment. This sound area requires a reduced decibel level as compared to other sound areas to ensure educational activity in close proximity is not disturbed.

5. Per Section 61.004 of the Texas Elections Code, groups making a political speech, or electioneering for or against any candidate, measure, or political party may not use amplified sound on the West Mall or anywhere within 1,000 feet of a polling place when the polling place is open.

b. Winship Circle Amplified Sound Area.

1. The Winship Circle Amplified Sound Area is the grassy area east of the East Mall Fountain, west of Waller Creek, and south of Winship Hall.
2. University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.

c. Battle Oaks Amplified Sound Area.

1. The Battle Oaks Amplified Sound Area is the area bounded by the north wall of Hogg Auditorium, by an extension drawn northward from the east wall of the Texas Union, by the south edge of the sidewalk on the south side of 24th Street, and by the west edge of the sidewalk on the west side of Inner Campus Drive.
2. University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.

d. Mustangs Amplified Sound Area.

1. The Mustangs Amplified Sound Area is the area bounded by the sidewalk on the east side of San Jacinto Boulevard, by the west wall of the Texas Memorial Museum, and by the outer edge of the two stairways on either side of the lawn.
2. University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.

e. San Jacinto Street Amplified Sound Area.

1. The San Jacinto Street Amplified Sound Area is the area bounded by the south wall of the Art Building, by the east edge of the sidewalk on the east side of San Jacinto Boulevard, by the north edge of the sidewalk on the north side of 23rd Street, and by the west edge of the sidewalk on the west side of Trinity Avenue.
2. University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.

f. LBJ Fountain Amplified Sound Area.

1. The LBJ Fountain Amplified Sound Area is the area bounded by the east edge of Robert Dedman Drive, by the first sidewalk north of the LBJ Fountain, by a line drawn tangent to the west side of the LBJ Fountain and parallel to Robert Dedman Drive, and by the base of the hill on the south side of the LBJ Fountain.
2. University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.

g. 2609 University Avenue Courtyard Amplified Sound Area.

1. The 2609 University Avenue Courtyard Amplified Sound Area is the area bounded by the 2609 University Avenue Building on the north, south and east sides, and by the east edge of the sidewalk on the east side of University Avenue.
2. University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.

h. Creekside Residence Hall Lawn Amplified Sound Area.

1. The Creekside Residence Hall Lawn Amplified Sound Area is the area bounded by Dean Keeton Street on the north,

by Waller Creek on the east and south, and by San Jacinto Boulevard on the west and south.

University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.

Sec. 13–803. Regulation and Scheduling of Weekday Amplified Sound

- a. The Dean of Students may prescribe rules concerning scheduling, sound levels, the location of speakers and the direction in which they are pointed, and other rules to facilitate the use of weekday amplified sound areas, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact. All such rules will be reasonable and nondiscriminatory.
- b. Reservations.
 1. University persons, University organizations, and members of the public wishing to use a weekday amplified sound area must reserve a particular area at a particular time. Reservations by University persons and University organizations must be made with the Dean of Students on a form prescribed by the Dean of Students. Members of the public may reserve space by making a request on the [HornsLink.org Public Reservation Form](https://hornslink.org/public-reservation-form). The Dean of Students will approve a properly completed application to reserve an amplified sound area, unless the application or request must be disapproved under the criteria in Section 10–203 of the *Institutional Rules* or under rules promulgated by the Dean of Students under the authority of this Section.
 2. The Dean of Students may limit the number or frequency of reservations for each applicant to ensure reasonable access for all persons and organizations desiring to use amplified sound on weekdays.
 3. When amplified sound areas are not reserved for use for an assembly including amplified sound, they are available, without reservation, for permitted expressive activities that do not involve amplified sound. Such as-available expressive use does not permit a person to use amplified sound without a reservation. Any person or organization using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of the reserved time.
- c. Amplified sound in the West Mall Sound Area is in fact disruptive of teaching, administration, and research in the Main Building, in the Flawn Academic Center, in Goldsmith Hall, in the West Mall Office Building, and in Battle Hall. Amplified sound in the Winship Circle Amplified Sound Area is in fact disruptive of teaching, administration, research and performance in College of Liberal Arts Building, the Laboratory Theatre and Winship Hall. The disruption inherent in this use of amplified sound is expressly authorized, but no other disruption is authorized. Disruption is permitted to this extent because otherwise, it would be necessary to ban all use of amplified sound in and near the center of campus during working hours.
- d. University persons, University organizations, and members of the public using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.
- e. The amplified sound locations are maintained on the [Amplified Sound Areas Map](#). Any designations of additional areas, any additional rules regulating the designated areas, and the rules and

procedures for reserving the use of a designated area, will be clearly stated on a Web site.

Sec. 13–804. Amplified Sound on Evenings and Weekends

- a. With advance permission, University persons, University organizations, and members of the public may use amplified sound in any location in the common outdoor areas of campus, including the weekday amplified sound areas designated in Section 13–802, after 5:00 p.m. on weekdays, and after 8:00 a.m. on weekends, except for the early morning hours excluded in Subsection 13–804(b).
- b. If amplified sound is authorized for an event, the sound must be turned off by 10:30 p.m.
- c. The Dean of Students may prescribe reasonable and nondiscriminatory rules concerning scheduling, sound levels, the location of speakers and the direction in which they are pointed, and other rules to facilitate the use of amplified sound on evenings and weekends, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact.
- d. Use of amplified sound on evenings and weekends requires advance permission from the Dean of Students. Reservations by University persons and University organizations must be made with the Dean of Students on a form prescribed by the Dean of Students. Members of the public may reserve space by making a request on the [HornsLink.org Public Reservation Form](https://hornslink.org/public-reservation-form). The Dean of Students will authorize amplified sound as described in a completed application unless the Dean of Students finds that the application or request must be disapproved under the criteria in Section 10–203 of the *Institutional Rules* or under rules promulgated by the Dean of Students under the authority of this Section. The Dean of Students will advise each applicant or requestor how to correct, if possible, any conditions that preclude approval of its application.

Sec. 13–805. Amplified Sound Indoors

University persons and University organizations may use amplified sound indoors. Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the Dean of Students or the administrative head of the academic or business unit managing the space may limit or prohibit sound that would be disruptive outside the room. Reservations may be required. Rules concerning use of University buildings are contained in Chapter 10 of the *Institutional Rules*.

Subchapter 13–900. Public Assemblies

Sec. 13–901. General Rule on Public Assemblies

- a. “Publicly assemble” and “public assembly” include any gathering of persons, including discussions, rallies, and demonstrations. The rules in Subchapter 13–800 apply to any use of amplified sound at a public assembly.
- b. Persons and organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this Chapter and to the rules on use of University property in Chapter 10 of the *Institutional Rules*. No advance permission is required in the common outdoor areas.

Sec. 13–902. Reservation of Space

- a. Common outdoor areas reservations.
 1. University persons, University organizations, and members of the public may reserve a space to assemble in the common outdoor areas, as defined by this Chapter. This is in addition to the amplified sound areas which are also available for reservation.
 2. Reservations by University persons and University organizations must be made with the Dean of Students on a form prescribed by the Dean of Students. Members of the public may reserve space by making a request on the [Hornslink.org Public Reservation](https://hornslink.org/public-reservation-form)

Form. Applications and requests for a reservation for such assemblies will be approved pursuant to Subchapter 10–200 of the *Institutional Rules*.

3. If the expected attendance at an assembly is twenty-five or more people, advance notice of no less than two weeks is recommended. Persons and organizations are encouraged to seek a reservation of a space that is suited to their assembly's anticipated size.
- b. Limited public forum areas reservations.
1. Registered student, sponsored student, registered faculty, or staff organizations and academic or administrative units may reserve a space to assemble in permitted limited public forum areas, as defined by this Chapter.
 2. The Dean of Students will receive applications for reservations of a space within the limited public forum areas. Applications for a reservation for such assemblies will be processed under the provisions in Subchapter 10–202 of the *Institutional Rules*. Individual faculty, staff, and students may not reserve space under the provisions in Chapter 10.
 3. If the expected attendance at an event with a guest speaker is twenty-five or more people, advance notice of no less than two weeks is required.
- c. Any person or organization with a reservation has the right to the reserved room or space for the time covered by the reservation. Any person or organization using or occupying the room or space without a reservation must yield control of the room or space in time to permit any user with a reservation to begin using the room or space promptly at the beginning of its reserved time.
- d. Should the size of any assembly exceed the maximum number of participants that is safe for a given location, including a reserved space, assembly participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly to the extent relocation is practicable.
- e. While reservations are not always required, they are strongly encouraged. Without a reservation, a person or organization may find the facility locked or the space in use by another person or organization.
- f. In some buildings, public assemblies unrelated to the purpose of the building may be prohibited completely. University persons and organizations seeking to engage in a public assembly inside a building are responsible for confirming such assembly is permitted in a given building. To avoid disruption of University operations, the Main Building may not be used for such public assembly at any time.

Sec. 13–903. Notice and Consultation

- a. Persons or organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be.
 - b. Persons or organizations that are planning a public assembly in a common outdoor area with or without a guest speaker and expected attendance of more than twenty-five participants, including potential counter-demonstrators, are encouraged to provide advance notice of no less than two weeks to the Dean of Students to help the University improve the safety and success of the expressive activity. Members of the public may provide this notice by submitting a description of the planned event using the [Hornslink.org Public Reservation Form](https://www.hornslink.org/public-reservation-form). If there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events, persons and organizations are encouraged to consult the Dean of Students. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.
- c. University persons or organizations planning an event in the limited public forum areas with or without a guest speaker and an expected attendance of more than twenty-five participants, are required to provide advanced notice of no less than two weeks to the Dean of Students to help the University improve the safety and success of the expressive activity. Notice will be provided on a form prescribed by the Dean of Students.
 - d. The notice and consultation requirements of this Subchapter do not apply to academic or administrative units.
 - e. The University persons and University organizations notice and consultation requirements of this Subchapter may be waived by the Dean of Students or his or her designee.
 - f. Registered student, sponsored student, registered faculty and staff organizations are afforded privileges not available to individual faculty, staff, and students. Individuals may not reserve indoor space on campus.

Subchapter 13–1000. Guest Speakers

Sec. 13–1001. Definitions

“Guest speaker” means a speaker or performer who is not a student, faculty member, or staff member.

Sec. 13–1002. Who May Present

- a. Subject to the rules in this Chapter, University persons, University organizations, and members of the public may present guest speakers in common outdoor areas of the campus.
- b. Registered student, sponsored student, registered faculty and staff organizations, and academic or administrative units may present guest speakers in the limited public forums of the campus. In the case of registered student organizations and sponsored student organizations, advance permission from the Dean of Students is required. Registered faculty organizations are required to seek advance permission from the executive vice president and provost. Registered staff organizations are required to seek advance permission from the senior vice president and chief operating officer. Individuals may not present a guest speaker in University buildings or University facilities.

Sec. 13–1003. Location and Form of Presentation

- a. Subject to the rules in this Chapter, including the applicable time, place, and manner rules, University persons, University organizations, and members of the public may utilize the common outdoor areas for guest speaker assemblies. No reservation or prior approval is necessary, but notice and reservations are encouraged for assemblies of twenty-five or more people.
- b. A guest speaker may present a speech or performance, or lead a discussion of specified duration, at a time announced in advance, in a fixed indoor location approved by the Dean of Students.
 1. A guest speaker may distribute literature indoors only immediately before, during, and immediately after the normal course of his or her speech, presentation, or performance, and only to persons in attendance. Only literature that complies with Subchapter 13–400 may be distributed.
 2. Student, faculty, and staff organizations may not invite the public at large to events in University buildings or facilities.
- c. A guest speaker may not:
 1. accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
 2. help staff a table or exhibit set up outside of the common outdoor areas or in the University buildings or facilities.
- d. No University person, University organization, or member of the public may present a guest speaker in violation of the prohibitions

against solicitation in Section 13–205 or cosponsorship in Chapter 10, Section 13–304 of the Institutional Rules.

Sec. 13–1004. Application for University Building or Facility Space for Presentation of Guest Speakers

In accordance with Regents' *Rules and Regulations*, Rule 40501, Section 3.5, all registered students, sponsored students, registered faculty and staff organizations that wish to present a guest speaker in a University building or facility space will apply through a prescribed process, at least two weeks before the scheduled event or any planned advertising for the event, whichever is earlier.

1. A registered or sponsored student organization that wishes to present a guest speaker will apply to the Dean of Students, through a process prescribed by the Dean of Students, at least two weeks before the scheduled event or any planned advertising for the event, whichever is earlier. The application will be combined with an application under Section 10–202 of the *Institutional Rules* to reserve the use of a University room or space for the event. The Dean of Students will approve an application properly made under Subsection 13–1004(a) unless it must be disapproved under the criteria in Chapter 10, Section 10–203 of the *Institutional Rules*.
2. A registered faculty organization that wishes to present a guest speaker will apply to the executive vice president and provost through a process prescribed by the executive vice president and provost, at least two weeks before the scheduled event or any planned advertising for the event, whichever is earlier. The application will be combined with an application under Chapter 10, Section 10–202 of the *Institutional Rules* to reserve the use of a University room or space for the event. The executive vice president and provost will approve an application properly made under Subsection 13–1004(a) in consultation with the Dean of Students unless it must be disapproved under the criteria in Chapter 10, Section 10–203 of the *Institutional Rules*.
3. A registered staff organization that wishes to present a guest speaker will apply to the senior vice president and chief financial officer through a process prescribed by the senior vice president and chief financial officer, at least two weeks before the scheduled event or any planned advertising for the event, whichever is earlier. The application will be combined with an application under Chapter 10, Section 10–202 of the *Institutional Rules* to reserve the use of a University room or space for the event. The senior vice president and chief operating officer will approve an application properly made under Subsection 13–1004(a) in consultation with the Dean of Students unless it must be disapproved under the criteria in Chapter 10, Section 10–203 of the *Institutional Rules*.

Sec. 13–1005. Obligations of Presenting Organization

A University person or registered student organization or registered faculty or staff organization that presents a guest speaker in a University building or facility must make clear that:

- a. the organization, and not the University, invited the speaker;
- b. the views expressed by the speaker are his or her own and do not necessarily represent the views of the University, The University of Texas System, or any System institution; and
- c. members of the general public are not invited to attend the guest speaker's presentation with the exception of presentations put on by academic or administrative units.

Subchapter 13–1100. Responding to Speech, Expression, and Assembly

Sec. 13–1101. General Rule on Responding

Persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this Chapter.

Sec. 13–1102. Applications of Section

- a. Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.
- b. Means of response that are permitted in many locations and without advance permission or reservation, such as signs, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized in this Chapter.
- c. Means of response that require advance permission or reservation, such as temporary banners, A-frames exhibits, general exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Temporary banner space, temporary outdoor exhibit space, and some amplified sound areas may be unavailable on short notice because of earlier reservations, but the Dean of Students will, where feasible, expedite approval of available temporary banner spaces, available temporary outdoor exhibit spaces, and amplified sound areas where necessary to permit appropriate response to other speech, assembly, or expression.
- d. Means of response that are confined to authorized locations, such as banners, exhibits, and amplified sound, may be used only in those locations. It is not possible to respond to amplified sound with amplified sound in the same location; similarly, if an exhibit or public assembly is in a location where amplified sound is not permitted, it is not possible to respond with amplified sound in that location. In either case, it is possible to respond with amplified sound in another location and to use signs or distribution of literature to advertise the response at the other location.

