

**AGENDA ITEM BRIEFING**

**Submitted by:** Ray Bonilla, General Counsel  
The Texas A&M University System

**Subject:** Approval of New Expressive Activity on Campus Rules from Member Academic Institutions

**Proposed Board Action:**

Approve new expressive activity on campus rules from member academic institutions, effective immediately.

**Background Information:**

On June 10, 2019, the Governor signed SB 18, which added Section 51.9315, *Protected Expression on Campus*, to the Texas Education Code. This new law requires public institutions of higher education to adopt a “policy” (in system nomenclature, SB 18 requires members to adopt a rule) detailing students’ rights and responsibilities regarding expressive activity on campus. Each institution’s policy must be approved by the Board of Regents.

The law is intended to insure that all persons may peaceably assemble on campuses of institutions of higher education for expressive activities. September 1, 2019 was the effective date of this new law with a deadline of August 1, 2020 to implement the expressive activity policy required by the law.

Member academic institution chief executive officers (CEO) consulted with their provosts, deans of faculties, vice presidents of student affairs, deans of students, student conduct offices, directors of student activities, compliance offices, university police departments, and others as deemed necessary to prepare a rule for CEO approval and submission to the Office of General Counsel for legal sufficiency review.

The key features of the new law can be summarized as follows: (a) institutions are required to designate outdoor areas on campus as traditional public forums, (b) institutions may continue to impose reasonable time, place and manner restrictions (e.g., no events with loudspeakers outside academic buildings during classroom hours) for the common outdoor areas, (c) institutions must adopt expressive activity rules, including a grievance procedure that allows students who believe their free speech rights have been improperly infringed to seek recourse, (d) the institutional rules require board approval, (e) institutions must make the rules available to students and train key employees responsible for implementation; and (f) institutions must submit a report to the Governor and Legislature describing our implementation of the new law.

For system universities, only minor changes were needed to our rules to achieve compliance with SB 18. Our campuses already treated outdoor areas as traditional public forums, and our time, place and manner restrictions complied with the new law. We did have to revise our grievance procedures to conform to the new law, but otherwise the changes to the university rules can be fairly described as minor.

Agenda Item No. 5.2  
Agenda Item Briefing

In compliance with this directive, the system submits its 11 academic institutions' new expressive activity on campus rules to the Board of Regents for approval.

**A&M System Funding or Other Financial Implications:**

None.

**Strategic Plan Imperative(s) this Item Advances:**

The item advances Strategic Imperative 3, which provides: "Our students will leave the A&M System as responsible and engaged citizens prepared for successful careers in an increasingly global economy."

**THE TEXAS A&M UNIVERSITY SYSTEM**

Office of General Counsel

March 2, 2020

Members, Board of Regents  
The Texas A&M University System

Subject: Approval of New Expressive Activity on Campus Rules from Member Academic Institutions

I recommend adoption of the following minute order:

**“The new expressive activity on campus rules for all member academic institutions of The Texas A&M University System, as shown in the attached exhibits, are approved, effective immediately.”**

