

## University Policy on Free Speech, Expression, and Assembly

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### I. Policy

#### Governing Principles

UTA is committed to providing an educational and work climate that is conducive to the personal and professional development of each individual. The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the University. The University will protect the rights of students, faculty members, staff members, and members of the public to assemble, to speak, and to attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen. The University maintains its right to regulate reasonable time, place and manner restrictions concerning acts of expression and dissent.

Those who choose to observe and/or listen to expressive activities, bear the responsibility of recognizing and honoring the right of free speech. Any acts that are disruptive to the normal operations of the University, including classes and University business, or that invade the rights of others will not be allowed. Faculty, staff, and students engaging in a disruptive activity may be subject to disciplinary action. Any participant in a disruptive activity may face criminal charges.

Ideas or expressions put forth in expressive activities are not necessarily the views of UTA, its officers, administrators, or leaders, unless otherwise noted.

## Freedom of Speech, Expression and Assembly

In furtherance of the University's educational mission, the University provides forums for the expression of ideas and opinions. These include:

1. Traditional public forums include the University's public streets, sidewalks, parks, and similar Common Outdoor Areas. These areas are generally available, subject to the University's time, place and manner restrictions, for expressive activity by members of the public at any time without the need for reservation or prior approval when the area is not reserved and promoted in advance for an event.
2. 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.
3. Limited public forums have limited open access for public expression, and include the University buildings including their outside surfaces, surfaces associated with or connected to a University building, or a University structure. Limited public forums are open only to the expressive activities of faculty, staff, and students as set forth in this Policy. Student, faculty, and staff organizations may not invite the public at large to events in University buildings, facilities, or locations that are not a common outdoor area.
4. Non-public forums are areas that are not traditional public forums or designated public forums. These forums will be restricted to use for their intended purpose and are not available for public expressive activity. Examples include, but are not limited to, classrooms, residence hall rooms, faculty and staff offices, academic buildings, administration buildings, medical treatment facilities, libraries, and research and computer laboratories.

Additionally, there are areas such as utility buildings, research labs, etc. that may have distance requirements, crowd placement restrictions, and security concerns that may vary depending on security needs, terror alerts, and other factors. Additionally, security needs, terror alerts, local and national events may affect the availability of spaces that would otherwise be routinely available.

Students, faculty, and staff members are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, in all parts of the campus, subject only to rules necessary to preserve the equal rights of others and the other functions of the University. Teaching, research, and other official functions of the University will have priority in allocating the use of space on campus.

Except as expressly authorized by the section herein on prohibited expression and state and federal law, the University will not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of this policy or otherwise.

The University of Texas at Arlington Police Department (UTAPD) may immediately enforce this Policy if a violation of this Policy constitutes a breach of the peace or compromises public safety.

## Scope

This Policy protects and regulates speech, expression, and assembly of students, faculty members, staff members, and members of the public on campus or participating in University sponsored activities. This Policy applies to speech regardless of where it occurs, including off University property, if it potentially affects a University person's education or employment with the University or potentially affects the University community. This Policy regulates speech that is part of the teaching, research, or other official functions of the University. This policy also applies to speech that is submitted for academic credit, and speech made using the University's information resources as defined in its Acceptable Use Policy. The director of Involvement and Engagement (I&E), administers and schedules reservations for the use of the temporary exhibit and banner spaces, and use of University tables, for all University persons and organizations because scheduling through a single office is necessary to avoid conflicts. The Director also administers and schedules reservations in the common outdoor areas and the use of the amplified sound for all University persons, University organizations, and members of the public.

This Policy details individual's and organizations' rights and responsibilities regarding expressive activities at UTA. This Policy does not limit other existing authority of University officials to authorize programs and events sponsored by an academic or administrative unit and not provided for in this Policy.

Rules requiring University employees to make clear that controversial statements are made in their personal capacity are found in the Regents' Rules and Regulations, Rule 10403, Section 9.2. Rules restricting use of University equipment, supplies, services, and working hours for political activities are found in the Regents' Rules and Regulations, Rule 30103.

## Prohibited Items or Actions

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

1. A mask, facial covering, or disguise that conceals the identity of the wearer that is calculated to obstruct the enforcement of these rules or the law, or to intimidate, hinder or interrupt a University official, UTAPD officer, or other person in the lawful performance of their duties.
2. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or any other items that could be used as weapons, including but not limited to sticks, poles, clubs, swords, shields, or rigid signs that can be used as a shield, without written permission from the UTAPD Chief or designee, unless authorized by federal, State or local laws.
3. Body-armor or make shift body-armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body-armor, without written permission from the UTAPD Chief or designee.
4. Open flame, unless approved in advance by UTA Environmental Health and Safety in accordance with applicable policy.
5. No person or organization may engage in expressive activity within a twenty-five-foot clearance around points of entry, and if not a point of entry then within ten feet of the perimeter, of all University buildings.

## Prohibited Expression

### Obscenity.

No person or organization will distribute or display on the campus any writing or visual image, or engage in any public performance, that is obscene. Obscene is defined in Texas Penal Code, Section 43.21 or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

### Defamation.

No person shall publish to a third party any statement that defames any other person. A statement defames another person if it is: (i) published to a third party other than the subject of the statement or their legal representative; (ii) of and concerning that person; (iii) is a false statement of fact; (iv) that holds the person up to hatred, ridicule, or contempt; (v) is made negligently, if the person is a private figure or, if the person is a public official or public figure, with knowledge of falsity or reckless

disregard of the truth; (vi) which proximately causes damages; and (vii) is not privileged.

Incitement to Imminent Violations of Law.

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

Harassment.

No person will engage in conduct that constitutes harassment of another person. No person will make, distribute, or display any statement that constitutes harassment of another person on campus or through University information resources. This Section applies to speech regardless of where it occurs, including off University property, if it potentially affects a University person's education or employment with the University or potentially affects the University community, and includes, all speech made using University resources, including speech that is part of teaching, research, or other official functions of the University whether in person or not, and whether oral, written, or symbolic.

To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not harassment, even if some listeners are offended by the argument or idea. The categories of sexually harassing speech set forth in HOP Policy EI-PO8 are rarely, if ever, necessary to argue for or against the substance of any political, religious, philosophical, ideological, or academic idea.

In general, verbal harassment will not be tolerated. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in HOP Policy EI-PO8. Verbal harassment is often based on the individual's appearance, personal characteristics, or group membership, including but not limited to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity or gender expression, ideology, political views, or political affiliation. Verbal harassment has been interpreted very narrowly by the federal courts. This policy will be interpreted as narrowly as need be to preserve its constitutionality.

The harassment that this section prohibits does not include speech that is necessary and appropriate to support a vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense, and to express even the deepest disagreements within standards of civility that

reflect mutual respect, understanding, and sensitivity among the diverse population within the University and in the larger society.

Members of the University community are strongly encouraged to report harassment to the Office for Equal Opportunity Services. Any University official, administrator, or supervisor who receives a report of alleged harassment will promptly refer that report and the complainant to the Office for Equal Opportunity Services. A complainant whose report is not forwarded to the Office for Equal Opportunity Services has not initiated proceedings for providing a remedy to the complainant or for imposing discipline on the alleged harasser.

## Solicitation & Commercial Speech

No University person, University organization, or member of the public will make, distribute, or display on the campus any statement that promotes, offers, or advertises any product or service for sale or lease that includes commercial identifiers, such as for-profit logos, trademarks, and service marks, or that requests any gift or contribution, except as authorized by UTA HOP Policy CO-UF-PO2 or by the Regents' Rules and Regulations.

## General Rules on Means of Expression

Rules regarding disruption of speech, damage to property, coercing attention, and incidental effects on speech are addressed in the Free Speech, Expression, and Assembly Procedure implementing this policy.

## Distribution of Literature

Distribution and display of literature on campus, is permitted subject to the rules in this Policy, the Free Speech, Expression, and Assembly Procedure and to the general rules in UTA HOP CO-UF-PO1.

## Signs, Banners, and A-Frames

Use of signs, banners and A-Frames is subject to the rules in this Policy, the Free Speech, Expression, and Assembly Procedure and to the general rules in UTA HOP CO-UF-PO1.

## Tables, Exhibits, and Amplified Sound

University persons and University organizations may set up tables and exhibits from which to display literature, disseminate information and

opinions, and raise funds, and make use of amplified sound, all subject to the rules in this Policy, the Free Speech, Expression, and Assembly Procedure and to the general rules in UTA HOP CO-UF-PO1.

## Public Assemblies

“Publicly assemble” and “public assembly” include any gathering of persons, including discussions, rallies, and demonstrations. Rules regarding amplified sound apply to any use of amplified sound at a public assembly. Persons and organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this Policy, the Free Speech, Expression, and Assembly Procedure, and the rules on use of University property contained in HOP Policy series CO-UF. No advance permission is required in the common outdoor areas.

## Guest Speakers

“Guest speaker” means a speaker or performer who is not a student, faculty member, or staff member.

Subject to the rules in this Policy and the Free Speech, Expression, and Assembly Procedure, University persons, University organizations, and members of the public may present guest speakers in common outdoor areas of the campus.

## Responding to Speech, Expression, and Assembly

Persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this Policy. Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard. Means of response that are permitted in many locations and without advance permission or reservation, such as signs, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized in this Policy.

Means of response that require advance permission or reservation, such as temporary banners, A-frames exhibits, general exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Temporary banner space, temporary outdoor exhibit space, and some amplified sound areas may be unavailable on short notice because of earlier reservations, but I&E will reasonably expedite approval

of available temporary banner spaces, available temporary outdoor exhibit spaces, and amplified sound areas where necessary to permit appropriate response to other speech, assembly, or expression.

Means of response that are confined to authorized locations, such as banners, exhibits, and amplified sound, may be used only in those locations. It is not possible to respond to amplified sound with amplified sound in the same location; similarly, if an exhibit or public assembly is in a location where amplified sound is not permitted, it is not possible to respond with amplified sound in that location. In either case, it is possible to respond with amplified sound in another location and to use signs or distribution of literature to advertise the response at the other location.

## Enforcement and Appeals

### Police Protection and Additional Administrative Support

It is the responsibility of the University to protect the safety of all persons on campus and when necessary to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty areas in the area of such events will be at the cost of the University. When the magnitude, timing, or nature of an event in a University building, University facility, or other area of the University's limited public forum that requires additional or overtime hours from police officers (including contract hours for officers hired from other departments or private security agencies), the University will, to the extent specified in this section, charge the cost of overtime or contract officers to the person or organization sponsoring the event or exhibit that requires overtime police protection. The University will charge for additional police and overtime hours where reasonably possible, but not for additional police and overtime hours made necessary by the content of speech at the event or by the controversy associated with any event. University persons or organizations planning such events should budget for the cost of police protection.

A reasonable and nondiscriminatory fee for overtime police work will be charged to the individual or organization sponsoring an event in a University building, University facility, or other area of the University's limited public forum that require overtime police protection, and charge a price for admission; or have a paid speaker, band, or other off-campus person or organization for services at the event.

The University will have the sole power to decide, after reasonable consultation with the person or organization planning the event, whether and to what extent overtime police protection is required. No fee will be charged for officers assigned because of political, religious, philosophical,

ideological, or academic controversy anticipated or actually experienced at the event. All fees will be based on the number of officers required for an uncontroversial event of the same size and kind, in the same place and at the same time of day, handling the same amount of cash. Nothing in this Section applies to any interdepartmental charge or transfer among units or accounts funded by the University.

If an event requires additional assistance from I&E or other units beyond normal work responsibilities or that requires employee overtime, a reasonable and nondiscriminatory fee may be charged to the individual or organization sponsoring the event.

#### Response to Violations

Individuals or organizations wishing to make a grievance regarding a violation of Texas Education Code § 51.9315 (Protected Speech on Campus) may report it via the University compliance email at [compliance@uta.edu](mailto:compliance@uta.edu). A student or student organization who violates a provision of this Policy may be disciplined under UTA HOP Policy 11. Staff or faculty who violate a provision of this Policy may be disciplined under applicable procedures provided by other policies. If no such procedures exist, violations will be referred to the Office of the Provost or Human Resources as applicable.

Authorized University personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this Policy, by explanation and persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively, or additionally, they may initiate disciplinary proceedings under this Policy. Discretion regarding the means and necessity of enforcement will be vested in the UTA chief of police, or in University personnel designated by the president, as appropriate, but such discretion will be exercised without regard to the viewpoint of any speaker.

University persons and University organizations on the campus must comply with all reasonable instructions from University administrators and law enforcement officials at the scene. A University person or University organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under the appeal section below.

Off-campus person(s) or organization(s) on the campus who violate a prohibition in this Policy may be subject to criminal trespass charges, arrest, or other lawful measures.

#### Appeals

A University person or organization that is denied permission for an activity requiring advance permission under this Policy may appeal the denial of permission. A University person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth weekday after complying with the order, file a written appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal will be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order. An appeal authorized by this Section must be submitted to I&E within five business days of the action being appealed. The appeal will be forwarded by I&E to the President's designee who will issue a written decision, which will include any corrective action if necessary, to the appellant within five business days. A copy will be provided to the head of the applicable unit which took the action under appeal.

#### Notice

A link to this policy will be included in any official student or personnel handbooks, posted on UTA's website, and provided to students during freshman and transfer student orientations.

## II. Definitions

In this Policy, unless the context requires a different meaning, the following definitions apply.

**"Academic or administrative unit"** means any office or department of the University.

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

**"Common outdoor area"** means outdoor space that is not used for dedicated University business or an event, an educational function, or a research function on either a permanent or temporary basis. It does not include the outside surfaces of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, or any other space within the University's limited public

forum. Common outdoor areas are designated by state law as traditional public forums.

**"Event"** means something that occurs in a certain place during a particular interval of time; events include but are not limited to guest speakers, exhibits, tables, distribution of literature, signs, and public assemblies.

**"Faculty member and staff member"** includes any person who is employed by the University.

**"Harassment"** means hostile or threatening conduct or speech, whether oral, written, or symbolic, that is not necessary to the expression of any idea described in Subsection 13-204(b)(2); is sufficiently severe, pervasive, and objectively offensive to create an objectively hostile or threatening environment that interferes with or diminishes the victim's ability to participate in or benefit from the services, activities, or privileges provided by the University; and personally describes or is personally directed to one or more specific individuals.

**"Limited public forum"** means the University property, both indoors and outdoors, that is not part of the common outdoor area. This includes the outside surfaces of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, residential outdoor spaces managed by University Housing.

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

**"Off-campus person or organization"** and **"member of the public"** mean any person, organization, or business that is not an academic or administrative unit, a registered student, faculty, or staff organization, or a student, faculty member, or staff member.

**"Registered student, sponsored student, faculty, or staff organization"** includes a registered student organization or a sponsored student organization under HOP Series SL-SO-PO, or a faculty or staff organization under the Regents' Rules and Regulations, Rule 40201.

**"Room or space"** includes any room or space, indoors or outdoors, owned or controlled by the University.

**"Student"** means a person who is currently enrolled at the University or has been enrolled at the University in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.

**"Temporary banner space"** means designated outdoor or indoor display area reserved for University persons and University organizations' use, as managed by I&E or the unit head where a University person or organization's temporary banner may be affixed for multiple days as permitted by this Policy. These areas are part of the University's limited public forum and not open to members of the public.

**“Temporary exhibit space”** means designated indoor or outdoor display area reserved for University persons and University organizations’ use, as managed by the dean of students, where a University person or organization may erect a temporary exhibit as permitted by Subsection 13-503. These areas are part of the University’s limited public forum and not open to members of the public.

**“University holiday”** and **“skeleton crew days”** means days identified in the holiday schedule published by the Office of Human Resource Services. If a deadline defined in this Policy falls on a Saturday, Sunday, University holiday, or skeleton crew day that deadline will be moved to the next day.

**“University person or organization”** includes academic and administrative units, registered students, sponsored students, faculty, and staff organizations, and individual students, faculty members, and staff members.

### III. Relevant Federal and State Statutes

Texas Education Code Section 51.9315 – Protected Expression on Campus

### IV. Relevant UT System and UTA Policies, Procedures, and Forms

Regents’ Rules and Regulations, Rule 80101 – Category of Facilities and Authorized Users

Regents’ Rules and Regulations, Rule 80103 – Solicitation

Regents’ Rules and Regulations, Rule 40501 – Speech and Assembly

UTA HOP series CO-UF-PO – University Facilities

UTA HOP series SL-SO-PO – Student Organizations

UTA Procedure XX-XX-XX Free Speech, Expression, and Assembly Procedure

### V. Who Should Know

The entire UTA community.

### VI. UTA Officer(s) Responsible for Policy

Vice President for Student Affairs.

### VII. Dates Approved or Amended

Pending

## VIII. Contact Information

Vice President for Student Affairs

# CHAPTER 13. SPEECH, EXPRESSION, AND ASSEMBLY

## Subchapter 13–100. Governing Principles

### Sec. 13–101. Freedom of Speech, Expression, and Assembly

- a. The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the University. In accordance with this Chapter, students, faculty members, staff members, and members of the public have the right to assemble, to speak, and to attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen.
- b. In furtherance of the University’s educational mission, the University buildings including their outside surfaces, surfaces associated with or connected to a University building, or a University structure are limited public forums open only to the expressive activities of faculty, staff, and students as set forth in this Chapter. Members of the public may engage in expressive activities at the University in accordance with the time, place, and manner rules contained in this Chapter. Student, faculty, and staff organizations may not invite the public at large to events in University buildings, facilities, or locations that are not a common outdoor area.
- c. Students, faculty members, and staff members are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, in all parts of the campus, subject only to rules necessary to preserve the equal rights of others and the other functions of the University. Teaching, research, and other official functions of the University will have priority in allocating the use of space on campus. Members of the public are able to engage in expressive activities only in common outdoor areas of the campus, subject to the time, place, and manner rules in this Chapter necessary to preserve the functions of the University.
- d. Except as expressly authorized by Subchapter 13–200, the University will not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise.
- e. The University of Texas at Austin Police Department (UTPD) may immediately enforce these rules if a violation of these rules constitutes a breach of the peace or compromises public safety.

### Sec. 13–102. Scope of This Chapter and Related Provisions

- a. This Chapter protects and regulates speech, expression, and assembly of students, faculty members, staff members, and members of the public that are not part of the teaching, research, or other official functions of the University, not otherwise sponsored by the University or any academic or administrative unit, and not submitted for academic credit.
  1. This Chapter also regulates certain speech that is part of the teaching, research, or other official functions of the University.
  2. Section 13–204 on harassment applies to all speech on campus.
- b. This Chapter applies to speech by University persons and University organizations in the common outdoor areas and the limited public forums. This Chapter also applies to members of the public in common outdoor areas. It also applies to speech that is submitted for academic credit, and speech made using the University’s information resources as defined in the *Acceptable Use Policy for University Students*. The dean of students administers and schedules reservations for the use of the temporary exhibit and banner spaces, and use of University tables, for all University persons and organizations because scheduling through a single office is necessary to avoid conflicts. The dean of students also administers and schedules reservations in the common outdoor areas and the use of the amplified sound for all University persons, University organizations, and members of the public.
- c. This Chapter, and those referenced herein, details students’ rights and responsibilities regarding expressive activities at UT Austin.
- d. Any program or event sponsored by an academic or administrative unit of the University will have priority in the use of space and facilities over any speech, expression, and assembly that is not sponsored by an academic or administrative unit, except that programs or events sponsored by an academic or administrative unit will not have priority in the use of weekday amplified sound areas defined in Section 13–802. This Chapter does not limit other existing authority of University officials to authorize programs and events sponsored by an academic or administrative unit and not provided for in this Chapter.
- e. Additional rules concerning free speech and academic freedom of faculty members are found in the Regents’ *Rules and Regulations*, Rule 31004, Number 2, Sections 1 and 2.
- f. Underlying rules concerning free speech of students are found in the Regents’ *Rules and Regulations*, Rule 40501, Rule 80101, Rule 80103, and Rule 80104. Chapter 13 of the *Institutional Rules* implements those provisions and applies them to UT Austin.

- g. Rules requiring University employees to make clear that controversial statements are made in their personal capacity are found in the Regents' *Rules and Regulations*, Rule 10403, Section 9.2. Rules restricting use of University equipment, supplies, services, and working hours for political activities are found in the Regents' *Rules and Regulations*, Rule 30103.

### **Sec 13–103. General Definitions—Categories of Speakers and Users**

In this Chapter, unless the context requires a different meaning, the following definitions apply.

1. "Academic or administrative unit" means any office or department of the University.
2. "Event" means something that occurs in a certain place during a particular interval of time; events include but are not limited to guest speakers, exhibits, tables, distribution of literature, signs, and public assemblies.
3. "Faculty member and staff member" includes any person who is employed by the University.
4. "Off-campus person or organization" and "member of the public" mean any person, organization, or business that is not an academic or administrative unit, a registered student, faculty, or staff organization, or a student, faculty member, or staff member.
5. "Registered student, sponsored student, faculty, or staff organization" includes a registered student organization or a sponsored student organization under Subchapter 6–200 of the *Institutional Rules*, or a faculty or staff organization under the Regents' *Rules and Regulations*, Rule 40201.
6. "Student" means a person who is currently enrolled at the University, or has been enrolled at the University in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.
7. "University person or organization" includes academic and administrative units, registered students, sponsored students, faculty, and staff organizations, and individual students, faculty members, and staff members.

### **Sec. 13–104. Other General Definitions**

In this Chapter, unless the context requires a different meaning, the following definitions apply.

1. "Amplified sound" means sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on amplified sound, but are subject to general rules on disruption.
2. "Common outdoor area" means outdoor space that is not used for dedicated University business or an event, an educational function, or a research function on either a permanent or temporary basis. It does not include the outside surfaces of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, or any other space within the University's limited public forum. Common outdoor areas are designated by state law as traditional public forums.
3. "Day" means an 8:00 a.m. to 5:00 p.m. calendar day, and excludes weekends, University holidays, skeleton crew days, and days on which regularly scheduled classes are suspended due to emergent situations; "University holiday" and "skeleton crew days" means days identified in the holiday schedule published by the Office of Human Resource Services. If a deadline defined in this Chapter falls on a Saturday, Sunday, University holiday, or skeleton crew day that deadline will be moved to the next day.
4. "Dean of students" means the dean of students of The University of Texas at Austin or any delegate or representative of the dean of students.
5. "Limited public forum" means the University property, both indoors and outdoors, that is not part of the common outdoor area. This includes the outside surfaces of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, residential outdoor spaces managed by University Housing and Dining including Jester Spanish Oaks Terrace, San Jacinto Amphitheatre, Honors Quad, and Duren Courtyard, the Blanton Museum's outdoor Plaza and Art Garden, the Union Patios, the Student Activity Center patios, Goldsmith Hall, and the Cronkite Plaza.
6. "Main Mall" means the area bounded by the south wall of the Main Building, the west walls of Garrison Hall, the north edge of Inner Campus Drive, the south wall of the Dorothy L. Gebauer Building and the east wall of Battle Hall. The Main Mall includes the south steps and south porches of the Main Building.
7. "Room or space" includes any room or space, indoors or outdoors, owned or controlled by the University.
8. "Temporary banner space" means designated outdoor or indoor display area reserved for University persons and University organizations' use, as managed by the dean of students, where a University person or organization's temporary banner may be affixed for multiple days as permitted by Subsection 13-503. These areas are part of the University's limited public forum and not open to members of the public.
9. "Temporary exhibit space" means designated indoor or outdoor display area reserved for University persons and University organizations' use, as managed by the dean of students, where a University person or organization may

erect a temporary exhibit as permitted by Subsection 13-503. These areas are part of the University's limited public forum and not open to members of the public.

10. "University" means The University of Texas at Austin.
11. "Vice president" means the vice president for student affairs at The University of Texas at Austin.

### **Sec. 13-105. Prohibited Items or Actions**

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

- a. A mask, facial covering, or disguise that conceals the identity of the wearer that is calculated to obstruct the enforcement of these rules or the law, or to intimidate, hinder or interrupt a University official, UTPD officer, or other person in the lawful performance of their duty.
- b. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including but not limited to sticks, poles, clubs, swords, shields, or rigid signs that can be used as a shield, without written permission from the dean of students, unless authorized by federal, State or local laws.
- c. Body-armor or make shift body-armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body-armor, without written permission from the dean of students.
- d. Open flame, unless approved in advance by The University of Texas at Austin Fire Marshal.
- e. No person or organization may engage in expressive activity within a ten-foot clearance around points of entry and the perimeter of all University buildings.

## **Subchapter 13-200. Prohibited Expression**

### **Sec. 13-201. Obscenity**

No person or organization will distribute or display on the campus any writing or visual image, or engage in any public performance, that is obscene. A writing, image, or performance is "obscene" if it is obscene as defined in Texas Penal Code, Section 43.21 or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

### **Sec. 13-202. Defamation**

- a. No person shall publish to a third party any statement that defames any other person.
- b. A statement defames another person if it is: (i) published to a third party other than the subject of the statement or their legal representative; (ii) of and concerning that person; (iii) is a false statement of fact; (iv) that holds the person up to hatred ridicule or contempt; (v) is made negligently, if the person is a private figure or, if the person is a public official or public figure, with knowledge of falsity or reckless disregard of the truth; (vi) which proximately causes damages; and (vii) is not privileged.