Subchapter 13–1200. Enforcement and Appeals

Sec. 13–1201. Police Protection

- a. It is the responsibility of the University to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty areas in the area of such events will be at the cost of the University. When the magnitude, timing, or nature of an event in a University building, University facility, or other area of the University's limited public forum that requires overtime hours from police officers (including contract hours for officers hired from other departments or private security agencies), the University will, to the extent specified in Subsection 13–1201(b) and Subsection 13–1201(c), charge the cost of overtime or contract officers to the person or organization sponsoring the event or exhibit that requires overtime police protection. The purpose of Subsection 13–1201(b) and Subsection 13–1201(c) is to charge for police overtime where reasonably possible, but not to charge for police overtime made necessary by the content of speech at the event or by the controversy associated with any event.
- b. University persons or organizations planning such events should budget for the cost of police protection. A reasonable and nondiscriminatory fee for overtime police work will be charged to the registered student, sponsored student, faculty, or staff organization for events in a University building, University facility, or other area of the University's limited public forum that require overtime police protection, and

1. charge a price for admission; or
 2. have a paid speaker, band, or other off-campus person or organization for services at the event.
- c. The University will have the sole power to decide, after reasonable consultation with the person or organization planning the event, whether and to what extent overtime police protection is required. No fee will be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees will be based on the number of officers required for an uncontroversial event of the same size and kind, in the same place and at the same time of day, handling the same amount of cash.
- d. Nothing in this Section applies to any interdepartmental charge or transfer among units or accounts funded by the University.

expression, or assembly. The question on appeal will be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.

- c. An appeal authorized by this Section will be heard under the procedures set out in Subchapter 10–400 of the *Institutional Rules*.

Sec. 13–1202. Response to Violations

- a. Students wishing to make a grievance regarding a violation of Texas Education Code § 51.9315 may report it via the University compliance and ethics hotline by emailing compliance@austin.utexas.edu.
- b. A student who violates a prohibition in this Chapter may be disciplined under the procedures in Chapter 11 of the *Institutional Rules*. A registered student or sponsored student organization that violates a prohibition in this Chapter may be disciplined under the procedures in Chapter 6 of the *Institutional Rules*.
- c. A faculty member who violates a prohibition in this Chapter may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by faculty members will be referred to the Office of the Executive Vice President and Provost for handling.
- d. A staff member who violates a prohibition in this Chapter may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by staff members will be referred to Human Resource Services for handling .
- e. Authorized University personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this Chapter, by explanation and persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively or additionally, they may initiate disciplinary proceedings under Subsection 13–1202(a), Subsection 13–1202(b), or Subsection 13–1202(c). Discretion regarding the means and necessity of enforcement will be vested in the chief of police, or in University personnel designated by the president, as appropriate, but such discretion will be exercised without regard to the viewpoint of any speaker.
- f. University persons and University organizations on the campus will comply with instructions from University administrators and law enforcement officials at the scene. A University person or University organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under Section 13–1203.
- g. Off-campus person(s) or organization(s) on the campus who violate a prohibition in this Chapter may be subject to criminal trespass charges, arrest, or other lawful measures.

Sec. 13–1203. Appeals

- a. A person or organization that is denied permission for an activity requiring advance permission under this Chapter may appeal the denial of permission.
- b. A University person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth business day after complying with the order, file an appeal to determine the propriety of the order limiting the speech,

Speech and Assembly

Policy Number: 174

Subject: Speech and assembly

Scope: Employees, students, and others attempting to speak or assemble on property owned or controlled by the University

Date Reviewed: June 2024

Responsible Office: Office of the Senior Executive Vice President, Chief Operating Officer; Office of the Executive Vice President and Chief Academic Officer

Responsible Executive: Senior Executive Vice President, Chief Operating Officer; Executive Vice President and Chief Academic Officer

I. POLICY AND GENERAL STATEMENT

The University of Texas Health Science Center at Houston ("University") supports the freedoms of speech and assembly, subject to its well-established right to regulate time, place and manner to ensure the activities do not intrude upon or interfere with its academic programs and administrative processes. Except as expressly authorized under applicable state and federal law, the [Regents' Rules and Regulations](#) and University policies, the University shall not discriminate on the basis of political, religious, philosophical, ideological or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise.

All rallies, group demonstrations or public oratory must be conducted in accordance with this policy.

II. DEFINITIONS

Expressive Activities: any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech (e.g., vendors selling or advertising products).

Common Outdoor Areas: an outdoor space owned or controlled by the University that is not used for dedicated University business or an event, educational function or a research function on either a permanent or temporary basis (if on a temporary basis, the area may be a common outdoor area when not in use for such purposes). It does not include the outside surfaces (walls) of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, or any other space within the University's limited public forum. It also does not include parking garages or parking lots.

Limited Public Forum: any part of the University campus, including any building or property owned or controlled by the University, other than common outdoor areas.

Off-Campus Speaker: an individual who is unaffiliated with the University and is presented as a speaker by a registered student or employee organization or a member of the general public on the University's campus.

Antisemitism: a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

III. PROCEDURE

A. General Time, Place and Manner Restrictions

No speech, expressive activities or assembly may be conducted in a way that disrupts or interferes with:

- (1) teaching, research, administration, patient care, public service, University housing, function of the University or any other authorized activities on the University campus;
- (2) free and unimpeded flow of pedestrian and vehicular traffic on campus; or
- (3) expressive activities by other persons or organizations permitted under this policy.

Additionally, individuals engaged in expressive activities are prohibited from:

- (1) wearing a mask, facial covering, or disguise that conceals the identity of the wearer, that is calculated to obstruct the enforcement of these rules or the law, or to intimidate, hinder or interrupt a University official, law enforcement officer, or other person in the lawful performance of their duty (exceptions may be made for religious attire or as directed by University officials);
- (2) possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including but not limited to sticks, poles, clubs, swords, shields, glass objects or rigid signs that can be used as a shield, unless authorized by federal, state or local laws;
- (3) wearing body-armor or make shift body-armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body-armor;
- (4) having an open flame, unless advanced permission is obtained from the Vice President Facilities, Planning, Engineering and Auxiliary Enterprises; and/or
- (5) possessing, distributing or using alcohol on University property, except in accordance with [HOOP 9, Alcoholic Beverages](#).

By necessity, these restrictions are context-specific; therefore, University officials and The University of Texas Police – Houston (“UTP-H”) have discretion to apply these

restrictions as appropriate to particular situations or events. UTP-H may immediately enforce these rules if a violation of these rules constitutes a breach of the peace or compromises public safety. Any individual or group that disagrees with the application of such restrictions to a particular situation may access the grievance process outlined in Section III.E below.

B. Common Outdoor Areas

All common outdoor areas of the University's campus are traditional public forums. As such, any person may engage in expressive activities in common outdoor areas, so long as the person's conduct is not unlawful and does not materially and substantially disrupt the functioning of the University.

Members of the public are not permitted to set up tables, kiosks, banners, exhibits, or speakers/amplified sound in common outdoor areas. Members of the public are also not permitted to affix signs to University buildings or structures or to stake signs in the ground. Employees, students or registered student or employee organizations that wish to set up tables, kiosks, banners, exhibits, speakers/amplified sound or to post signs in common outdoor areas must follow the process in Section III.C.

Individuals or groups that intend to use the University's common outdoor areas are strongly encouraged to provide at least two weeks' notice to the Vice President Facilities, Planning, Engineering and Auxiliary Enterprises so that appropriate security and other arrangements may be made.

Expressive activities in common outdoor areas are subject to the time, place and manner restrictions in Section III.A above.

C. Use of Other University Property

Except for common outdoor areas, all other property and facilities owned or controlled by the University are designated as a limited public forum and, therefore, are not open to the general public.

Procedures regarding the use of facilities are detailed in [HOOP 11, Use of University Facilities](#) and [HOOP 211, Special Use Facilities](#).

Employees and students or registered employee and student organizations may petition, post signs, distribute literature, set up tables and exhibits or peacefully demonstrate on property owned or controlled by the University, provided that the posting of signs and the setting up of tables and exhibits requires the prior authorization of the Vice President Facilities, Planning, Engineering and Auxiliary Enterprises. All such activities are subject to the restrictions in Section III.A above.

D. Regulation of Off-Campus Speakers

The University reserves the right to regulate the presentation of guest speakers on the campus who are not affiliated with the University.

Any organization or person may present an off-campus speaker in the University's common outdoor areas, subject to the restrictions in Sections III.A and III.B and [HOOP 165, Solicitation](#).

Only registered student or employee organizations may present off-campus speakers on the campus in areas other than common outdoor areas. Sponsoring groups must submit a request for the use of a facility in accordance with [HOOP 11, Use of University Facilities](#) or [HOOP 211, Special Use Facilities](#).

Any determination regarding the approval of or the fee for use of a University facility for presenting an off-campus speaker:

(1) will consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, such as:

- a. the proposed venue and expected size of the audience;
- b. any anticipated need for campus security;
- c. any necessary accommodations; and
- d. any relevant history of compliance or non-compliance by the requesting student or employee organization with this policy or other relevant University policies.

(2) will not consider any anticipated controversy related to the event.

The organization sponsoring the off-campus speaker has the responsibility for making clear that the organization, not the University, is extending the invitation to speak, and that any views the speaker expresses are his or her own and are not necessarily those of the University.

An off-campus speaker is subject to all provisions of federal, state and local laws.

When an off-campus speaker is paid from state funds for his or her speech, the facilities in which the speech is delivered will be open to the public, including members of the news media ([HOOP 5, Communications with the Media](#)), who will be entitled to record, videotape or telecast live portions of the speech.

No person may in any way obstruct or lessen the opportunity for the audience to take the fullest advantage of the speech, including the opportunity to see and hear the speaker during the entire speech. The provisions of this paragraph do not apply to classes, seminars, symposia and conferences intended for students, faculty, staff and invited guests.

E. Grievance Procedure

Any person wishing to report a violation of this policy or of Texas Education Code 51.9315 should report it to the University's [Office of Institutional Compliance](#).

F. Disciplinary Sanctions

Any student who unduly interferes with the expressive activities of others on campus will be subject to disciplinary action in accordance with [HOOP 186, Student Conduct and Discipline](#).

Any employee who unduly interferes with the expressive activities of others on campus will be subject to disciplinary action in accordance with applicable University policies and procedures, which may include [HOOP 44, Faculty Reappointment and Non-Reappointment](#), [HOOP 133, Faculty Termination](#), [HOOP 153, Termination of Appointment: Administrative and Professional](#) and/or [HOOP 187, Discipline and Dismissal of Classified Employees](#).

Any student organization that unduly interferes with the expressive activities of others on campus will be subject to disciplinary action and/or revocation of registration. See also [HOOP 110, Student Organizations](#).

Members of the public who violate this policy are subject to appropriate law enforcement or administrative action, including prohibition from entering campus property.

G. Solicitation

Solicitation is prohibited on the University's campus except as specifically allowed in [HOOP 165, Solicitation on Campus](#).

H. Impermissible Activity

No person, including a student or employee of the University, shall distribute any petition, handbill, object or piece of literature; post or carry any sign, placard or banner; or engage in speech, either orally or in writing, or conduct on property or in buildings or facilities owned or controlled by the University if it is obscene, libelous or directed to inciting or producing imminent lawless action and/or is likely to incite or produce such action.

Any incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of university activity, or any other violation of state or federal law or university policy that was committed because of antisemitism or the offender's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference will be subject to discipline, up to and including possible termination or expulsion. See [HOOP 186](#).

Student Conduct and Discipline; HOOP 44, Faculty Reappointment and Non-Reappointment, HOOP 133, Faculty Termination, HOOP 153, Termination of Appointment: Administrative and Professional and/or HOOP 187, Discipline and Dismissal of Classified Employees.

Any registered student organization that engages in incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of university activity, or any other violation of state or federal law or university policy because of antisemitism or bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, is subject to discipline, up to and including possible loss of recognized status for the registered student organization.

Further, no person may engage in expressive activities that violate any other University policy, including but not limited to: HOOP 38, Political Activity; HOOP 39, Campus and Workplace Violence Prevention; HOOP 59, Prohibition of Sexual Harassment & Sexual Misconduct; HOOP 180, Acceptable Use of University Information Resources; HOOP 183, Nondiscrimination, Anti-Harassment and Equal Opportunity and HOOP 219, Social Media.

IV. CONTACTS

- **Office of the Senior Executive Vice President, Chief Operating Officer**

- 713-500-4952
- <https://inside.uth.edu/financialresources/contact-us.htm>

- **Office of Executive Vice President and Chief Academic Officer**

- 713-500-3212
- <https://www.uth.edu/evpara/contact-us>

Speech Expression and Assembly - UTDSP5001

Policy Statement

Section A: Governing Principles

Subsection 1: Freedom of Speech, Expression, and Assembly

1. The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the University. Students, faculty, and staff have the right to assemble, to speak, and to attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen and to ignore the speech of others when they choose not to listen.
2. In furtherance of the University's educational mission, the University buildings, including their outside surfaces, surfaces associated with or connected to a University building, or a University structure are limited public forums open only to the expressive activities of faculty, staff, and students as set forth in this policy. Members of the public may engage in expressive activities at the University in accordance with time, place, and manner rules contained in this policy.
3. Students, faculty, and staff are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, in all parts of the campus, subject only to rules necessary to preserve the equal rights of others and the other functions of the University. Teaching, research, and other official functions of the University shall have priority in allocating the use of space on campus. Members of the public are able to engage in expressive activities only in common outdoor areas of the campus, subject to the time, place, and manner rules in this policy necessary to preserve the functions of the University.
4. Except as expressly authorized by Section B or as identified in federal or state law, the University shall not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person, in the enforcement and administration of these rules or otherwise.
5. The University of Texas at Dallas Police Department (UTDPD) may immediately enforce these rules if a violation of these rules constitutes a breach of the peace or compromises public safety.

Subsection 2: Scope of this Policy and Related Provisions

1. This policy protects and regulates the speech, expression, and assembly of students, faculty, staff, and members of the public that are not part of the teaching, research, or other official functions of the University, not otherwise sponsored by the University or any academic or administrative unit, and not submitted for academic credit. Subsection 7 on Harassment applies to all speech regardless of where it occurs, including off University property, if it potentially affects a University person's education or employment with the University or potentially affects the University community.
2. This policy applies to speech by University persons and University organizations in the common outdoor areas, the limited public forums, and speech made using the University's information systems. This policy also applies to members of the public in common outdoor areas.
3. Any program or event sponsored by an academic or administrative unit of the University will have priority in the use of space and facilities over any speech, expression, and assembly that is not sponsored by an academic or administrative unit. Reservation process and available space for academic or administrative units are different and separate from those outlined in this policy. This policy does not limit other existing authority of University officials to authorize programs and events sponsored by an academic or administrative unit not provided for in this policy.
4. Additional rules concerning free speech and academic freedom of faculty members are found in the Regents' Rules and Regulations (Rule 31004, Number 2, Sections 1 and 2).
5. Underlying rules concerning free speech of students are found in the Regents' Rules and Regulations (Rule 40501, Rule 80103, and Rule 80104). This policy implements those provisions and applies them to UT Dallas.
6. Rules requiring University employees to make clear that controversial statements they make are in their personal capacity are found in the Regents' Rules and Regulations (Rule 10101, Section 6.2). Rules restricting use of University equipment, supplies, services, and working hours for political activities are found in the Regents' Rules and Regulations (Rule 30103).