Respectfully submitted,

**[ORIGINAL SIGNED BY]**

Ray Bonilla  
General Counsel

**Approval Recommended:**

**[ORIGINAL SIGNED BY]**

John Sharp  
Chancellor

**[ORIGINAL SIGNED BY]**

Billy Hamilton  
Deputy Chancellor and  
Chief Financial Officer

**[ORIGINAL SIGNED BY]**

Pablo Arenaz, President  
Texas A&M International University

**[ORIGINAL SIGNED BY]**

Cynthia Teniente-Matson, President  
Texas A&M University-San Antonio

**[ORIGINAL SIGNED BY]**

Emily F. Cutrer, President  
Texas A&M University-Texarkana

**[ORIGINAL SIGNED BY]**

Mark A. Hussey, President  
Texas A&M University-Kingsville

**[ORIGINAL SIGNED BY]**

Michael K. Young, President  
Texas A&M University

**Approved for Legal Sufficiency:**

**[ORIGINAL SIGNED BY]**

Ray Bonilla  
General Counsel

**[ORIGINAL SIGNED BY]**

Mark J. Rudin, President  
Texas A&M University-Commerce

**[ORIGINAL SIGNED BY]**

Kelly M. Miller, President  
Texas A&M University-Corpus Christi

**[ORIGINAL SIGNED BY]**

Marc A. Nigliazzo, Ph.D., President  
Texas A&M University-Central Texas

**[ORIGINAL SIGNED BY]**

Walter V. Wendler, President  
West Texas A&M University

**[ORIGINAL SIGNED BY]**

Ruth J. Simmons, President  
Prairie View A&M University

**[ORIGINAL SIGNED BY]**

Dr. James Hurley, President  
Tarleton State University

PRAIRIE VIEW A&M UNIVERSITY  
UNIVERSITY RULE



08.99.99.P1 Expressive Activity on Campus  
Approved May 14, 2020  
Next Scheduled Review: May 14, 2025

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Rule Summary

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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."

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Rule Statement

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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.

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Official Procedures and Responsibilities

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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.
  - 2.3 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.
  - 2.4 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.
  - 2.5 **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.
  - 2.6 Students 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.
  - 2.7 Spontaneous Expressive Activity
    - 2.7.1 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.

2.7.2 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.

### 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.

4.1.1 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 the Office of Student Engagement.

- 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 events requiring police or security services 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. Visit the University Police Department's website at [www.pvamu.edu/upd](http://www.pvamu.edu/upd) for the most updated information.
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, University Catalog, 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 Codes and Texas Code of Criminal Procedures 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 university published handbooks.
- 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.
- 8.4 Continuous training will take place on campus to educate students and employees about this rule.

## 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.

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Related Statutes, Policies, Regulations, and Rules

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[Texas Education Code § 51.9315](#)

[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](#)

[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](#)

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## Definitions

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The definition includes both the singular and plural version of the term:

**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.

**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.

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Contact Office

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Office of University Compliance      936-261-2144



## 08.99.99.T1 Expressive Activity on Campus

Approved: May 14, 2020  
Next Scheduled Review: May 14, 2025

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### Rule Summary

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In 2019, the 86<sup>th</sup> 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.

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### Definitions

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Definitions of terms used in this rule. The definition includes both the singular and plural versions of the term:

**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.

**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.

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## Rule

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### 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.
- 1.4. 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 the Department of Risk Management and Compliance (RMC) by filing an [online report](https://www.tarleton.edu/sassy/judicial/expressive-activities.html) on the webpage at <https://www.tarleton.edu/sassy/judicial/expressive-activities.html> or in person at RMC offices located in the Administration Annex I Building, Room 106.
- 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. RMC 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 Dean of Students Administrative Office; and (c) complaints concerning staff and third-parties will be referred to Employee Services.

## 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.

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### **Related Statutes, Policies, or Requirements**

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[Texas Education Code § 51.9315](#)

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### **Contact Office**

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Office of the Vice President for Student Affairs  
254.968.9081  
Risk Management and Compliance  
254.968.9415



# Rule

## 08.99.99.L1 Expressive Activity on Campus

First Approved: May 14, 2020

Next Scheduled Review: May 14, 2025

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### Rule Statement and Reason for Rule

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In 2019, the 86<sup>th</sup> 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 (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.

The purpose of this Rule is to establish guidelines and responsibilities for exercising the right to expressive activity on the Texas A&M International University (TAMIU) campus.

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### Procedures and Responsibilities

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#### 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



## Rule

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. TAMIU may not consider any anticipated controversy related to the event, except as required by Section 2.2 below.
- 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.
- 1.5 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





## Rule

- 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 Students or student organizations file grievances with the Office of Student Conduct and Community Engagement. Employees (faculty or staff) file grievances with the Office of Compliance.
- 2.3 The Office of Student Conduct and Community Engagement or the Office of Compliance, whichever is applicable, will investigate the grievance and render an investigation report summarizing the findings. The investigation report will be referred to the appropriate VP for adjudication. The appropriate VP will be determined by the status of the offending individual.
  1. Grievances concerning a student or student organization will be referred to the Office of the VP for Student Success.
  2. Grievances concerning a faculty member will be referred to the Office of the Provost & VPAA.
  3. 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 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.