### **Sec. 13-203. Incitement to Imminent Violations of Law**

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

### **Sec. 13-204. Harassment**

- a. No person will engage in conduct that constitutes harassment of another person or make, distribute, or display on the campus or through University information resources any statement that constitutes harassment of any other person. This Section applies to all speech at UT Austin, all speech made using University resources, including speech that is part of teaching, research, or other official functions of the University whether in person or not, and whether oral, written, or symbolic.
- b. "Harassment" means hostile or threatening conduct or speech, whether oral, written, or symbolic, that:
  1. is not necessary to the expression of any idea described in Subsection 13-204(b)(2);
  2. is sufficiently severe, pervasive, and objectively offensive to create an objectively hostile or threatening environment that interferes with or diminishes the victim's ability to participate in or benefit from the services, activities, or privileges provided by the University; and
  3. personally describes or is personally directed to one or more specific individuals.
- c. To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not harassment, even if some listeners are offended by the argument or idea. The categories of sexually

- harassing speech set forth in Policy 3-3031 of the Handbook of Operating Procedures are rarely, if ever, necessary to argue for or against the substance of any political, religious, philosophical, ideological, or academic idea.
- d. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in Policies 3-3031 and 9-1810 of the Handbook of Operating Procedures. Verbal harassment is often based on the victim's appearance, personal characteristics, or group membership, including but not limited to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity or gender expression, ideology, political views, or political affiliation.
  - e. Harassment can also consist of nonverbal conduct, such as hazing, practical jokes, damage to property, and physical assault. In the case of sexual harassment and sexual misconduct, sexual conduct is often central to the offense. These forms of harassment are prohibited by Subsection 11-404(a)(11) of the *Institutional Rules*, by Policy 3-3031 of the Handbook of Operating Procedures, and by the Regents' *Rules and Regulations*, Rule 30105. Some forms of harassment violate the Prohibition of Campus Violence, Policy 8-1010, or violate Policy 9-1810, Hate and Bias Incidents in the Handbook of Operating Procedures. For enhanced sanctions for disciplinary offenses motivated by the race, color, or national origin of a student harmed by the offense, see Subsection 11-701(b) of the *Institutional Rules*. To the extent of any conflict in the definition of verbal harassment, the more detailed definition in this Section controls.
  - f. The harassment that this Section prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense, and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within the University and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules.
  - g. Verbal harassment has been interpreted very narrowly by the federal courts. Policies on verbal harassment or hate speech at many universities have been held unconstitutional, either because they prohibited harassment only when it was based on race, sex, and similar categories, or because they failed to protect the expression of potentially offensive ideas. This policy should be interpreted as narrowly as need be to preserve its constitutionality.
  - h. Members of the University community are strongly encouraged to report harassment.
    1. A student who believes he or she has been harassed should report the alleged violation to the dean of students.
    2. A faculty member or staff member who believes he or she has been harassed should report the alleged violation to the Office for Inclusion and Equity.
    3. Alternatively, any person who believes he or she has been harassed may report the alleged violation to the Office for Inclusion and Equity or to any University official, administrator, or supervisor. A faculty member is not an "official, administrator, or supervisor" for this purpose unless that faculty member holds an administrative position.
    4. Any University official, administrator, or supervisor who receives a report of alleged harassment will promptly refer that report and the complainant to the Office for Inclusion and Equity, or to the dean of students, as appropriate. A complainant whose report is not forwarded to the Office for Inclusion and Equity, or to the dean of students, has not initiated proceedings for providing a remedy to the complainant or for imposing discipline on the alleged harasser.
    5. Investigation of the information provided, and any remedial or disciplinary proceedings, will proceed under the procedures set out in the harassment policies cross-referenced in Subsection 13-204(b).

### **Sec. 13-205. Solicitation & Commercial Speech**

- a. General Rules.
  1. No University person, University organization, or member of the public will make, distribute, or display on the campus any statement that promotes, offers, or advertises any product or service for sale or lease that includes commercial identifiers, such as for-profit logos, trademarks, and service marks, or that requests any gift or contribution, except as authorized by Subsection 13-205(b), by section 13-403, or by the Regents' *Rules and Regulations*.
  2. Words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle, are not solicitation within this definition.
  3. Unadorned acknowledgments or thanks to donors are not solicitation within this definition.
- b. Rules specific to campus community members.
  1. A registered student, sponsored student, faculty, or staff organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions: for the benefit of the registered student, sponsored student, faculty, or staff organization; for the benefit of another registered student, sponsored student, faculty, or staff organization; or, for the benefit of an organization that is tax-exempt under Section 501(c)(3) of the Internal Revenue Code. No organization may sell items obtained on consignment. No

organization may request contributions for an off-campus tax-exempt organization for more than fourteen days in any fiscal year.

2. Registered student, sponsored student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature that contains advertising, subject to the limits in Section 13-403. Individual students, faculty members, and staff members may distribute or display such literature, but may not sell it.
  3. Individual students, faculty members, and staff members may post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used, but only on a bulletin board designated for that purpose by an academic or administrative unit in space that the unit occupies or controls. Any unit that designates a bulletin board for this purpose may regulate that bulletin board under the procedures set forth in Section 13-504.
  4. A resident of a University residence hall or apartment building may occasionally invite one or more salespersons to come to the resident's room or apartment, and in that room or apartment, the salesperson may offer products or services for sale to other residents of that residence hall or apartment building.
  5. A registered student, sponsored student, faculty, or staff organization may collect admission fees for programs scheduled in advance in accordance with Subchapter 10-200 of the *Institutional Rules*.
  6. A registered student, sponsored student, faculty, or staff organization may collect membership fees or dues at meetings of the registered student, faculty, or staff organization scheduled in advance under Subchapter 10-200 of the *Institutional Rules*.
  7. A registered student organization that is a qualified organization as that term is defined in the Texas Charitable Raffle Enabling Act, Texas Occupations Code, Chapter 2002, or successor provisions, may sell charitable raffle tickets pursuant to that act.
  8. A registered student, sponsored student, faculty, or staff organization may host a public performance of a film scheduled in advance in accordance with Subchapter 10-200 of the *Institutional Rules*. In accordance with the Regents' *Rules and Regulations*, Rule 80103, admission fees may be collected. All registered students, sponsored students, faculty or staff organizations that exhibit films on campus must obtain a Public Performance License for the individual film(s) from a licensing agent. This license is required even if the exhibition of the film is offered to the public for free and is educational in nature. Registered student, sponsored student, faculty, or staff organizations will be required to follow the process proscribed by the film distributor to obtain approval to exhibit the film. Federal Copyright Laws protect all films viewed in public areas regardless of format. There are a few exceptions. Registered student, sponsored student, faculty, or staff organizations may exhibit a film publicly if
    - A. the film is in the Public Domain;
    - B. the registered student, sponsored student, faculty or staff organization has written permission from the film's producer or other holder of the right to grant such permission; or
    - C. the film is obtained from a company that provides a Public Performance License with the purchase or rental of the film.
- c. More detailed regulation of solicitation appears in the Regents' *Rules and Regulations*, Rule 80103.

## **Subchapter 13-300. General Rules on Means of Expression**

### **Sec. 13-301. Disruption**

- a. Except as expressly authorized in Section 13-802, or by an authorized University official responsible for a program or event sponsored by an academic or administrative unit, no speech, expression, or assembly may be conducted in a way that disrupts or interferes with any
  1. teaching, research, administration, function of the University, or other authorized activities on the campus;
  2. free and unimpeded flow of pedestrian and vehicular traffic on the campus; or
  3. signs, tables, exhibits, public assemblies, distribution of literature, guest speakers, or use of amplified sound by another person or organization acting under the rules in this Chapter.
- b. Scope
  1. The term "disruption" and its variants, as used in this Rule, are distinct from and broader than the phrase "disruption of activities," as used in the Regents' *Rules and Regulations*, Rule 30103, Number 2, Section 2, and the phrase "disruptive activities," as used in the Regents' *Rules and Regulations*, Rule 40502. This Rule is concerned not only with deliberate disruption, but also with scheduling and coordination of events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity, and to preserve the University's ability to execute its functions.
  2. Except in the most extreme cases, interference and disruption are unavoidably contextual. Intentional physical interference with other persons is nearly always disruptive in any context. Interfering with traffic depends on the relation between the volume of traffic and the size of the passageway left open. Disruptive noise is the most contextual of all, because it depends on the activity disrupted. Any distracting sound may disrupt a memorial

service. Any sound sufficiently loud or persistent to make concentration difficult may disrupt a class or library. Occasional heckling in the speaker's pauses may not disrupt a political speech, but persistent heckling that prevents listeners from hearing the speaker does disrupt a political speech. These illustrations may be helpful, but none of them includes enough context to be taken as a rule. We cannot escape relying on the judgment and fairness of University authorities in particular cases. In this context where difficult enforcement judgments are unavoidable, it is especially important to remind administrators and law enforcement officials that their judgments should not be influenced by the viewpoint of those claiming disruption or of those allegedly disrupting.

- c. Potentially disruptive events can often proceed without disruption if participants, administrators, and law enforcement officials cooperate to avoid disruption without stopping the event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the event or resorting to disciplinary charges or arrest.

### **Sec. 13-302. Damage to Property**

- a. No speech, expression, or assembly may be conducted in a way that damages, defaces, marks, discolors, or alters in any way property of the University or of any person who has not authorized the speaker to damage or deface his or her property.
- b. No person may damage, deface, mark, discolor, alter, or interfere with any sign, table, or exhibit posted or displayed by another person or organization acting under the rules in this Chapter.

### **Sec. 13-303. Coercing Attention**

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

### **Sec. 13-304. Other Rules with Incidental Effects on Speech**

- a. Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to compile or cross-reference here. For example, libraries typically have highly restrictive rules concerning noise; laboratories and rooms containing the electrical and mechanical infrastructure of the University typically have safety rules and rules excluding persons without specific business there; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways. Speech within classrooms is generally confined to the subject matter of the class; the right to attend a class at all is subject to registration and payment of tuition; individual professors may have rules of decorum in their classrooms. These kinds of rules limit the right of students, faculty members, and staff members to enter and speak in the places to which these rules apply.
- b. Reasonable and nondiscriminatory rules of this kind generally control over the rights of free speech guaranteed in this Chapter. But even these kinds of rules are subject to the constitutional right of free speech. Such rules must be viewpoint neutral. Such rules cannot regulate speech more restrictively than they regulate other activities that cause the problems to be avoided by the rule. Such rules should not restrict speech more than is reasonably necessary to serve their purpose. Such rules cannot ban unobtrusive forms of communication with no potential for disruption even in the specialized environment subject to the localized rule. Thus, for example, means of silent expression or protest confined to the speaker's immediate person, such as armbands, buttons, and T-shirts, are nearly always protected because they are rarely disruptive in any environment.

## **Subchapter 13-400. Distribution of Literature**

### **Sec. 13-401. General Rule on Distribution of Literature**

- a. Registered students, sponsored students, faculty, and staff organizations and academic and administrative units may sell, distribute, or display literature on campus, subject to the rules in this Subchapter and to the general rules in Subchapter 13-200 and Subchapter 13-300. Individual students, faculty members, and staff members may distribute or display literature, subject to the rules in this Subchapter and to the general rules in Subchapter 13-200 and Subchapter 13-300, but may not sell it. In either case, no advance permission is required. Members of the public may distribute literature in the common outdoor areas, subject to the rules in this Subchapter and to the general rules in Subchapter 13-200 and Subchapter 13-300, but may not sell literature.
- b. "Literature" means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informal matter, that is produced in multiple copies for distribution to potential readers.

### **Sec. 13-402. Not-for-Profit Literature Only**

- a. Except as expressly authorized by the Regents' *Rules and Regulations* or by contract with the University, no person or organization may sell, distribute, or display on campus any publication operated for profit. A registered student, sponsored student, faculty, or staff organization may sell publications operated for profit as part of a fund-raiser authorized by, and subject to the limits of, Subsection 13-205(b)(1).
- b. A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, inures to the benefit of any private shareholder or individual.

### **Sec. 13-403. Limits on Advertising**

Literature distributed on campus may contain the following advertising:

1. advertising for a registered student, sponsored student, faculty, or staff organization, or an academic or administrative unit;
  2. advertising for an organization that is tax exempt under Section 501(c)(3) of the Internal Revenue Code;
  3. paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising; and
  4. other advertising expressly authorized by the Regents' *Rules and Regulations* or by contract with the University.
- All other advertising in literature distributed on campus is prohibited.

### **Sec. 13-404. Clean Up of Abandoned Literature**

Any person or organization distributing literature on campus will pick up all copies dropped on the ground in the area where the literature was distributed.

## **Subchapter 13-500. Signs, Banners, and A-Frames**

### **Sec. 13-501. General Rule on Signs**

- a. "Sign" means any method of displaying a visual message to others, except that transferring possession of a copy of the message is distribution of literature and not a sign.
- b. Subject to the rules in this Subchapter and to the general rules in Subchapter 13-200 and Subchapter 13-300, a University person or organization may display a sign by holding or carrying it, or by displaying it at a table (see Subchapter 13-600), or by posting it on a bulletin board, or other designated location. Signs may not be staked in the ground or posted in any other location except for those areas allowed by long standing tradition or otherwise allowed by Subchapter 13-305(a) & (b) and 13-506(a). Subject to viewpoint-neutral size requirements, University Housing and Dining has designated the window and door of a residence hall room as locations where the resident(s) of that room may post signs. Section 13-504 lists other designated locations.

### **Sec. 13-502. Hand-Held Signs**

- a. A University person or University organization may display a sign on campus by holding or carrying it by hand or otherwise attaching it to their person. Members of the public may display a sign in the common outdoor areas by holding or carrying it by hand or otherwise attaching it to their person. No advance permission is required. Signs on sticks or poles or otherwise attached to any device are prohibited.
- b. Hand-held signs constructed of materials that create a hazard to other people are not permitted. Signs constructed of rigid materials, including sticks, poles, wood, metal, hard plastic, or other materials that could be construed as a hazard are not permitted.
- c. Any person holding or carrying a sign will exercise due care to avoid bumping, hitting, or injuring any other person.
- d. Any person holding or carrying a sign at a speech, performance, or other event will exercise due care to avoid blocking the view of any other person observing the speech, performance, or event. Depending on the venue, this may mean that signs may be displayed only around the perimeter of a room or an audience.
- e. A law enforcement officer or the dean of students, or an usher or other University employee if authorized by officials responsible for managing the venue, may warn any person that his or her sign is being handled in violation of Subsections 13-502(a), (b), (c) or (d). If the violation persists after a clear warning, the law enforcement officer, dean of students, authorized usher, or other authorized employee may confiscate the sign. A law enforcement officer may take any action necessary to keep the peace including but not limited to issuing a criminal trespass warning to the violator.

### **Sec. 13-503. Banners**

"Banner" means an affixed, stationary sign hung from a structure or building, or between two buildings, structures, or poles. Banners on poles may not be carried by individuals.

- a. Hand-held banners. University persons, University organizations, and members of the public are permitted to display a hand-held banner carried by two or more individuals without poles, in accordance with Rule 13-502(a) above, in the common outdoor areas.
- b. Temporary banner space designations.
  1. The dean of students will designate temporary banner spaces where banners may be hung in outdoor locations not occupied or controlled by any other academic or administrative unit. Temporary banner spaces are not open to members of the public.
  2. Other academic and administrative units may designate one or more temporary banner spaces where banners may be hung in indoor or outdoor locations that the unit occupies or controls. These temporary banner spaces are not open to members of the public.
- c. Space priority.
  1. Academic and administrative units and registered students, sponsored students, faculty, and staff organizations may hang banners in locations designated under Subsection 13-503 (b). Individuals and members of the public may not hang banners.
  2. Advance permission is required from the unit administering the location; usually, advance reservations are required. Academic and administrative units advertising official University events or programs may be given priority. In locations administered by academic or administrative units other than the dean of students, organizations affiliated with the unit administering the location may be given priority.
- d. Time limits.
  1. In locations administered by the dean of students, each banner may be hung for one week. The banner may be renewed from week to week if space is available.
  2. Other units administering a location for banners may limit the time each banner may hang. Any such time limit will be applied without discrimination to all organizations, except that academic and administrative units may be given preference.
- e. The dean of students will maintain, on a Web site or on a flyer or pamphlet available at the dean of students' office:
  1. a list of outdoor temporary banner spaces where banners may be hung;
  2. the academic or administrative unit that administers this banner policy at each outdoor location; and
  3. a current description of the rules and procedures for reserving a temporary banner space in order to hang a banner in locations administered by the dean of students.
- f. The unit administering a banner location may require that the physical work of hanging the banners be performed only by Department of Facilities Services employees or other appropriate University personnel.

**Sec. 13-504. Signs in Other Designated Locations (Including Departmental Bulletin Boards)**

- a. Each academic or administrative unit may authorize the posting of signs in spaces that unit occupies and controls. Such authorization may be granted by general rule, by stamping or initialing individual signs, or by long-standing tradition.
- b. Signs in spaces occupied by academic or administrative units may be
  1. confined to bulletin boards or other designated locations;
  2. subjected to viewpoint-neutral rules limiting the size of signs, limiting how long they may be posted, requiring each sign to show the date it was posted and the name of the person or organization who posted it, and similar rules designed to facilitate fair and equal opportunities to post signs;
  3. confined to official statements or business of the unit, or to certain subject matters of interest within the unit, or to signs posted by persons or organizations affiliated with the unit.
- c. Each academic or administrative unit will post on or near each bulletin board or other designated location that it administers
  1. either the rules applicable to that bulletin board or location, or a particular office or Web site where the rules applicable to that bulletin board or location may be found; and
  2. if a stamp or initials are required on signs before they are posted on that bulletin board or location, the name and office location of the person whose stamp or initials are required.
  3. This notice will be posted in the upper left corner of each bulletin board or other designated location for posting signs, or conspicuously in another nearby location. If no such notice is posted, then the only applicable rules are those contained in Subchapter 13-200 and Sections 13-301 to 13-304.
- d. Within the scope of the subject matters permitted on a particular bulletin board or other designated location, no academic or administrative unit will discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed on a sign.
- e. This Section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official University business.

## **Subchapter 13–600. Tables**

### **Sec. 13–601. General Rule on Tables**

University persons and University organizations may set up tables from which to display literature, disseminate information and opinions, and raise funds, subject to the rules in this Subchapter and to the general rules in Subchapter 13–200, Subchapter 13–300, and Subchapter 13–1000. No advance permission is required. Members of the public may not set up tables in the common outdoor areas or in the University’s limited public forum areas.

### **Sec. 13–602. Locations**

- a. Subject to the restrictions elsewhere in these rules, including in Subsection 13–602(b) and the rules on disruption of other functions and interference with vehicular and pedestrian traffic (see Section 13–301), University persons and University organizations may set up tables in the common outdoor areas on the campus. University persons and University organizations may set up tables in University buildings in any large, open, indoor location.
- b. Additional restrictions.
  1. Tables may not be set up on the Main Mall between 8:00 am and 5:00 pm on weekdays.
  2. Tables may not be set up inside any library, classroom, laboratory, performance hall, stadium, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time.
  3. An academic or administrative unit may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. Academic and administrative units are encouraged to state any such rules clearly in writing and to publish those rules on a Web site or on a flyer or pamphlet available at the chief administrative office of the unit.
- c. If any table is set up in a prohibited or disruptive location, any University employee pointing out the violation will also point out other locations, as nearby as is reasonably possible, where the table is permitted.

### **Sec. 13–603. Clean Up Around Tables**

University persons and organizations sponsoring a table will remove litter from the area around the table before vacating the space.

### **Sec. 13–604. Sources of Tables**

University persons and organizations may supply their own tables. In addition, the dean of students maintains a supply of tables for registered student and sponsored student organizations that may be reserved and checked out for use on campus in designated areas. The dean of students will maintain, on a Web site or on a flyer or pamphlet available at the office of the dean of students, a current description of the rules and procedures for reserving and checking out tables.

## **Subchapter 13–700. Exhibits**

### **Sec. 13–701. General Rule on Exhibits**

- a. “General exhibit” means an object or collection of related objects, designed to stand on the ground or on a raised surface, which is not a table, is designed for temporary display, and is not permanently attached to the ground.
- b. “A-frame exhibit” means a movable and self-supported sign board designed to stand on the ground and remain overnight in a temporary outdoor exhibit space. A-frame exhibits may not exceed five feet in height or width. Structures that do not meet this criteria will be considered general exhibits and will be subject to the rules in the subchapter on general exhibits.
- c. Academic or administrative units and registered students, sponsored students, faculty, or staff organizations may erect general exhibits and A-frame exhibits, subject to the rules in this Subchapter and to the general rules in Subchapter 13–200, Subchapter 13–300, and Subchapter 13–1000. Advance permission is required from the dean of students, except that an academic unit may authorize indoor exhibits in a space that it occupies and controls. Outdoor general exhibits may not be erected on the Main Mall between 8:00 am and 5:00 pm on weekdays. Members of the public may not erect exhibits.

### **Sec. 13–702. Application Process**

An academic or administrative unit or a registered student, sponsored student, faculty, or staff organization desiring to display an outdoor general exhibit or A-frame exhibit will apply on a form prescribed by the dean of students.

### **Sec. 13–703. Approval Process**

- a. General exhibits.

1. The dean of students will designate temporary outdoor exhibit spaces where general exhibits may be placed. The dean of students will authorize a general exhibit described in a completed application under Section 13-702 unless the dean of students finds that use of the proposed temporary outdoor exhibit space for the proposed exhibit must be disapproved under the criteria in Section 10-203 of the *Institutional Rules*. The dean of students will advise the applicant how to correct, if possible, any conditions that preclude approval of the application.
  2. The dean of students will consider the totality of the circumstances, including safety concerns, as part of the approval process.
- b. A-frame exhibits.
1. The dean of students will designate temporary outdoor exhibit spaces where A-frame exhibits may be placed. If an academic or administrative unit or a registered student, sponsored student, faculty, or staff organization wishes to place an A-frame exhibit in a different location than the structure will be considered a general exhibit under this Subchapter.
  2. The dean of students will maintain, on a Web site or on a flyer or pamphlet available at the dean of students' office, a current description of the rules and procedures for reserving a temporary outdoor exhibit space for A-frame exhibits on campus.

#### **Sec. 13-704. Time Limits**

- a. General exhibits.
1. In locations administered by the dean of students, each exhibit may be displayed for fourteen days. The exhibit may be renewed for an additional fourteen days if space is available.
  2. The exhibit may be displayed no earlier than 8:00 am and must be removed by 10:00 pm each day and may be re-erected each morning. Overnight exhibits will be considered on a case-by-case basis and subject to 13-703.
- b. A-frame exhibits.
1. Each A-frame exhibit may be placed for fourteen days and remain overnight. The A-frame exhibit may be renewed for an additional fourteen days if space is available.
  2. If the A-frame is left on campus for longer than the reservation, the A-frame may be removed by the Department of Facilities Services, at the expense of the academic or administrative unit or registered student, sponsored student, faculty, or staff organization.

#### **Sec. 13-705. Clean Up Around Exhibits**

Any academic or administrative unit or registered student, sponsored student, faculty, or staff organization sponsoring an exhibit will remove litter from the area around the exhibit before vacating the space.

#### **Sec. 13-706. Liability**

Any registered student, faculty, or staff organization sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. The University will not be liable for any damage that may occur to the exhibit, and any registered student, faculty, or staff organization sponsoring the exhibit will indemnify the University for any claims arising from the exhibit's presence on campus.

### **Subchapter 13-800. Amplified Sound**

#### **Sec. 13-801. General Rule on Amplified Sound**

University persons, University organizations, and members of the public may use amplified sound on campus at designated times and locations, subject to the rules in this Subchapter and to the general rules in Subchapter 13-200 and Subchapter 13-300. Advance permission is required. This Subchapter creates limited exceptions to the general rule on disruption in Section 13-301.

#### **Sec. 13-802. Location and Times of Weekday Amplified Sound Areas**

- a. West Mall Amplified Sound Area.
1. The West Mall Amplified Sound Area is the extreme east end of the West Mall, adjacent to the west steps of the Main Building.
  2. University persons, University organizations, and members of the public may use amplified sound in this area from 11:30 am to 1:30 pm on weekdays.
  3. All academic and administrative units, as well as, registered and sponsored student organizations, and faculty and staff organizations may use sound equipment owned or controlled by the dean of students' office for this sound area.

4. Members of the public must use their own sound equipment. This sound area requires a reduced decibel level as compared to other sound areas to ensure educational activity in close proximity is not disturbed.
  5. Per Section 61.004 of the Texas Elections Code, groups making a political speech, or electioneering for or against any candidate, measure, or political party may not use amplified sound on the West Mall or anywhere within 1000 feet of a polling place when the polling place is open.
- b. Winship Circle Amplified Sound Area.
    1. The Winship Circle Amplified Sound Area is the grassy area east of the East Mall Fountain, west of Waller Creek, and south of Winship Hall.
    2. University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 am to 5:00 pm on weekdays.
  - c. Battle Oaks Amplified Sound Area.
    1. The Battle Oaks Amplified Sound Area is the area bounded by the north wall of Hogg Auditorium, by an extension drawn northward from the east wall of the Texas Union, by the south edge of the sidewalk on the south side of 24th Street, and by the west edge of the sidewalk on the west side of Inner Campus Drive.
    2. University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 am to 5:00 pm on weekdays.
  - d. Mustangs Amplified Sound Area.
    1. The Mustangs Amplified Sound Area is the area bounded by the sidewalk on the east side of San Jacinto Boulevard, by the west wall of the Texas Memorial Museum, and by the outer edge of the two stairways on either side of the lawn.
    2. University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 am to 5:00 pm on weekdays.
  - e. San Jacinto Street Amplified Sound Area.
    1. The San Jacinto Street Amplified Sound Area is the area bounded by the south wall of the Art Building, by the east edge of the sidewalk on the east side of San Jacinto Boulevard, by the north edge of the sidewalk on the north side of 23rd Street, and by the west edge of the sidewalk on the west side of Trinity Avenue.
    2. University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 am to 5:00 pm on weekdays.
  - f. LBJ Fountain Amplified Sound Area.
    1. The LBJ Fountain Amplified Sound Area is the area bounded by the east edge of Robert Dedman Drive, by the first sidewalk north of the LBJ Fountain, by a line drawn tangent to the west side of the LBJ Fountain and parallel to Robert Dedman Drive, and by the base of the hill on the south side of the LBJ Fountain.
    2. University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 am to 5:00 pm on weekdays.
  - g. 2609 University Avenue Courtyard Amplified Sound Area.
    1. The 2609 University Avenue Courtyard Amplified Sound Area is the area bounded by the 2609 University Avenue Building on the north, south and east sides, and by the east edge of the sidewalk on the east side of University Avenue.
    2. University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 am to 5:00 pm on weekdays.
  - h. Creekside Residence Hall Lawn Amplified Sound Area.
    1. The Creekside Residence Hall Lawn Amplified Sound Area is the area bounded by Dean Keeton Street on the north, by Waller Creek on the east and south, and by San Jacinto Boulevard on the west and south.
    2. University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 am to 5:00 pm on weekdays.
  - i. The vice president may designate additional areas for weekday use of amplified sound. An Amplified Sound Areas Map may be found [here](#).