Subsection 3: Definitions

1. "Academic or administrative unit" means any office or department of the University.
2. "Faculty member and staff member" includes any person who is employed by the University.
3. "Off-Campus person or organization" and "member of the public" means any person, organization, or business that is not an academic or administrative unit;

a registered student, faculty, or staff organization; or a student, faculty member or staff member.

4. "University person or organization" includes academic and administrative units; registered student, faculty, and staff organizations; and individual students, faculty members, and staff members. This phrase describes the most inclusive category of potential speakers on campus; all persons and organizations of any kind are either an "off-campus person or organization" or a "University person or organization."
5. "Registered student, faculty, or staff organization" includes a registered student organization (as defined in the UT Dallas Student Organization Manual, Chapter 2), a faculty or staff organization under the Regents' Rules and Regulations (Rule 40201), and Student Government and any unit or subdivision thereof.
6. "Student" means a person who is enrolled at the University.
7. "Amplified sound" means sound with volume that is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are not amplified sound and are not subject to the special rules on amplified sound, but are subject to general rules on disruption.
8. "Dean of Students" means the Dean of Students or any delegate or representative of the Dean of Students.
9. "Room or space" includes any room or space, indoors or outdoors, owned or controlled by the University.
10. "University" means The University of Texas at Dallas.
11. "day" means an 8:00 a.m. to 5:00 p.m. calendar day, and excludes weekends, University holidays, and days on which regularly scheduled classes are suspended due to emergency closure; "University holiday" means days identified in the holiday schedule published by the Office of Human Resources. If a deadline defined in this policy falls on a Saturday, Sunday, University holiday, or emergency closure, that deadline will be moved to the next business day.
12. "adviser" means a member of the university faculty or full-time staff who advises the members of an organization.
13. "Vice President for Student Affairs" means the Vice President for Student Affairs, their delegate, or their representative.
14. "University facility" means an auditorium, arena, residence hall, other building, room, public area, or any other area on the campus.
15. "University President" means the President of The University of Texas at Dallas, their delegate, or their representative.
16. "Limited public forum" means University property, both indoors and outdoors, that is not part of the common outdoor area. This includes the outside surfaces of a University building, surfaces associated with or connected to a University

building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, residential outdoor spaces managed by University Housing (including the grounds around University Village), the Student Union Dining Hall Patio, the Student Union east awning, Dining Hall West outdoor area, Davison Gundy Alumni Center green space, and the courtyards of all academic buildings.

17. "Common outdoor area" means outdoor space that is not used solely for University business or an event, an educational function, or a research function on either a permanent or temporary basis. It does not include any space within the University's limited public forum. Common outdoor areas are designated by state law as traditional public forums.
18. "Temporary banner space" means designated outdoor or indoor display area reserved for use by University persons and University organizations, as managed by the Dean of Students, where a University person or organization's temporary banner may be affixed for multiple days as permitted by Subsection 22. These areas are part of the University's limited public forum and not open to use by members of the public.
19. "Temporary exhibit space" means designated outdoor or indoor display areas reserved for use by University persons and University organizations, as managed by the Dean of Students, where a University person or organization may erect a temporary exhibit as permitted by Section G. These areas are part of the University's limited public forum and not open to use by members of the public.
20. "Antisemitism" means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

Section B: Prohibited Expression

Subsection 4: Obscenity

No person or organization shall distribute or display on the campus any writing or visual image, or engage in any public performance, that is obscene. A writing, image, or performance is "obscene" if it is obscene as defined in Texas Penal Code, Subsection 43.21 or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

Subsection 5: Defamation

1. No person shall make, distribute, or display on the campus any statement that unlawfully defames any other person.
2. A statement defames another person if it is: (i) published to a third party other than the subject of the statement or their legal representative; (ii) of and concerning that person; (iii) is a false statement of fact; (iv) that holds the person up to hatred, ridicule or contempt; (v) is made negligently, if the person is a private figure or, if the person is a public official or public figure, with knowledge of falsity or reckless disregard of the truth; (vi) which proximately causes damages; and (vii) is not privileged.

Subsection 6: Incitement to Imminent Violations of Law

No person shall make, distribute, or display on the campus any statements directed to inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law.

Subsection 7: Harassment

1. No person will engage in conduct that constitutes harassment of another person or make, distribute, or display on the campus or through University information resources any statement that constitutes harassment of any other person. This Section applies to all speech regardless of where it occurs, including off University property, if it potentially affects a University person's education or employment with the University or potentially affects the University community, all speech made using University resources, including speech that is part of teaching, research, or other official functions of the University whether in person or not, and whether oral, written, or symbolic.
2. "Harassment" means hostile or threatening conduct or speech, whether oral, written, or symbolic, that:
 1. is not necessary to the expression of any idea described in Subsection 7.3 of this policy;
 2. is sufficiently severe, pervasive, and objectively offensive to create an objectively hostile or threatening environment that interferes with or diminishes the victim's ability to participate in or benefit from the services, activities, or privileges provided by the University; and
 3. personally describes or is personally directed to one or more specific individuals.
3. To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not harassment, even if some listeners are offended by the argument or idea. The categories of sexually

harassing speech set forth in UTDBP3102 of the UT Dallas Handbook of Operating Procedures are rarely, if ever, necessary to argue for or against the substance of any political, religious, philosophical, ideological, or academic idea.

4. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in UTDBP3102 and UTDBP3090 of the UT Dallas Handbook of Operating Procedures. Verbal harassment is often based on the victim's appearance, personal characteristics, or group membership, including but not limited to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity or gender expression, ideology, political views, or political affiliation.
5. Harassment can also consist of nonverbal conduct, such as hazing, practical jokes, damage to property, and physical assault. In the case of sexual harassment and sexual misconduct, sexual conduct is often central to the offense. These forms of harassment are prohibited by UTDSP5003 and UTDBP3102 of the UT Dallas Handbook of Operating Procedures, and by the Regents' Rules and Regulations, Rule 30105. To the extent of any conflict in the definition of verbal harassment, the more detailed definition in this section controls.
6. The harassment that this section prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within the University and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules.
7. Verbal harassment has been interpreted very narrowly by the federal courts. Policies on verbal harassment or hate speech at many universities have been held unconstitutional, either because they prohibited harassment only when it was based on race, sex, and similar categories, or because they failed to protect the expression of potentially offensive ideas. This policy should be interpreted as narrowly as need be to preserve its constitutionality.
8. Members of the University community are strongly encouraged to report harassment.
 1. A student who believes he or she has been harassed should report the alleged violation to the Dean of Students.
 2. A faculty member or staff member who believes he or she has been harassed should report the alleged violation to Human Resources.

3. Alternatively, any person who believes he or she has been harassed may report the alleged violation to the Office of Institutional Compliance or to any University official, administrator, or supervisor. A faculty member is not an “official, administrator, or supervisor” for this purpose unless that faculty member holds an administrative position.
4. Any University official, administrator, or supervisor who receives a report of alleged harassment will promptly refer that report and the complaint to the Office of Institutional Compliance, Human Resources, or the Dean of Students as appropriate. A complainant whose report is not forwarded to the Office of Institutional Compliance, Human Resources or to the Dean of Students, has not initiated proceedings for providing a remedy to the complainant or for imposing discipline on the alleged harasser.
5. Investigation of the information provided, and any remedial or disciplinary proceedings, will advance under the procedures set out in the harassment policies cross-referenced in this section.

Subsection 8: Solicitation & Commercial Speech

1. General rules.
 1. No University person, University organization, or member of the public shall make, distribute, or display on the campus any statement that offers or advertises any product or service for sale or lease, or requests any gift or contribution, except as authorized in this Subsection, by the Regents’ Rules and Regulations, or by a contract.
 2. Words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle, are not solicitation within this definition.
 3. Unadorned acknowledgments or thanks to donors are not solicitations within this definition.
2. Rules Specific to UT Dallas campus constituents:
 1. A registered student, faculty, or staff organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions, for the benefit of the organization, for the benefit of another registered student, faculty, or staff organization, or for the benefit of an organization that is tax-exempt under Subsection 501 (c)(3) of the Internal Revenue Code. No organization may sell items obtained on consignment. No organization may request contributions for an off-campus tax-exempt organization for more than fourteen days in any fiscal year.
 2. Registered student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature that

contains advertising, subject to the limits in Section D. Individual students, faculty members, and staff members may distribute or display such literature, but may not sell it.

3. Individual students, faculty members, and staff members may post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used, but only on a bulletin board designated for that purpose by an academic or administrative unit in space that the unit occupies or controls. Any unit that designates a bulletin board for this purpose may regulate that bulletin board under the procedures set forth by that unit.
4. A resident of a University residence hall or apartment building may occasionally invite one or more salespersons to come to the resident's room or apartment, and in that room or apartment, the salesperson may offer products or services for sale to other residents of that residence hall or apartment building.
5. As per Regents' Rules and Regulations (Rule 80103, 2.2.9), registered student, faculty, or staff organizations may collect admission fees for programs scheduled in advance.
6. A registered student, faculty, or staff organization may sell charitable raffle tickets on behalf of an organization that is authorized to conduct a charitable raffle under the Texas Charitable Raffle Enabling Act, Texas Occupations Code (Policy 2002), or successor provisions.
3. A registered student organization that receives funds from membership fees or solicitations under this Subsection shall deposit and account for such funds under the rules in the Student Organization Manual.
4. More detailed regulation of solicitation appears in Regents' Rules and Regulations (Rule 80103). The provisions most relevant to students, faculty, and staff have been incorporated in this policy.

Subsection 9: Prohibited Items or Actions

The following restrictions are intended to protect the health and safety of all persons on campus, to maintain the free flow of pedestrian traffic in and out of University buildings, and to protect the educational mission of the University:

1. A mask, facial covering, or disguise that conceals the identity of the wearer that is calculated to obstruct the enforcement of these rules or the law, or to intimidate, hinder or interrupt a University official, UTDPD officer, or other person in the lawful performance of their duty.

2. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including but not limited to sticks, poles, clubs, swords, shields, or rigid signs that can be used as a shield, without permission from the Dean of Students, unless authorized by federal, State or local laws.
3. Body-armor or makeshift body-armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as worn for participation in potentially violent activities.
4. Open flame, unless approved in advance by UT Dallas Life Safety Manager or Dean of Students.
5. No person or organization may engage in expressive activity within a ten-foot clearance around points of entry and the perimeter of all University buildings.

Section C: General Rules on Means of Expression

Subsection 10: Disruption

1. Except as expressly authorized in Subsection 36 or by an authorized University official responsible for a program or event sponsored by an academic or administrative unit, no speech, expression, or assembly may be conducted in a way that disrupts or interferes with any:
 1. teaching, research, administration, or other authorized activities on the campus;
 2. free and unimpeded flow of pedestrian and vehicular traffic on the campus; or
 3. signs, tables, exhibits, public assemblies, distribution of literature, guest speakers, or use of amplified sound by another person or organization acting under the rules in this policy.
2. Scope.
 1. The term "disruption" and its variants, as used in this subsection, are distinct from and broader than the phrase "disruptive activities," as used in the Regents' Rules and Regulations (Rule 40502). This rule is concerned not only with deliberate disruption but also with scheduling and coordination of events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity and to preserve the University's ability to execute its functions.
 2. Except in the most extreme cases, interference and disruption are unavoidably contextual. Intentional physical interference with other persons is nearly always disruptive in any context. Interfering with traffic

depends on the relation between the volume of traffic and the size of the passageway left open. Disruptive noise is the most contextual of all because it depends on the activity disrupted. Any distracting sound may disrupt a memorial service. Any sound sufficiently loud or persistent to make concentration difficult may disrupt a class or library. Occasional heckling in the speaker's pauses may not disrupt a political speech, but persistent heckling that prevents listeners from hearing the speaker does disrupt a political speech. These illustrations may be helpful, but none of them includes enough context to be taken as a rule. We cannot escape relying on the judgment and fairness of University authorities in particular cases. In this context where difficult enforcement judgments are unavoidable, it is especially important to remind administrators and law enforcement officials that their judgments should not be influenced by the viewpoint of those claiming disruption or of those allegedly disrupting.

3. Potentially disruptive events can often proceed without disruption if participants, administrators, and law enforcement officials cooperate to avoid disruption without stopping the event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the event or resorting to disciplinary charges or arrest.

Subsection 11: Damage to Property

1. No speech, expression, or assembly may be conducted in a way that damages or defaces property of the University or of any person who has not authorized the speaker to damage or deface their property.
2. No person may damage, deface, or interfere with any sign, table or exhibit posted or displayed by another person or organization acting under the rules in this policy.

Subsection 12: Coercing Attention

1. No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication.
2. No person may persist in requesting or demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication.

Subsection 13: Other Rules with Incidental Effects on Speech

1. Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to compile or cross-reference here. For example, libraries typically have highly restrictive rules concerning noise; laboratories and rooms containing the electrical and mechanical infrastructure of the University typically have safety rules and rules excluding persons without specific business there; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways. Speech within classrooms is generally confined to the subject matter of the class; the right to attend a class at all is subject to registration and payment of tuition; individual professors may have rules of decorum in their classroom. These kinds of rules limit the right of students, faculty, and staff to enter and speak in the places to which these rules apply.
2. Reasonable and nondiscriminatory rules of this kind generally control over the rights of free speech guaranteed in this policy. But even these kinds of rules are subject to the constitutional right of free speech. Such rules must be viewpoint neutral. Such rules cannot regulate speech more restrictively than they regulate other activities that cause the problems to be avoided by the rule. Such rules should not restrict speech more than is reasonably necessary to serve their purpose. Such rules cannot ban unobtrusive forms of communication with no potential for disruption even in the specialized environment subject to the localized rule. Thus, for example, means of silent expression or protest confined to the speaker's immediate person, such as armbands, buttons, and t-shirts, are nearly always protected because they are rarely disruptive in any environment.
3. University persons, University organizations, and members of the public are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.

Section D: Distribution of Literature

Subsection 14: General Rule on Distribution of Literature

1. Registered student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature on campus subject to the rules in this policy. Individual students, faculty members, and staff members may distribute or display literature but may not sell it. In either case, no advance permission is required. Members of the public may distribute

literature in the common outdoor areas, subject to the rules in this policy, but may not sell literature.

2. "Literature" means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informational matter, that is produced in multiple copies for distribution to potential readers.

Subsection 15: Not-for-profit Literature Only

1. Except as expressly authorized by the Regents' Rules and Regulations or by contract with the University, no person or organization may sell, distribute, or display on campus any publication operated for profit. A registered student, faculty, or staff organization may sell publications operated for profit as part of a fundraiser authorized by, and subject to the limits of Subsection 8.
2. A publication is operated for profit if any part of the net earnings of the publication, or if its distribution, inures to the benefit of any private shareholder or individual.

Subsection 16: Limits on Advertising

1. Literature distributed on campus may contain the following advertising:
 1. advertising for a registered student, faculty, or staff organization, or an academic or administrative unit;
 2. advertising for an organization that is tax-exempt under Subsection 501 (c)(3) of the Internal Revenue Code;
 3. paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising; and
 4. other advertising expressly authorized by the Regents' Rules and Regulations by contract with the University.
2. All other advertising in literature distributed on campus is prohibited.

Subsection 17: Cleanup of Abandoned Literature

Any person or organization distributing literature on campus shall pick up all copies dropped on the ground in the area where the literature was distributed.