# Rule

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## Related Statutes, Policies, Regulations, or SAP's

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[Texas Education Code § 51.935](#)

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## Definitions

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The following are definitions of terms used in this Rule. The definitions includes both the singular and plural version of the term.

**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

**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



## Rule

**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

**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.

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### Contact Office

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Office of Compliance, 956-326-2855



## 08.99.99.M1 Expressive Activity on Campus

Approved May 14, 2020  
Next Scheduled Review: May 14, 2025

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### Rule Summary

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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 86<sup>th</sup> 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.

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### Definitions

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Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

1. **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.
2. **Campus** means all land and buildings owned or leased by the university, including those at branch campuses and remote locations.
3. **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.
4. **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.)
  5. **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.
  6. **Employee** means an individual employed by the university.
  7. **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.
  8. **Faculty** means any full or part-time employee of the university holding an academic appointment.
  9. **Limited public forums** have limited open access for public expression, or they may be limited to particular groups or to particular topics.
  10. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
  11. **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 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.
  12. **Person** means students, faculty, staff, student organizations, and third-parties.
  13. **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.
  14. **Staff** means an employee of the university that is not a faculty member.
  15. **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.
  16. **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.
  17. **Third-party (External Client)** means an individual or entity that is not a student, student organization, or employee of the university.
  18. **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.)

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## Rule

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### 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.
- 1.4. 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 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. *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](#) 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.

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## **Related Statutes, Policies, or Requirements**

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[Texas Education Code § 51.9315.](#)

[University Standard Administrative Procedure 24.99.99.M0.02 – External Client Events](#)

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## **Contact Office**

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Office of Risk, Ethics, & Compliance

## 08.99.99.R1 Expressive Activity on Campus

Approved May 14, 2020  
Next Scheduled Review: May 14, 2025



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### Rule Summary

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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 is adopted to meet the requirements of the Texas Education Code Section 51.9135.

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### Procedures and Responsibilities

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#### 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 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 and other relevant rules.

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.

## 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 forum. 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 forum.

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 Conduct 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 Guidebook and 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.

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## Related Statutes, Policies, or Requirements

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[Texas Education Code §51.9315 Protected Expression on Campus](#)

[University Procedure 12.99.99.R0.05 Invited Speakers](#)

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## Definitions

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Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

**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.

**Limited public form** 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

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## Contact Office

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University Ethics & Compliance Office  
903.886.5996



## 08.99.99.C1 Expressive Activity on Campus

Approved May 14, 2020

Next Scheduled Review: May 14, 2025

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### Rule Summary

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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 86<sup>th</sup> 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.

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### Definitions

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The definitions of terms used in the rule include both the singular and plural version of the term:

**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.

**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 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.

**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.

**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.

**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.

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## Rule

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### 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.

- 1.4. 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 shall be included in the university published student code of conduct.
- 4.2. A copy of this rule shall be provided to students during the university's new student orientation programs.
- 4.3. A copy of this rule shall 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 an A&M System member.

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### Related Statutes, Policies, or Requirements

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Texas Education Code § [51.9315](#)

University Rule [07.03.01.C1, Political Campaign Events on Property Under the Control of Texas A&M University-Corpus Christi](#)

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](#)

This rule supersedes:

- 07.03.01.C0.01, *Freedom of Speech, Assembly, and Demonstration*

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## **Appendix**

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[University Student Code of Conduct](#)

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## **Contact Office**

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Contact for clarification and interpretation: Employee Development & Compliance Services  
(361) 825-5826



## 08.99.99.D1 Expressive Activity on Campus

Approved: May 14, 2020  
Next Scheduled Review: May 14, 2025

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### Rule Summary

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In 2019, the 86<sup>th</sup> 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.

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### Definitions

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Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

1. **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.
2. **Campus** means all land and buildings owned or leased by the university.
3. **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.
4. **Employee** means an individual employed by the university.
5. **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.
6. **Faculty** means any full or part-time employee of the university holding an academic appointment.

7. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
  8. **Person** means students, faculty, staff, student organizations, and third-parties.
  9. **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.
  10. **Staff** means an employee of the university that is not a faculty member.
  11. **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.
  12. **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.
  13. **Third-party (External Client)** means an individual or entity that is not a student, student organization, or employee of the university.
  14. **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

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### 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.