### **Sec. 13-803. Regulation and Scheduling of Weekday Amplified Sound**

- a. The dean of students may prescribe rules concerning scheduling, sound levels, the location of speakers and the direction in which they are pointed, and other rules to facilitate the use of weekday amplified sound areas, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact. All such rules will be reasonable and nondiscriminatory.
- b. Reservations.
  1. University persons, University organizations, and members of the public wishing to use a weekday amplified sound area must reserve a particular area at a particular time. Reservations by University persons and University organizations must be made with the dean of students on a form prescribed by the dean of students. Members of the public may reserve space by making a request to [reservepublicforum@austin.utexas.edu](mailto:reservepublicforum@austin.utexas.edu). The dean of students will approve a properly completed application or email request to reserve an amplified sound

- area, unless the application or request must be disapproved under the criteria in Section 10–203 of the *Institutional Rules* or under rules promulgated by the dean of students under the authority of this Section.
2. The dean of students may limit the number or frequency of reservations for each applicant to ensure reasonable access for all persons and organizations desiring to use amplified sound on weekdays.
  3. When amplified sound areas are not reserved for use for an assembly including amplified sound, they are available for use, for permitted expressive activity, without reservation as part of the common outdoor areas. Any person or organization using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of its reserved time
- c. Amplified sound in the West Mall Sound Area is in fact disruptive of teaching, administration, and research in the Main Building, in the Flawn Academic Center, in Goldsmith Hall, in the West Mall Office Building, and in Battle Hall. Amplified sound in the Winship Circle Amplified Sound Area is in fact disruptive of teaching, administration, research and performance in College of Liberal Arts Building, the Laboratory Theatre and Winship Hall. The disruption inherent in this use of amplified sound is expressly authorized, but no other disruption is authorized. Disruption is permitted to this extent because otherwise, it would be necessary to ban all use of amplified sound in and near the center of campus during working hours.
  - d. University persons, University organizations, and members of the public using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.
  - e. The amplified sound locations are maintained on the [Amplified Sound Areas Map](#). Any designations of additional areas, any additional rules regulating the designated areas, and the rules and procedures for reserving the use of a designated area, will be clearly stated on a Web site, flyer, or pamphlet available at the office of the dean of students.

#### **Sec. 13–804. Amplified Sound on Evenings and Weekends**

- a. With advance permission, University persons, University organizations, and members of the public may use amplified sound in any location in the common outdoor areas of campus, including the weekday amplified sound areas designated in Section 13–802, after 5:00 pm on weekdays, and after 8:00 am on weekends, except for the early morning hours excluded in Subsection 13–804(b).
- b. If amplified sound is authorized for an event on a Sunday, Monday, Tuesday, Wednesday, or Thursday evening, the sound must be turned off by midnight on the following day. If amplified sound is authorized for an event on a Friday or Saturday evening, the sound must be turned off by 1:00 am on the following day.
- c. The dean of students may prescribe reasonable and nondiscriminatory rules concerning scheduling, sound levels, the location of speakers and the direction in which they are pointed, and other rules to facilitate the use of amplified sound on evenings and weekends, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact.
- d. Use of amplified sound on evenings and weekends requires advance permission from the dean of students. Reservations by University persons and University organizations must be made with the dean of students on a form prescribed by the dean of students. Members of the public may reserve space by making a request to [reservepublicforum@austin.utexas.edu](mailto:reservepublicforum@austin.utexas.edu) The dean of students will authorize amplified sound as described in a completed application or email request unless the dean of students finds that the application or request must be disapproved under the criteria in Section 10–203 of the *Institutional Rules* or under rules promulgated by the dean of students under the authority of this Section. The dean of students will advise each applicant or requestor how to correct, if possible, any conditions that preclude approval of its application.

#### **Sec. 13–805. Amplified Sound Indoors**

University persons and University organizations may use amplified sound indoors. Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the dean of students may limit or prohibit sound that would be disruptive outside the room. Reservations may be required. Rules concerning use of University buildings are contained in Chapter 10 of the *Institutional Rules*.

### **Subchapter 13–900. Public Assemblies**

#### **Sec. 13–901. General Rule on Public Assemblies**

- a. “Publicly assemble” and “public assembly” include any gathering of persons, including discussions, rallies, and demonstrations. The rules in Subchapter 13–800 apply to any use of amplified sound at a public assembly.
- b. Persons and organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this Chapter and to the rules

on use of University property in Chapter 10 of the *Institutional Rules*. No advance permission is required in the common outdoor areas.

### **Sec. 13–902. Reservation of Space**

- a. Common outdoor areas reservations.
  1. University persons, University organizations, and members of the public may reserve a space to assemble in the common outdoor areas, as defined by this Chapter. This is in addition to the amplified sound areas which are also available for reservation.
  2. Reservations by University persons and University organizations must be made with the dean of students on a form prescribed by the dean of students. Members of the public may reserve space by making a request to [reservepublicforum@austin.utexas.edu](mailto:reservepublicforum@austin.utexas.edu). Applications and requests for a reservation for such assemblies will be approved pursuant to Subchapter 10–200 of the *Institutional Rules*.
  3. If the expected attendance at an assembly is twenty-five or more people, advance notice of no less than two weeks is recommended. Persons and organizations are encouraged to seek a reservation of a space that is suited to their assembly's anticipated size.
- b. Limited public forum areas reservations.
  1. Registered student, sponsored student, faculty, or staff organizations and academic or administrative units may reserve a space to assemble in the limited public forum areas, as defined by this Chapter.
  2. The dean of students will receive applications for reservations of a space within the limited public forum areas. Applications for a reservation for such assemblies will be processed under the provisions in Subchapter 10–200 of the *Institutional Rules*. Individual faculty, staff, and students may not reserve space under the provisions in Chapter 10.
  3. If the expected attendance at an event with a guest speaker is twenty-five or more people, advance notice of no less than two weeks is required.
- c. Any person or organization with a reservation has the right to the reserved room or space for the time covered by the reservation. Any person or organization using or occupying the room or space without a reservation must yield control of the room or space in time to permit any user with a reservation to begin using the room or space promptly at the beginning of its reserved time.
- d. Should the size of any assembly exceed the maximum number of participants that is safe for a given location, including a reserved space, assembly participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly to the extent relocation is practicable.
- e. While reservations are not always required, they are strongly encouraged. Without a reservation, a person or organization may find the facility locked or the space in use by another person or organization.

### **Sec. 13–903. Notice and Consultation**

- a. Persons or organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be.
- b. Persons or organizations that are planning a public assembly in a common outdoor area with or without a guest speaker and expected attendance of more than twenty-five participants, including potential counter-demonstrators, are encouraged to provide advance notice of no less than two weeks to the dean of students to help the University improve the safety and success of the expressive activity. Members of the public may provide this notice by emailing [reservepublicforum@austin.utexas.edu](mailto:reservepublicforum@austin.utexas.edu). If there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events, persons and organizations are encouraged to consult the dean of students. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.
- c. University persons or organizations planning an event in the limited public forum areas with or without a guest speaker and an expected attendance of more than twenty-five participants, are required to provide advanced notice of no less than two weeks to the dean of students to help the University improve the safety and success of the expressive activity. Notice will be provided on a form prescribed by the dean of students.
- d. The notice and consultation requirements of this Subchapter do not apply to academic or administrative units.
- e. The University persons and University organizations notice and consultation requirements of this Subchapter may be waived by the dean of students or his or her designee.
- f. Registered student, sponsored student, faculty, and staff organizations are afforded privileges not available to individual faculty, staff, and students. Individuals may not reserve indoor space on campus.

## **Subchapter 13–1000. Guest Speakers**

### **Sec. 13–1001. Definitions**

“Guest speaker” means a speaker or performer who is not a student, faculty member, or staff member.

### **Sec. 13–1002. Who May Present**

- a. Subject to the rules in this Chapter, University persons, University organizations, and members of the public may present guest speakers in common outdoor areas of the campus.
- b. Registered student, sponsored student, faculty, and staff organizations and academic and administrative units may present guest speakers in the limited public forums of the campus. In the case of registered student organizations and sponsored student organizations, advance permission from the dean of students is required. Registered faculty organizations are required to seek advance permission from the executive vice president and provost. Registered staff organizations are required to seek advance permission from the senior vice president and chief financial officer. Individuals may not present a guest speaker in University buildings or University facilities.

### **Sec. 13–1003. Location and Form of Presentation**

- a. Subject to the rules in this Chapter, including the applicable time, place, and manner rules, University persons, University organizations, and members of the public may utilize the common outdoor areas for guest speaker assemblies. No reservation or prior approval is necessary, but notice and reservations are encouraged for assemblies of twenty-five or more people.
- b. A guest speaker may present a speech or performance, or lead a discussion of specified duration, at a time announced in advance, in a fixed indoor location approved by the dean of students.
  1. A guest speaker may distribute literature indoors only immediately before, during, and immediately after the normal course of his or her speech, presentation, or performance, and only to persons in attendance. Only literature that complies with Subchapter 13–400 may be distributed.
  2. Student, faculty, and staff organizations may not invite the public at large to events in University buildings or facilities.
- c. A guest speaker may not
  1. accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
  2. help staff a table or exhibit set up outside the common outdoor areas or in the University buildings or facilities.
- d. No University person, University organization, or member of the public may present a guest speaker in violation of the rules in this Chapter or those regarding cosponsorship in Chapter 10 of the *Institutional Rules*.

### **Sec. 13–1004. Application for University Building or Facility Space for Presentation of Guest Speakers**

In accordance with Regents' *Rules and Regulations*, Rule 40501, Section 3.5, all registered students, sponsored students, faculty, and staff organizations that wish to present a guest speaker in a University building or facility space will apply through a prescribed process, at least two weeks before the scheduled event or any planned advertising for the event, whichever is earlier.

1. A registered or sponsored student organization that wishes to present a guest speaker will apply to the dean of students, through a process prescribed by the dean of students, at least two weeks before the scheduled event or any planned advertising for the event, whichever is earlier. The application will be combined with an application under Section 10–202 of the *Institutional Rules* to reserve the use of a University room or space for the event. The dean of students will approve an application properly made under Subsection 13–1004(a) unless it must be disapproved under the criteria in Chapter 10, Section 10–203 of the *Institutional Rules*.
2. A registered faculty organization that wishes to present a guest speaker will apply to the executive vice president and provost through a process prescribed by the executive vice president and provost, at least two weeks before the scheduled event or any planned advertising for the event, whichever is earlier. The application will be combined with an application under Chapter 10, Section 10–202 of the *Institutional Rules* to reserve the use of a University room or space for the event. The executive vice president and provost will approve an application properly made under Subsection 13–1004(a) in consultation with the dean of students unless it must be disapproved under the criteria in Chapter 10, Section 10–203 of the *Institutional Rules*.
3. A registered staff organization that wishes to present a guest speaker will apply to the senior vice president and chief financial officer through a process prescribed by the senior vice president and chief financial officer, at least two weeks before the scheduled event or any planned advertising for the event, whichever is earlier. The application will be combined with an application under Chapter 10, Section 10–202 of the *Institutional Rules* to reserve the use of a University room or space for the event. The senior vice president and chief financial officer will approve an application properly made under Subsection 13–1004(a) in consultation with the dean of students unless it must be disapproved under the criteria in Chapter 10, Section 10–203 of the *Institutional Rules*.

### **Sec. 13–1005. Obligations of Presenting Organization**

A University person or University organization that presents a guest speaker in a University building or facility must make clear that:

1. the organization, and not the University, invited the speaker;
2. the views expressed by the speaker are his or her own and do not necessarily represent the views of the University, The University of Texas System, or any System institution; and
3. members of the general public are not invited to attend the guest speaker's presentation.

## **Subchapter 13–1100. Responding to Speech, Expression, and Assembly**

### **Sec. 13–1101. General Rule on Responding**

Persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this Chapter. It is a violation of this Chapter to engage in any activity or response that unduly interferes with the permissible expressive activities of others.

### **Sec. 13–1102. Applications of Section**

- a. Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.
- b. Means of response that are permitted in many locations and without advance permission or reservation, such as signs, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized in this Chapter.
- c. Means of response that require advance permission or reservation, such as temporary banners, A-frames exhibits, general exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Temporary banner space, temporary outdoor exhibit space, and some amplified sound areas may be unavailable on short notice because of earlier reservations, but the dean of students will expedite approval of available temporary banner spaces, available temporary outdoor exhibit spaces, and amplified sound areas where necessary to permit appropriate response to other speech, assembly, or expression.
- d. Means of response that are confined to authorized locations, such as banners, exhibits, and amplified sound, may be used only in those locations. It is not possible to respond to amplified sound with amplified sound in the same location; similarly, if an exhibit or public assembly is in a location where amplified sound is not permitted, it is not possible to respond with amplified sound in that location. In either case, it is possible to respond with amplified sound in another location and to use signs or distribution of literature to advertise the response at the other location.

## **Subchapter 13–1200. Enforcement and Appeals**

### **Sec. 13–1201. Police Protection**

- a. It is the responsibility of the University to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty areas in the area of such events will be at the cost of the University. When the magnitude, timing, or nature of an event in a University building, University facility, or other area of the University's limited public forum that requires overtime hours from police officers (including contract hours for officers hired from other departments or private security agencies), the University will, to the extent specified in Subsection 13–1201(b) and Subsection 13–1201(c), charge the cost of overtime or contract officers to the person or organization sponsoring the event or exhibit that requires overtime police protection. The purpose of Subsection 13–1201(b) and Subsection 13–1201(c) is to charge for police overtime where reasonably possible, but not to charge for police overtime made necessary by the content of speech at the event or by the controversy associated with any event.
- b. University persons or organizations planning such events should budget for the cost of police protection. A reasonable and nondiscriminatory fee for overtime police work will be charged to the registered student, sponsored student, faculty, or staff organization for events in a University building, University facility, or other area of the University's limited public forum that require overtime police protection, and
  1. charge a price for admission; or
  2. have a paid speaker, band, or other off-campus person or organization for services at the event.
- c. The University will have the sole power to decide, after reasonable consultation with the person or organization planning the event, whether and to what extent overtime police protection is required. No fee will be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees will be based on the number of officers required for an uncontroversial event of the same size and kind, in the same place and at the same time of day, handling the same amount of cash.

- d. Nothing in this Section applies to any interdepartmental charge or transfer among units or accounts funded by the University.

#### **Sec. 13–1202. Response to Violations**

- a. Students wishing to make a grievance regarding a violation of Texas Education Code § 51.9315 may report it via the University compliance and ethics hotline by emailing [hotline@compliance.utexas.edu](mailto:hotline@compliance.utexas.edu).
- b. A student who violates a prohibition in this Chapter may be disciplined under the procedures in Chapter 11 of the *Institutional Rules*. A registered student or sponsored student organization that violates a prohibition in this Chapter may be disciplined under the procedures in Chapter 6 of the *Institutional Rules*.
- c. A faculty member who violates a prohibition in this Chapter may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by faculty members will be referred to the Office of the Executive Vice President and Provost.
- d. A staff member who violates a prohibition in this Chapter may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by staff members will be referred to Human Resource Services.
- e. Authorized University personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this Chapter, by explanation and persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively or additionally, they may initiate disciplinary proceedings under Subsection 13–1202(a), Subsection 13–1202(b), or Subsection 13–1202(c). Discretion regarding the means and necessity of enforcement will be vested in the chief of police, or in University personnel designated by the president, as appropriate, but such discretion will be exercised without regard to the viewpoint of any speaker.
- f. University persons and University organizations on the campus will comply with instructions from University administrators and law enforcement officials at the scene. A University person or University organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under Section 13–1203.
- g. Off-campus person(s) or organization(s) on the campus who violate a prohibition in this Chapter may be subject to criminal trespass charges, arrest, or other lawful measures.

#### **Sec. 13–1203. Appeals**

- a. A University person or organization that is denied permission for an activity requiring advance permission under this Chapter may appeal the denial of permission.
- b. A University person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth weekday after complying with the order, file an appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal will be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.
- c. An appeal authorized by this Section will be heard under the procedures set out in Subchapter 10–400 of the *Institutional Rules*.

# Speech Expression and Assembly - UTDSP5001

## Policy Statement

## Section A: Governing Principles

### Subsection 1: Freedom of Speech, Expression, and Assembly

1. The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the University. Students, faculty, and staff have the right to assemble, to speak, and to attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen and to ignore the speech of others when they choose not to listen.
2. In furtherance of the University's educational mission, the University buildings, including their outside surfaces, surfaces associated with or connected to a University building, or a University structure are limited public forums open only to the expressive activities of faculty, staff, and students as set forth in this policy. Members of the public may engage in expressive activities at the University in accordance with time, place, and manner rules contained in this policy.
3. Students, faculty, and staff are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, in all parts of the campus, subject only to rules necessary to preserve the equal rights of others and the other functions of the University. Teaching, research, and other official functions of the University shall have priority in allocating the use of space on campus. Members of the public are able to engage in expressive activities only in common outdoor areas of the campus, subject to the time, place, and manner rules in this policy necessary to preserve the functions of the University.
4. Except as expressly authorized by Section B or as identified in federal or state law, the University shall not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person, in the enforcement and administration of these rules or otherwise.
5. The University of Texas at Dallas Police Department (UTDPD) may immediately enforce these rules if a violation of these rules constitutes a breach of the peace or compromises public safety.

### Subsection 2: Scope of this Policy and Related Provisions

1. This policy protects and regulates the speech, expression, and assembly of students, faculty, staff, and members of the public that are not part of the teaching, research, or

other official functions of the University, not otherwise sponsored by the University or any academic or administrative unit, and not submitted for academic credit. Subsection 7 on Harassment applies to all speech regardless of where it occurs, including off University property, if it potentially affects a University person's education or employment with the University or potentially affects the University community..

2. This policy applies to speech by University persons and University organizations in the common outdoor areas, the limited public forums, and speech made using the University's information systems. This policy also applies to members of the public in common outdoor areas.
3. Any program or event sponsored by an academic or administrative unit of the University will have priority in the use of space and facilities over any speech, expression, and assembly that is not sponsored by an academic or administrative unit. Reservation process and available space for academic or administrative units are different and separate from those outlined in this policy. This policy does not limit other existing authority of University officials to authorize programs and events sponsored by an academic or administrative unit not provided for in this policy.
4. Additional rules concerning free speech and academic freedom of faculty members are found in the Regents' *Rules and Regulations* (Rule 31004, Number 2, Sections 1 and 2).
5. Underlying rules concerning free speech of students are found in the Regents' *Rules and Regulations* (Rule 40501, Rule 80103, and Rule 80104). This policy implements those provisions and applies them to UT Dallas.
6. Rules requiring University employees to make clear that controversial statements they make are in their personal capacity are found in the Regents' *Rules and Regulations* (Rule 10101, Section 6.2). Rules restricting use of University equipment, supplies, services, and working hours for political activities are found in the Regents' *Rules and Regulations* (Rule 30103).

### **Subsection 3: Definitions**

1. "Academic or administrative unit" means any office or department of the University.
2. "Faculty member and staff member" includes any person who is employed by the University.
3. "Off-Campus person or organization" and "member of the public" means any person, organization, or business that is not an academic or administrative unit; a registered student, faculty, or staff organization; or a student, faculty member or staff member.
4. "University person or organization" includes academic and administrative units; registered student, faculty, and staff organizations; and individual students, faculty members, and staff members. This phrase describes the most inclusive category of potential speakers on campus; all persons and organizations of any kind are either an "off-campus person or organization" or a "University person or organization."
5. "Registered student, faculty, or staff organization" includes a registered student organization (as defined in the UT Dallas Student Organization Manual, Chapter 2), a faculty or staff organization under the Regents' *Rules and Regulations* (Rule 40201), and Student Government and any unit or subdivision thereof.
6. "Student" means a person who is enrolled at the University.

7. "Amplified sound" means sound with volume that is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are not amplified sound and are not subject to the special rules on amplified sound, but are subject to general rules on disruption.
8. "Dean of Students" means the Dean of Students or any delegate or representative of the Dean of Students.
9. "Room or space" includes any room or space, indoors or outdoors, owned or controlled by the University.
10. "University" means The University of Texas at Dallas.
11. "day" means an 8:00 a.m. to 5:00 p.m. calendar day, and excludes weekends, University holidays, and days on which regularly scheduled classes are suspended due to emergency closure; "University holiday" means days identified in the holiday schedule published by the Office of Human Resources. If a deadline defined in this policy falls on a Saturday, Sunday, University holiday, or emergency closure, that deadline will be moved to the next business day.
12. "adviser" means a member of the university faculty or full-time staff who advises the members of an organization.
13. "Vice President for Student Affairs" means the Vice President for Student Affairs, their delegate, or their representative.
14. "University facility" means an auditorium, arena, residence hall, other building, room, public area, or any other area on the campus.
15. "University President" means the President of The University of Texas at Dallas, their delegate, or their representative.
16. "Limited public forum" means University property, both indoors and outdoors, that is not part of the common outdoor area. This includes the outside surfaces of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, residential outdoor spaces managed by University Housing (including the grounds around University Village), the Student Union Dining Hall Patio, the Student Union east awning, Dining Hall West outdoor area, Davison Gundy Alumni Center green space, and the courtyards of all academic buildings.
17. "Common outdoor area" means outdoor space that is not used solely for University business or an event, an educational function, or a research function on either a permanent or temporary basis. It does not include any space within the University's limited public forum. Common outdoor areas are designated by state law as traditional public forums.
18. "Temporary banner space" means designated outdoor or indoor display area reserved for use by University persons and University organizations, as managed by the Dean of Students, where a University person or organization's temporary banner may be affixed for multiple days as permitted by Subsection 22. These areas are part of the University's limited public forum and not open to use by members of the public.
19. "Temporary exhibit space" means designated outdoor or indoor display areas reserved for use by University persons and University organizations, as managed by the Dean of Students, where a University person or organization may erect a temporary exhibit as

permitted by Section G. These areas are part of the University's limited public forum and not open to use by members of the public.

## **Section B: Prohibited Expression**

### **Subsection 4: Obscenity**

No person or organization shall distribute or display on the campus any writing or visual image, or engage in any public performance, that is obscene. A writing, image, or performance is "obscene" if it is obscene as defined in Texas Penal Code, Subsection 43.21 or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

### **Subsection 5: Defamation**

1. No person shall make, distribute, or display on the campus any statement that unlawfully defames any other person.
2. A statement defames another person if it is: (i) published to a third party other than the subject of the statement or their legal representative; (ii) of and concerning that person; (iii) is a false statement of fact; (iv) that holds the person up to hatred, ridicule or contempt; (v) is made negligently, if the person is a private figure or, if the person is a public official or public figure, with knowledge of falsity or reckless disregard of the truth; (vi) which proximately causes damages; and (vii) is not privileged.

### **Subsection 6: Incitement to Imminent Violations of Law**

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

### **Subsection 7: Harassment**

1. No person will engage in conduct that constitutes harassment of another person or make, distribute, or display on the campus or through University information resources any statement that constitutes harassment of any other person. This Section applies to all speech regardless of where it occurs, including off University property, if it potentially affects a University person's education or employment with the University or potentially affects the University community, all speech made using University resources, including speech that is part of teaching, research, or other official functions of the University whether in person or not, and whether oral, written, or symbolic.
2. "Harassment" means hostile or threatening conduct or speech, whether oral, written, or symbolic, that:
  1. is not necessary to the expression of any idea described in Subsection 7.3 of this policy;

2. is sufficiently severe, pervasive, and objectively offensive to create an objectively hostile or threatening environment that interferes with or diminishes the victim's ability to participate in or benefit from the services, activities, or privileges provided by the University; and
  3. personally describes or is personally directed to one or more specific individuals.
3. To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not harassment, even if some listeners are offended by the argument or idea. The categories of sexually harassing speech set forth in UTDBP3102 of the UT Dallas Handbook of Operating Procedures are rarely, if ever, necessary to argue for or against the substance of any political, religious, philosophical, ideological, or academic idea.
4. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in UTDBP3102 and UTDBP3090 of the UT Dallas Handbook of Operating Procedures. Verbal harassment is often based on the victim's appearance, personal characteristics, or group membership, including but not limited to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity or gender expression, ideology, political views, or political affiliation.
5. Harassment can also consist of nonverbal conduct, such as hazing, practical jokes, damage to property, and physical assault. In the case of sexual harassment and sexual misconduct, sexual conduct is often central to the offense. These forms of harassment are prohibited by UTDSP5003 and UTDBP3102 of the UT Dallas Handbook of Operating Procedures, and by the *Regents' Rules and Regulations*, Rule 30105. To the extent of any conflict in the definition of verbal harassment, the more detailed definition in this section controls.
6. The harassment that this section prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within the University and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules.
7. Verbal harassment has been interpreted very narrowly by the federal courts. Policies on verbal harassment or hate speech at many universities have been held unconstitutional, either because they prohibited harassment only when it was based on race, sex, and similar categories, or because they failed to protect the expression of potentially offensive ideas. This policy should be interpreted as narrowly as need be to preserve its constitutionality.
8. Members of the University community are strongly encouraged to report harassment.
  1. A student who believes he or she has been harassed should report the alleged violation to the Dean of Students.
  2. A faculty member or staff member who believes he or she has been harassed should report the alleged violation to Human Resources.
  3. Alternatively, any person who believes he or she has been harassed may report the alleged violation to the Office of Institutional Compliance, Equity, and Title IX Initiatives, or to any University official, administrator, or supervisor. A faculty

member is not an “official, administrator, or supervisor” for this purpose unless that faculty member holds an administrative position.