Section E: Signs and Banners

Subsection 18: General Rules on Signs

1. "Sign" means any method of displaying a visual message to others, except that transferring possession of a copy of the message is distribution of literature and not a sign.
2. Subject to the rules in this section and to the general rules in Sections B and C, a University person or organization may display a sign by holding or carrying it, by displaying it at a table (see Section F), or by posting it on a bulletin board or other designated location. Signs may not be staked to the ground or posted in any other location except those areas allowed by long-standing tradition or otherwise permitted by this policy.

Subsection 19: Hand-held Signs

1. Students, faculty, and staff may display a sign on campus by holding or carrying it by hand or otherwise attaching it to their person. Members of the public may display a sign in the common outdoor areas by holding or carrying it by hand or otherwise attaching it to their person. No advance permission is required. Signs on sticks or poles or otherwise attached to any device are prohibited.
2. Hand-held signs constructed of materials that create a hazard to other people are not permitted. Signs constructed of rigid materials, including sticks, poles, wood, metal, hard plastic, or other materials that could be construed as a hazard are not permitted.
3. Any person holding or carrying a sign shall exercise due care to avoid bumping, hitting, or injuring any other person.
4. Any person holding or carrying a sign at a speech, performance, or other event shall exercise due care to avoid blocking the view of any other person observing the speech, performance, or event. Depending on the venue, this may mean that signs may be displayed only around the perimeter of a room or an audience.
5. A law enforcement officer, the Dean of Students, or an usher or any other university employee if authorized by officials responsible for managing the venue, may warn any person that their sign is being handled in violation of this section. If the violation persists after a clear warning, the law enforcement officer, dean, authorized usher, or other authorized employee may confiscate the sign or take other appropriate steps to respond to the violation. A law enforcement officer may take any action necessary to keep the peace including but not limited to issuing a criminal trespass warning to the violator.

Subsection 20: Signs in Other Designated Locations (including on bulletin boards)

1. Each academic or administrative unit may authorize the posting of signs in spaces that a unit occupies and controls. Such authorization may be granted by general rule, by stamping or initialing individual signs, or by long-standing tradition.
2. Signs in spaces occupied by academic or administrative units may be:
 1. confined to bulletin boards or other designated locations;
 2. subjected to viewpoint-neutral rules limiting the size of signs, limiting how long they may be posted, requiring each sign to show the date it was posted and the name of the person or organization who posted it, and similar rules designed to facilitate fair and equal opportunities to post signs;
 3. confined to official statements or business of the unit, or to certain subject matters of interest within the unit, or to signs posted by persons or organizations affiliated with the unit.
3. Each academic or administrative unit will post on or near each bulletin board or other designated location that it administers:
 1. either the rules applicable to that bulletin board or location or a particular office or website where the rules applicable to that bulletin board or location may be found; and
 2. if a stamp or initials are required on signs before they are posted on that bulletin board or location, the name and office location of the person whose stamp or initials are required.
 3. This notice will be posted in the upper left corner of each bulletin board or other designated location for posting signs, or conspicuously in another nearby location. If no such notice is posted, then the only applicable rules are those contained in Section B and Subsections 10, 11, and 14.
4. Within the scope of the subject matters permitted on a particular bulletin board or other designated location, no academic or administrative unit will discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed on a sign.
5. This Section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official University business.

Subsection 21: Banners

"Banner" means an affixed, stationary sign hung from a structure or building, or between two buildings, structures, or poles. Banners on poles may not be carried by individuals.

1. Hand-held banners. University persons, University organizations, and members of the public are permitted to display a hand-held banner carried by two or more individuals without poles, in accordance with Subsection 20, in the common outdoor areas.
2. Temporary banner space designations.
 1. The Dean of Students shall designate places where banners may be hung in indoor and outdoor locations not occupied or controlled by any other academic or administrative unit. Temporary banner spaces are not open to the public.
 2. Other academic and administrative units may designate one or more temporary banner spaces where banners may be hung in indoor or outdoor locations that the unit occupies or controls. These temporary banner spaces are not open to members of the public.
3. Academic and administrative units and registered student, faculty, and staff organizations may hang banners in locations designated under Subsection 22, 2(2). Individuals and members of the public may not hang banners.
4. Advance permission is required for the hanging of banners. Each banner may be hung for one week. The banner may be renewed from week to week if space is available, but usually, other organizations are waiting their turn and renewal is not possible.
5. The Dean of Students may require that the physical work of hanging the banners be performed only by employees of Facilities Management or other appropriate University personnel. Actual costs will be charged to the organization or unit making the request.

Section F: Tables

Subsection 22: General Rule on Tables

University persons and University organizations may set up tables from which to display literature, disseminate information and opinions, and raise funds, subject to the rules in this section and to the general rules in Sections B and C. No advance permission is required. Members of the public may also set up tables in common outdoor areas.

Subsection 23: Locations

1. Subject to the restrictions in this section and subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic, University persons and University organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location.

2. Additional Restrictions.
 1. Tables may not be set up inside any library, classroom, laboratory, performance hall, stadium, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time.
 2. An academic or administrative unit may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. Academic and administrative units are encouraged to clearly state any such rules in writing and to publish those rules on a website or on a flyer or pamphlet available at the chief administrative office of the unit.
3. If any table is set up in a prohibited or disruptive location, any University employee pointing out the violation shall also point out other locations, as nearby as is reasonably possible, where the table is permitted.

Subsection 24: Identification

Each table must have a sign or literature that identifies the University person or University organization sponsoring the table.

Subsection 25: Clean-up Around Tables

Any person or organization sponsoring a table shall remove litter from the area around the table before vacating the space.

Subsection 26: Sources of Tables

University persons and University organizations may supply their own tables. In addition, the Dean of Students maintains a supply of tables for registered student organizations that may be reserved and checked out for use in the Student Union Building and on-campus in designated areas.

Section G: General Exhibits and A-frame Exhibits

Subsection 27: General Rules on Exhibits

1. "General Exhibit" means an object or collection of related objects, designed to stand on the ground or on a raised surface, that is not a table, and that is designed for temporary display not permanently attached to the ground.

2. “A-Frame Exhibit” means a movable and self-supported signboard designed to stand on the ground in a temporary outdoor exhibit space. A-frame exhibits may not exceed five feet in height or width. Structures that do not meet these criteria will be considered general exhibits and will be subject to the rules in Subsection 31.1.
3. Academic or administrative units and registered student organizations, faculty organizations or staff organizations may erect exhibits, subject to the rules in this section and to the general rules in Sections B and C. Advance permission is required from the Dean of Students, except that an academic unit may authorize indoor exhibits in a space that it occupies and controls. Members of the public may not erect exhibits.
4. The Dean of Students will maintain on a website, a current description of the rules and procedures for displaying a temporary outdoor exhibit space for A-frame exhibits on campus.

Subsection 28: Application Process

An academic or administrative unit or a registered student, sponsored student, faculty, or staff organization desiring to display an outdoor general exhibit will apply on a form prescribed by the Dean of Students. An academic or administrative unit or a registered student, sponsored student, faculty, or staff organization desiring to display an outdoor A-frame exhibit must follow guidelines outlined on the Dean of Students ‘General Exhibits and A-frame Exhibits’ website.

Subsection 29: Criteria for Approval

1. General exhibits.
 1. The Dean of Students will designate temporary outdoor exhibit spaces where general exhibits may be placed. The Dean of Students will authorize a general exhibit described in a completed application under Subsection 29 unless the Dean of Students finds that use of the proposed temporary outdoor exhibit space for the proposed exhibit must be disapproved under the criteria in UTDSP5002. The Dean of Students will advise the applicant on how to correct, if possible, any conditions that preclude approval of the application.
 2. The Dean of Students will consider the totality of the circumstances, including safety concerns, as part of the approval process.
2. A-frame exhibits.
 1. The Dean of Students will designate temporary outdoor exhibit spaces where A-frame exhibits may be placed. If an academic or administrative

unit or a registered student, faculty, or staff organization wishes to place an A-frame exhibit in a different location, then the structure will be considered a general exhibit under this Subsection. The Dean of Students may limit the number of A-frame exhibits that are placed in designated areas to minimize visual obstructions of the A-frames.

Subsection 30: Time Limits

1. General exhibits.
 1. In locations administered by the Dean of Students, each exhibit may be displayed for seven days. The exhibit may be renewed for an additional seven days if space is available.
 2. The exhibit may be displayed no earlier than 8:00 a.m. and must be removed by 10:00 p.m. each day and may be re-erected each morning. However, the Dean of Students may authorize overnight exhibits in designated locations on a case-by-case basis.
2. A-frame exhibits.
 1. Each A-frame exhibit may be placed for seven days and remain overnight. The A-frame exhibit may be renewed for an additional seven days if space is available.
 2. If the A-frame is left on campus for longer than the reservation, the A-frame may be removed by the Department of Facilities Management, at the expense of the academic or administrative unit or registered student, faculty, or staff organization.

Subsection 31: Clean-up Around and Upkeep of Exhibits

Any person or organization sponsoring an exhibit shall remove litter from the area around the exhibit before vacating the space. A-frame exhibits are expected to be maintained in a manner that they are in working order and with material that is not out of date.

Subsection 32: Liability

Any person or organization sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. The University shall not be liable for any damage that may occur to the exhibit, and any person or organization sponsoring the exhibit shall indemnify the University for any claims arising from the exhibit's presence on campus.

Section H: Amplified Sound

Subsection 33: General Rules on Amplified Sound

University persons, University organizations, and members of the public may use amplified sound on campus at designated times and locations, subject to the rules in this section and to the general rules in Sections B and C. This section creates limited exceptions to the general rule on disruption in Section C.

Subsection 34: Location and Times of Amplified Sound Areas

1. Student Union Mall
 1. The Margaret McDermott Student Union Mall Amplified Sound Area is bounded by the Student Union Building on the west side and extends to the stone wall between the Student Union and the McDermott Library on the east side. The north boundary is marked by the north end of the mall pavers and the south boundary is the end of the pavement on the south side of the outdoor Chess Plaza.
 2. With appropriate approval, University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. to 5 p.m. on Saturdays and Sundays.
 3. All academic and administrative units, as well as, registered and sponsored student organizations, and faculty and staff organizations may use sound equipment owned or controlled by the dean of students' office for this sound area.
 4. Members of the public must use their own sound equipment. This sound area requires a reduced decibel level as compared to other sound areas to ensure educational activity in close proximity is not disturbed.
2. The PUB Patio
 1. The PUB Patio Amplified Sound Area is bounded by the railed fence on the north end of the Patio and to the east, west, and south by the existing surrounding walls of the Union building.
 2. With appropriate approval, University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. to 5 p.m. on Saturdays and Sundays.
 3. All academic and administrative units, as well as, registered and sponsored student organizations, and faculty and staff organizations may

use sound equipment owned or controlled by the dean of students' office for this sound area.

4. Members of the public must use their own sound equipment. This sound area requires a reduced decibel level as compared to other sound areas to ensure educational activity in close proximity is not disturbed.
3. Student Union Green Space
 1. The Student Union Green Space is bounded by the edges of the grass on the north, south, east, and west sides.
 2. With appropriate approval, University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. to 5 p.m. on Saturdays and Sundays.
 3. All academic and administrative units, as well as, registered and sponsored student organizations, and faculty and staff organizations may use sound equipment owned or controlled by the dean of students' office for this sound area.
 4. Members of the public must use their own sound equipment. This sound area requires a reduced decibel level as compared to other sound areas to ensure educational activity in close proximity is not disturbed.
4. With advance permission from the director of the Student Union, University persons and University organizations may be authorized to use amplified sound in the amplified sound areas after 5:00 p.m. weekdays and Saturdays and Sundays, not to exceed 1:00 a.m. the next day. The Student Union Director will decide what a reasonable start/end time should be, based on information relating to other campus events and classroom activities occurring on the day of the request. University groups using Student Union amplified sound equipment will yield equipment when the facility closes.
5. The Vice President for Student Affairs may designate additional areas for use of amplified sound.
6. If the director of the Student Union concludes that it is unworkable to use amplified sound in more than one of the amplified sound areas at the same time, the director may deny requests to use amplified sound.

Subsection 35: Regulation and Scheduling of Amplified Sound

1. The director of the Student Union may prescribe rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of amplified sound areas, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact. All such rules shall be reasonable and nondiscriminatory.

2. Reservations.
 1. University persons, University organizations, and members of the public wishing to use an amplified sound area may reserve a particular area at a particular time. Reservations by University persons and University organizations must be made with the director of the Student Union through the online request form located on the Student Union website. Members of the public may make a reservation by emailing reservations@utdallas.edu. If space is available, the director of the Student Union shall approve a properly completed request, unless the application must be disapproved under the criteria in UTDSP5002 or under rules promulgated by the director under the authority of this section.
 2. The director of the Student Union shall advise each applicant on how to correct, if possible, any conditions that preclude approval of its application. The director of the Student Union may give advice to applicants of approved applications about other possible locations for an event, or about modifications to the proposed event, that would avoid potential problems or make the proposed event more workable.
 3. The director of the Student Union may limit the number or frequency of reservations for each applicant to ensure reasonable access for all persons and organizations desiring to use amplified sound.
3. When amplified sound areas are not reserved for use for an assembly including amplified sound, they are available for use, for permitted expressive activity, without reservation as part of the common outdoor areas. Any person or organization using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of its reserved time. Equipment will not be provided to University persons and University organizations who do not have a prior reservation. With or without a reservation, members of the public must use their own equipment and comply with decibel level requirements.
4. Persons and organizations using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area.
5. Any designations of additional areas, any additional rules regulating the designated areas, and the rules and procedures for reserving the right to use a designated area, shall be clearly stated on a website maintained by the director of the Student Union.

Subsection 36: Amplified Sound Indoors

University persons and University organizations may use amplified sound indoors. Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the director of the Student Union may limit or prohibit sound that would be disruptive outside the room. Reservations may be required. Rules concerning use of University buildings are contained in UTDSP5002.

Section I: Public Assemblies

Subsection 37: General Rules on Public Assemblies

1. "Publicly assemble" and "public assembly" include any gatherings of persons, including discussions, rallies, and demonstrations. The rules of Section H apply to any use of amplified sound at a public assembly.
2. Persons and organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this policy, and to the rules on use of University property in UTDSP5002. No advance permission is required in the common outdoor areas.

Subsection 38: Reservation of Space

1. Common outdoor areas reservations.
 1. University persons, University organizations, and members of the public may reserve a space to assemble in the common outdoor areas, as defined by this policy. This is in addition to the amplified sound areas which are also available for reservation.
 2. Reservations by University persons and University organizations must be made with the director of the Student Union through the online request form on the Student Union website. Members of the public may reserve space by making a request to reservations@utdallas.edu. Applications and requests for a reservation for such assemblies will be approved pursuant to UTDSP5002.
 3. If the expected attendance at an assembly is twenty-five or more people, advance notice of no less than three days is recommended. Persons and organizations are encouraged to seek reservation of a space that is suited to their assembly's anticipated size.
2. Limited public forum areas reservations.
 1. Registered student, faculty, or staff organizations and academic or administrative units may reserve a space to assemble in the limited public forum areas, as defined by this policy.