- 1.4. 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) student 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.

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## **Related Statutes, Policies, or Requirements**

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[Texas Education Code § 51.9315.](#)

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## Contact Office

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Office of Institutional Compliance  
254-519-5763





## 08.99.99.K1 Expressive Activity on Campus

Approved: May 14, 2020  
Next Scheduled Review: May 14, 2025

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### Rule Summary

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In 2019, the 86<sup>th</sup> 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.

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### Definitions

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Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

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 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.

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.

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## **Rule**

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### **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.

1.4. 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 and Risk Management.

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 Office of Compliance and Risk Management 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.

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## Related Statutes, Policies, or Requirements

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[Texas Education Code § 51.9315](#)

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## Appendix

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Appendix A: Prohibited Locations  
Appendix B: Reservation Procedure

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## Contact Office

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Office of Compliance and Risk Management  
(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 (08.02.01.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.



## 08.99.99.01 Expressive Activity on Campus

Approved: May 14, 2020

Next Scheduled Review: May 14, 2025

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### RULE SUMMARY

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In 2019, the 86<sup>th</sup> 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.

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### DEFINITIONS

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This section defines the terms used in this rule. The definitions includes both the singular and plural version of the term:

1. **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.
2. **Campus** means all land and buildings owned or leased by the university.
3. **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.
4. **Employee** means an individual employed by the university.
5. **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.

6. **Faculty** means any full or part-time employee of the university holding an academic appointment.
7. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
8. **Person** means students, faculty, staff, student organizations, and third-parties.
9. **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.
10. **Staff** means an employee of the university that is not a faculty member.
11. **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.
12. **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.
13. **Third-party (External Client)** means an individual or entity that is not a student, student organization, or employee of the university.
14. **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**

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### **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.
- 1.4. 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 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.
- 2.4. 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 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.

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#### **RELATED STATUTES, POLICIES, OR REQUIREMENTS**

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[Texas Education Code § 51.9315](#)

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#### **Contact OFFICE**

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University Compliance Office, (201) 784-2003



## UR 08.99.99.H1 Expressive Activity on Campus

Approved May 14, 2020  
Next Scheduled Review: May 14, 2025

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### Rule Summary

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In 2019, the 86<sup>th</sup> 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.

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### Definitions

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Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

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4. **Employee** means an individual employed by the university.
5. **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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7. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
8. **Person** means students, faculty, staff, student organizations, and third-parties.
9. **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.
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12. **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.
13. **Third-party (External Client)** means an individual or entity that is not a student, student organization, or employee of the university.
14. **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

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### 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.
- 1.4. 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 Provost/Dean of Faculties; (b) student 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 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.

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### **Related Statutes, Policies, or Requirements**

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[Texas Education Code § 51.9315.](#)

[University Procedure 41.99.99.H0.02 \*Use of University Facilities by University Groups\*](#)

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### **Contact Office**

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Director of Risk and Compliance  
903-334-6755



## 08.99.99.W1 Expressive Activity on Campus

Approved May 14, 2020  
Next Scheduled Review: May 14, 2025

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### Rule Summary

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In 2019, the 86<sup>th</sup> 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.

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### Definitions

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Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

1. **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.
2. **Campus** means all land and buildings owned or leased by the university.
3. **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.
4. **Employee** means an individual employed by the university.
5. **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.
6. **Faculty** means any full or part-time employee of the university holding an academic appointment.



7. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
  8. **Person** means students, faculty, staff, student organizations, and third-parties.
  9. **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.
  10. **Staff** means an employee of the university that is not a faculty member.
  11. **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.
  12. **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.
  13. **Third-party (External Client)** means an individual or entity that is not a student, student organization, or employee of the university.
  14. **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

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### 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.
- 1.4. 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. 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](http://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](http://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) student 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 Code of Student Life.
- 3.2. A copy of this rule will be distributed each semester when the Code of Student Life is normally distributed electronically.
- 3.3. A copy of this rule will 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.

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## Related Statutes, Policies, or Requirements

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[Texas Education Code § 51.9315](#)

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## Contact Office

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WTAMU Compliance Office