4. Any University official, administrator, or supervisor who receives a report of alleged harassment will promptly refer that report and the complaint to the Office of Institutional Compliance, Equity, and Title IX, Human Resources, or the Dean of Students as appropriate. A complainant whose report is not forwarded to the Office of Institutional Compliance, Equity, and Title IX Initiatives, Human Resources or to the Dean of Students, has not initiated proceedings for providing a remedy to the complainant or for imposing discipline on the alleged harasser.
5. Investigation of the information provided, and any remedial or disciplinary proceedings, will advance under the procedures set out in the harassment policies cross-referenced in this section.

### **Subsection 8: Solicitation & Commercial Speech**

1. General rules.
  1. No University person, University organization, or member of the public shall make, distribute, or display on the campus any statement that offers or advertises any product or service for sale or lease, or requests any gift or contribution, except as authorized in this Subsection, by the Regents’ *Rules and Regulations*, or by a contract.
  2. Words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle, are not solicitation within this definition.
  3. Unadorned acknowledgments or thanks to donors are not solicitations within this definition.
2. Rules Specific to UT Dallas campus constituents:
  1. A registered student, faculty, or staff organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions, for the benefit of the organization, for the benefit of another registered student, faculty, or staff organization, or for the benefit of an organization that is tax-exempt under Subsection 501 (c)(3) of the Internal Revenue Code. No organization may sell items obtained on consignment. No organization may request contributions for an off-campus tax-exempt organization for more than fourteen days in any fiscal year.
  2. Registered student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature that contains advertising, subject to the limits in Section D. Individual students, faculty members, and staff members may distribute or display such literature, but may not sell it.
  3. Individual students, faculty members, and staff members may post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used, but only on a bulletin board designated for that purpose by an academic or administrative unit in space that the unit occupies or controls. Any unit that designates a bulletin board for this purpose may regulate that bulletin board under the procedures set forth by that unit.

4. A resident of a University residence hall or apartment building may occasionally invite one or more salespersons to come to the resident's room or apartment, and in that room or apartment, the salesperson may offer products or services for sale to other residents of that residence hall or apartment building.
5. As per Regents' *Rules and Regulations* (Rule 80103, 2.2.9), registered student, faculty, or staff organizations may collect admission fees for programs scheduled in advance.
6. A registered student, faculty, or staff organization may sell charitable raffle tickets on behalf of an organization that is authorized to conduct a charitable raffle under the Texas Charitable Raffle Enabling Act, Texas Occupations Code (Policy 2002), or successor provisions.
3. A registered student organization that receives funds from membership fees or solicitations under this Subsection shall deposit and account for such funds under the rules in the Student Organization Manual.
4. More detailed regulation of solicitation appears in Regents' *Rules and Regulations* (Rule 80103). The provisions most relevant to students, faculty, and staff have been incorporated in this policy.

#### **Subsection 9: Prohibited Items or Actions**

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

1. A mask, facial covering, or disguise that conceals the identity of the wearer that is calculated to obstruct the enforcement of these rules or the law, or to intimidate, hinder or interrupt a University official, UTDPD officer, or other person in the lawful performance of their duty.
2. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including but not limited to sticks, poles, clubs, swords, shields, or rigid signs that can be used as a shield, without permission from the Dean of Students, unless authorized by federal, State or local laws.
3. Body-armor or makeshift body-armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as worn for participation in potentially violent activities.
4. Open flame, unless approved in advance by UT Dallas Life Safety Manager or Dean of Students.
5. No person or organization may engage in expressive activity within a ten-foot clearance around points of entry and the perimeter of all University buildings.

## **Section C: General Rules on Means of Expression**

#### **Subsection 10: Disruption**

1. Except as expressly authorized in Subsection 36 or by an authorized University official responsible for a program or event sponsored by an academic or administrative unit, no speech, expression, or assembly may be conducted in a way that disrupts or interferes with any:
  1. teaching, research, administration, or other authorized activities on the campus;
  2. free and unimpeded flow of pedestrian and vehicular traffic on the campus; or
  3. signs, tables, exhibits, public assemblies, distribution of literature, guest speakers, or use of amplified sound by another person or organization acting under the rules in this policy.
2. Scope.
  1. The term "disruption" and its variants, as used in this subsection, are distinct from and broader than the phrase "disruptive activities," as used in the Regents' *Rules and Regulations* (Rule 40502). This rule is concerned not only with deliberate disruption but also with scheduling and coordination of events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity and to preserve the University's ability to execute its functions.
  2. Except in the most extreme cases, interference and disruption are unavoidably contextual. Intentional physical interference with other persons is nearly always disruptive in any context. Interfering with traffic depends on the relation between the volume of traffic and the size of the passageway left open. Disruptive noise is the most contextual of all because it depends on the activity disrupted. Any distracting sound may disrupt a memorial service. Any sound sufficiently loud or persistent to make concentration difficult may disrupt a class or library. Occasional heckling in the speaker's pauses may not disrupt a political speech, but persistent heckling that prevents listeners from hearing the speaker does disrupt a political speech. These illustrations may be helpful, but none of them includes enough context to be taken as a rule. We cannot escape relying on the judgment and fairness of University authorities in particular cases. In this context where difficult enforcement judgments are unavoidable, it is especially important to remind administrators and law enforcement officials that their judgments should not be influenced by the viewpoint of those claiming disruption or of those allegedly disrupting.
  3. Potentially disruptive events can often proceed without disruption if participants, administrators, and law enforcement officials cooperate to avoid disruption without stopping the event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the event or resorting to disciplinary charges or arrest.

### **Subsection 11: Damage to Property**

1. No speech, expression, or assembly may be conducted in a way that damages or defaces property of the University or of any person who has not authorized the speaker to damage or deface their property.
2. No person may damage, deface, or interfere with any sign, table or exhibit posted or displayed by another person or organization acting under the rules in this policy.

### **Subsection 12: Coercing Attention**

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

### **Subsection 13: Other Rules with Incidental Effects on Speech**

1. Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to compile or cross-reference here. For example, libraries typically have highly restrictive rules concerning noise; laboratories and rooms containing the electrical and mechanical infrastructure of the University typically have safety rules and rules excluding persons without specific business there; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways. Speech within classrooms is generally confined to the subject matter of the class; the right to attend a class at all is subject to registration and payment of tuition; individual professors may have rules of decorum in their classroom. These kinds of rules limit the right of students, faculty, and staff to enter and speak in the places to which these rules apply.
2. Reasonable and nondiscriminatory rules of this kind generally control over the rights of free speech guaranteed in this policy. But even these kinds of rules are subject to the constitutional right of free speech. Such rules must be viewpoint neutral. Such rules cannot regulate speech more restrictively than they regulate other activities that cause the problems to be avoided by the rule. Such rules should not restrict speech more than is reasonably necessary to serve their purpose. Such rules cannot ban unobtrusive forms of communication with no potential for disruption even in the specialized environment subject to the localized rule. Thus, for example, means of silent expression or protest confined to the speaker's immediate person, such as armbands, buttons, and t-shirts, are nearly always protected because they are rarely disruptive in any environment.
3. University persons, University organizations, and members of the public are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.

## **Section D: Distribution of Literature**

### **Subsection 14: General Rule on Distribution of Literature**

1. Registered student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature on campus subject to the rules in this policy. Individual students, faculty members, and staff members may distribute or display literature but may not sell it. In either case, no advance permission is required. Members

of the public may distribute literature in the common outdoor areas, subject to the rules in this policy, but may not sell literature.

2. "Literature" means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informational matter, that is produced in multiple copies for distribution to potential readers.

#### **Subsection 15: Not-for-profit Literature Only**

1. Except as expressly authorized by the Regents' *Rules and Regulations* or by contract with the University, no person or organization may sell, distribute, or display on campus any publication operated for profit. A registered student, faculty, or staff organization may sell publications operated for profit as part of a fundraiser authorized by, and subject to the limits of Subsection 8.
2. A publication is operated for profit if any part of the net earnings of the publication, or if its distribution, inures to the benefit of any private shareholder or individual.

#### **Subsection 16: Limits on Advertising**

1. Literature distributed on campus may contain the following advertising:
  1. advertising for a registered student, faculty, or staff organization, or an academic or administrative unit;
  2. advertising for an organization that is tax-exempt under Subsection 501 (c)(3) of the Internal Revenue Code;
  3. paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising; and
  4. other advertising expressly authorized by the Regents' *Rules and Regulations* by contract with the University.
2. All other advertising in literature distributed on campus is prohibited.

#### **Subsection 17: Cleanup of Abandoned Literature**

Any person or organization distributing literature on campus shall pick up all copies dropped on the ground in the area where the literature was distributed.

## **Section E: Signs and Banners**

#### **Subsection 18: General Rules on Signs**

1. "Sign" means any method of displaying a visual message to others, except that transferring possession of a copy of the message is distribution of literature and not a sign.
2. Subject to the rules in this section and to the general rules in Sections B and C, a University person or organization may display a sign by holding or carrying it, by

displaying it at a table (see Section F), or by posting it on a bulletin board or other designated location. Signs may not be staked to the ground or posted in any other location except those areas allowed by long-standing tradition or otherwise permitted by this policy.

### **Subsection 19: Hand-held Signs**

1. Students, faculty, and staff may display a sign on campus by holding or carrying it by hand or otherwise attaching it to their person. Members of the public may display a sign in the common outdoor areas by holding or carrying it by hand or otherwise attaching it to their person. No advance permission is required. Signs on sticks or poles or otherwise attached to any device are prohibited.
2. Hand-held signs constructed of materials that create a hazard to other people are not permitted. Signs constructed of rigid materials, including sticks, poles, wood, metal, hard plastic, or other materials that could be construed as a hazard are not permitted.
3. Any person holding or carrying a sign shall exercise due care to avoid bumping, hitting, or injuring any other person.
4. Any person holding or carrying a sign at a speech, performance, or other event shall exercise due care to avoid blocking the view of any other person observing the speech, performance, or event. Depending on the venue, this may mean that signs may be displayed only around the perimeter of a room or an audience.
5. A law enforcement officer, the Dean of Students, or an usher or any other university employee if authorized by officials responsible for managing the venue, may warn any person that their sign is being handled in violation of this section. If the violation persists after a clear warning, the law enforcement officer, dean, authorized usher, or other authorized employee may confiscate the sign or take other appropriate steps to respond to the violation. A law enforcement officer may take any action necessary to keep the peace including but not limited to issuing a criminal trespass warning to the violator.

### **Subsection 20: Signs in Other Designated Locations (including on bulletin boards)**

1. Each academic or administrative unit may authorize the posting of signs in spaces that a unit occupies and controls. Such authorization may be granted by general rule, by stamping or initialing individual signs, or by long-standing tradition.
2. Signs in spaces occupied by academic or administrative units may be:
  1. confined to bulletin boards or other designated locations;
  2. subjected to viewpoint-neutral rules limiting the size of signs, limiting how long they may be posted, requiring each sign to show the date it was posted and the name of the person or organization who posted it, and similar rules designed to facilitate fair and equal opportunities to post signs;
  3. confined to official statements or business of the unit, or to certain subject matters of interest within the unit, or to signs posted by persons or organizations affiliated with the unit.
3. Each academic or administrative unit will post on or near each bulletin board or other designated location that it administers:

1. either the rules applicable to that bulletin board or location or a particular office or website where the rules applicable to that bulletin board or location may be found; and
2. if a stamp or initials are required on signs before they are posted on that bulletin board or location, the name and office location of the person whose stamp or initials are required.
3. This notice will be posted in the upper left corner of each bulletin board or other designated location for posting signs, or conspicuously in another nearby location. If no such notice is posted, then the only applicable rules are those contained in Section B and Subsections 10, 11, and 14.
4. Within the scope of the subject matters permitted on a particular bulletin board or other designated location, no academic or administrative unit will discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed on a sign.
5. This Section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official University business.

### **Subsection 21: Banners**

"Banner" means an affixed, stationary sign hung from a structure or building, or between two buildings, structures, or poles. Banners on poles may not be carried by individuals.

1. Hand-held banners. University persons, University organizations, and members of the public are permitted to display a hand-held banner carried by two or more individuals without poles, in accordance with Subsection 20, in the common outdoor areas.
2. Temporary banner space designations.
  1. The Dean of Students shall designate places where banners may be hung in indoor and outdoor locations not occupied or controlled by any other academic or administrative unit. Temporary banner spaces are not open to the public.
  2. Other academic and administrative units may designate one or more temporary banner spaces where banners may be hung in indoor or outdoor locations that the unit occupies or controls. These temporary banner spaces are not open to members of the public.
3. Academic and administrative units and registered student, faculty, and staff organizations may hang banners in locations designated under Subsection 22, 2(2). Individuals and members of the public may not hang banners.
4. Advance permission is required for the hanging of banners. Each banner may be hung for one week. The banner may be renewed from week to week if space is available, but usually, other organizations are waiting their turn and renewal is not possible.
5. The Dean of Students may require that the physical work of hanging the banners be performed only by employees of Facilities Management or other appropriate University personnel. Actual costs will be charged to the organization or unit making the request.

## **Section F: Tables**

### **Subsection 22: General Rule on Tables**

University persons and University organizations may set up tables from which to display literature, disseminate information and opinions, and raise funds, subject to the rules in this section and to the general rules in Sections B and C. No advance permission is required. Members of the public may also set up tables in common outdoor areas.

### **Subsection 23: Locations**

1. Subject to the restrictions in this section and subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic, University persons and University organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location.
2. Additional Restrictions.
  1. Tables may not be set up inside any library, classroom, laboratory, performance hall, stadium, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time.
  2. An academic or administrative unit may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. Academic and administrative units are encouraged to clearly state any such rules in writing and to publish those rules on a website or on a flyer or pamphlet available at the chief administrative office of the unit.
3. If any table is set up in a prohibited or disruptive location, any University employee pointing out the violation shall also point out other locations, as nearby as is reasonably possible, where the table is permitted.

### **Subsection 24: Identification**

Each table must have a sign or literature that identifies the University person or University organization sponsoring the table.

### **Subsection 25: Clean-up Around Tables**

Any person or organization sponsoring a table shall remove litter from the area around the table before vacating the space.

### **Subsection 26: Sources of Tables**

University persons and University organizations may supply their own tables. In addition, the Dean of Students maintains a supply of tables for registered student organizations that may be reserved and checked out for use in the Student Union Building and on-campus in designated areas.

# Section G: General Exhibits and A-frame Exhibits

## Subsection 27: General Rules on Exhibits

1. "General Exhibit" means an object or collection of related objects, designed to stand on the ground or on a raised surface, that is not a table, and that is designed for temporary display not permanently attached to the ground.
2. "A-Frame Exhibit" means a movable and self-supported signboard designed to stand on the ground in a temporary outdoor exhibit space. A-frame exhibits may not exceed five feet in height or width. Structures that do not meet these criteria will be considered general exhibits and will be subject to the rules in Subsection 31.1.
3. Academic or administrative units and registered student organizations, faculty organizations or staff organizations may erect exhibits, subject to the rules in this section and to the general rules in Sections B and C. Advance permission is required from the Dean of Students, except that an academic unit may authorize indoor exhibits in a space that it occupies and controls. Members of the public may not erect exhibits.
4. The Dean of Students will maintain on a website, a current description of the rules and procedures for displaying a temporary outdoor exhibit space for A-frame exhibits on campus.
- 5.

## Subsection 28: Application Process

An academic or administrative unit or a registered student, sponsored student, faculty, or staff organization desiring to display an outdoor general exhibit will apply on a form prescribed by the Dean of Students. An academic or administrative unit or a registered student, sponsored student, faculty, or staff organization desiring to display an outdoor A-frame exhibit must follow guidelines outlined on the Dean of Students 'General Exhibits and A-frame Exhibits' website.

## Subsection 29: Criteria for Approval

1. General exhibits.
  1. The Dean of Students will designate temporary outdoor exhibit spaces where general exhibits may be placed. The Dean of Students will authorize a general exhibit described in a completed application under Subsection 29 unless the Dean of Students finds that use of the proposed temporary outdoor exhibit space for the proposed exhibit must be disapproved under the criteria in UTDSP5002. The Dean of Students will advise the applicant on how to correct, if possible, any conditions that preclude approval of the application.
  2. The Dean of Students will consider the totality of the circumstances, including safety concerns, as part of the approval process.
2. A-frame exhibits.

1. The Dean of Students will designate temporary outdoor exhibit spaces where A-frame exhibits may be placed. If an academic or administrative unit or a registered student, faculty, or staff organization wishes to place an A-frame exhibit in a different location, then the structure will be considered a general exhibit under this Subsection. The Dean of Students may limit the number of A-frame exhibits that are placed in designated areas to minimize visual obstructions of the A-frames.
- 2.

### **Subsection 30: Time Limits**

1. General exhibits.
  1. In locations administered by the Dean of Students, each exhibit may be displayed for seven days. The exhibit may be renewed for an additional seven days if space is available.
  2. The exhibit may be displayed no earlier than 8:00 a.m. and must be removed by 10:00 p.m. each day and may be re-erected each morning. However, the Dean of Students may authorize overnight exhibits in designated locations on a case-by-case basis.
2. A-frame exhibits.
  1. Each A-frame exhibit may be placed for seven days and remain overnight. The A-frame exhibit may be renewed for an additional seven days if space is available.
  2. If the A-frame is left on campus for longer than the reservation, the A-frame may be removed by the Department of Facilities Management, at the expense of the academic or administrative unit or registered student, faculty, or staff organization.

### **Subsection 31: Clean-up Around and Upkeep of Exhibits**

Any person or organization sponsoring an exhibit shall remove litter from the area around the exhibit before vacating the space. A-frame exhibits are expected to be maintained in a manner that they are in working order and with material that is not out of date.

### **Subsection 32: Liability**

Any person or organization sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. The University shall not be liable for any damage that may occur to the exhibit, and any person or organization sponsoring the exhibit shall indemnify the University for any claims arising from the exhibit's presence on campus.

## **Section H: Amplified Sound**

### **Subsection 33: General Rules on Amplified Sound**

University persons, University organizations, and members of the public may use amplified sound on campus at designated times and locations, subject to the rules in this section and to the general rules in Sections B and C. This section creates limited exceptions to the general rule on disruption in Section C.

#### **Subsection 34: Location and Times of Amplified Sound Areas**

1. Student Union Mall
  1. The Margaret McDermott Student Union Mall Amplified Sound Area is bounded by the Student Union Building on the west side and extends to the stone wall between the Student Union and the McDermott Library on the east side. The north boundary is marked by the north end of the mall pavers and the south boundary is the end of the pavement on the south side of the outdoor Chess Plaza.
  2. With appropriate approval, University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. to 5 p.m. on Saturdays and Sundays.
  3. All academic and administrative units, as well as, registered and sponsored student organizations, and faculty and staff organizations may use sound equipment owned or controlled by the dean of students' office for this sound area.
  4. Members of the public must use their own sound equipment. This sound area requires a reduced decibel level as compared to other sound areas to ensure educational activity in close proximity is not disturbed.
2. The PUB Patio
  1. The PUB Patio Amplified Sound Area is bounded by the railed fence on the north end of the Patio and to the east, west, and south by the existing surrounding walls of the Union building.
  2. With appropriate approval, University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. to 5 p.m. on Saturdays and Sundays.
  3. All academic and administrative units, as well as, registered and sponsored student organizations, and faculty and staff organizations may use sound equipment owned or controlled by the dean of students' office for this sound area.
  4. Members of the public must use their own sound equipment. This sound area requires a reduced decibel level as compared to other sound areas to ensure educational activity in close proximity is not disturbed.
3. Student Union Green Space
  1. The Student Union Green Space is bounded by the edges of the grass on the north, south, east, and west sides.
  2. With appropriate approval, University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. to 5 p.m. on Saturdays and Sundays.

3. All academic and administrative units, as well as, registered and sponsored student organizations, and faculty and staff organizations may use sound equipment owned or controlled by the dean of students' office for this sound area.
4. Members of the public must use their own sound equipment. This sound area requires a reduced decibel level as compared to other sound areas to ensure educational activity in close proximity is not disturbed.
4. With advance permission from the director of the Student Union, University persons and University organizations may be authorized to use amplified sound in the amplified sound areas after 5:00 p.m. weekdays and Saturdays and Sundays, not to exceed 1:00 a.m. the next day. The Student Union Director will decide what a reasonable start/end time should be, based on information relating to other campus events and classroom activities occurring on the day of the request. University groups using Student Union amplified sound equipment will yield equipment when the facility closes.
5. The Vice President for Student Affairs may designate additional areas for use of amplified sound.
6. If the director of the Student Union concludes that it is unworkable to use amplified sound in more than one of the amplified sound areas at the same time, the director may deny requests to use amplified sound.

### **Subsection 35: Regulation and Scheduling of Amplified Sound**

1. The director of the Student Union may prescribe rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of amplified sound areas, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact. All such rules shall be reasonable and nondiscriminatory.
2. Reservations.
  1. University persons, University organizations, and members of the public wishing to use an amplified sound area may reserve a particular area at a particular time. Reservations by University persons and University organizations must be made with the director of the Student Union through the online request form located on the Student Union website. Members of the public may make a reservation by emailing [reservations@utdallas.edu](mailto:reservations@utdallas.edu). If space is available, the director of the Student Union shall approve a properly completed request, unless the application must be disapproved under the criteria in UTDSP5002 or under rules promulgated by the director under the authority of this section.
  2. The director of the Student Union shall advise each applicant on how to correct, if possible, any conditions that preclude approval of its application. The director of the Student Union may give advice to applicants of approved applications about other possible locations for an event, or about modifications to the proposed event, that would avoid potential problems or make the proposed event more workable.
  3. The director of the Student Union may limit the number or frequency of reservations for each applicant to ensure reasonable access for all persons and organizations desiring to use amplified sound.

3. When amplified sound areas are not reserved for use for an assembly including amplified sound, they are available for use, for permitted expressive activity, without reservation as part of the common outdoor areas. Any person or organization using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of its reserved time. Equipment will not be provided to University persons and University organizations who do not have a prior reservation. With or without a reservation, members of the public must use their own equipment and comply with decibel level requirements.
4. Persons and organizations using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area.
5. Any designations of additional areas, any additional rules regulating the designated areas, and the rules and procedures for reserving the right to use a designated area, shall be clearly stated on a website maintained by the director of the Student Union.

### **Subsection 36: Amplified Sound Indoors**

University persons and University organizations may use amplified sound indoors. Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the director of the Student Union may limit or prohibit sound that would be disruptive outside the room. Reservations may be required. Rules concerning use of University buildings are contained in UTDSP5002.

## **Section I: Public Assemblies**

### **Subsection 37: General Rules on Public Assemblies**

1. "Publicly assemble" and "public assembly" include any gatherings of persons, including discussions, rallies, and demonstrations. The rules of Section H apply to any use of amplified sound at a public assembly.
2. Persons and organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this policy, and to the rules on use of University property in UTDSP5002. No advance permission is required in the common outdoor areas.

### **Subsection 38: Reservation of Space**

1. Common outdoor areas reservations.
  1. University persons, University organizations, and members of the public may reserve a space to assemble in the common outdoor areas, as defined by this policy. This is in addition to the amplified sound areas which are also available for reservation.
  2. Reservations by University persons and University organizations must be made with the director of the Student Union through the online request form on the Student Union website. Members of the public may reserve space by making a

request to [reservations@utdallas.edu](mailto:reservations@utdallas.edu). Applications and requests for a reservation for such assemblies will be approved pursuant to UTDSP5002.

3. If the expected attendance at an assembly is twenty-five or more people, advance notice of no less than three days is recommended. Persons and organizations are encouraged to seek reservation of a space that is suited to their assembly's anticipated size.
2. Limited public forum areas reservations.
  1. Registered student, faculty, or staff organizations and academic or administrative units may reserve a space to assemble in the limited public forum areas, as defined by this policy.
  2. The director of the Student Union or other campus units, depending on the space, will receive applications for reservations of a space within the limited public forum areas. Applications for a reservation for such assemblies will be processed under the provisions in UTDSP5002.
  3. If the expected attendance at an event with a guest speaker is twenty-five or more people, advance notice of no less than three days is required.
3. An organization with a reservation has the right to the reserved room or space for the time covered by the reservation. Any person or organization using or occupying the room or space without a reservation must yield control of the room or space in time to permit any organization with a reservation to begin using the room or space promptly at the beginning of its reserved time.
4. While reservations are not required, they are strongly encouraged. A person or organization planning to use a room or space without a reservation may find the facility locked or in use by another person or organization.
5. Should the size of any assembly exceed the maximum number of participants that is safe for a given location, including a reserved space, assembly participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly to the extent relocation is practicable.