2. The director of the Student Union or other campus units, depending on the space, will receive applications for reservations of a space within the limited public forum areas. Applications for a reservation for such assemblies will be processed under the provisions in UTDSP5002.
3. If the expected attendance at an event with a guest speaker is twenty-five or more people, advance notice of no less than three days is required.
3. An organization with a reservation has the right to the reserved room or space for the time covered by the reservation. Any person or organization using or occupying the room or space without a reservation must yield control of the room or space in time to permit any organization with a reservation to begin using the room or space promptly at the beginning of its reserved time.
4. While reservations are not required, they are strongly encouraged. A person or organization planning to use a room or space without a reservation may find the facility locked or in use by another person or organization.
5. Should the size of any assembly exceed the maximum number of participants that is safe for a given location, including a reserved space, assembly participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly to the extent relocation is practicable.

Subsection 39: Notice and Consultation

1. Persons or organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be.
2. Persons or organizations that are planning a public assembly in a common outdoor area, with or without a guest speaker, and with more than fifty expected participants, including potential counter-demonstrators, are strongly encouraged to provide advanced notice of no less than one week to the director of the Student Union to help the University improve the safety and success of the expressive activity. Members of the public may provide this notice by emailing reservations@utdallas.edu. If there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events, persons and organizations are encouraged to consult the Dean of Students and director of the Student Union. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly to the extent relocation is practicable.
3. University organizations planning an event in the limited public forum areas with or without a guest speaker and expected attendance of more than twenty-five participants are required to provide advanced notice of no less than three days to the Dean of Students, per the regulations outlined in the Student Organization

Manual, to improve the safety and success of the expressive activity. University persons and University organizations are encouraged to consult with the Dean of Students and director of the Student Union if there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events. The dean has much experience in helping student organizations structure events in ways that both comply with the University's rules and achieve the organization's goals for the event. The dean can help identify appropriate space and potentially conflicting events. The dean can help the planners avoid unintended disruption or other violations that may result in subsequent discipline or subsequent interference with the assembly by campus authorities.

4. The notice and consultation requirements of this section do not apply to academic or administrative units.
5. University organizations notice and consultation requirements of this section may be waived by the Dean of Students.
6. Registered student, faculty, and staff organizations are afforded privileges not available to individual faculty, staff, and students. Individuals may not reserve indoor space on campus.

Section J: Guest Speakers

Subsection 40: Definitions

"Guest speaker" means a speaker or performer who is not a student, faculty member, or staff member.

Subsection 41: Who May Present

1. Subject to the rules in this policy, University persons, University organizations, and members of the public may present guest speakers in common outdoor areas.
2. Registered student, faculty, and staff organizations and academic and administrative units may present guest speakers in the limited public forums of the campus. In the case of registered student organizations and sponsored student organizations, advance permission from the Dean of Students, as outlined in the Student Organization Handbook is required. Registered faculty organizations are required to seek advance permission from the Vice President for Academic Affairs and Provost. Registered staff organizations are required to seek advance permission from the Vice President and Chief of Staff. Individuals may not present a guest speaker in University buildings or University facilities.

Subsection 42: Location and Form of Presentation

1. Subject to the rules in this policy, including the applicable time, place, and manner rules, University persons, University organizations, and members of the public may utilize the common outdoor areas for guest speaker assemblies. No reservation or prior approval is necessary, but notice and reservations are encouraged.
2. A guest speaker may present a speech or performance, or lead a discussion, at a time announced in advance, in a limited public forum following guidelines and reservation requirements set forth in this policy.
 1. A guest speaker may distribute literature indoors only immediately before, during, or after the normal course of their speech, performance, or discussion to persons in attendance. Only literature that complies with Section D of this policy may be distributed.
3. A guest speaker may not:
 1. accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
 2. distribute literature to persons who have not chosen to attend the speech, performance, or discussion; or
 3. help staff a table or exhibit unless it is set up in a common outdoor area.

Subsection 43 Application

1. A registered student organization that has received approval of the dean to host a guest speaker in a limited public forum area must complete the reservation of space form on the Student Union website.
2. The dean shall approve an application properly made under Section I of this policy unless it must be disapproved under the criteria in UTDSP5002.

Subsection 44: Obligations of Presenting Organization

A student, faculty or staff organization that presents a guest speaker must make clear that:

1. the organization, and not the University, invited the speaker; and
2. the views expressed by the speaker are their own and do not necessarily represent the views of the University, the University of Texas System, or any component institution.

Section K: Responding to Speech, Expression, and Assembly

Subsection 46: General Rule on Responding

Persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this policy.

Subsection 47: Applications

1. Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.
2. Means of response that are permitted in many locations and without advance permission or reservation, such as signs, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized in this policy.
3. Means of response that require advance permission or reservation, such as banners, general exhibits, A-frame exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Banner space and some amplified sound areas may be unavailable on short notice because of earlier reservations, but the Dean of Students shall expedite approval of general exhibits, A-frame exhibits, available banner space, and amplified sound areas where necessary to permit appropriate response to other speech, assembly, or expression.
4. Means of response that are confined to authorized locations, such as banners, exhibits, and amplified sound, may be used only in those locations. It is not possible to respond to amplified sound with amplified sound in the same location; similarly, if an exhibit or public assembly is in a location where amplified sound is not permitted, it is not possible to respond with amplified sound in that location. In either case, it is possible to respond with amplified sound in another location and to use signs or distribution of literature to advertise the response at the other location.

Section L: Enforcement and Appeals

Subsection 48: Police Protection

1. It is the responsibility of the University to make its best effort to protect the safety of all persons on campus and to provide police protection for speakers,

public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers in regular duty areas that fall in the area of such events will be at the cost of the University. When the magnitude, timing, or nature of an event in a University building, University facility, or other areas of the University's limited public forum requires overtime hours from police officers (including contract hours for officers hired from other departments or private security agencies), the University will, to the extent specified in paragraphs 2 and 3 below, charge the cost of overtime or contract officers to the person or organization sponsoring the event or exhibit. The purpose is to charge for police overtime when reasonably necessary, but not to charge for police overtime made necessary by the content of speech at the event or by the controversy associated with any event.

2. A reasonable and nondiscriminatory fee for overtime police work will be charged to the registered student, faculty, or staff organization for events in a University building, University facility, or other areas of the University's limited public forum for events that require overtime police protection, and
 1. charge a price for admission, or
 2. have a paid speaker, band, or other off-campus person or organization for services at the event.
3. The University shall have the sole power to decide, after reasonable consultation with the person or organization planning the event, whether and to what extent overtime police protection is required. No additional fee shall be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees shall be based on the number of officers required for an uncontroversial event of the same size and kind, in the same place and at the same time of day, handling the same amount of cash.
4. Nothing in this Subsection applies to any interdepartmental charge or transfer among units or accounts funded by the University.

Subsection 49: Response to Violations

1. Students wishing to make a grievance regarding a violation of Texas Education Code § 51.9315 may report it via the University Compliance and Ethics hotline by calling 1-888-228-7707.
2. A student or registered/sponsored student organization who violates a prohibition in this policy may be disciplined under the procedures in UTDSF5003.
3. A faculty member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules. If no such procedures exist,

violations by faculty members shall be referred to the Office of the Vice President for Academic Affairs and Provost.

4. A staff member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by staff members shall be referred to the staff member's supervisor.
5. Authorized University personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this policy, by explanation and by persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively, or additionally, they may initiate disciplinary proceedings under paragraphs 2, 3, or 4 of this subsection. Discretion regarding the means and necessity of enforcement shall be vested in the Chief of Police, or in University personnel designated by the President, as appropriate, but such discretion shall be exercised without regard to the viewpoint of any speaker.
6. A University person or University organization on the campus shall comply with instructions from University administrators and law enforcement officials at the scene. A University person or University organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under Subsection 50.
7. Off-campus person(s) or organization(s) on the campus who violate a prohibition in this policy may be subject to criminal trespass charges, arrest, or other lawful measures.
8. Any incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy that was committed because of antisemitism or the offender's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference will be subject to discipline, up to and including possible termination/expulsion.
9. Any registered student group that engages in incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy because of antisemitism or bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, is subject to discipline, up to and including possible loss of recognized status for the registered student group.

Subsection 50: Appeals

1. A University person or University organization that is denied permission for an activity requiring advance permission under this policy may appeal the denial of permission.
2. A University person or University organization that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth weekday after complying with the order, file an appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal shall be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.
3. An appeal authorized by this Subsection shall be heard under the procedures set out in UTDSP5002.

Policy History

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Policy Links

- Permalink for this policy: <https://policy.utdallas.edu/utdsp5001>
- Link to PDF version: <https://policy.utdallas.edu/utdsp5001/makepdf>
- Link to printable version: <https://policy.utdallas.edu/utdsp5001/makeprint>

Handbook of Operating Procedures

SPEECH, EXPRESSION, AND ASSEMBLY

A. Purpose

The purpose of this policy is to protect and regulate speech, expression, and assembly of students, faculty members, and staff of The University of Texas Rio Grande Valley (UTRGV) and members of the public in a manner that encourages and facilitates speech, expression, and assembly, while at the same time ensuring that these activities do not intrude upon or interfere with academic programs, administrative processes, or other authorized activities of UTRGV.

B. Persons Affected

This policy applies to all faculty, staff, and students of UTRGV, as well as members of the public visiting property, buildings, or facilities owned or controlled by UTRGV.

C. Policy

1. Governing Principles

- a. The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of UTRGV. In accordance with this policy and its appendices, students, faculty, staff, and members of the public have the right to assemble, speak, and attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and ignore the speech of others when they choose not to listen.
- b. Students, faculty, and staff are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, in all parts of the campus, subject only to rules necessary to preserve the equal rights of others and the other functions of UTRGV. Teaching, research, and other official functions of the University will have priority in allocating the use of space on campus. Members of the public are able to engage in expressive activities only in the common outdoor areas of the campus, subject to the time, place, and manner rules of this policy and its appendices necessary to preserve the functions of UTRGV. Students, faculty, and staff organizations may not invite the public at large to events in UTRGV buildings, facilities, or locations that are not common outdoor areas.
- c. UTRGV recognizes the importance of free inquiry, open intellectual and scientific debate, and unfettered criticism of the accepted body of knowledge that are essential to academic freedom and UTRGV's mission, and this policy should be interpreted with these tenets in mind. To facilitate an atmosphere conducive to scholarly inquiry, faculty members have the authority to maintain order in their classes and classrooms. Consistent with [ADM 06-106 Faculty Rights and Responsibilities](#), scholarly debate and discussion in classes or classrooms should be germane to the subject(s) being taught. Expressive activities of students, employees, or guests may not interfere with or disrupt any teaching activities in classes or the classroom.

- d. UTRGV and The University of Texas System each recognize the right of employees and faculty members to participate in political activities, provided such activities are not conducted during work hours unless the employee uses accrued compensatory or vacation leave; are in compliance with the Constitution and laws of the State of Texas; do not interfere with the discharge and performance of an employee's duties or responsibilities; do not involve the use of equipment, supplies, or services of UTRGV or the UT System; do not involve the impermissible use of UTRGV facilities, do not involve the attempt to coerce students, faculty, or staff to participate in or support the political activity; and do not involve UTRGV or The UT System in partisan politics.
 - e. Every employee and faculty member must protect UTRGV and The UT System against unauthorized use of opinions for advertising purposes.
 - f. Except as expressly authorized by federal or state law or Section C.3 below, UTRGV will not discriminate on the basis of political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise.
 - g. The UTRGV Police Department may immediately enforce these rules if a violation of these rules constitutes a breach of the peace or compromises public safety.
 - h. UTRGV will develop and administer training periodically to employees and faculty members responsible for educating or disciplining students, employees, or faculty under this policy. Employees and faculty members must timely complete any assigned training.
2. *Scope*
- a. This policy applies to speech, expression, and assembly of students, faculty, staff, and members of the public that are not part of the teaching, research, or other official functions of UTRGV, not otherwise sponsored by UTRGV or any academic or administrative unit, and not submitted for academic credit, with the following exceptions:
 - i. This policy applies to speech by academic and administrative units, and to speech submitted for academic credit occurring in outdoor locations on campus.
 - ii. The provisions in Section C.3 on harassment apply to all speech regardless of where it occurs, including off UTRGV property, if it potentially affects an individual's education at or employment with UTRGV or potentially affects the UTRGV community.
- The presentation of a speaker by a faculty member as part of an individual class, or the presentation of speaker(s) in an educational program or workshop sponsored by an academic or administrative unit, are examples of activities that are part of the teaching, research, or other functions of UTRGV.
- b. Any program or event sponsored by an academic or administrative unit of UTRGV shall have priority in the use of space and facilities over any speech, expression, and assembly that is not sponsored by an academic or administrative unit.
 - c. Specific time, place, and manner rules applying to various means of expression are found in the following appendices to this policy:

- i. [Appendix A – Distribution of Literature](#);
 - ii. [Appendix B – Signs and Banners](#);
 - iii. [Appendix C – Chalking](#);
 - iv. [Appendix D – Tables](#);
 - v. [Appendix E – Exhibits](#);
 - vi. [Appendix F – Use of Amplified Sound](#);
 - vii. [Appendix G – Guest Speakers](#); and
 - viii. [Appendix H – Public Assemblies](#)
3. *Prohibited Expression, Items, or Actions*
- a. As defined in Section 51.9315 of the Texas Education Code, expressive activities include a broad range of speech or expressive conduct, including speech or conduct that may be controversial, hurtful, or repugnant. Even so, there are types of speech or expressive conduct that lose constitutional protections and are not acceptable under this policy, or are considered “commercial speech” and do not fall within the statutory definition of expressive activities. These types of speech or expressive conduct are discussed in Sections C.3.b-C.3.f below.
 - b. Obscenity -- No persons or organizations shall distribute or display on the campus any writing or visual image, or engage in any public performance that is obscene. A writing, image, or performance is obscene if it is obscene as defined in Section 43.21 of the Texas Penal Code (or successor provisions), and is within the constitutional definition of obscenity as set forth in the decisions of the United States Supreme Court.
 - c. Defamation -- No person shall publish to a third party any statement that defames another person. It is difficult to state in a comprehensive way the elements of defamation, because there are many variables depending on the status of the persons and issue(s) involved; that said, the elements of defamation generally include the following:
 - i. publication of a false statement of fact to a third party;
 - ii. referring to a person;
 - iii. the statement holds the person up to hatred, contempt, ridicule, or financial injury;
 - iv. the statement is made negligently (if the person is a private figure) or with knowledge of falsity or reckless disregard of the truth (if the person is a public official or public figure); and
 - v. the person suffers damages.

Defamation is further defined in Chapter 73 of the *Texas Civil Practice & Remedies Code* or other successor provisions, and cases interpreting.
 - d. Incitement to Imminent Violations of Law -- No person shall make, distribute, or display any statements directed at inciting or producing imminent violations of law under

circumstances such that the statements are likely to actually and imminently incite or produce violations of law.