### **Subsection 39: Notice and Consultation**

1. Persons or organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be.
2. Persons or organizations that are planning a public assembly in a common outdoor area, with or without a guest speaker, and with more than fifty expected participants, including potential counter-demonstrators, are strongly encouraged to provide advanced notice of no less than one week to the director of the Student Union to help the University improve the safety and success of the expressive activity. Members of the public may provide this notice by emailing [reservations@utdallas.edu](mailto:reservations@utdallas.edu). If there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events, persons and organizations are encouraged to consult the Dean of Students and director of the Student Union. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly to the extent relocation is practicable.

3. University organizations planning an event in the limited public forum areas with or without a guest speaker and expected attendance of more than twenty-five participants are required to provide advanced notice of no less than three days to the Dean of Students, per the regulations outlined in the Student Organization Manual, to improve the safety and success of the expressive activity. University persons and University organizations are encouraged to consult with the Dean of Students and director of the Student Union if there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events. The dean has much experience in helping student organizations structure events in ways that both comply with the University's rules and achieve the organization's goals for the event. The dean can help identify appropriate space and potentially conflicting events. The dean can help the planners avoid unintended disruption or other violations that may result in subsequent discipline or subsequent interference with the assembly by campus authorities.
4. The notice and consultation requirements of this section do not apply to academic or administrative units.
5. University organizations notice and consultation requirements of this section may be waived by the Dean of Students.
6. Registered student, faculty, and staff organizations are afforded privileges not available to individual faculty, staff, and students. Individuals may not reserve indoor space on campus.

## **Section J: Guest Speakers**

### **Subsection 40: Definitions**

"Guest speaker" means a speaker or performer who is not a student, faculty member, or staff member.

### **Subsection 41: Who May Present**

1. Subject to the rules in this policy, University persons, University organizations, and members of the public may present guest speakers in common outdoor areas.
2. Registered student, faculty, and staff organizations and academic and administrative units may present guest speakers in the limited public forums of the campus. In the case of registered student organizations and sponsored student organizations, advance permission from the Dean of Students, as outlined in the Student Organization Handbook is required. Registered faculty organizations are required to seek advance permission from the Vice President for Academic Affairs and Provost. Registered staff organizations are required to seek advance permission from the Vice President and Chief of Staff. Individuals may not present a guest speaker in University buildings or University facilities.

### **Subsection 42: Location and Form of Presentation**

1. Subject to the rules in this policy, including the applicable time, place, and manner rules, University persons, University organizations, and members of the public may utilize the common outdoor areas for guest speaker assemblies. No reservation or prior approval is necessary, but notice and reservations are encouraged.
2. A guest speaker may present a speech or performance, or lead a discussion, at a time announced in advance, in a limited public forum following guidelines and reservation requirements set forth in this policy.
  1. A guest speaker may distribute literature indoors only immediately before, during, or after the normal course of their speech, performance, or discussion to persons in attendance. Only literature that complies with Section D of this policy may be distributed.
3. A guest speaker may not:
  1. accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
  2. distribute literature to persons who have not chosen to attend the speech, performance, or discussion; or
  3. help staff a table or exhibit unless it is set up in a common outdoor area.

#### **Subsection 443 Application**

1. A registered student organization that has received approval of the dean to host a guest speaker in a limited public forum area must complete the reservation of space form on the Student Union website.
2. The dean shall approve an application properly made under Section I of this policy unless it must be disapproved under the criteria in UTDSP5002.

#### **Subsection 44: Obligations of Presenting Organization**

A student, faculty or staff organization that presents a guest speaker must make clear that:

1. the organization, and not the University, invited the speaker; and
2. the views expressed by the speaker are their own and do not necessarily represent the views of the University, the University of Texas System, or any component institution.

## **Section K: Responding to Speech, Expression, and Assembly**

#### **Subsection 46: General Rule on Responding**

Persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this policy.

#### **Subsection 46: Applications**

1. Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.
2. Means of response that are permitted in many locations and without advance permission or reservation, such as signs, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized in this policy.
3. Means of response that require advance permission or reservation, such as banners, general exhibits, A-frame exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Banner space and some amplified sound areas may be unavailable on short notice because of earlier reservations, but the Dean of Students shall expedite approval of general exhibits, A-frame exhibits, available banner space, and amplified sound areas where necessary to permit appropriate response to other speech, assembly, or expression.
4. Means of response that are confined to authorized locations, such as banners, exhibits, and amplified sound, may be used only in those locations. It is not possible to respond to amplified sound with amplified sound in the same location; similarly, if an exhibit or public assembly is in a location where amplified sound is not permitted, it is not possible to respond with amplified sound in that location. In either case, it is possible to respond with amplified sound in another location and to use signs or distribution of literature to advertise the response at the other location.

## **Section L: Enforcement and Appeals**

### **Subsection 47: Police Protection**

1. It is the responsibility of the University to make its best effort to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers in regular duty areas that fall in the area of such events will be at the cost of the University. When the magnitude, timing, or nature of an event in a University building, University facility, or other areas of the University's limited public forum requires overtime hours from police officers (including contract hours for officers hired from other departments or private security agencies), the University will, to the extent specified in paragraphs 2 and 3 below, charge the cost of overtime or contract officers to the person or organization sponsoring the event or exhibit. The purpose is to charge for police overtime when reasonably necessary, but not to charge for police overtime made necessary by the content of speech at the event or by the controversy associated with any event.
2. A reasonable and nondiscriminatory fee for overtime police work will be charged to the registered student, faculty, or staff organization for events in a University building, University facility, or other areas of the University's limited public forum for events that require overtime police protection, and
  1. charge a price for admission, or
  2. have a paid speaker, band, or other off-campus person or organization for services at the event.

3. The University shall have the sole power to decide, after reasonable consultation with the person or organization planning the event, whether and to what extent overtime police protection is required. No additional fee shall be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees shall be based on the number of officers required for an uncontroversial event of the same size and kind, in the same place and at the same time of day, handling the same amount of cash.
4. Nothing in this Subsection applies to any interdepartmental charge or transfer among units or accounts funded by the University.

#### **Subsection 48: Response to Violations**

1. Students wishing to make a grievance regarding a violation of Texas Education Code § 51.9315 may report it via the University Compliance and Ethics hotline by calling 1-888-228-7707.
2. A student or registered/sponsored student organization who violates a prohibition in this policy may be disciplined under the procedures in UTDSP5003.
3. A faculty member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by faculty members shall be referred to the Office of the Vice President for Academic Affairs and Provost.
4. A staff member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by staff members shall be referred to the staff member's supervisor.
5. Authorized University personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this policy, by explanation and by persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively, or additionally, they may initiate disciplinary proceedings under paragraphs 2, 3, or 4 of this subsection. Discretion regarding the means and necessity of enforcement shall be vested in the Chief of Police, or in University personnel designated by the President, as appropriate, but such discretion shall be exercised without regard to the viewpoint of any speaker.
6. A University person or University organization on the campus shall comply with instructions from University administrators and law enforcement officials at the scene. A University person or University organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under Subsection 50.
7. Off-campus person(s) or organization(s) on the campus who violate a prohibition in this policy may be subject to criminal trespass charges, arrest, or other lawful measures.

#### **Subsection 549: Appeals**

1. A University person or University organization that is denied permission for an activity requiring advance permission under this policy may appeal the denial of permission.
2. A University person or University organization that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth weekday after

complying with the order, file an appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal shall be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.

3. An appeal authorized by this Subsection shall be heard under the procedures set out in UTDSP5002.

## **Policy History**

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## **Policy Links**

- Permalink for this policy: <https://policy.utdallas.edu/utdsp5001>
- Link to PDF version: <https://policy.utdallas.edu/utdsp5001/makepdf>
- Link to printable version: <https://policy.utdallas.edu/utdsp5001/makeprint>

# Speech, Expression, and Assembly

<b>Section:</b>	II: Student Affairs
<b>Chapter:</b>	2
<b>Date Updated:</b>	

## 2.1 Governing Principles

### 2.1.1 Freedom of Speech, Expression, and Assembly

The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the University. Students, faculty, staff, and members of the public have the right to assemble, to speak, and to attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen.

2.1.1.1 Students, faculty, and staff are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, in all parts of the campus, subject only to rules necessary to preserve the equal rights of others and the other functions of the University. Teaching, research, and other official functions of the University shall have priority in allocating the use of space on campus. Members of the public may engage in expressive activities in common outdoor areas of the campus, subject to discretionary time, place, and manner limitations necessary for preserving the functions of the University.

2.1.1.2 In furtherance of the University's educational mission, University buildings, including their outside surfaces, surfaces associated with or connected to a University building, or a University structure are limited public forums open only to the expressive activities of faculty, staff, and students as set forth in this Chapter. Student, faculty, and staff organizations may not invite the public at large to events in University buildings, facilities, or locations that are not considered common outdoor areas.

2.1.1.3 Except as expressly authorized by 2.2, the University shall not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise.

### 2.1.2 Scope and Related Provisions

2.1.2.1 This chapter protects and regulates speech, expression, and assembly of students, faculty, staff, and members of the public that are not part of the teaching, research, or other official functions of the University, not otherwise sponsored by the University or any academic or administrative unit, and not submitted for academic credit.

2.1.2.2 This chapter also regulates certain speech that is part of the teaching, research, or other official functions of the University:

a. Section 2.2.4 on Harassment applies to all speech regardless of where it occurs, including off University property, if it potentially affects a University person's education or employment with the University or potentially affects the University community.

b. This entire chapter applies to speech by academic and administrative units, and speech that is submitted for academic credit in outdoor locations on the campus. The Dean of Students administers and schedules reservations for outdoor signs, tables, exhibits, public assemblies, and amplified sound, even for faculty, staff, and administrative and academic units, because scheduling through a single office is necessary to avoid conflicts.

2.1.2.3 Any program or event sponsored by an academic or administrative unit of the University shall have priority in the use of space and facilities over any speech, expression and assembly that is not sponsored by an academic or administrative unit, except that programs or events sponsored by an academic or administrative unit shall not have priority in the use of weekday amplified sound areas described in section 2.8.2. Academic or administrative units have equal access to scheduling the amplified sound areas. This chapter does not limit other existing authority of University officials to authorize programs and events sponsored by an academic or administrative unit and not provided for in this chapter.

2.1.2.4 Related Regulations and Policies include:

a. Additional rules concerning free speech and academic freedom of faculty are found in the *Regents' Rules and Regulations*, Rule 31004.

b. Underlying rules concerning free speech, the University's right to impose time, place, and manner restrictions, and the regulation of off-campus speakers, can be found in *Regents' Rules and Regulations*, Rule 40501.

c. Rules concerning free speech and regulations regarding use and access to various campus facilities are found in *Regents' Rules and Regulations*, Rules 80101-80110.

d. Rules protecting and regulating speech on University computer networks are promulgated by Information Technology Services, and are currently found in IT Policies, Information Computing and Web Policy.

e. Rules requiring University employees to make clear that controversial statements are in their personal capacity are found in the *Regents' Rules and Regulations*, Rule 10101. Rules restricting use of University equipment, supplies, services, and working hours for political activities are found in the *Regents' Rules and Regulations*, Rule 30103.

### 2.1.3 Definitions

In addition to the general definitions contained in Chapter 2.2, as used in this chapter, unless the context requires a different meaning:

- a. "Amplified sound" means sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting and group chanting are not amplified sound and are not subject to the special rules on amplified sound, but are subject to general rules on disruption;
- b. "Common outdoor area" means outdoor space that is not used for dedicated University business or an event, an educational function, or a research function on either a permanent or temporary basis. It does not include the outside surfaces of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, or any other space within the University's limited public forum. Common outdoor areas are designated by state law as traditional public forums.
- c. "Event" means something that occurs in a certain place during a particular interval of time; events include but not limited to guest speakers, exhibits, tables, distribution of literature, signs and public assemblies.
- d. "Expressive activities" means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
- e. "Limited public forum" means University property, both indoors and outdoors, that is not part of the common outdoor area, including the outside surface of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, residential outdoor spaces managed by the University, or other areas dedicated to operations or functions of the University.
- f. "Off-campus person or organization" means any person, organization, or business that is not an academic or administrative unit, a registered student, faculty, or staff organization, or a student, faculty member, or staff member, including invited speakers;
- g. "Room or space" includes any room or space, indoors or outdoors, owned or controlled by the University.
- h. "Student event request form" means the form used by a registered student organization to schedule an activity on the campus and is available at the Student Engagement and Leadership Center.

- i. "Table" means booths, displays, furniture, enclosure or any other structure temporarily used for distribution of literature, or for displaying signs or posters or for raising funds or soliciting, or for other similar activities;
- j. "University facility" means an auditorium, arena, dormitory, other building, room, public area, or any other area on the campus.
- k. "University person or organization" includes academic and administrative units, registered student, faculty, and staff organizations, and individual students, faculty members, and staff members.

## **2.2 Prohibited Expression**

### **2.2.1 Obscenity**

No person or organization shall distribute or display on the campus any writing or visual image, or engage in any public performance, that is obscene. A writing, image, or performance is "obscene" if it is obscene as defined in Texas Penal Code, Section 43.21 or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

## **2.2.2 Defamation**

2.2.2.1 No person shall make, distribute, or display on the campus any statement that unlawfully defames any other person.

2.2.2.2 A statement unlawfully defames another person if it is false, if the false portion of the statement injures the reputation of the other person, and if the speaker has the constitutionally required state of mind as set forth in decisions of the United States Supreme Court.

## **2.2.3 Incitement to Imminent Violations of Law**

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

## **2.2.4 Harassment**

2.2.4.1 No person shall make, distribute, or display on the campus any statement that constitutes verbal harassment of any other person. This section applies to all University speech including speech that is part of teaching, research, or other official functions of the University whether in person or not. "Verbal harassment" means hostile or offensive speech, oral, written, or symbolic, that:

- a. personally describes or is personally directed to one or more specific individuals; and
- b. is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the victim's ability to participate in or benefit from the services, activities, or privileges provided by the University; and
- c. is not necessary to the expression of any idea described in paragraph 2.2.4.1.1 below.

2.2.4.1.1 To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not verbal harassment, even if some listeners are offended by the argument or idea. The categories of sexually harassing speech set forth in Section VI: Equal Opportunity of this Handbook are rarely, if ever, necessary to argue for or against the substance of any political, religious, philosophical, ideological, or academic idea.

2.2.4.1.2 Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in Section VI: Equal Opportunity of this Handbook and is often based on the victim's appearance, personal characteristics, or group membership, including but not limited to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, ideology, political views, or political affiliation.

2.2.4.2 Harassment can also consist of nonverbal conduct, such as hazing, practical jokes, damage to property, and physical assault. In the case of sexual harassment and sexual misconduct, sexual conduct is often central to the offense.

These forms of harassment are prohibited in this Handbook, Section II: Student Affairs, Chapter 1.3.8; Section VI: Equal Opportunity and in the Regents' *Rules and Regulations*, Rule 30105. To the extent of any conflict in the definition of verbal harassment, the more detailed definition in this section controls.

2.2.4.3 The harassment that this section chapter prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense, and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within the University and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules.

2.2.4.4 Verbal harassment has been interpreted very narrowly by the federal courts. Many University policies on verbal harassment or hate speech have been held unconstitutional, either because they prohibited harassment only when it was based on race, sex, and similar categories, or because they failed to protect the expression of potentially offensive ideas. This policy should be interpreted as narrowly as need be to preserve its constitutionality.

2.2.4.5 Complaints about harassment may be reported as follows:

- a. a student who believes he or she has been harassed should report the alleged violation to the Dean of Students;
- b. a faculty member or staff member who believes he or she has been harassed should report the alleged violation to the Equal Opportunity/Affirmative Action Office;

- c. alternatively, any person who believes he or she has been harassed may report the alleged violation to the Equal Opportunity/Affirmative Action Office or to any University official, administrator, or supervisor. A faculty member is not an "official, administrator, or supervisor" for this purpose unless that faculty member holds an administrative position;
- d. any University official, administrator, or supervisor who receives a report of alleged harassment shall promptly refer that report and the complainant to the Equal Opportunity/Affirmative Action Office, or to the Dean of Students, as appropriate. A complainant whose report is not forwarded to the Equal Opportunity/Affirmative Action Office, or to the Dean of Students, has not initiated proceedings for providing a remedy to the complainant or for imposing discipline on the alleged harasser.

2.2.4.6 Investigation of the information provided by a complainant, and any subsequent remedial or disciplinary proceedings, shall proceed under the procedures set out in the harassment policies found in Section VI, Equal Opportunity.

### **2.2.5 Solicitation**

2.2.5.1 No person shall make, distribute, or display on the campus any statement that offers or advertises any product or service for sale or lease, or requests any gift or contribution, except as authorized in paragraph (b), by 2.4.3, or by the Regents' *Rules and Regulations*, Rule 80103. The following are not solicitation within this definition:

- a. words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle;
- b. unadorned acknowledgements or thanks to donors.

2.2.5.2 Permissible Solicitation includes:

- a. a registered student, faculty, or staff organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions for the benefit of the organization, for the benefit of another registered student, faculty, or staff organization, or for the benefit of an organization that is tax-exempt under Section 501(c)(3) of the Internal Revenue Code. No organization may sell items obtained on consignment. No organization may request contributions for an off-campus tax-exempt organization for more than fourteen days in any fiscal year;

- b. registered student, faculty, and staff organizations, and academic and administrative units may sell, distribute, or display literature that contains advertising, subject to the limits in 2.4.3. Individual students, faculty members, and staff members may distribute or display such literature, but may not sell it;
- c. individual students, faculty members, and staff members may post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used, but only on a bulletin board designated for that purpose by an academic or administrative unit in space that the unit occupies or controls. Any unit that designates a bulletin board for this purpose may regulate that bulletin board under the procedures set forth in 2.5.6;
- d. a resident of a University residence hall or apartment building may occasionally invite one or more salespersons to come to the resident's room or apartment, and in that room or apartment, the salesperson may offer products or services for sale to other residents of that residence hall or apartment building;
- e. a registered student, faculty, or staff organization may collect admission fees for programs scheduled in advance under Section II - Chapter 3 (Use of University Facilities);
- f. a registered student, faculty, or staff organization may collect membership fees or dues at meetings of the organization scheduled in advance under Section II - Chapter 3;
- g. a registered student, faculty, or staff organization may sell charitable raffle tickets on behalf of an organization that is authorized to conduct a charitable raffle under the Texas Charitable Raffle Enabling Act, Texas Occupations Code, Chapter 2002, or successor provisions.
- h. A registered student, faculty, or staff organization may host a public performance of a film scheduled in advance in accordance with Section II – Chapter 3. In accordance with Regents' *Rules and Regulations*, Rule 80103, admission fees may be collected. All registered student, faculty or staff organizations that exhibit films on campus must obtain a Public Performance License for the individual film(s) from a licensing agent. This license is required even if the exhibition of the film is offered to the public for free and is educational in nature. Registered student, faculty, or staff organizations will be required to follow the process prescribed by the film distributor to obtain approval to exhibit the film. Federal Copyright Laws protect all films viewed in public areas regardless of format. There are a few exceptions. Registered student, faculty, and staff organizations may exhibit a film publicly if:

- The film is in the Public Domain
- The registered student, faculty, or staff organization has written permission from the film's producer or other holder of the right to grant such permission; or
- The film is obtained from a company that provides Public Performance License with the purchase of the rental of the film

2.2.5.3 A registered student organization that receives funds from solicitations under this section shall deposit and account for such funds under the rules in Section II-Chapter 4 (Student Organizations).

## **2.3 General Rules on Means of Expression**

### **2.3.1 Disruption**

Except as expressly authorized in 2.8.2 or by an authorized University official responsible for a program or event sponsored by an academic or administrative unit, no speech, expression, or assembly may be conducted in a way that disrupts or interferes with any:

- a. teaching, research, administration, or other authorized activities on the campus;
- b. free and unimpeded flow of pedestrian and vehicular traffic on the campus; or
- c. signs, tables, exhibits, public assemblies, distribution of literature, guest speakers, or use of amplified sound by another person or organization acting under the rules in this chapter.

2.3.1.1 The term "disruption" and its variants, as used in this rule, are distinct from and broader than the phrase "disruptive activities," as used in the Regents' *Rules and Regulations*, Rules 30103 and 40502. This rule is concerned not only with deliberate disruption, but also with scheduling and coordination of events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity, and to preserve the University's ability to execute such functions.

2.3.1.2 Except in the most extreme cases, interference and disruption are unavoidably contextual. Intentional physical interference with other persons is nearly always disruptive in any context. Interfering with traffic depends on the relation between the volume of traffic and the size of the passageway left open. Disruptive noise is the most contextual of all, because it depends on the activity disrupted. Any distracting sound may disrupt a memorial service. Any sound sufficiently loud or persistent to make concentration difficult may disrupt a class or library. Occasional heckling in the speaker's pauses may not disrupt a political speech, but persistent heckling that prevents listeners from hearing the speaker does disrupt a political speech. These illustrations may be helpful, but none of them includes enough context to be taken as a rule. We cannot escape relying on the judgment and fairness of University authorities in particular cases. In this context where difficult enforcement judgments are unavoidable, it is especially important to remind administrators and law enforcement officials that their judgments should not be influenced by the viewpoint of those claiming disruption or of those allegedly disrupting.

2.3.1.3 Potentially disruptive events can often proceed without disruption if participants, administrators, and law enforcement officials cooperate to avoid disruption without stopping the event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the event or resorting to disciplinary charges or arrest.

## **2.3.2 Damage to Property**

2.3.2.1 No speech, expression, or assembly may be conducted in a way that damages or defaces property of the University or of any person who has not authorized the speaker to damage or deface his or her property.

2.3.2.2 No person may damage, deface, or interfere with any sign, table, or exhibit posted or displayed by another person or organization acting under the rules in this chapter.

### **2.3.3 Coercing Attention**

2.3.3.1 No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication.

2.3.3.2 No person may persist in requesting or demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication.

### **2.3.4 Co-sponsorship**

Neither registered student, faculty, or staff organizations, nor individual students, faculty, or staff, may co-sponsor any event on campus with an off-campus person or organization. Only academic or administrative units with authority delegated from the President of the University may co-sponsor events with an off-campus person or organization.

2.3.4.1 An event is a prohibited co-sponsorship if an individual or a student, faculty, or staff organization:

- a. depends on an off-campus person or organization for planning, staffing, or management of the event; or
- b. advertises the event as cosponsored by an off-campus person or organization; or
- c. operates the event as agent of, or for the benefit of, an off-campus person or organization, except for solicitation of charitable contributions under the authority of 2.2.5.2(a); or
- d. distributes any proceeds of the event to an off-campus person or organization, except for
  - A. the proceeds of charitable contributions solicited under the authority of 2.2.5.2(a); or
  - B. payment of a fair market price for goods or services provided to the University person or organization; or
- e. reserves a room or space for the use of an off-campus person or organization; or

- f. engages in any other behavior that persuades the Dean of Students that an off-campus person or organization is in fact responsible for the event, in full or in substantial part.

2.3.4.2 The following facts do not, in and of themselves, indicate a prohibited co-sponsorship:

- a. That a University person or organization endorses an off-campus person or organization or its message;
- b. That a University person or organization sells, distributes, or displays literature prepared by an off-campus person or organization or containing contact information for an off-campus person or organization;
- c. That a University person or organization has purchased goods or services from an off-campus provider;
- d. That a registered student, faculty, or staff organization has invited a guest speaker under 2.10;
- e. That a registered student, faculty, or staff organization has received financial contributions to support the event from an off-campus donor.

2.3.4.3 The purpose of this rule is to preserve the limited space on campus for the use of students, faculty, staff, and members of the public as applicable, and the rule shall be interpreted to serve that purpose. It is not the purpose of this rule to prevent students, faculty, or staff from exercising their right to associate with other persons or organizations holding views similar to their own.

### **2.3.5 Other Rules with Incidental Effects on Speech**

2.3.5.1 Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to compile or cross-reference here. For example, libraries typically have highly restrictive rules concerning noise; laboratories and rooms containing the electrical and mechanical infrastructure of the University typically have safety rules and rules excluding persons without specific business there; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways. Speech within classrooms is generally confined to the subject matter of the class; the right to attend a class at all is subject to registration and payment of tuition; individual professors may have rules of decorum in their classroom. These kinds of rules limit the right of students, faculty, staff, and members of the public to enter and speak in the places to which these rules apply.

2.3.5.2 Reasonable and nondiscriminatory rules of this kind generally control over the rights of free speech guaranteed in this chapter. But even these kinds of rules are subject to the constitutional right of free speech. Such rules must be viewpoint neutral. Such rules cannot regulate speech more restrictively than they regulate other activities that cause the problems to be avoided by the rule. Such rules should not restrict speech more than is reasonably necessary to serve their purpose. Such rules cannot ban unobtrusive forms of communication with no potential for disruption even in the specialized environment subject to the localized rule. Thus, for example, means of silent expression or protest confined to the speaker's immediate person, such as armbands, buttons, and t-shirts, are nearly always protected because they are rarely disruptive in any environment.

## **2.4 Distribution of Literature**

### **2.4.1 General Rule on Distribution of Literature**

2.4.1.1 Registered student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature on campus, subject to the rules in 2.4 and to the general rules in 2.2 and 2.3. Individual students, faculty members, and staff members may distribute or display literature but may not sell it. Members of the public may also distribute literature in common outdoor areas of campus but may not sell it. In either case, no advance permission is required.