- e. Harassment – No person will make, distribute, or display any statement that constitutes harassment (as defined in Section E) of any other person. This subsection applies to all speech at UTRGV (including speech that is part of teaching, research, or other official functions of UTRGV) whether in person or not, and whether oral, written, or symbolic.
 - i. The harassment that this Section C.3.e prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense, and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within UTRGV and larger society. These are community norms, even though they cannot be enforced by disciplinary rules.
 - ii. Verbal harassment has been interpreted very narrowly by the federal courts. Policies on verbal harassment or hate speech at many universities have been held unconstitutional, either because they prohibited harassment only when it was based on race, sex, and similar categories, or because they failed to protect the expression of potentially offensive ideas. This policy should be interpreted as narrowly as need be to preserve constitutionality.
 - iii. Members of the UTRGV community are strongly encouraged to report harassment, as discussed in Section D.1 below.
- f. Solicitation – No UTRGV-affiliated individual or organization and no member of the public will make, distribute, or display on the campus any statement that offers or advertises any product or service for sale or lease that includes commercial identifiers (such as for-profit logos, trademarks, and service marks), or that requests any gift or contribution except as authorized by this policy, ADM 10-104 Solicitation on Campus, or Rule [80103 of the Regents' Rules](#).
- g. Prohibited Items or Actions
 - i. The restrictions discussed in this Section C.3.g are intended to protect the health and safety of all persons on campus, to maintain the free flow of pedestrian traffic in and out of UTRGV buildings, and to protect the educational mission of UTRGV. The following items are prohibited:
 - A. Masks, facial coverings, or disguises that both conceal the identity of the wearer and are calculated to obstruct the enforcement of this policy or law, or are calculated to intimidate, hinder, or disrupt a UTRGV official, officer of the UTRGV Police Department, or other person in the lawful performance of their duty.
 - B. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons (including without limitation sticks, poles, clubs, swords, shields, or rigid signs that can be used as a shield), unless expressly authorized by [ADM 02-400 Concealed Handguns and](#)

[Other Weapons on Campus](#), an appropriate UTRGV administrator (after consultation with the Chief of Police or designee), or other federal, state, or local laws or ordinances.

- C. Body armor or make-shift body armor, helmets and other garments (e.g., sporting protective gear, etc.) that alone or in combination could reasonably be construed as weapons or body armor, unless expressly authorized by an appropriate UTRGV administrator (after consultation with the Chief of Police or designee), or other federal, state, or local laws or ordinances.
- D. Open flame, unless approved in advance by the Director of Environmental Health, Safety, and Risk Management, or designee.

- ii. No person or organization may engage in expressive activity within a ten-foot clearance around points of entry and the perimeter of all UTRGV buildings.

4. *General Rules on Means of Expression*

- a. Disruption – Except as expressly authorized under the rules related to amplified sound in Appendix F or by an authorized UTRGV official responsible for a program or event sponsored by an academic or administrative unit, no speech, expression, or assembly may be conducted in a way that interferes with any (1) teaching, research, administration, or other authorized activities on the campus; (2) free and unimpeded flow of pedestrian and vehicular traffic on the campus; or (3) signs, tables, exhibits, public assemblies, distribution of literature, or guest speakers acting under the rules of this policy and its appendices.
 - i. The term “disruption” (and its variants) as used in this Section C.4.a are distinct from and broader than the phrase “disruption of activities” as used in the Rule [30103 of the Regents’ Rules](#), the phrase “disruptive activities” as used in Rule [40502 of the Regents’ Rules](#), and “disruptive conduct” as used in [STU 02-100 Student Conduct and Discipline](#). This Section C.4.a is intended to address not only deliberate disruption, but also scheduling and coordination of events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity, and to preserve UTRGV’s ability to execute its functions.
 - ii. Except in the most extreme cases, interference and disruption are unavoidably contextual. Intentional physical interference with other individuals is nearly always disruptive in any context. Interfering with traffic depends on the relation between the volume of traffic and the size of the passageway left open. Disruptive noise is the most contextual of all, because it depends on the activity disrupted. Any distracting sound may disrupt a memorial service. Any sound sufficiently loud or persistent to make concentration difficult may disrupt a class or library. Occasional heckling in the speaker’s pauses may not disrupt political speech, but persistent heckling that prevents listeners from hearing the speaker does disrupt a political speech. These illustrations may be helpful, but none of them includes enough context to be taken as a rule. We cannot escape relying on the judgment and fairness of UTRGV authorities in particular cases. In this context where difficult enforcement judgments are unavoidable, it is especially important to remind administrators and law

enforcement officials that their judgments should not be influenced by the viewpoint of those claiming disruption or of those allegedly disrupting.

- iii. Potentially disruptive events can often proceed without disruption if participants, administrators, and law enforcement officials cooperate to avoid disruption without stopping the event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the event or resorting to disciplinary charges or arrest.
- b. Coercing Attention
- i. No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication.
 - ii. No person may persist in requesting or demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication.
- c. Damage to Property
- i. No speech, expression, or assembly may be conducted in a way that damages, defaces, marks, discolors, or alters in any way property of UTRGV, or of any individual or organization who has not authorized the speaker to damage or deface their property.
 - ii. No person may damage, deface, mark, discolor, alter, or interfere with any sign, table, or exhibit posted or displayed by another person or organization acting under the rules of this policy or its appendices.
- d. Prohibited Actions or Conduct Undertaken Because of Bias or Prejudice
- i. Any incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of an activity at UTRGV, or any other violation of state or federal law or UTRGV or UT System policy that was committed because of antisemitism or because of the offender's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual orientation may be subject to discipline, up to and including termination of employment or appointment or expulsion from the institution.
 - ii. Any registered student group that engages in incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of an activity at UTRGV, or other violation of state or federal law or UTRGV or UT System policy because of antisemitism or because of bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual orientation, may be subject to discipline up to and including possible loss of recognized status for the registered student group.
- e. Other Rules with Incidental Effects on Speech
- i. Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to

compile or cross-reference here. For example, libraries typically have highly restrictive rules concerning noise; laboratories and rooms containing electrical and mechanical infrastructure of UTRGV typically have safety rules and rules excluding persons without specific business there; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways. Campus housing (apartments or residence halls) may have “quiet hours” or other rules addressing noise or access. Scholarly debate and discussion in class or the classroom is expected to be germane to the subject(s) being taught; the right to attend a class at all is subject to registration and payment of tuition; individual professors may have rules of decorum in their classrooms. These kinds of rules limit the rights of students, faculty members, and staff members to enter and speak in the places to which these rules apply.

- ii. Reasonable and nondiscriminatory rules of this kind generally control over the rights of free speech guaranteed under this policy. But even these kinds of rules are subject to the constitutional right of free speech. Such rules must be viewpoint neutral. Such rules cannot regulate speech more restrictively than they regulate other activities that cause the problems to be avoided by the rule. Such rules should not restrict speech more than is reasonably necessary to serve their purpose. Such rules cannot ban unobtrusive forms of communication with no potential for disruption even in the specialized environment subject to the localized rule. Thus, for example, means of silent expression or protest confined to the speaker’s immediate person, such as armbands, buttons, and t-shirts, are nearly always protected because they are rarely disruptive in any environment.
- f. Responding to Expressive Activity
- i. UTRGV-affiliated individuals and organizations and members of the public may respond to the speech, expression, or assembly of others, subject to all the rules in this policy and its appendices.
 - ii. Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.
 - iii. Means of response that are permitted in many locations and without advance permission or reservation, such as signs, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized by this policy and its appendices.
 - iv. Means of response that require advance permission or reservation, such as banners, exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Banner space, exhibit space, or amplified sound may be unavailable on short notice because of earlier reservations, but approval will be expedited where possible and necessary to permit appropriate response to other speech, assembly, or expression.
 - v. Means of response that are confined to authorized locations, such as banners, exhibits, and amplified sound, may be used only in those locations. It is not possible to respond to amplified sound with amplified sound in the same location; similarly, if an exhibit or public assembly is in a location where amplified sound is not permitted,

it is not possible to respond with amplified sound in that location. In either case, it is possible to respond with amplified sound in another location and to use signs or distribution of literature to advertise the response at the other location.

5. *Police Protection*

- a. It is the responsibility of UTRGV to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty in the area of such events will be at the cost of UTRGV. When the magnitude, timing, or nature of an event in a UTRGV building, UTRGV facility, or other area in UTRGV's limited public forum requires overtime hours from police officers (including contract hours for officers hired from other departments), UTRGV will, to the extent specified in Sections C.5.b and C.5.c below, charge the cost of overtime or contract officers to the individual or organization sponsoring the event or exhibit that requires overtime police protection. The purpose of Sections C.5.b and C.5.c is to charge for police overtime when reasonable, but not to charge for police overtime made necessary by the content of speech at the event or controversy associated with any event.
- b. UTRGV-affiliated individuals or organizations planning such events should budget for the cost of police protection. A reasonable and nondiscriminatory fee for overtime police work will be charged to UTRGV-affiliated organizations for events in a UTRGV building, UTRGV facility, or other area in UTRGV's limited public forum that require overtime police protection, and:
 - i. Charge a price for admission; or
 - ii. Pay a speaker, band, or other off-campus person or organization for services at the event.
- c. UTRGV will have the sole power to decide, after reasonable consultation with the individual or organization planning the event, whether and to what extent overtime police protection is required. No fee will be charged for officers assigned on the basis of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees will be based on the number of officers required for an uncontroversial event of the same size and kind, in the same place and at the same time of day, handling the same amount of cash.
- d. Nothing in this Section C.5 applies to any interdepartmental charge or transfer among units or accounts funded by UTRGV.

D. Procedures

1. *Reporting Harassment*

- a. A student who believes they have been harassed should report the alleged violation to Student Rights and Responsibilities via Vaqueros Report It (www.utrgv.edu/reportit).
- b. A faculty member or staff member who believes they have been harassed should report the alleged violation to the appropriate supervisor of the accused individual, the administrator at the next higher level, the Title IX Coordinator, the Chief Compliance

Officer, or the Chief Human Resources Officer, as applicable . A faculty member is not an official supervisor or administrator for purposes of this section unless that faculty member holds an administrative title.

- c. Alternatively, any member of the UTRGV community who believes they have been harassed may report the alleged violation to the Title IX Coordinator, the Chief Compliance Officer, or to the Chief Human Resources Officer, as applicable.
- d. Any UTRGV official, administrator, or supervisor who receives a report of alleged harassment shall promptly refer that report and the complainant to the Title IX Coordinator, Chief Compliance Officer, or to Student Rights and Responsibilities, as appropriate.
- e. Investigation of the information provided and any remedial or disciplinary proceedings shall proceed under procedures set out in applicable UTRGV policies, such as [ADM 03-100 Non-Discrimination and Complaint Procedure](#), [ADM 03-300 Sexual Misconduct](#), [STU 02-100 Student Conduct and Discipline](#), or other appropriate policies.

2. *Reporting Alleged Violations and Responses to Violations*

- a. Students, faculty members, and staff members wishing to grieve an alleged violation of [Section 51.9315 of the Texas Education Code](#) may report the alleged violation online at Vaqueros Report It (www.utrgv.edu/reportit), to the Chief Compliance Officer, or by calling the Compliance Hotline (<https://www.utrgv.edu/compliance/hotline/index.htm>), as appropriate. Members of the public who have concerns about compliance with Section 51.9315 may express their concerns by calling the Compliance Hotline.
- b. A student who violates a prohibition in this policy may be disciplined under the procedures in [STU 02-100 Student Conduct and Discipline](#).
- c. Faculty or staff members who violate a prohibition in this policy may be disciplined under applicable procedures provided by UTRGV or UT System rules and policies. If no such procedures exist, violations will be referred to the appropriate executive vice president (for faculty) or Human Resources (for staff) as appropriate.
- d. UTRGV administrators and law-enforcement personnel may prevent imminently threatening violations, or end ongoing violations, of a prohibition in this policy, by explanation and persuasion, by reasonable physical intervention, by arrest of violators or by any other lawful measures. Alternatively or additionally, they may initiate disciplinary proceedings under applicable UTRGV policies. Discretion regarding the means and necessity of enforcement shall be vested in the Chief of Police, or in UTRGV personnel designated by the President, as appropriate, but such discretion shall be exercised without regard to the viewpoint of any speaker.
- e. UTRGV-affiliated individuals and organizations on campus will comply with instructions from UTRGV administrators and law enforcement officials at the scene. An individual or organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under Section D.3 below.
- f. Members of the public on campus who violate a prohibition in this policy may be subject to criminal trespass charges, arrest, or other lawful measures.

3. Appeals

- a. A UTRGV-affiliated individual or organization that is denied permission for an activity requiring permission in advance under this policy may appeal the denial of permission.
- b. A UTRGV-affiliated individual or organization that complies with an on-the-scene order limiting speech, expression, or assembly may file an appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal will be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.
- c. An individual or organization denied permission or appealing an on-the-scene order must submit a written appeal to the appropriate division vice president within ten (10) calendar days. The notice may be informal, but shall contain the appellant's name and contact information, a contact person (if an organization), a concise description of the decision or order being challenged, the individual's or organization's reasons for disagreeing with the decision, the date the decision or order, and who made the decision. A written decision from the appropriate division vice president (or delegate) will be provided to the appellant within ten (10) business days. In deciding the appeal, the vice president (or delegate) is expected to consult with the Office of Legal Affairs and with other relevant subject-matter experts on campus as may be deemed reasonable or necessary.
- d. If the appeal is not resolved to the individual's or organization's satisfaction, the individual or organization may petition in writing to the President (or designee) to review the vice president's decision within seven (7) calendar days of the date of the decision. The President (or designee) may choose to decide the appeal, or solely at his or her discretion may choose to establish an ad hoc committee to review the appeal and make recommendations regarding the appeal. At least one representative of the faculty, staff, and student body should be included on any ad hoc committee that is appointed. In making a recommendation, an ad hoc committee is expected to consult with the Office of Legal Affairs and with other relevant subject-matter experts on campus as may be deemed reasonable or necessary.
- e. The President (or designee) shall communicate a decision to the individual or organization within 30 calendar days after notice of the appeal and receipt of relevant documents or, in cases where an ad hoc committee is established, within 30 calendar days after the receipt of the committee's written recommendation. The President's decision shall be final.

E. Definitions

1. Academic or administrative unit – any office or department of UTRGV.
2. Antisemitism – means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish

- or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.
3. Business Day – weekdays during which normal UTRGV business is conducted. This excludes weekends, holidays, and days on which UTRGV is engaged in limited operations (e.g., skeleton crew days, closures for public health or epidemic response, etc.).
 4. Common outdoor area – refers to outdoor space of UTRGV property that is not used on either a temporary or permanent basis for dedicated UTRGV business or events, an educational function, or a research function. The term also does not include outdoor surfaces of UTRGV buildings (e.g., walls, windows, facades, etc.), surfaces associated with or connected to UTRGV buildings (e.g., porticos, colonnades, electric or other utility boxes, etc.), UTRGV structures (e.g., fountains, statues, etc.), spaces dedicated to temporary outdoor banners or exhibits, or any space within UTRGV’s limited public forum.
 5. Day – a calendar day.
 6. Event – something that occurs during a particular interval of time; events include (without limitation) guest speakers, exhibits, tables, distribution of literature, signs, and public assemblies.
 7. Expressive activity – has the meaning assigned in [Section 51.9315 of the Texas Education Code](#).
 8. Faculty member or staff member – includes any individual who is appointed to or employed by UTRGV.
 9. Harassment – in this policy, means hostile or offensive speech (oral, written, or symbolic) that (i) is not necessary to the expression of any idea described in Subsection a of this definition; (ii) is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the victim’s ability to participate in or benefit from the services, activities, or privileges provided by UTRGV; and (iii) personally describes or is personally directed to one or more specific individuals.
 - a. To make an argument for or against the substance or any political, religious, philosophical, ideological, or academic idea is not verbal harassment, even if some listeners are offended by the argument or idea. The categories of sexually harassing speech set forth in HOP [ADM 03-300 Sexual Misconduct](#) are rarely, if ever, necessary to argue for or against the substance of any political, religious, philosophical, ideological, or academic idea.
 - b. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in HOP [ADM 03-100 Non-Discrimination and Complaint Procedure](#) and is often based on the victim’s appearance, personal characteristics, or group membership, including, but not limited to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression, ideology, political views, or political affiliation.
 - c. Harassment can also consist of nonverbal conduct, such as hazing, practical jokes, damage to property, and physical assault. In the case of sexual harassment and sexual

misconduct, sexual conduct is often central to the offense. These forms of harassment are prohibited in HOP [ADM 03-300 Sexual Misconduct](#) and in Rule [30105 of the Regents' Rules](#).

10. Limited public forum – means UTRGV property, both indoors and outdoors, that is not part of the common outdoor area. This includes the outside surfaces of a UTRGV building UTRGV structure, spaces dedicated to temporary outdoor banners or exhibits, and residential outdoor spaces managed by Residence Life.
11. Regents' Rules – The *Rules and Regulations* of the Board of Regents of The University of Texas System.
12. Registered student, faculty, or staff organization – an organization established and currently registered under applicable UTRGV policies.
13. Room or space – includes any room or space, indoors or outdoors, owned or controlled by UTRGV.
14. Solicitation – the sale, lease, rental or offer for sale, lease, rental of any property, product, merchandise, publication, or service, whether for immediate or future delivery; an oral statement or the distribution or display of printed material, merchandise, or products that is designed to encourage the purchase, use or rental of any property, product, merchandise, publication, or service; the receipt of or request for any gift or contribution; or the request to support or oppose or to vote for or against a candidate, issue, or proposition appearing on the ballot at any election held pursuant to State or federal law or local ordinances.
 - a. Engaging in expressive activities as defined in Section 51.9315(a)(2) of the *Texas Education Code* in a common outdoor area of campus does not constitute solicitation within this definition.
 - b. Words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle are not solicitation within this definition.
 - c. Unadorned acknowledgments or thanks to donors are not solicitation within this definition.
15. Student -- The following individuals shall be considered a student for the purpose of this policy:
 - a. An individual currently enrolled at UTRGV.
 - b. An individual accepted for admission or readmission to UTRGV.
 - c. An individual who has been enrolled at UTRGV in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.
16. UTRGV-affiliated individual or organization – academic and administrative units; registered student, sponsored student, faculty, and staff organizations; and individual students, faculty members, and staff members. This phrase describes the most inclusive category of potential speakers on campus.

17. Weekday – means Monday through Friday, excluding any day that is an official holiday designated by UTRGV.

F. Related Statutes or Regulations, Rules, Policies, or Standards

Sections 51.201-.211, *Texas Education Code*
Section 51.9315, *Texas Education Code*
Texas Charitable Raffle Enabling Act, Chapter 2002, *Texas Occupations Code*
Sections 28.03-.04 and 28.08 *Texas Penal Code*
Sections 42.01-.05 and 42.13, *Texas Penal Code*
Section 48.05, *Texas Penal Code*

Regents' Rules Rule 10701, Policy against Discrimination
Regents' Rules Rule 30103, Standards of Conduct
Regents' Rules Rule 30105, Sexual Harassment, Sexual Misconduct, and Consensual Relationships
Regents' Rules Rule 31004, Rights and Responsibilities of Faculty Members
Regents' Rules Rule 40201, Registered Organizations
Regents' Rules Rule 40501, Speech and Assembly
Regents' Rules Rule 50101, Student Conduct and Discipline
Regents' Rules Rule 50202, Student Organizations
Regents' Rules Rule 60306, Use of University Resources
Regents' Rules Rule 80101, Categories of Facilities and Authorized Users
Regents' Rules Rule 80103, Solicitation
Regents' Rules Rule 80104, Use of Facilities
Regents' Rules Rule 80105, Joint Sponsorship of the Use of Property or Buildings
Regents' Rules Rule 80106, Special Use Facilities

ADM 03-100 Non-Discrimination and Complaint Procedure
ADM 03-300 Sexual Harassment and Sexual Misconduct
ADM 04-101 Standards of Conduct
ADM 05-100 Faculty Senate Constitution
ADM 05-200 Staff Senate Constitution
ADM 06-106 Faculty Rights and Responsibilities
ADM 06-304 Academic Committees and Councils
ADM 10-104 Solicitation on Campus
ADM 10-301 Facility Use
STU 02-100 Student Conduct and Discipline

G. Dates Reviewed or Amended

Reviewed and amended (non-substantive: updated responsible executive) - May 2, 2022.

Reviewed and amended (non-substantive: conform to Executive Order No. GA-44; updates to related statutes; updated reporting form with link) - June 14, 2024.



Handbook of Operating Procedures

[Handbook of Operating Procedures](#)

[Chapter 9 - General Provisions](#)

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Policy Owner: President

9.37 Peaceful Public Assembly

I. Scope

This policy protects and regulates speech, expression, and assembly of students, faculty members, staff members, and members of the public that are not part of the teaching, research, or other official functions of The University of Texas at San Antonio (UTSA or University), not otherwise sponsored by the University or any of its academic or administrative units, and not submitted for academic credit.

II. General Statement

The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the University. Students, faculty and staff, when not operating in their official capacity, and members of the public, have the right to assemble in University Common Outdoor Areas, to speak, and the corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen. The University is committed to these freedoms and has adopted the free speech policy statement produced by the Committee on Freedom of Expression at the University of Chicago. A link to the University's statement can be found here:

<http://www.utsa.edu/president/campusandcommunity/cde/commitment.html>.

However, these activities are subject to the well-established right of colleges and universities to regulate time, place, and manner so that the activities do not intrude upon or interfere with the academic programs, administrative processes or other authorized activities of the University. The University shall not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person. Further, no expression or assembly may be conducted in a way that damages or defaces property of the University or of any person who has not authorized the person engaging in expression or assembly to damage or deface his or her property.

In furtherance of the University's educational mission, the University buildings including their outside surfaces, surfaces associated with or connected to a University building, or a University structure are limited public forums open only to the expressive activities of faculty, staff, and students as set forth in this policy. Members of the public may engage in expressive activities in the Common Outdoor Areas at the University in accordance with the time, place, and manner rules contained in this policy. Student, faculty, and staff organizations may not invite the public at large to events in University buildings, facilities, or locations that are not a Common Outdoor Area.

University staff, faculty and students may peaceably assemble and engage in expressive activity anywhere on the UTSA campuses that they are otherwise permitted to be without advanced permission, subject to the time, place and manner rules necessary to preserve the equal rights of others and the other functions of the University, and so long as they do not disrupt University business or operations. In keeping with the University's mission, any program or event sponsored by an academic or administrative unit of the University shall have priority in the use of space and facilities over any speech, expression, and assembly that is not sponsored by an academic or administrative unit. Members of the public are able to engage in expressive activities only in Common Outdoor Areas of UTSA campuses, subject to the time, place, and manner rules in this policy necessary to preserve the functions of the University.

No person, including a student or University employee, shall distribute any petition, handbill, object, or piece of literature; post or carry any sign, placard, or banner; or engage in speech or conduct on property or in buildings or facilities owned or controlled by UTSA if it is obscene, unlawfully defamatory, or directed to inciting or producing imminent lawless action and is likely to incite or produce such action. Further, no person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication or persist in demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication. Persons or organizations who are planning a public assembly are strongly encouraged to notify and consult with Events Management and Conference Services (EMCS) as soon as practicable. EMCS has experience in helping student organizations structure events in

ways that both comply with the University's rules and achieve the organization's goals for the event. EMCS can help identify appropriate space and potentially conflicting events, as well as help the planners avoid unintended disruption or other violations.

Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to compile or cross-reference in this policy. For example, libraries typically have highly restrictive rules concerning noise; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways; classroom speech may be confined to the subject matter of the class; and individual professors may have rules of decorum in their classroom. Such rules must be viewpoint neutral and should not restrict speech more than is reasonably necessary to serve their purpose.

III. Disruption

- A. Except as expressly authorized elsewhere in this policy, no speech, expression, or assembly may be conducted in a way that disrupts or interferes with any
 - 1. teaching, research, administration, or other authorized activities on any UTSA campus;
 - 2. free and unimpeded flow of pedestrian and vehicular traffic on any UTSA campus; or
 - 3. signs, tables, exhibits, public assemblies, distribution of literature, guest speakers, or use of amplified sound by another person or organization acting under the rules in this policy.
- B. The term "disruption" and its variants, as used in this policy, are distinct from and broader than the phrase "disruptive activities," as used in the *Rules and Regulations* of The University of Texas System Board of Regents (Series 30103 and Series 40502). This policy is concerned not only with deliberate disruption, but also with scheduling and coordinating events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity.
- C. Potentially disruptive events can often proceed without disruption if participants, administrators, and law enforcement officials cooperate to avoid disruption without stopping the event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the event or resorting to disciplinary charges or arrest.

IV. Unlawful Discrimination Prohibited

- A. UTSA prohibits unlawful discrimination regardless of where it occurs if it impacts the educational or employment environment for any member of the university community.
- B. Incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violations of state or federal law or university policy that was committed because of antisemitism or the offender's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference will be subject to discipline, up to and including possible termination/expulsion.
- C. Any registered student group that engages in incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy because of antisemitism or bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, is subject to discipline, up to an including possible loss of recognized status for the registered student group.

V. Prohibited Items or Actions

- A. A mask, facial covering, or disguise that conceals the identity of the wearer that is calculated to obstruct the enforcement of these rules or the law, or to intimidate, hinder or interrupt a University official, UTSA PD officer, or other person in the lawful performance of their duty.
- B. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including but not limited to sticks, poles, clubs, swords, shields, or rigid signs that can be used as a shield, without written permission from the dean of students, unless authorized by federal, State or local laws.
- C. Body-armor or make shift body-armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body-armor, without written permission from the dean of students.
- D. Open flame, unless approved in advance by The University of Texas at San Antonio Fire Marshal.

VI. Amplified Sound

Advanced permission is required (see Section B. for details) for any amplified sound on campus. University organizations and individuals may use amplified sound (i.e., when sound volume is increased by any electric, electronic, mechanical, or motor-powered means) on any UTSA campus at designated times and locations, subject to the rules in this policy and other applicable laws and University policies. However, any event or activity determined to be disruptive to any authorized University activity

may be stopped or modified, notwithstanding the amplified sound provisions listed herein. Non-University organizations/entities/individuals will also need advanced permission for amplified sound.

A. Location of Amplified Sound Areas (Advanced permission is required to ensure there is no disruption to other activities.)

1. Sombrilla
2. Student Union
3. East Convocation Lawn
4. Bill Miller Plaza
5. Outdoor Common Areas
6. Dean of Students/designee may designate additional areas for use of amplified sound. If the Dean of Students/designee concludes that it is unworkable to schedule two or more simultaneous events using amplified sound in different spaces at the same campus, the Dean of Students/designee may refuse to schedule simultaneous events in those areas.

B. Regulating and Scheduling of Amplified Sound

1. The Dean of Students/designee may prescribe content neutral rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of amplified sound areas, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact.
2. Organizations/individuals wishing to use an amplified sound area must reserve a particular area for a particular time. Reservations must be made with EMCS on a form prescribed by that office.

EMCS shall make a reasonable effort to advise each applicant how to correct, if possible, any conditions that preclude approval of its application. Even if an applicant is entitled to have their application approved as submitted, EMCS may give advice about other possible locations, or about modifications to the proposed event, that would avoid potential problems or make the proposed event more workable.

The Dean of Students/designee shall approve a properly completed form to reserve an amplified sound area, unless the application must be disapproved under the below listed criteria (V.B.2.a.) or under rules established by the Dean of Students/designee under the authority of this policy.

- a. Space requests for the use of amplified sound or for exhibits will be denied if any of the following criteria apply:
 - i. The proposed use of the space would violate applicable law, the Regents' *Rules and Regulations*, or University or UT System policy;
 - ii. Another event or exhibit has been scheduled for the proposed time and location, or in sufficiently close proximity that there is a practical conflict;
 - iii. The space requested is inadequate to accommodate the proposed use;
 - iv. The proposed use of the space would violate reasonable and nondiscriminatory fire, health, or safety standards;
 - v. The proposed use of the space would constitute an immediate and actual danger to students, faculty members, or staff members or to the peace or security of the University that available law enforcement officials could not control with reasonable effort;
 - vi. The requesting person/organization is under a disciplinary penalty prohibiting reserving the use of a university space, or prohibiting the proposed use of the space; or
 - vii. The requesting person/organization owes a monetary debt to the university and the debt is considered delinquent.
 - b. The Dean of Students/designee may limit the number or frequency of reservations for each person or organization to ensure reasonable access for all persons and organizations desiring to use amplified sound.
 - c. The Dean of Students/designee may reserve some time slots each week for emergency reservations by persons or organizations responding to events that have occurred, or issues that have arisen since the preceding week.
3. Organizations using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area.
 4. Any designations of additional areas, any additional rules regulating the designated areas, and the rules and procedures for reserving the right to use a designated area, shall be stated on a website, flyer, or pamphlet available at the EMCS Office.

C. Amplified Sound Indoors/Use of University Buildings

Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the Dean of Students/designee may limit or prohibit sound that would be disruptive outside the room. Reservations are required. Rules concerning reservations and general use of University buildings may be found in Chapter 8 (Facilities and University Services) of the UTSA Handbook of Operating Procedures.

VII. Guest Speakers

Subject to the rules in this policy, University persons, University organizations, and members of the public may present guest speakers in Common Outdoor Areas of the campuses.

Registered student, faculty, and staff organizations and University academic and administrative units may present guest speakers (i.e., speakers or performers who are not students, faculty members, or staff members) in the limited public forums of the campus. In the case of registered student organizations, advanced permission from EMCS is required. Individuals may not present a guest speaker in the limited public forums of the campus. Any determination regarding the approval of or the fee for the use of the facility for presenting a Guest Speaker must comply with Texas Education Code Section 51.9315(h).

A. Location and Form of Presentation

1. A guest speaker may present a speech or performance, or lead a discussion of specified duration, at a time announced in advance, in a fixed indoor location reserved through EMCS. A guest speaker may distribute literature only immediately before, during, and immediately after the normal course of his or her speech, presentation, or performance, and only to persons in attendance. Only literature that complies with Section VIII of this policy may be distributed.
2. A guest speaker may not:
 - a. acoust potential listeners who have not chosen to attend the speech, performance, or discussion; or
 - b. distribute literature to persons who have not chosen to attend the speech, performance, or discussion; or
 - c. help staff a table or exhibit.

B. Scheduling Guest Speakers

1. A registered student organization that wishes to present a guest speaker shall submit to EMCS a completed form prescribed by the Dean of Students/designee. It is recommended that the form be submitted at least five (5) business days but no later than 48 hours prior to the event.
2. The Dean of Students/designee shall approve an application properly made under subsection 1. unless it must be disapproved under the criteria in V.B.2.a.

C. Obligations of Presenting Organization

A student, faculty, or staff organization that presents a guest speaker must make clear that:

1. the organization, and not the university, invited the speaker; and
2. the views expressed by the speaker are his or her own and do not necessarily represent the views of the University, the University of Texas System, or any institution of the System.

D. No Guest Speaker who is to be paid from State funds as consideration for his or her speech shall be permitted to speak on any of the University's campuses unless the University facility in which the speech is to be delivered will be open to the public, including members of the news media, who will be entitled to record, videotape, or telecast live portions of the speech. This does not apply to classes, seminars, symposia, and conferences intended for the use and benefit of students, faculty, staff, and invited guests. No person may in any way obstruct or lessen in any way the opportunity for the audience to take the fullest advantage of the speech, including the opportunity to see and hear the speaker during the entire speech.