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

### **2.4.2 Not-for-Profit Literature Only**

2.4.2.1 Except as expressly authorized by the Regents' *Rules and Regulations* or by contract with the University, no person or organization may sell, distribute, or display on campus any publication operated for profit. A registered student, faculty, or staff organization may sell publications operated for profit as part of a fundraiser authorized by, and subject to the limits of, 2.2.5.2(a).

2.4.2.2 A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, inures to the benefit of any private shareholder or individual.

### **2.4.3 Limits on Advertising**

Literature distributed on campus may contain the following advertising:

- a. advertising for a registered student, faculty, or staff organization, or an academic or administrative unit;

- b. advertising for an organization that is tax exempt under Section 501(c)(3) of the Internal Revenue Code;
- c. paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising; and
- d. other advertising expressly authorized by the Regents' *Rules and Regulations* or by contract with the University.

All other advertising in literature distributed on campus is prohibited

#### **2.4.4 Clean-up of Abandoned Literature**

Any person or organization distributing literature on campus shall pick up all copies dropped on the ground in the area where the literature was distributed.

### **2.5 Signs and Banners**

#### **2.5.1 General Rules on Signs**

2.5.1.1 "Sign" means any method of displaying a visual message to others, except that transferring possession of a copy of the message is distribution of literature and not a sign.

2.5.1.2 Subject to the rules in this chapter and to the general rules in 2.2 and 2.3, a University person or organization may display a sign by holding or carrying it, by displaying it at a table (see 2.6 below), or by posting it on a kiosk, bulletin board, or other designated location. Signs may not be staked in the ground, attached to foliage, or posted in any other location.

#### **2.5.2 Hand-Held Signs**

2.5.2.1 Students, faculty, and staff may display a sign on campus by holding or carrying it by hand or otherwise attaching it to their person. Members of the public may display a sign in common outdoor areas of campus by holding or carrying it by hand or otherwise attaching it to their person. No advance permission is required. Signs on sticks or poles or otherwise attached to any device are prohibited.

2.5.2.2 Any person holding or carrying a sign shall exercise due care to avoid bumping, hitting, or injuring any other person.

2.5.2.3 Any person holding or carrying a sign at a speech, performance, or other event shall exercise due care to avoid blocking the view of any other person observing the speech, performance, or event. Depending on the venue, this may mean that signs may be displayed only around the perimeter of a room or an audience.

2.5.2.4 A law enforcement officer or the Dean of Students, or an usher or other University employee if authorized by officials responsible for managing the venue, may warn any person that his or her sign is being handled in violation of 2.5.2.2 or 2.5.2.3. If the violation persists after a clear warning, the law enforcement officer, Dean, authorized usher, or other authorized employee may confiscate the sign.

### **2.5.3 Banner**

2.5.3.1 "Banner" means a sign hung from a structure, or between two buildings, structures, or poles.

2.5.3.2 The Dean of Students, with approval from the President of the University, shall designate places where banners may be hung by registered student organizations in outdoor locations.

2.5.3.3 Academic and administrative units, faculty, and staff organizations may hang banners as established in Section VIII - Chapter 7 (Banners) of this Handbook. Individuals may not hang banners.

2.5.3.4 Advance permission is required from the Dean of Students and usually, advance reservations are required. Academic and administrative units advertising official University events or programs may be given priority.

2.5.3.5 In locations administered by the Dean of Students, each banner may be hung for one week. The banner may be renewed from week to week if space is available, but usually, other organizations are waiting their turn and renewal is not possible. Any such time limit shall be applied without discrimination to all organizations, except that academic and administrative units may be given preference.

2.5.3.6 The Dean of Students shall maintain, on a Web site or on a flyer or pamphlet conveniently available at the Dean's office: a list of outdoor locations where banners may be hung; the academic or administrative unit that administers banners at each outdoor location; and a current description of the rules and procedures for reserving the right to hang a banner in locations administered by the Dean of Students.

2.5.3.7 The Dean of Students may require that the physical work of hanging the banners be performed only by employees of Facility Services or other appropriate University personnel. Actual costs will be charged to the organization or unit making the request.

#### **2.5.4 A-Frames**

2.5.4.1 "A-frame" means a movable and self-supporting sign board designed to stand on the ground.

2.5.4.2 A-frames are subject to the rules on exhibits in subchapter 2.7 below.

#### **2.5.5 Signs in Other Designated Locations (Including Departmental Bulletin Boards)**

2.5.5.1 Each academic or administrative unit of the University may authorize the posting of signs in spaces that unit occupies and controls. Such authorization may be granted by general rule, by stamping or initialing individual signs, or by longstanding tradition.

2.5.5.2 Signs in spaces occupied by academic or administrative units may be:

- a. confined to bulletin boards or other designated locations;
- b. subjected to viewpoint-neutral rules limiting the size of signs, limiting how long they may be posted, requiring each sign to show the date it was posted and the name of the person or organization who posted it, and similar rules designed to facilitate fair and equal opportunities to post signs;
- c. confined to official statements or business of the unit, or to certain subject matters of interest within the unit, or to signs posted by persons or organizations affiliated with the unit.

2.5.5.3 Each academic or administrative unit shall post on or near each bulletin board or other designated location that it administers:

- a. either the rules applicable to that bulletin board or location, or a particular office or Web site where the rules applicable to that bulletin board or location may conveniently be found; and
- b. if a stamp or initials are required on signs before they are posted on that bulletin board or location, the name and office location of the person whose stamp or initials are required.

This notice shall be posted in the upper left corner of each bulletin board or other designated location for posting signs, or conspicuously in another nearby location. If no such notice is posted, then the only applicable rules are those contained in subchapter 2.2 and 2.3.1 to 2.3.4 above.

2.5.5.4 Within the scope of the subject matters permitted on a particular bulletin board or other designated location, no academic or administrative unit shall discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed on a sign.

2.5.5.5 This section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official University business.

## **2.6 Tables**

### **2.6.1 General Rule on Tables**

University persons or organizations may set up tables from which to display literature and disseminate information and opinions, subject to the rules in this subchapter and to the general rules in 2.2 and 2.3 above. No advance permission is required. Members of the public may not set up tables in the common outdoor areas or in the University's limited public forum areas.

### **2.6.2 Locations**

2.6.2.1 University persons and organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic (see 2.3.1), and the following restrictions:

- a. tables set up in the Union Plaza must follow the policies listed under Section II-Chapter 3.5;

- b. tables may not be set up inside any library, classroom, laboratory, performance hall, stadium, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time;
- c. an academic or administrative unit may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. Academic and administrative units are encouraged to clearly state any such rules in writing, and to publish those rules on a Web site or on a flyer or pamphlet conveniently available at the chief administrative office of the unit.

2.6.2.2 If any table is set up in a prohibited or disruptive location, any University employee pointing out the violation shall also point out other locations, as nearby as is reasonably possible, where the table is permitted.

### **2.6.3 Identification**

Each table must have a sign or literature that identifies the University person or organization sponsoring the table.

### **2.6.4 Clean-Up Around Tables**

Any person or organization sponsoring a table shall remove litter from the area around the table at the end of each day.

### **2.6.5 Sources of Tables**

University persons and organizations may supply their own tables. In addition, the Dean of Students maintains a supply of tables that may be reserved and checked out for use on campus. The Dean of Students shall maintain, on a Web site or on a flyer or pamphlet conveniently available at the Dean's office, a current description of the rules and procedures for reserving and checking out tables.

## **2.7 Exhibits and A-Frames**

### **2.7.1 General Rule on Exhibits**

2.7.1.1 "Exhibit" means an object or collection of related objects, designed to stand on the ground or on a raised surface, that is not a table, and that is designed for temporary display and is not permanently attached to the ground. An A-frame sign (see 2.5.4) is an exhibit.

2.7.1.2 "A-frame exhibit" means a moveable and self-support sign board designed to stand on the ground and remain overnight in a temporary outdoor exhibit space. A-frame exhibits may not exceed five feet in height or width. Structures that do not meet this criteria will be considered general exhibits and will be subject to the general rules and conditions applicable to exhibits.

2.7.1.3 Academic or administrative units and registered students, faculty, or staff organizations may erect exhibits and A-frame exhibits, subject to the rules in this subchapter and to the general rules in 2.2 and 2.3. Advance permission is required from the Dean of Students, except that an academic unit may authorize indoor exhibits in a space that it occupies and controls. Members of the public may not erect exhibits or A-frame exhibits.

### **2.7.2 Application Process**

An academic or administrative unit or a registered student, faculty, or staff organization desiring to display an outdoor general exhibit or A-frame exhibit shall apply on a form prescribed by the Dean of Students.

### **2.7.3 Criteria for Approval**

2.7.3.1 The Dean of Students shall authorize an exhibit described in a completed application under 2.7.2 unless the Dean finds that use of the proposed space for the proposed exhibit must be denied under the criteria in Section II-Chapter 3.3.

2.7.3.2 The Dean shall specify the location of each exhibit to reduce the hazard to visually impaired pedestrians.

2.7.3.3 The Dean shall advise each applicant how to correct, if possible, any conditions that preclude approval of his or her application. Even if an applicant is entitled to have his or her application approved as submitted, the Dean may give advice about other possible locations, or about modifications to the exhibit, that would avoid potential problems or make the proposed exhibit more workable.

### **2.7.4 Time Limits**

2.7.4.1 In locations administered by the Dean of Students, each exhibit or A-frame may be displayed for fourteen days. The exhibit or A-frame may be renewed for an additional fourteen days if space is available.

2.7.4.2 The exhibit must be removed at the end of each day and may be re-erected each morning. However, the Vice President for Student Affairs or the Dean of Students may authorize overnight exhibits.

### **2.7.5 Clean-Up Around Exhibits**

Any academic or administrative unit or registered student, faculty, or staff organization sponsoring an exhibit or A-frame shall remove litter from the area around the exhibit or A-frame at the end of each day.

### **2.7.6 Liability**

Any registered student, faculty, or staff organization sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. The University shall not be liable for any damage that may occur to the exhibit, and any person or organization sponsoring the exhibit shall indemnify the University for any claims arising from the exhibit's presence on campus.

## **2.8 Amplified Sound**

### **2.8.1 General Rule on Amplified Sound**

University persons and organizations and members of the public may use amplified sound on campus at designated times and locations, subject to the rules in this subchapter and to the general rules in 2.2 and 2.3. Advance permission is required. This subchapter creates limited exceptions to the general rule on disruption in 2.3.1.

### **2.8.2 Location and Times of Weekday Amplified Sound Areas**

Upon reservation subject to availability, amplified sound may be used in the following areas during the times specified:

- a. The Leech Grove Amplified Sound Area is at the corner of University and Wiggins Rd. University persons and organizations may use amplified sound in this area from 11:30 a.m. to 1:30 p.m. Monday through Friday.
- b. The Centennial Plaza Amplified Sound Area is the grass area west of the Union. University persons and organizations may use amplified sound in this area from 11:00 a.m. to 2:00 p.m. Monday through Friday.
- c. The Geology Lawn Amplified Sound Area is the grass area facing east of the Geology Building. University persons and organizations may use amplified sound in this area from 11:30 a.m. to 1:30 p.m. Monday through Friday.
- d. The UGLC Plaza Amplified Sound Area is located under the canopy on the UGLC Plaza. University persons and organizations may use amplified sound in this area from 11:30 a.m. to 1:30 p.m. Monday through Friday.

### **2.8.3 Regulation and Scheduling of Weekday Amplified Sound**

The Dean of Students may prescribe rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of weekday amplified sound areas, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact. All such rules shall be reasonable and nondiscriminatory.

2.8.3.1 Persons or organizations wishing to use a weekday amplified sound area must reserve a particular area at a particular time. Reservations must be made with the Dean of Students on a form prescribed by the Dean. The Dean shall approve a properly completed application to reserve an amplified sound area, unless the application must be denied under the criteria in 2.8 or under rules promulgated by the Dean under the authority of this chapter.

2.8.3.2 The Dean of Students may limit the number or frequency of reservations for each person or organization to ensure reasonable access for all persons and organizations desiring to use amplified sound on weekdays.

2.8.3.3 Persons and organizations using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.

2.8.3.4 Any designations of additional areas, any additional rules regulating the designated areas, and the rules and procedures for reserving the right to use a designated area, shall be clearly stated on a Web site or on a flyer or pamphlet conveniently available at the Dean of Students' office.

2.8.3.5 When amplified sound areas are not reserved for use for an assembly including amplified sound, they are available for use, for permitted expressive activity, without reservation as part of the common outdoor areas. Any person or organization using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of its reserved time.

#### **2.8.4 Amplified Sound on Evenings and Weekends**

2.8.4.1 With advance permission, Persons and organizations may use amplified sound in the amplified sound areas designated in 2.8.2, after 5:00 p.m. Monday through Friday, and after 8:00 a.m. Saturday and Sunday, except for the early morning hours excluded in 2.8.4.2 below.

2.8.4.2 If amplified sound is authorized for an event on a Sunday, Monday, Tuesday, Wednesday, or Thursday evening, the sound must be turned off by 1:00 a.m. on the following day. If amplified sound is authorized for an event on a Friday or Saturday evening, the sound must be turned off by 2:00 a.m. on the following day.

2.8.4.3 The Dean of Students may prescribe reasonable and nondiscriminatory rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of amplified sound on evenings and weekends, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact.

2.8.4.4 Use of amplified sound on evenings and weekends requires advance permission from the Dean of Students. Persons and organizations shall apply on a form prescribed by the Dean. The Dean shall authorize amplified sound as described in a completed application unless the Dean finds that the application must be denied under the criteria in 2.8 or under rules promulgated by the Dean under the authority of this section. The Dean shall advise each applicant how to correct, if possible, any conditions that preclude approval of its application. Even if an applicant is entitled to have its application approved as submitted, the Dean may give advice about other possible locations, or about modifications to the proposed event, that would avoid potential problems or make the proposed event more workable.

### **2.8.5 Amplified Sound Indoors**

Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the Dean of Students may limit or prohibit sound that would be disruptive outside the room. Reservations may be required. Rules concerning use of University buildings are contained in Handbook Section II - Chapter 3.

## **2.9 Public Assemblies without Amplified Sound**

### **2.9.1 General Rule on Public Assemblies**

2.9.1.1 "Publicly assemble" and "public assembly" include any gathering of persons, including discussions, rallies, and demonstrations. The rules of 2.8 apply to any use of amplified sound at a public assembly.

2.9.1.2 Persons and organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this subchapter, to the general rules in 2.9.1.1 and 2.2 and 2.3, and to the rules on use of University property in Handbook Section II-Chapter 3. No advance permission is required.

### **2.9.2 Reservation of Space**

2.9.2.1 University persons or organizations who wish to publicly assemble in a particular room or space at a particular time may reserve the room or space under the provisions in Section II – Chapter 3.3. Members of the public may take similar steps to reserve space in common outdoor areas.

2.9.2.2 An organization with a reservation has the right to the reserved room or space for the time covered by the reservation. Any person or organization using or occupying the room or space without a reservation must yield control of the room or space in time to permit any organization with a reservation to begin using the room or space promptly at the beginning of its reserved time.

2.9.2.3 Reservations are not required but are strongly encouraged. A person or organization planning to use a room or space without a reservation may find the facility locked or in use by another person or organization. The University Police rely on a list of scheduled events, and a large group without a reservation is likely to attract their courteous but inquiring attention.

### **2.9.3 Notice and Consultation**

Persons or organizations who are planning a public assembly with more than fifty participants are strongly encouraged to notify and consult with the Dean of Students and are encouraged to provide advance notice of no less than two weeks to help the University improve the safety and success of the expressive activity. If there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events, persons and organizations are encouraged to consult the Dean of Students. The Dean has much experience in helping student organizations structure events in ways that both comply with the University's rules and achieve the organization's goals for the event. The Dean can help identify appropriate space and potentially conflicting events. The Dean can help the planners avoid unintended disruption or other violations that may result in subsequent discipline or subsequent interference with the assembly by campus authorities.

Registered student, faculty, and staff organizations are afforded privileges not available to individual faculty, staff, and students. Individual persons and organizations may take steps to reserve space in common outdoor areas.

## **2.10 Guest Speakers**

### **2.10.1 Definitions**

"Guest speaker" means a speaker or performer who is not a student, faculty member, or staff member.

### **2.10.2 Who May Present**

Registered student, faculty, and staff organizations, and academic and administrative units, may present guest speakers on University property. In the case of registered student organizations, advance permission from the Dean of Students is required.

### **2.10.3 Location and Form of Presentation**

2.10.3.1 A guest speaker may present a speech or performance, or lead a discussion, at a time announced in advance, in a fixed indoor location, or in a fixed outdoor location approved by the Dean of Students. A guest speaker may distribute literature to persons who attend the speech, performance, or discussion. Student, faculty and staff organizations may not invite the public at large to events in University buildings or facilities.

2.10.3.2 A guest speaker may not:

- a. accost potential listeners who have not chosen to attend the speech,

performance, or discussion; or

- b. distribute literature to persons who have not chosen to attend the speech, performance, or discussion; or
- c. help staff a table or exhibit set up under 2.6 or 2.7.

#### **2.10.4 Application**

A registered student organization that wishes to present a guest speaker shall apply to the Dean of Students, on a form prescribed by the Dean, at least two weeks prior to the scheduled event or any planned advertising for the event, whichever is earlier. The application shall be combined with an application under Section II-Chapter 3.3 to reserve the use of a University room or space for the event. The Dean shall approve an application properly made under subsection (a) unless it must be denied under the criteria in Section II-Chapter 3.3.

#### **2.10.5 Obligations of Presenting Organization**

A student, faculty, or staff organization that presents a guest speaker must make clear that:

- a. the organization, and not the University, invited the speaker; and
- b. the views expressed by the speaker are his or her own and do not necessarily represent the views of the University, the University of Texas System, or any component institution.

### **2.11 Responding to Speech, Expression, and Assembly**

#### **2.11.1 General Rule on Responding**

Persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this chapter.

#### **2.11.2 Applications**

2.11.2.1 Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.

2.11.2.2 Means of response that are permitted in many locations and without advance permission or reservation, such as signs, tables, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized in this policy.

2.11.2.3 Means of response that require advance permission or reservation, such as banners, A-frames, exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Banner space and some amplified sound areas may be unavailable on short notice because of earlier reservations, but the Dean of Students shall expedite approval of A-frames, exhibits, and available banner space and amplified sound areas where necessary to permit appropriate response to other speech, assembly, or expression.

2.11.2.4 Means of response that are confined to authorized locations, such as banners and amplified sound, may be used only in those locations. It is not possible to respond to amplified sound with amplified sound in the same location; similarly if an exhibit or public assembly is in a location where amplified sound is not permitted, it is not possible to respond with amplified sound in that location. In either case, it is possible to respond with amplified sound in another location and to use signs or distribution of literature to advertise the response at the other location.

## **2.12 Enforcement and Appeals**

### **2.12.1 Police Protection**

2.12.1.1 It is the responsibility of the University to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty in the area of such events will be at the cost of the University. When the magnitude, timing, or nature of an event requires overtime hours from police officers (including contract hours for officers hired from other departments or private security agencies), the University will, to the extent specified in 2.12.12 and 2.12.13, charge the cost of overtime or contract officers to the person or organization sponsoring the event or exhibit that requires overtime police protection. The purpose of 2.12.12 and 2.12.13 is to charge for police overtime where reasonably possible, but not to charge for police overtime made necessary by the content of speech at the event or by the controversy associated with any event.

2.12.1.2 A reasonable and nondiscriminatory fee for overtime police work will be charged for events that require overtime police protection, and charge a price for admission, or pay a speaker, band, or other off-campus person or organization for services at the event.

Persons or organizations planning such events should budget for the cost of police protection.

2.12.1.3 The University shall have the sole power to decide, after reasonable consultation with the person or organization planning the event, whether and to what extent overtime police protection is required. No fee shall be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees shall be based on the number of officers required for an uncontroversial event of a similar size, type, location, time of day, and other similar considerations.

2.12.1.4 Nothing in this section applies to any interdepartmental charge or transfer among units or accounts funded by the University.

### **2.12.2 Response to Violations**

2.12.2.1 A student who violates a prohibition in this chapter may be disciplined under the procedures in chapter 1.

2.12.2.2 A faculty member who violates a prohibition in this chapter may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by faculty members shall be referred to the Office of the Provost.

2.12.2.3 A staff member who violates a prohibition in this chapter may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by staff members shall be referred to Human Resource Services.

2.12.2.4 Authorized University personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this chapter, by explanation and persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively or additionally, they may initiate disciplinary proceedings under 2.12.2.1, 2.12.2.2, or 2.12.2.3. Discretion regarding the means and necessity of enforcement shall be vested in the chief of police, or in University personnel designated by the President, as appropriate, but such discretion shall be exercised without regard to the viewpoint of any speaker.

2.12.2.5 Persons and organizations on the campus shall comply with instructions from University administrators and law enforcement officials at the scene. A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under 2.12.3.

2.12.2.6 Members of the public or organization(s) on the campus who violate a prohibition of this Chapter may be subject to criminal trespass charges, arrest, or other lawful measures.

2.12.2.7 Individuals or organizations wishing to make a grievance regarding a violation of Texas Education Code § 51.9315 may report it by submitting a complaint at: <https://www.reportlineweb.com/Welcome.aspx?Client=utep>, or may report through the compliance helpline at 1-888-228-7713.

### **2.12.3 Appeals**

2.12.3.1 A person or organization that is denied permission for an activity requiring advance permission under this chapter may submit a written appeal of the denial of permission to the Dean of Students.

2.12.3.2 A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth weekday after complying with the order, file an appeal in writing with the Dean of Students to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal shall be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.

2.12.3.3 An appeal authorized by this section shall be heard under the procedures set out in Section II - Chapter 3.6.

2.12.3.4 Members of the public who wish to submit a complaint or report an incident or order which denied their right to engage in expressive activities in a common outdoor area of campus, may submit a complaint through the compliance reporting system at: <https://www.reportlineweb.com/Welcome.aspx?Client=utep>, or may report through the compliance helpline at 1-888-228-7713. Anonymous complaints are available as an option for either reporting method.

## SPEECH, EXPRESSION, AND ASSEMBLY

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### **A. Purpose**

This policy protects and regulates speech, expression, and assembly of students, faculty, and staff of The University of Texas Permian Basin and members of the public in a manner that encourages and facilitates speech, expression, and assembly without disrupting or interfering with academic programs, administrative functions, or other authorized activities of UT Permian Basin.

### **B. Persons Affected**

This policy applies to UT Permian Basin students, faculty, and staff. It also applies to members of the public who visit property, buildings, or facilities owned or controlled by UT Permian Basin.

### **C. Definitions**

1. **Academic or administrative unit**: any office or department at UT Permian Basin.
2. **Amplified Sound**: sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are not amplified sound and are not subject to the special rules on amplified sound, but are subject to general rules on disruption in Section D.4(a).
3. **Chief Student Affairs Officer**: the administrative officer or their designee(s) directly responsible for student affairs at UT Permian Basin.
4. **Common Outdoor Area**: outdoor space of UT Permian Basin property that is not used for dedicated UT Permian Basin business or events, an educational function, or a research function on either a temporary or permanent basis. The term also does not include outdoor surfaces of UT Permian Basin buildings, surfaces associated with or connected to UT Permian Basin buildings, UT Permian structures, spaces dedicated to temporary outdoor banners or exhibits, or any space within UT Permian Basin's limited public forum. Common outdoor areas are designated as traditional public forums by [Texas Senate Bill 18](#).
5. **Dean of Students**: the administrative officer or their designee(s) responsible for the administration of the disciplinary process at UT Permian Basin.
6. **Event**: something that occurs in a certain particular interval of time; events include but are limited to guest speakers, exhibits, tables, distribution of literature, signs, and public assemblies.

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7. Expressive Activities: Expressive activities include all forms of non-commercial expression protected by the First Amendment to the U.S. Constitution.
8. Faculty member or staff member: any person employed by UT Permian Basin.
9. Guest speaker: a speaker or performer who is not a UT Permian Basin student, faculty member, or staff member.
10. Harassment: in this policy, means hostile or offensive speech (oral, written, or symbolic) that (i) personally describes or is personally directed to one or more specific individuals; (ii) is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the victim's ability to participate in or benefit from the services, activities, or privileges provided by UT Permian Basin; and (iii) is not necessary to the expression of any idea described in paragraph C.11(a) below.
  - a. To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not verbal harassment, even if some listeners are offended by the argument or idea. The categories of sexually harassing speech set forth in HOP ADM-03-300 Sexual Harassment and Sexual Misconduct and HOP ADM-03-100 Non-Discrimination are rarely, if ever, necessary to argue for or against the substance of any political, religious, philosophical, ideological, or academic idea.
  - b. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, and the categories of harassing sexual speech set forth in HOP ADM-03-300 Sexual Harassment and Sexual Misconduct and HOP ADM-03-100 Non-Discrimination and is often based on the victim's appearance, personal characteristics, or group membership, including but not limited to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, ideology, political views, or political affiliation.
  - c. Harassment can also consist of nonverbal conduct, such as hazing, practical jokes, damage to property, and physical assault. In the case of sexual harassment and sexual misconduct, sexual conduct is often central to the offense. These forms of harassment are prohibited in HOP ADM-03-300 Sexual Harassment and Sexual Misconduct, HOP ADM-03-100 Non-Discrimination, and in the Regents' Rules and Regulations, [Rule 30105](#).
11. Limited Public Forum: means UT Permian Basin property, both indoors and outdoors, that is not part of the common outdoor area. This includes the surfaces of a UT Permian Basin building, surfaces associated with or connected to a UT Permian Basin building, a UT Permian Basin structure, spaces dedicated to temporary outdoor banners or exhibits, and residential outdoor spaces managed by Residence Life.