E. With the exception of the activities that fall under Section D above, all activities held within the limited public forum portions of University property and sponsored by staff, student or faculty organizations are open to the university community only.

VIII. Signs

A. Students, faculty, staff and members of the public who are in Common Outside Areas may display a sign by holding or carrying it by hand or otherwise attaching it to their person. No advanced permission is required. Signs on sticks or poles or otherwise attached to any device are prohibited.

1. Any person holding or carrying a sign shall exercise due care to avoid bumping, hitting, or injuring any other person.
2. Any person holding or carrying a sign at a speech, performance, or other event shall exercise due care to avoid blocking the view of any other person observing the speech, performance, or event. Depending on the venue, this may mean that signs may be displayed only around the perimeter of a room or an audience.
3. Hand-held signs constructed of materials that create a hazard to other people are not permitted. Signs constructed of rigid materials, including sticks, poles, wood, metal, hard plastic, or other materials that could be construed as a

hazard are not permitted.

4. A law enforcement officer or the dean of students, or an usher or other University employee if authorized by officials responsible for managing the venue, may warn any person that his or her sign is being handled in violation of subsections HOP 9.37 VII.A. If the violation persists after a clear warning, the law enforcement officer, dean of students, authorized usher, or other authorized employee may confiscate the sign. A law enforcement officer may take any action necessary to keep the peace, including but not limited to, issuing a criminal trespass warning to the violator.
- B. Except as provided for herein or in the UTSA Handbook of Operating Procedures, nothing may be written or posted on any building, statue, fountain, walkway surface, road surface, tree, or natural feature of the campus.
- C. General policies related to posting signage/displaying banners may be found in the UTSA Handbook for Operating Procedures (Policy 9.09).

IX. Distribution of Literature

A. General Rule on Distribution of Literature

1. Subject to the Regents' *Rules and Regulations* and University policies, including those regarding co-sponsorships, solicitation and prohibited expression, registered student, faculty, and staff organizations, and University academic and administrative units may sell, distribute, or display literature on campus. Individual students, faculty members, and staff members may distribute or display literature, but may not sell it. Members of the public may distribute or display literature in the Common Outside Areas. In either case, no advanced permission is required.
2. "Literature" means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informal matter that is produced in multiple copies for distribution to potential readers.

B. Not-for-Profit Literature Only

1. Except as expressly authorized by Section VIII.B.2., or by contract with the University, no person or organization may sell, distribute, or display on campus any publication operated for profit. A registered student, faculty, or staff organization may sell publications operated for profit as part of a fund-raiser authorized by, and subject to the limits of University solicitation policies.
2. Newspapers, magazines, or other publications may be distributed, or offered for sale by means of an unattended rack or vending machine in area(s) designated in advance by the president of the University or his or her delegate for the direction of such activity.
3. A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, benefits any private shareholder or individual.

C. Limits on Advertising

1. Literature distributed on campus may contain the following advertising:
 - a. Advertising for a registered student, faculty, or staff organization, or a University academic or administrative unit;
 - b. Advertising for an organization that is tax exempt under Section 501(c) (3) of the Internal Revenue Code;
 - c. Paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising; and
 - d. Other advertising expressly authorized by the *Rules and Regulations* of the Board of Regents (Series 80103) or by contract with the University
2. All other advertising in literature distributed on any UTSA campus is prohibited.

D. Clean Up of Abandoned Literature

Any person or organization distributing literature on any UTSA campus shall pick up all copies dropped on the ground in the area where the literature was distributed.

X. Joint Sponsorship

- A. No registered student, faculty, or staff organizations; or individual students, faculty, or staff, may jointly sponsor any event on campus with an off-campus person or organization. Only University academic or administrative units with authority delegated from the president of the University may jointly sponsor events with an off-campus person or organization. All joint sponsorships must be consistent with Series 80105 of the *Rules and Regulations* of the Board of Regents.
- B. An event is a prohibited joint sponsorship if an individual or a student, faculty, or staff organization:
1. Relies on an off-campus person or organization for planning, staffing, advertising or managing the event; or
 2. Advertises the event as jointly sponsored by an off-campus person or organization; or
 3. Operates the event as an agent of, or for the material benefit of, an off-campus person or organization, except for solicitation of charitable contributions in accordance with applicable University policies; or
 4. Distributes any proceeds of the event to an off-campus person or organization, except for:

- a. The proceeds of charitable contributions solicited in accordance with applicable University policies; or
 - b. Payment of a fair market price for goods or services provided to the University person or organization; or
5. Reserves a room or space for the use of an off-campus person or organization.
- C. The following facts do not, in and of themselves, indicate a prohibited joint sponsorship:
- 1. That a University person or organization endorses an off-campus person or organization or its message;
 - 2. That a University person or organization sells, distributes, or displays literature prepared by an off-campus person or organization or containing contact information for an off-campus person or organization;
 - 3. That a University person or organization has purchased goods or services from an off-campus provider;
 - 4. That a registered student, faculty, or staff organization has invited a guest speaker under Section V;
 - 5. That a registered student, faculty, or staff organization has received financial contributions to support the event from an off-campus donor.
- D. The purpose of this rule is to preserve the limited space on campus for the use of students, faculty members, and staff members, and the rule will be interpreted to serve that purpose.

XI. Tables

University persons or organizations may set up tables from which to display literature and disseminate information and opinions, subject to the rules of this policy and other applicable University rules and regulations. No advanced permission is required.

A. Locations

- 1. Subject to the restrictions in paragraph 2. and subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic, University persons and organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location.
- 2. Tables may not be set up inside any library, classroom, laboratory, performance hall, stadium, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time.
- 3. A University academic or administrative unit may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. University academic and administrative units are encouraged to clearly state any such rules in writing, and to publish those rules on a website or on a flyer or pamphlet conveniently available at the chief administrative office of the unit.
- 4. If any table is set up in a prohibited or disruptive location, any University employee pointing out the violation shall also point out other locations, as nearby as is reasonably possible, where the table is permitted.

B. Identification

Each table must have a sign or literature that identifies the University person or organization sponsoring the table.

C. Cleanup around Tables

Any person or organization sponsoring a table shall remove litter from the area around the table at the end of each day.

D. Sources of Tables

Persons and organizations may supply their own tables. In addition, the University Center Information Desk maintains a supply of tables that may be reserved and checked out for use on campus. The EMCS shall maintain, on a website or on a flyer or pamphlet conveniently available at the EMCS Office, a current description of the rules and procedures for reserving and checking out tables.

XII. Exhibits

University organizations may erect exhibits (i.e., an object or collection of related objects, designed to stand on the ground or on a raised surface, which is not a table, is designed for temporary display, and is not permanently attached to the ground) that are not inconsistent with applicable University policies. Advanced permission is required from EMCS, except that an academic or administrative unit may authorize indoor exhibits in a space that it occupies and controls. Exhibits may not be erected in areas that would impede vehicle or pedestrian traffic or otherwise adversely impact any authorized activity.

A. Authorization Process

An organization desiring to erect an exhibit shall apply on a form prescribed by EMCS.

B. Criteria for Approval

- 1. The Dean of Students/designee shall authorize an exhibit described in a properly completed application unless the Dean of Students/designee finds that use of the proposed space for the proposed exhibit must be disapproved under the criteria listed in Section V.B.2.a.
- 2. An exhibit may not be left unattended by the organization requesting it unless prior arrangements are made to pay for police protection in their absence pursuant to XI.C.2.

3. If approved pursuant to Section XI.B.1., the EMCS Office, in consultation with UTSA police and other appropriate offices, shall specify the location of each exhibit to reduce the hazard to pedestrians, including those who are visually impaired.
4. If the application is denied, the applicant may choose to consult with the EMCS Office regarding how to correct, if possible, any conditions that preclude approval of his or her application. Even if an application may be approved as submitted, the Dean of Students/designee or the EMCS Office staff may provide guidance about other possible locations, or about modifications to the exhibit, that would avoid potential problems or make the proposed exhibit more workable.

C. Time Limits

1. In locations administered by the Dean of Students/designee, each exhibit may be displayed for five (5) business days. The exhibit may be renewed for an additional five (5) business days if space is available.
2. The exhibit must be removed at the end of each day and may be re-erected each morning. However, the Dean of Students/designee may authorize overnight exhibits in designated locations, provided that the requesting entity agrees to pay for police protection.

D. Clean Up Around Exhibits

Any organization sponsoring an exhibit shall remove litter from the area around the exhibit at the end of each day.

E. Liability

Any organization displaying or sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. The University shall not be liable for any damage that may occur to the exhibit, and any organization sponsoring the exhibit shall indemnify the University for any claims arising from the exhibit's presence on campus.

XIII. Responding to Speech, Expression, and Assembly

University persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this and other applicable University policies. Responding to another's expression is simply another form of expression, and all applicable rules herein, including rules regarding advanced permission or reservations, such as those related to banners, exhibits and amplified sound, must be followed. When feasible, the EMCS Office will make reasonable efforts to expedite approval of banners, exhibits and amplified sound.

XIV. Solicitation

No person shall make, distribute, or display on any UTSA campus any statement that offers or advertises any product or service for sale or lease, or requests any gift or contribution, except as authorized by the *Rules and Regulations* of the Board of Regents (Series 80103).

XV. Police Patrol

It is the responsibility of the University to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty areas that include speakers, public assemblies, persons staffing or viewing exhibits will be at the cost of the University. When the magnitude, timing, or nature of an event requires additional hours from police officers (including contract hours for officers hired from other departments or private security agencies), the University will, to the extent specified in subsections B. and C. below, charge the cost of additional or contract officers to the person or organization sponsoring the event or exhibit that requires additional police protection. The purpose of subsections B. and C. is to charge for additional police presence where reasonably necessary, but not to charge for additional police due to the content of speech at the event.

A. A reasonable and nondiscriminatory fee for the additional police work will be charged for events that require additional police presence, and

1. charge a price for admission, or
2. pay a speaker, band, or other off-campus person or organization for services at the event.

Persons or organizations planning such events should budget for the cost of police presence.

B. The University shall have the sole power to decide, after reasonable consultation with the person or organization planning the event, whether and to what extent overtime police presence is required. All fees shall be based on the number of officers required for an event of the same size and kind, in the same place and at the same time of day. No fee shall be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event.

XVI. Undue Interference

- A. Pursuant to Texas Education Code § 51.9315, students, student organizations, faculty and staff are prohibited from unduly interfering with expressive activities of others on campus.
- B. Any violation of Section A is subject to disciplinary sanctions through the processes described on Section XVI.

XVII. Response to Violations

- A. Any person wishing to make a grievance regarding a violation of Texas Education Code § 51.9315 or this policy may report it via the University compliance and ethics hotline by visiting [compliance hotline form](#) or calling (210) 458-5365.
- B. A student who violates a prohibition in this policy may be disciplined under the procedures in the [Student Code of Conduct](#).
- C. A registered student or sponsored student organization that violates a prohibition in this policy may be disciplined under the procedures in HOP 5.02 and the Student Organization Handbook.
- D. A faculty member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by faculty members shall be referred to the Office of the Provost and Vice President for Academic Affairs.
- E. A staff member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by staff members shall be referred to the People Excellence Department.
- F. Authorized University personnel may prevent imminently threatened violations, or end ongoing violations of a prohibition in this policy, by explanation and persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively or additionally, they may initiate disciplinary proceedings under paragraph B., C., D., or E.. Discretion regarding the means and necessity of enforcement shall be vested in the Chief of Police, or in University personnel designated by the president, as appropriate, but such discretion shall be exercised without regard to the viewpoint of any speaker.
- G. Persons and organizations on UTSA campuses shall comply with instructions from University administrators and law enforcement officials at the scene. A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under Section XVII-Appeals.

XVIII. Appeals

- A. A person or organization that is denied permission for an activity requiring advanced permission under this policy may appeal the denial of permission.
- B. A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth weekday after complying with the order, file an appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal shall be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.
- C. Any person or organization aggrieved by a decision under this policy is entitled to appeal to the Dean of Students/designee by providing a written appeal to the Dean of Students on or before the fifth weekday after the day the decision is announced. The written appeal shall contain the person's/organization's name and mailing address, a description of the decision complained of, the organization's reasons for disagreeing with the decision, and the date the decision was announced.
- D. When a timely appeal is received, the Dean of Students/designee shall review the written appeal and may render a decision based on the documents provided, or, at his/her discretion, provide the person/organization with an opportunity for a face-to-face meeting at which both the aggrieved party and the person making the decision are present. The decision of the Dean of Students/designee concludes the appellate process.

XIX. Definitions

The following definitions are used for the purpose of this policy.

- A. "Academic or administrative unit" means any office or department of the University.
- B. "Antisemitism" means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.
- C. "Faculty member and staff member" includes any person who is employed by the University, including student employees.
- D. "Off-campus person or organization" means any person, organization, or business that is not an academic unit, an administrative unit, a registered organization (student, faculty, staff), or a student, faculty member, or staff member.
- E. "University person or organization" includes academic and administrative units; registered student, faculty, and staff organizations; and individual students, faculty members, staff members, and other agents of the University serving in an

official capacity.

- F. "Registered student, faculty, or staff organization" includes a registered student organization under the Student Organization Relationship Statement, a faculty or staff organization under the *Rules and Regulations* of the Board of Regents (Series 40201), and Student Government and any unit or subdivision thereof.
- G. "Student" means a person who is currently enrolled at UTSA, or attending an educational program sponsored by the University while that person is on campus.
- H. "Amplified sound" means sound where volume is increased by any electric, electronic, mechanical, or motor-powered means. This includes but is not limited to, bullhorns, speakers, laptops, cell phones, microphones, and tablets.
- I. "Dean of Students/designee" means the University's Dean of Students or any delegate or representative thereof.
- J. "Office of Student Activities" means the office that oversees all registered/sponsored student organizations; this office is under the Dean of Students.
- K. "Room or space" includes any room or space, indoors or outdoors, owned or controlled by the University.
- L. "University" means The University of Texas at San Antonio (UTSA).
- M. "Weekday" means Monday through Friday except for official university holidays.
- N. "Day" means calendar day.
- O. "Common Outdoor Area" means outdoor space that is not used for dedicated University business or an event, an educational function, or a research function on either a permanent or temporary basis. It does not include the outside surfaces of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, or any other space within the University's limited public forum. Common Outdoor Areas are designated by state law as traditional public forums.
- P. Guest Speaker– an individual who is unaffiliated with UTSA and is presented as a speaker by a registered student, faculty, or staff organization on the UTSA campus.

XX. Dates Approved/Amended

A. 06-07-2024

02-15-2019

[New, Revised and Deleted Policies](#)
[Policy Amendment Approval Process](#)
[UT System - Regents' Rules & Regulations](#)
[UT System - Policy Library](#)

Our Location

Institutional Compliance and Risk Services

One UTSA Circle
 San Antonio, Texas 78249
 Phone (210) 458-4992
 Directions: [Google Map](#), [UTSA Map](#)

[Campus Map](#) [Visitors](#) [Jobs](#) [Campus Alerts](#) [Open Records](#) [Report Fraud](#) [Policies](#) [Required Links](#) [ADA Resources](#) [Web Accessibility](#) [UT System](#)

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