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12. Literature: any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informal matter, that is produced in multiple copies for distribution to potential readers.
13. Off-campus individual or organization or member of the public: any person, organization, or business that is not an academic or administrative unit, a registered or sponsored student, faculty or staff organization, or a student, faculty member, or staff member at UT Permian Basin.
14. Regents' Rules: The University of Texas System Board of Regents' *Rules and Regulations*
15. Registered or sponsored student, faculty, or staff organization: a registered or sponsored student organization recognized by The Office of Student Life, or a faculty or staff organization under Regents' Rules, [Rule 40201](#).
16. Room or space: includes any room or space, indoors or outdoors, owned or controlled by UT Permian Basin.
17. Solicitation: the sale, lease, rental or offer for sale, lease, rental of any property, product, merchandise, publication, or service, whether for immediate or future delivery; an oral statement or the distribution or display of printed material, merchandise, or products that is designed to encourage the purchase, use or rental of any property, product, merchandise, publication, or service; the receipt of or request for any gift or contribution; or the request to support or oppose or to vote for or against a candidate, issue, or proposition appearing on the ballot at any election held pursuant to State or federal law or local ordinances.
  - a. Engaging in expressive activities as defined in [Section 51.9315\(2\)](#) of the Texas Education Code in a common outdoor area of campus does not constitute solicitation within this definition.
  - b. Words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle are not solicitation within this definition.
  - c. Unadorned acknowledgments or thanks to donors are not solicitation within this definition.
18. Student: a person who is currently enrolled at UT Permian Basin, is accepted for admission or readmission to UT Permian Basin, or has been enrolled at UT Permian Basin in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.

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19. Table: booths, displays, furniture, enclosure, or any other structure temporarily used for distribution of literature, or for displaying signs or posters or for raising funds or soliciting, or other similar activities.
20. Temporary Banner Space: designated indoor or outdoor display area reserved for UTPB-affiliated individuals' or UTPB-affiliated organizations' use, as managed by the chief student affairs office, where a UTPB-affiliated individuals' or UTPB-affiliated organizations' temporary banner may be affixed for multiple days as permitted by Section D.6 of this policy. These areas are part of UT Permian Basin's limited public forum and are not open to members of the public.
21. Temporary Exhibit Space: designated indoor or outdoor display area reserved for UTPB-affiliated individuals' or UTPB-affiliated organizations' use, as managed by the chief student affairs office, where a UTPB-affiliated individual or UTPB-affiliated organization may display a temporary exhibit as permitted by Section D.9 of this policy. These areas are part of UT Permian Basin's limited public forum and are not open to members of the public.
22. UTPB-affiliated individual: individual students, faculty members, and staff members.
23. UTPB-affiliated organization: academic and administrative units; registered or sponsored student, faculty, and staff organizations.
24. Weekday: Monday through Friday from 7:30 a.m. – 5:30 p.m., excluding UT Permian Basin holidays, skeleton crew days, and days on which regularly scheduled classes are suspended due to emergent situations; "UT Permian Basin holidays" and "skeleton crew days" means days identified in the holiday schedule published by the Office of Human Resources. If a deadline defined in this policy falls on a Saturday, Sunday, UT Permian Basin holiday, or skeleton crew day that deadline will be moved to the next day.

**D. Policy**

1. *Governing Principles*
  - a. The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of UT Permian Basin. In accordance with this policy, students, faculty, staff, and members of the public have the right to assemble, speak, and attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen.
  - b. Students, faculty, and staff are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, in all parts of the campus, subject only to rules necessary to preserve the equal rights of others and the

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other functions of UT Permian Basin. Teaching, research, and other official functions of UT Permian Basin shall have priority in allocating the use of space on campus. Members of the public are able to engage in expressive activities only in common outdoor areas of campus, subject to the time, place, and manner rules in this policy necessary to preserve the functions of UT Permian Basin.

- c. To support and advance UT Permian Basin's educational mission, UT Permian Basin buildings, surfaces associated with or connected to a UT Permian Basin building, and UT Permian Basin structures are limited public forums only open to the expressive activities of students, faculty, and staff as set forth in this policy. Student, faculty, and staff organizations may not invite the public at large to events in UT Permian Basin buildings, facilities, or locations that are not a common outdoor area.
- d. UT Permian Basin common outdoor areas are traditional public forums. Members of the public are free to engage in expressive activities only in these common outdoor areas. Expressive activities are subject to time, place, and manner restrictions of this policy necessary to preserve the functions of UT Permian Basin.
- e. Except as expressly authorized in Section D.3 of this policy, UT Permian Basin shall not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise.
- f. The UT Permian Basin Police Department may immediately enforce these rules if a violation of these rules constitutes a breach of the peace or compromises public safety.

## 2. Scope

- a. This policy protects and regulates speech, expression, and assembly of UTPB-affiliated individuals, UTPB-affiliated organizations, and members of the public that are not part of the teaching, research, or other official functions of UT Permian Basin, not otherwise sponsored by UT Permian Basin or any academic or administrative unit, and not submitted for academic credit, with the following exceptions:
  - i. This policy applies to speech by academic and administrative units and speech that is submitted for academic credit occurring in outdoor locations on campus.
  - ii. Section D.3(d) on Harassment applies to all speech on campus.
- b. This policy applies to speech by UTPB-affiliated individuals, UTPB-affiliated organizations, and members of the public in common outdoor areas. It also applies to speech that is submitted for academic credit, and speech made using UT Permian Basin's [Acceptable Use Policy](#). The Chief Student Affairs Officer administers and

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schedules reservations for the use of the temporary exhibit and banner spaces, and the use of UT Permian Basin tables, for all UTPB-affiliated individuals and UTPB-affiliated organizations because scheduling through a single office is necessary to avoid conflicts. The Chief Student Affairs Officer also administers and schedules reservations in the common outdoor areas and the use of amplified sound for all UTPB-affiliated individuals, UTPB-affiliated organizations, and members of the public.

- c. Any program or event sponsored by an academic or administrative unit of UT Permian Basin shall have priority in the use of space and facilities over any speech, expression, and assembly that is not sponsored by an academic or administrative unit, except that programs or events sponsored by an academic or administrative unit will not have priority in the use of amplified sound areas defined in Section D.9. This policy does not limit other existing authority of UT Permian Basin officials to authorize programs and events sponsored by an academic or administrative unit and not provided for in this policy.
- d. Specific time, place, and manner rules applying to various means of expression are found in Sections D.5 - D.12 of this policy.
- e. Every employee must protect UT Permian Basin and The UT System against unauthorized use of opinions for advertising purposes.
- f. Additional rules concerning free speech and academic freedom of faculty members are found in the Regents' Rules, [Rule 31004](#).
- g. Underlying rules concerning free speech of students are found in the Regents' Rules, [Rule 40501](#), [Rule 80101](#), [Rule 80103](#), and [Rule 80104](#). This policy implements those provisions and applies them to UT Permian Basin.
- h. Rules restricting use of UT Permian Basin equipment, supplies, services, and working hours for political activities are found in the Regents' Rules, [Rule 30103](#).

### 3. Prohibited Expression

#### a. Obscenity

No persons or organizations shall distribute or display on the campus any writing or visual image, or engage in any public performance, that is obscene. A writing, image, or performance is "obscene" if it is obscene as defined in [Section 43.21](#) of the *Texas Penal Code* or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

#### b. Defamation

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- i. No person shall publish to a third party any statement that defames another person.
- ii. A statement defames another person if it is: (i) published to a third party other than the subject of the statement or their legal representative; (ii) of and concerning that person; (iii) is a false statement of fact; (iv) that holds the person up to hatred ridicule or contempt; (v) is made negligently, if the person is a private figure or, if the person is a public official or public figure, with knowledge of falsity or reckless disregard of the truth; (vi) which proximately causes damages; and (vii) is not privileged.
- iii. Defamation is further defined in [Chapter 73](#) of the *Texas Civil Practices & Remedies Code* or other successor provisions.

c. Incitement to Imminent Violations of Law

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

d. Harassment

- i. No person shall make, distribute, or display on the campus any statement that constitutes harassment, as defined in Section C of this policy, of any other person. This section applies to all speech at UT Permian Basin, including speech that is part of teaching, research, or other official functions or UT Permian Basin, whether in person or not, and whether oral, written, or symbolic.
- ii. The harassment that this Section D.3(d) prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense, and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within UT Permian Basin and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules.
- iii. Verbal harassment has been interpreted very narrowly by the federal courts. Policies on verbal harassment or hate speech at many universities have been held unconstitutional, either because they prohibited harassment only when it was based on race, sex, and similar categories, or because they failed to protect the expression of potentially offensive ideas. This policy should be interpreted as narrowly as need be to preserve its constitutionality.

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- iv. Members of the UT Permian Basin community are strongly encouraged to report harassment, as discussed in Section E.1 of this policy.
- e. Solicitation & Commercial Speech
  - i. No UTPB-affiliated individual, UTPB-affiliated organization, or member of the public shall make, distribute, or display on the campus any statement that offers or advertises any product or service for sale or lease that includes commercial identifiers, such as for-profit logos, trademarks, and service marks, or that requests any gift or contribution, except as authorized by Section D.3(e)(ii), or by the Regents' Rules, [Rule 80103](#).
  - ii. Permissible solicitation includes:
    - 1. a registered student, faculty, or staff organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions for the benefit of the organization, for the benefit of another registered student, faculty, or staff organization, or for the benefit of an organization that is tax-exempt under Section 501(c)(3) of the Internal Revenue Code. No organization may sell items obtained on consignment. No organization may request contributions for an off-campus tax-exempt organization for more than fourteen days in any fiscal year;
    - 2. ~~a~~-registered or sponsored student, faculty, and staff organizations, and academic and administrative units may sell, distribute, or display literature that contains advertising, subject to the limits in Section D.5(c). Individual students, faculty members, and staff members may distribute or display such literature, but may not sell it;
    - 3. individual students, faculty members, and staff members may post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used, but only on a bulletin board designated for that purpose by an academic or administrative unit in space that the unit occupies or controls. Any unit that designates a bulletin board for this purpose may regulate that bulletin board under the procedures set forth in Section D.6(g);
    - 4. a resident of a UT Permian Basin residence hall or apartment building may occasionally invite one or more salespersons to come to the resident's room or apartment, and in that room or apartment, the salesperson may offer products or services for sale to other residents of that residence hall or apartment building;

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5. a registered or sponsored student, faculty, or staff organization may collect admission fees for programs scheduled in advance under [Student Life Departmental Policies](#);
  6. registered student, faculty, or staff organization may collect membership fees or dues at meetings of the organization scheduled in advance under [Student Life Departmental Policies](#);
  7. a registered student organization that is a qualified organization as that term is defined in the Texas Charitable Raffle Enabling Act, *Texas Occupations Code*, [Chapter 2002](#), or successor provisions, may sell charitable raffle tickets pursuant to that act.
  8. A registered or sponsored student, faculty, or staff organization may host a public performance of a film scheduled in advance in accordance with [Student Life Departmental Policies](#). In accordance with the Regents' *Rules*, [Rule 80103](#), admission fees may be collected. All registered or sponsored student, faculty or staff organizations that exhibit films on campus must obtain a Public Performance License for the individual film(s) from a licensing agent. This license is required even if the exhibition of the film is offered to the public for free and is educational in nature. Registered or sponsored student, faculty, or staff organizations will be required to follow the process proscribed by the film distributor to obtain approval to exhibit the film. Federal Copyright Laws protect all films viewed in public areas regardless of format. There are a few exceptions. Registered or sponsored student, faculty, or staff organizations may exhibit a film publicly if
    - a. the film is in the Public Domain;
    - b. the registered or sponsored student, faculty or staff organization has written permission from the film's producer or other holder of the right to grant such permission; or
    - c. the film is obtained from a company that provides a Public Performance License with the purchase or rental of the film.
  9. A registered student organization that receives funds from solicitations under this section shall deposit and account for such funds under the rules in [Student Life Departmental Policies](#), or in Regents' *Rules*, [Rule 80103](#).
- f. Prohibited Items or Actions

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- i. The restrictions discussed in this Section D.3(f) are intended to protect the health and safety of all persons on campus, to maintain the free flow of pedestrian traffic in and out of UT Permian Basin buildings, and to protect the educational mission of UT Permian Basin. The following items are prohibited:
  1. Masks, facial coverings, or disguises that conceal the identity of the wearer and that are calculated to obstruct the enforcement of this policy or the law, or are calculated to intimidate, hinder, or disrupt a UT Permian Basin official, officer of the UT Permian Basin Police Department, or other person in the lawful performance of their duty.
  2. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons (including without limitation sticks, poles, clubs, swords, shields, or rigid signs that can be used as a shield) without written permission of the Chief of Police or designee, unless authorized by other federal, state, or local laws or ordinances.
  3. Body armor or make-shift body armor, helmets and other garments (e.g., sporting protective gear, etc.) that alone or in combination could reasonably be construed as weapons or body armor, without written permission from the Chief of Police or designee.
  4. Open flame, unless approved in advance by the Director of Environmental Health and Safety or designee.
- ii. No person or organization may engage in expressive activity within a ten-foot clearance around points of entry and the perimeter of all UT Permian Basin buildings.

4. *General Rules of Means of Expression*

a. Disruption

- i. Except as expressly authorized in **Student Life Departmental Policies** or by an authorized a UT Permian Basin official responsible for a program or event sponsored by an academic or administrative unit, no speech, expression, or assembly may be conducted in a way that disrupts or interferes with any:
  1. teaching, research, administration, or other authorized activities on the campus;
  2. free and unimpeded flow of pedestrian and vehicular traffic on the campus; or

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3. signs, tables, exhibits, public assemblies, distribution of literature, guest speakers, or use of amplified sound by another person or organization acting under the rules in this policy and **Student Life Departmental Policies**.
- ii. The term "disruption" and its variants, as used in this Section D.4, are distinct from and broader than the phrase "disruption of activities," as used in the Regents' Rules, [Rule 30103](#), and the phrase "disruptive activities," as used in the Regents' Rules, [Rule 40502](#). This section is concerned not only with deliberate disruption, but also with scheduling and coordination of events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity, and to preserve UT Permian Basin's ability to execute its functions.
  - iii. Except in the most extreme cases, interference and disruption are unavoidably contextual. Intentional physical interference with other persons is nearly always disruptive in any context. Interfering with traffic depends on the relation between the volume of traffic and the size of the passageway left open. Disruptive noise is the most contextual of all, because it depends on the activity disrupted. Any distracting sound may disrupt a memorial service. Any sound sufficiently loud or persistent to make concentration difficult may disrupt a class or library. Occasional heckling in the speaker's pauses may not disrupt a political speech, but persistent heckling that prevents listeners from hearing the speaker does disrupt a political speech. These illustrations may be helpful, but none of them includes enough context to be taken as a rule. We cannot escape relying on the judgment and fairness of UT Permian Basin authorities in particular cases. In this context where difficult enforcement judgments are unavoidable, it is especially important to remind administrators and law enforcement officials that their judgments should not be influenced by the viewpoint of those claiming disruption or of those allegedly disrupting.
  - iv. Potentially disruptive events can often proceed without disruption if participants, administrators, and law enforcement officials cooperate to avoid disruption without stopping the event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the event or resorting to disciplinary charges or arrest.
- b. Damage to Property
- i. No speech, expression, or assembly may be conducted in a way that damages, defaces, or alters in any way property of UT Permian Basin or of any person who has not authorized the speaker to damage, deface, or alter their property.

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- ii. No person may damage, deface, alter, or interfere with any sign, table, or exhibit posted or displayed by another person or organization acting under the rules of this policy.
  - c. Coercing Attention
    - i. No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication.
    - ii. No person may persist in requesting or demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication.
  - d. Other Rules with Incidental Effects on Speech
    - i. Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to compile or cross-reference here. For example, libraries typically have highly restrictive rules concerning noise; laboratories and rooms containing the electrical and mechanical infrastructure of UT Permian Basin typically have safety rules and rules excluding persons without specific business there; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways. Speech within classrooms is generally confined to the subject matter of the class; the right to attend a class at all is subject to registration and payment of tuition; individual professors may have rules of decorum in their classroom. These kinds of rules limit the right of students, faculty, and staff to enter and speak in the places to which these rules apply.
    - ii. Reasonable and nondiscriminatory rules of this kind generally control over the rights of free speech guaranteed under this policy. But even these kinds of rules are subject to the constitutional right of free speech. Such rules must be viewpoint neutral. Such rules cannot regulate speech more restrictively than they regulate other activities that cause the problems to be avoided by the rule. Such rules should not restrict speech more than is reasonably necessary to serve their purpose. Such rules cannot ban unobtrusive forms of communication with no potential for disruption even in the specialized environment subject to the localized rule. Thus, for example, means of silent expression or protest confined to the speaker's immediate person, such as armbands, buttons, and t-shirts, are nearly always protected because they are rarely disruptive in any environment.
- 5. *Distribution of Literature*
  - a. General Rule on Distribution of Literature

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Registered or sponsored student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature on campus, subject to the rules in Sections D.3 and to the general rules in Section D.4. Individual students, faculty members, and staff members may distribute or display literature subject to the rules in D.3 and to the general rules in D.4, but may not sell it. In either case, no advance permission is required. Members of the public may distribute literature in the common outdoor areas, subject to the rules in D.3 and to the general rules in D.4, but may not sell literature.

## b. Not-for-Profit Literature Only

- i. Except as expressly authorized by the Regents' *Rules* or by contract with UT Permian Basin, no person or organization may sell, distribute, or display on campus any publication operated for profit. A registered or sponsored student, faculty, or staff organization may sell publications operated for profit as part of a fundraiser authorized by, and subject to the limits of, Section D.3(e)(ii)(1).
- ii. A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, inures to the benefit of any private shareholder or individual.

## c. Limits on Advertising

- i. Literature distributed on campus may contain the following advertising:
  1. advertising for a registered or sponsored student, faculty, or staff organization, or an academic or administrative unit;
  2. advertising for an organization that is tax exempt under Section 501(c)(3) of the Internal Revenue Code;
  3. paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising; and
  4. other advertising expressly authorized by the Regents' *Rules* or by contract with UT Permian Basin.
- ii. All other advertising in literature distributed on campus is prohibited.

## d. Clean up of Abandoned Literature

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Any person or organization distributing literature on campus shall pick up all copies dropped ~~on the group~~ in the area where the literature was distributed.

## 6. Signs and Banners

### a. General Rules on Signs

- i. "Sign" means any method of displaying a visual message to others, except that transferring possession of a copy of the message is distribution of literature and not a sign.
- ii. Subject to the rules in this ~~chapter policy~~ and to the general rules in Section D.3 and D.4, a UTPB-affiliated individual or UTPB-affiliated organization may display a sign by holding or carrying it, by displaying it at a table (see Section D.7 below), or by posting it on a kiosk, bulletin board, or other designated location. Signs may not be posted in any other location. Subject to viewpoint-neutral size requirements, Residence Life and Dining has designated the window and door of a residence hall room as locations where the resident(s) of that room may post signs. Section D.6(g) lists other designated locations.

### b. Hand-Held Signs

- i. A UTPB-affiliated individual or UTPB-affiliated organization may display a sign on campus by holding or carrying it by hand or otherwise attaching it to their person. Members of the public may display a sign in the common outdoor areas by holding or carrying it by hand or otherwise attaching it to their person. No advance permission is required. Signs on sticks or poles or otherwise attached to any device are prohibited.
- ii. Hand-held signs constructed of materials that create a hazard to other people are not permitted. Signs constructed of rigid materials, including sticks, poles, wood, metal, hard plastic, or other materials that could be construed as a hazard are not permitted.
- iii. Any person holding or carrying a sign shall exercise due care to avoid bumping, hitting, or injuring any other person.
- iv. Any person holding or carrying a sign at a speech, performance, or other event shall exercise due care to avoid blocking the view of any other person observing the speech, performance, or event. Depending on the venue, this may mean that signs may be displayed only around the perimeter of a room or an audience.
- v. A law enforcement officer or the dean of students, or an usher or other UT Permian Basin employee if authorized by officials responsible for managing

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the venue, may warn any person that his or her sign is being handled in violation of Section D.6(b). If the violation persists after a clear warning, the law enforcement officer, Dean of Students, authorized usher, or other authorized employee may confiscate the sign. A law enforcement officer may take any action necessary to keep the peace including but not limited to issuing a criminal trespass warning to the violator.

## c. Banner

i. "Banner" means an affixed, stationary sign hung from a structure or building, or between two buildings, structures, or poles.

1. Hand-held banners. UTPB-affiliated individuals, UTPB-affiliated organizations, and members of the public are permitted to display a hand-held banner carried by two or more individuals without poles in the common outdoor areas.

ii. Temporary banner space designations

1. The Chief Student Affairs Officer or designee shall designate places where banners may be hung in outdoor locations not occupied or controlled by any other academic or administrative unit.

2. Other academic and administrative units may designate one or more temporary banner spaces where banners may be hung in indoor or outdoor locations that the unit occupies or controls.

3. Temporary banner spaces are not open to members of the public.

iii. Space priority

1. Academic and administrative units and registered or sponsored student, faculty, and staff organizations may hang banners in locations designated under Section D.7(d)(ii) of this policy. Individuals and members of the public may not hang banners.

2. Advance permission is required from the unit administering the location; usually, advance reservations are required. Academic and administrative units advertising official UT Permian Basin events or programs may be given priority. In locations administered by academic or administrative units other than the Chief Student Affairs Officer or their designee, organizations affiliated with the unit administering the location may be given priority.

iv. Time limits

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1. In locations administered by the Chief Student Affairs Officer, each banner may be hung for up to two weeks. The banner may be renewed from week to week if space is available.
  2. Other units administering a location for banners may limit the time each banner may hang. Any such time limit shall be applied without discrimination to all organizations, except that academic and administrative units may be given preference.
- v. The Chief Student Affairs Officer shall maintain, on a Web site or on a flyer or pamphlet:
1. a list of outdoor temporary locations where banners may be hung;
  2. the academic or administrative unit that administers this banner policy at each outdoor location;
  3. and a current description of the rules and procedures for reserving the right to hang a banner in locations administered by the Chief Student Affairs Officer.
- vi. The unit administering a banner location may require that the physical work of hanging the banners be performed only by employees of the Physical Plant or other appropriate UT Permian Basin personnel.
- d. Decal
- i. "Decal" means a non-permanent object designed to adhere on the ground or on windows.
  - ii. Decals may be placed only by academic or administrative units in locations approved by the Chief Student Affairs Officer and must comply with Section D.6.
- e. Signs in Other Designated Locations (Including Departmental Bulletin Boards)
- i. Each academic or administrative unit of UT Permian Basin may authorize the posting of signs in spaces that unit occupies and controls. Such authorization may be granted by general rule or by stamping or initialing individual signs.
  - ii. Signs in spaces occupied by academic or administrative units may be:
    1. confined to bulletin boards or other designated locations;

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2. subjected to viewpoint-neutral rules limiting the size of signs, limiting how long they may be posted, requiring each sign to show the date it was posted and the name of the person or organization who posted it, and similar rules designed to facilitate fair and equal opportunities to post signs;
  3. confined to official statements or business of the unit, or to certain subject matters of interest within the unit, or to signs posted by persons or organizations affiliated with the unit.
- iii. Each academic or administrative unit shall post on or near each bulletin board or other designated location that it administers:
1. either the rules applicable to that bulletin board or location, or a particular office or Web site where the rules applicable to that bulletin board or location may conveniently be found; and
  2. if a stamp or initials are required on signs before they are posted on that bulletin board or location, the name and office location of the person whose stamp or initials are required.
  3. This notice shall be posted in the upper left corner of each bulletin board or other designated location for posting signs, or conspicuously in another nearby location. If no such notice is posted, then the only applicable rules are those contained in Sections D.3 and D.4 and the sign must be approved for posting by the Department of Student Life to verify that the sign complies with Sections D.3 and D.4.
- iv. Within the scope of the subject matters permitted on a particular bulletin board or other designated location, no academic or administrative unit shall discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed on a sign.
- v. This section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official UT Permian Basin business.

## 7. Chalking

### a. General Rules on Chalking

- i. "Chalking" means the temporary use of sidewalk chalk on the ground.
- ii. Academic and administrative units and registered or sponsored student, faculty, or staff organizations may chalk, subject to the rules in this section

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and to the general rules in D.3 and D.4. Individuals and members of the public may not chalk.

- iii. A current description of the rules and procedures for reserving a temporary chalking space on campus are located in [Student Life Departmental Policies](#).

## 8. Tables

### a. General Rule of Tables

UTPB-affiliated individuals or UTPB-affiliated organizations may set up tables from which to display literature and disseminate information and opinions, subject to the rules in this ~~subchapter~~ [Section](#) and to the general rules in Section D.3 and D.4. No advance permission is required for groups providing their own tables; however, reservations are required for those groups wishing to use UT Permian Basin-supplied tables. Members of the public may not set up tables in the common outdoor areas or in UT Permian Basin's limited public forum areas.

### b. Locations

Subject to the restrictions elsewhere in these rules, including Section D.8(b)(i), and subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic, Section D.4, UTPB-affiliated individuals or UTPB-affiliated organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location.

#### i. Restrictions on Table Placement

1. Tables may not be set up inside any library, classroom, laboratory, performance hall, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time.
  2. Academic or administrative units may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. Academic and administrative units are encouraged to clearly state any such rules in writing, and to publish those rules on a Web site or on a flyer or pamphlet available at the chief administrative office of the unit.
- ii. If any table is set up in a prohibited or disruptive location, any UT Permian Basin employee pointing out the violation shall also point out other locations, as nearby as is reasonably possible, where the table is permitted.

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c. Clean-Up Around Tables

UTPB-affiliated individuals or UTPB-affiliated organizations sponsoring a table shall remove litter from the area around the table at the end of each day.

d. Sources of Tables

UTPB-affiliated individuals or UTPB-affiliated organizations may supply their own tables. In addition, UT Permian Basin maintains a supply of tables that may be reserved and checked out for use on campus in designated areas. The Chief Student Affairs Officer shall maintain, on a Web site or on a flyer or pamphlet, a current description of the rules and procedures for reserving and checking out tables.

9. Exhibits and A-Frames

a. General Rules on Exhibits

- i. "Exhibit" means an object or collection of related objects, designed to stand on the ground or on a raised surface, that is not a table, and that is designed for temporary display and is not permanently attached to the ground.
- ii. "A-frame exhibit" means a moveable and self-supported sign board designed to stand on the ground and remain overnight in temporary outdoor space. A-frame exhibits may not exceed five feet in height or width. Structures that do not meet this criteria will be considered general exhibits and will be subject to the rules in this policy on general exhibits.
- iii. Academic and administrative units and registered or sponsored student, faculty, or staff organizations may erect general and A-frame exhibits, subject to the rules in this section and to the general rules in D.3 and D.4. Advance permission is required from the Chief Student Affairs Officer, except that an academic or administrative unit may authorize indoor exhibits in a space that it occupies and controls. Members of the public may not erect general or A-frame exhibits.

b. Application Process

An academic or administrative unit or a registered or sponsored student, faculty, or staff organization desiring to display an outdoor general exhibit shall apply on a form prescribed by the Chief Student Affairs Officer.

c. Approval Process

- i. General exhibits

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1. The Chief Student Affairs Officer will designate temporary outdoor exhibit spaces where general exhibits may be placed. The Chief Student Affairs Officer shall authorize an exhibit described in a completed application under Section D.9(b) unless the Chief Student Affairs Officer finds that use of the proposed temporary outdoor exhibit space for the proposed exhibit must be disapproved under the criteria in **Student Life Departmental Policies**. The Chief Student Affairs Officer shall advise each applicant how to correct, if possible, any conditions that preclude approval of their application.

2. The Chief Student Affairs Officer will consider the totality of the circumstances, including safety concerns, as part of the approval process.

a. Even if an applicant is entitled to have their application approved as submitted, the Chief Student Affairs Officer may give advice about other possible locations, or about modifications to the exhibit, that would avoid potential problems or make the proposed exhibit more workable.

ii. A-frame exhibits

1. The Chief Student Affairs Officer will designate temporary outdoor exhibit spaces where A-frame exhibits may be placed. ~~If~~ an academic or administrative unit or a registered or sponsored student, faculty, or staff organization wishes to place an A-frame exhibit in a different location than the structure will be considered a general exhibited under this section.

2. The Chief Student Affairs Officer will maintain, on a Web site or on a flyer or pamphlet, a current description of the rules and procedures for reserving a temporary outdoor exhibit space for A-frame exhibits on campus.

d. Time Limits

i. General exhibits

1. In locations administered by the Chief Student Affairs Officer, each exhibit may be displayed for fourteen days. The exhibit may be renewed for an additional fourteen days if space is available.

2. The exhibit may be displayed no earlier than 8:00 am and must be removed by 10:00 pm each day. However, the Chief Student Affairs Officer may authorize overnight exhibits in designated locations.

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Overnight exhibits will be considered on a case by case basis and subject to Section D.9(c).

ii. A-frame exhibits

A-frame exhibits may be placed for seven days and remain overnight. The A-frame exhibit may be renewed for an additional seven days if space is available.

iii. If the general or A-frame exhibit is left on campus for longer than the reservation, the exhibit may be removed by the UT Permian Physical Plant, at the expense of the academic or administrative unit or registered or sponsored student, faculty, or staff organization.

e. Clean-Up Around Exhibits

Any academic or administrative unit or registered or sponsored student, faculty or staff organization sponsoring an exhibit shall remove litter from the area around the exhibit before vacating the space.

f. Liability

Any registered student, faculty, or staff organization sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. UT Permian Basin shall not be liable for any damage that may occur to the exhibit, and any registered student, faculty, or staff organization sponsoring the exhibit shall indemnify UT Permian Basin for any claims arising from the exhibit's presence on campus.

10. *Amplified Sound*

a. General Rule on Amplified Sound

UTPB-affiliated individuals, UTPB-affiliated organizations, and members of the public may use amplified sound on campus at designated times and locations, subject to the rules in this policy and **Student Life Departmental Policies**. Advance permission is required. This section creates limited exceptions to the general rule on disruption in Section D.4(a).

b. Location and Times of Weekday Amplified Sound Areas

Upon reservation subject to availability, amplified sound may be used in areas as defined in **Student Life Departmental Policies**.

c. Regulation and Scheduling of Weekday Amplified Sound

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The Chief Student Affairs Officer may prescribe rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of weekday amplified sound areas, to mediate any conflict with UT Permian Basin functions and other nearby activities, and to manage environmental impact. All such rules shall be reasonable and nondiscriminatory.

## i. Reservations

1. UTPB-affiliated individuals, UTPB-affiliated organizations, and members of the public wishing to use a weekday amplified sound area must reserve a particular area at a particular time. Reservations by UT Permian Basin-affiliated individuals and organizations must be made with the Chief Student Affairs Officer on a form prescribed by the Chief Student Affairs Officer. Members of the public may reserve space by making a request to [studentlife@utpb.edu](mailto:studentlife@utpb.edu). The Chief Student Affairs Officer will approve a properly completed application or email request to reserve an amplified sound area, unless the application or request must be disapproved under the criteria in **Student Life Departmental Policies**.
  2. The Chief Student Affairs Officer may limit the number or frequency of reservations for each applicant to ensure reasonable access for all persons or organizations desiring to use amplified sound on weekdays.
  3. When amplified sound areas are not reserved for use for an assembly including amplified sound, they are available for use, for permitted expressive activity, without reservation as part of the common outdoor areas. Any person or organization using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of its reserved time.
- ii. UTPB-affiliated individuals, UTPB-affiliated organizations, or members of the public using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through that area. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.
  - iii. Any designations of additional areas, any additional rules regulating the designated areas, and the rules and procedures for reserving the right to use a designated area are defined in Student Life Departmental Policies.

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d. Amplified sound on Evenings and Weekends

- i. With advance permission from the Chief Student Affairs Officer, UTPB-affiliated individuals, UTPB-affiliated organizations, or members of the public may use amplified sound in any outdoor location on campus, including the amplified sound areas designated in Student Life Departmental Policies, after 5:30 p.m. Monday through Friday, and after 8:00 a.m. Saturday and Sunday, except for the early morning hours excluded in Section D.10(d)(ii) below.
- ii. If amplified sound is authorized for an event on a Sunday, Monday, Tuesday, Wednesday, or Thursday evening, the sound must be turned off by 12:00 a.m. on the following day. If amplified sound is authorized for an event on a Friday or Saturday evening, the sound must be turned off by 2:00 a.m. on the following day.
- iii. The Chief Student Affairs Officer may prescribe reasonable and nondiscriminatory rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of amplified sound on evenings and weekends, to mediate any conflict with UT Permian Basin functions and other nearby activities, and to manage environmental impact.
- iv. Use of amplified sound on evenings and weekends requires advance permission from the Chief Student Affairs Officer. Reservations by UTPB-affiliated individuals or UTPB-affiliated organizations must be made with the Chief Student Affairs Officer on a form prescribed by the Chief Student Affairs Officer. Members of the public may reserve space by making a request to [studentlife@utpb.edu](mailto:studentlife@utpb.edu). The Chief Student Affairs Officer will approve a properly completed application or email request to reserve an amplified sound area, unless the application or request must be disapproved under the criteria in Student Life Departmental Policies or under rules promulgated by the Chief Student Affairs Officer under the authority of this section. The Chief Student Affairs Officer will advise each application or requestor how to correct, if possible, any conditions that preclude approval of its application.

e. Amplified Sound Indoors

Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the Chief Student Affairs Officer may limit or prohibit sound that would be disruptive outside the room. Reservations may be required. Rules concerning use of UT Permian Basin buildings are contained in [Student Life Departmental Policies](#).

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## 11. Public Assemblies

## a. General Rules on Public Assemblies

- i. "Publicly assemble" and "public assembly" include any gathering of persons, including discussions, rallies, and demonstrations. The rules of [Section D.10](#) apply to any use of amplified sound at a public assembly.
- ii. Individuals and organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this section, to the general rules in Sections D.3 and D.4, and to the rules on use of UT Permian Basin property in [Student Life Departmental Policies](#). No advance permission is required in the common outdoor areas.

## b. Reservation of Space

## i. Reservation of Common Outdoor Areas

1. UTPB-affiliated individuals, UTPB-affiliated organizations, or members of the public may reserve a space to assemble in the common outdoor areas, as defined by this policy.
2. Reservations by UTPB-affiliated individuals or UTPB-affiliated organizations must be made with the Chief Student Affairs Officer on a form prescribed by the Chief Student Affairs Officer. Members of the public may reserve space by making a request to [studentlife@utpb.edu](mailto:studentlife@utpb.edu). Applications and requests for a reservation for such assemblies will be approved pursuant to [Student Life Departmental Policies](#).
3. Persons and organizations are encouraged to seek a reservation of a space that is suited to their assembly's anticipated size.

## ii. Reservation of Limited Public Forums

1. Registered or sponsored student, faculty, or staff organizations and academic or administrative units may reserve a space to assemble in limited public forum areas, as defined by this policy.
2. The Chief Student Affairs Officer will receive applications for reservations of a space within the limited public forum areas. Applications for a reservation for such assemblies will be processed under the provisions in [Student Life Departmental Policies](#). Individual

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faculty, staff, and students may not reserve space under the provisions in [Student Life Departmental Policies](#).

- iii. An organization with a reservation has the right to the reserved room or space for the time covered by the reservation. Any person or organization using or occupying the room or space without a reservation must yield control of the room or space in time to permit any organization with a reservation to begin using the room or space promptly at the beginning of its reserved time.
  - iv. Should the size of any assembly exceed the maximum number of participants that is safe for a given location, including a reserved space, assembly participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly to the extent relocation is practicable.
  - v. While reservations are not always required, they are strongly encouraged. Without a reservation, a person or organization may find the facility locked or the space in use by another person or organization.
- c. Notice and Consultation
- i. Persons or organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be.
  - ii. Persons or organizations who are planning a public assembly in a common outdoor area with or without a guest speaker and expected attendance of more than 50 participants, including potential counter-protestors, are encouraged to provide advance notice of no less than two weeks to the Chief Student Affairs Officer to help UT Permian Basin improve the safety and success of the expressive activity. Members of the public may provide this notice by emailing [studentlife@utpb.edu](mailto:studentlife@utpb.edu). If there is uncertainty about applicable UT Permian Basin rules, the appropriateness of the planned location, or possible conflict with other events, persons and organizations are encouraged to consult the Chief Student Affairs Officer. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.
  - iii. UTPB-affiliated individuals or UTPB-affiliated organizations planning an event in the limited public forum areas with or without a guest speaker and an expected attendance of more than 50 participants, are required to provide advanced notice of no less than two weeks to the Chief Student Affairs Officer to help UT Permian Basin improve the safety and success of the expressive

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activity. Notice will be provided on a form prescribed by the Chief Student Affairs Officer.

- iv. The notice and consultation requirements of this section do not apply to academic or administrative units.
- v. The UTPB-affiliated individuals or UTPB-affiliated organizations notice and consultation requirements of this section may be waived by the Chief Student Affairs Officer.
- vi. Registered or sponsored student, faculty, and staff organizations are afforded privileges not available to individual faculty, staff, and students. Individuals may not reserve indoor space on campus.

## 12. Guest Speakers

### a. Who May Present

- i. UTPB-affiliated individuals, UTPB-affiliated organizations, or members of the public may present guest speakers in common outdoor areas of the campus.
- ii. Registered or sponsored student, faculty, and staff organizations and academic and administrative units may present guest speakers in the limited public forums of the campus. In the case of registered student organizations and sponsored student organizations, advance permission from the Chief Student Affairs Officer is required. Registered faculty organizations are required to seek advance permission from the Vice President for Academic Affairs. Registered staff organizations are required to seek advance permission from the Vice President for Business Affairs. Individuals may not present a guest speaker in UT Permian Basin buildings or UT Permian Basin facilities.

### b. Location and Form of Presentation

- i. Subject to the rules in this policy, including the applicable time, place, and manner rules, UTPB-affiliated individuals, UTPB-affiliated organizations, or members of the public may utilize the common outdoor areas for guest speaker assemblies. No reservation or prior approval is necessary but notice and reservations are encouraged for assemblies of 50 or more people.
- ii. A guest speaker may present a speech or performance, or lead a discussion, at a time announced in advance, in a fixed indoor location, or in a fixed outdoor location approved by the Chief Student Affairs Officer.

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1. A guest speaker may distribute literature only immediately before, during, and immediately after the normal course of their speech, presentation, or performance, and only to persons in attendance.
  2. Student, faculty, and staff organizations may not invite the public at large to events in UT Permian Basin buildings or facilities.
- iii. A guest speaker may not:
1. Accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
  2. Distribute literature to persons who have not chosen to attend the speech, performance, or discussion; or
  3. Help staff a table or exhibit set up outside the common outdoor areas or in UT Permian Basin buildings or facilities.
- iv. No UTPB-affiliated individual, UTPB-affiliated organization, or member of the public may present a guest speaker in violation of the prohibitions against solicitation in Section D.3(e) or co-sponsorship in **Student Life Departmental Policies**.
- c. Application
- i. A registered or sponsored student organization that wishes to present a guest speaker will apply to the Chief Student Affairs Officer, through a process prescribed by the Chief Student Affairs Officer, at least two weeks before the scheduled event or any planned advertising for the event, whichever is earlier. The application shall be combined with an application under **Student Life Departmental Policies** to reserve the use of a UT Permian Basin room or space for the event. The Chief Student Affairs Officer will approve an application properly made under Section D.12(c) unless it must be disapproved under the criteria in **Student Life Departmental Policies**.
  - ii. A registered faculty organization that wishes to present a guest speaker will apply to the Vice President for Academic Affairs through a process prescribed by the Vice President for Academic Affairs, at least two weeks before the scheduled event or any planned advertising for the event, whichever is earlier. The application will be combined with an application under **Student Life Departmental Policies** to reserve the use of a UT Permian Basin room or space for the event. The Vice President for Student Affairs will approve an application properly made under Section D.12(c) in consultation with the Chief Student Affairs Officer unless it must be disapproved under the criteria in **Student Life Departmental Policies**.

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- iii. A registered staff organization that wishes to present a guest speaker will apply to the Vice President for Business Affairs through a process prescribed by the Vice President for Business Affairs, at least two weeks before the scheduled event or any planned advertising for the event, whichever is earlier. The application will be combined with an application under **Student Life Departmental Policies** to reserve the use of a UT Permian Basin room or space for the event. The Vice President for Business Affairs will approve an application properly made under Section D.12(c) in consultation with the Chief Student Affairs Officer unless it must be disapproved under the criteria in **Student Life Departmental Policies**.

d. Obligations of Presenting Organization

A registered or sponsored student, faculty, and staff organizations and academic and administrative units that present a guest speaker in a UT Permian Basin building or facility must make clear that:

- i. the organization, and not UT Permian Basin, invited the speaker; and
- ii. the views expressed by the speaker are their own and do not necessarily represent the views of UT Permian Basin, the University of Texas System, or any component institution; and
- iii. members of the general public are not invited to attend the guest speaker's presentation.

13. *Responding to Speech, Expression, and Assembly*

a. General Rule on Responding

UTPB-affiliated individuals, UTPB-affiliated organizations, or members of the public may respond to the speech, expression, or assembly of others, subject to all the rules in this policy.

b. Applications

- i. Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.
- ii. Means of response that are permitted in many locations and without advance permission or reservation, such as signs, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized in this policy and **Student Life Departmental policies**.

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- iii. Means of response that require advance permission or reservation, such as temporary banners, general exhibits, A-frame exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Temporary banner space, temporary outdoor exhibit space, and some amplified sound areas may be unavailable on short notice because of earlier reservations, but approval will be expedited where possible and necessary to permit appropriate response to other speech, assembly, or expression.
- iv. Means of response that are confined to authorized locations, such as banners, exhibits, and amplified sound, may be used only in those locations. It is not possible to respond to amplified sound with amplified sound in the same location; similarly if an exhibit or public assembly is in a location where amplified sound is not permitted, it is not possible to respond with amplified sound in that location. In either case, it is possible to respond with amplified sound in another location and to use signs or distribution of literature to advertise the response at the other location.

#### 14. Enforcement and Appeals

##### a. Police Protection

- i. It is the responsibility of UT Permian Basin to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty in the area of such events will be at the cost of UT Permian Basin. When the magnitude, timing, or nature of an event in a UT Permian Basin building, facility, or other area in UT Permian Basin's limited public forum requires overtime hours from police officers (including contract hours for officers hired from other departments), UT Permian Basin will, to the extent specified in Sections D.134(a)(ii) and D.134(a)(iii) of this policy, charge the cost of overtime or contract officers to the individual or organization sponsoring the event or exhibit that requires overtime police protection. The purpose of D.124(a)(ii) and D.142(a)(iii) is to charge for police overtime when reasonable, but not to charge for police overtime made necessary by the content of speech at the event or by the controversy associated with any event.
- ii. UTPB-affiliated individuals or UTPB-affiliated organizations planning such events should budget for the cost of police protection. A reasonable and nondiscriminatory fee for overtime police work will be charged to UTPB-affiliated organizations for events in a UT Permian Basin building, facility, or other area in UT Permian Basin's limited public forum that require overtime police protection, and:

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1. Charge a price for admission; or
  2. Pay a speaker, band, or other off-campus person or organization for services at the event.
- iii. UT Permian Basin shall have the sole power to decide, after reasonable consultation with the individual or organization planning the event, whether and to what extent overtime police protection is required. No fee shall be charged for officers assigned on the basis of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees shall be based on the number of officers required for an uncontroversial event of the same size and kind, in the same place and at the same time of day, handling the same amount of cash.
- iv. Nothing in Section D.134 applies to any interdepartmental charge or transfer among units or accounts funded by UT Permian Basin.

E. Procedures

1. Reporting Harassment

- a. a student who believes they have been harassed should report the alleged violation to the Dean of Students or via the ["Report It"](#) link on the UT Permian Basin Web site.
- b. a faculty member or staff member who believes they have been harassed should report the alleged violation to the Title IX Coordinator, the Chief Compliance Officer, or the Chief Human Resources Officer.
- c. alternatively, any member of the UT Permian Basin community who believes they have been harassed may report the alleged violation to the Title IX Coordinator or to any UT Permian Basin official, administrator, or supervisor. A faculty member is not an "official administrator, or supervisor" for this purpose unless that faculty member holds an administrative position.
- d. any UT Permian Basin official, administrator, or supervisor who receives a report of alleged harassment shall promptly refer that report and the complainant to the Title IX Coordinator, Chief Compliance Officer, or to the Dean of Students, as appropriate.
- e. Investigation of the information provided by a complainant, and any subsequent remedial or disciplinary proceedings, shall proceed under the procedures set out in the harassment policies found in [HOP ADM-03-300 Sexual Harassment and Sexual Misconduct](#) and [HOP ADM-03-100 Non-Discrimination](#).

2. Response to Alleged Violations

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- a. Students wishing to make a grievance regarding an alleged violation of Section 51.9315 of the *Texas Education Code* may report it online via the “[Report It](#)” link on the UT Permian Basin Web site or by calling the UT Permian Basin compliance and ethics hotline at 1-888-228-7725.
- b. Members of the public who have concerns about compliance with Section 51.9315 of the Texas Education Code may express their concerns by calling the UT Permian Basin compliance and ethics hotline at 1-888-228-7725.
- c. A student who violates a prohibition in this policy may be disciplined under the procedures in [HOP ADM-02-100 Student Conduct](#). A registered or sponsored student organization that violates a prohibition in this policy may be disciplined under [Student Life Departmental Policies](#).
- d. A faculty or staff member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules. If no such procedures exist, faculty violations shall be referred to the Vice President of Academic Affairs and staff violations shall be referred to the Office of Human Resources.
- e. Authorized UT Permian Basin personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this policy, by explanation and persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively or additionally, they may initiate disciplinary proceedings under Section E.2. Discretion regarding the means and necessity of enforcement shall be vested in the Chief of Police, or in UT Permian Basin personnel designated by the President, as appropriate, but such discretion shall be exercised without regard to the viewpoint of any speaker.
- f. UTPB-affiliated individuals or UTPB-affiliated organizations on campus shall comply with instructions from UT Permian Basin administrators and law enforcement officials at the scene. A UTPB-affiliated individual or UTPB-affiliated organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under Section E.3.
- g. Members of the public on campus who violate a prohibition of this policy may be subject to criminal trespass charges, arrest, or other lawful measures.

### 3. Appeals

- a. A UTPB-affiliated individual or UTPB-affiliated organization that is denied permission for an activity requiring advance permission under this chapter may appeal the denial of permission.
- b. A UTPB-affiliated individual or UTPB-affiliated organization that complies with an on-the-scene order limiting speech, expression, or assembly may file an appeal to

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determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal shall be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.

- c. An individual or organization denied permission or appealing an on-the-scene order must submit a written appeal to the Chief Student Affairs Officer within 14 days. The notice must contain the individual or organization's name and mailing address, a contact person, a concise description of the decision or order being challenged, the reasons for disagreeing with the decision, and the date the decision or order was made. The individual or organization must send a copy of the appeal to the decision maker.
- d. After the appeals process is exhausted, the individual or organization may petition in writing to the President to review the Chief Student Affairs Officer's appellate decision concerning the application within seven days after notice of the decision. The President may establish an ad hoc committee to review the appeal and make recommendations regarding it. The President reviews appeals solely at their discretion.
- e. In the event of a review, the President shall communicate their decision to the individual or organization through the Chief Student Affairs Officer within 30 days after notice of the appeal and receipt of relevant documents or, in cases where an ad hoc committee is established, within 30 days after the receipt of the committee's written recommendation. The President's decision shall be final.

**F. Related Statutes or Regulations, Rules, Policies, or Standards**

[Charitable Raffle Enabling Act](#), Chapter 2002, *Texas Occupations Code*

Regents' Rules, [Rule 30103](#), Standards of Conduct

Regents' Rules, [Rule 30105](#), Sexual Harassment, Sexual Misconduct, and Consensual Relationships

Regents' Rules, [Rule 31004](#), Rights and Responsibilities of Faculty Members

Regents' Rules, [Rule 40201](#), Registered Organizations

Regents' Rules, [Rule 40501](#), Speech and Assembly

Regents' Rules, [Rule 40502](#), Negotiations Related to Disruptive Activities Prohibited

Regents' Rules, [Rule 50101](#), Student Conduct & Discipline

Regents' Rules, [Rule 50202](#), Student Organizations

Regents' Rules, [Rule 80101](#), Category of Facilities and Authorized Users

Regents' Rules, [Rule 80103](#), Solicitation

Regents' Rules, [Rule 80104](#), Use of Facilities

Regents' Rules, [Rule 80105](#), Joint Sponsorship of the Use of Property or Buildings

Regents' Rules, [Rule 80106](#), Special Use Facilities

Handbook of Operating Procedures

Texas Civil Practices and Remedies Code, [Chapter 73](#)

Texas Education Code, [Section 51.9315](#)

Texas Penal Code, [Section 43.21](#)

~~[Texas Senate Bill 18](#)~~

UTPB\_ADM-02-100 Student Conduct and Discipline

UTPB\_ADM-03-100 Non-Discrimination

UPPB\_ADM-03-300 Sexual Harassment and Sexual Misconduct

UTPB\_ADM 04-101 Standards of Conduct

UTPB\_ADM-05-100 Faculty Senate Constitution

UTPB\_ADM-05-200 Staff Senate Constitution

UTPB\_ADM 06-106 Faculty Rights and Responsibilities

UTPB\_ADM 08-101 Information Resources Use and Security

UTPB\_ADM 10-104 Solicitation on Campus

UTPB\_ADM 10-301 Facility Use

UT Permian Basin [Acceptable Use Policy](#)

UT Permian Basin Student Life Departmental Policies

**G. Dates Reviewed or Amended**

Amended on XX/XX/XXXX.

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## SPEECH, EXPRESSION, AND ASSEMBLY

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### A. Purpose

The purpose of this policy is to protect and regulate speech, expression, and assembly of students, faculty members, and staff of The University of Texas Rio Grande Valley (UTRGV) and members of the public in a manner that encourages and facilitates speech, expression, and assembly, while at the same time ensuring that these activities do not intrude upon or interfere with academic programs, administrative processes, or other authorized activities of UTRGV.

### B. Persons Affected

This policy applies to all faculty, staff, and students of UTRGV, as well as members of the public visiting property, buildings, or facilities owned or controlled by UTRGV.

### C. Policy

#### 1. *Governing Principles*

- a. The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of UTRGV. In accordance with this policy and its appendices, students, faculty, staff, and members of the public have the right to assemble, speak, and attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and ignore the speech of others when they choose not to listen.
- b. Students, faculty, and staff are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, in all parts of the campus, subject only to rules necessary to preserve the equal rights of others and the other functions of UTRGV. Teaching, research, and other official functions of the University will have priority in allocating the use of space on campus. Members of the public are able to engage in expressive activities only in the common outdoor areas of the campus, subject to the time, place, and manner rules of this policy and its appendices necessary to preserve the functions of UTRGV. Students, faculty, and staff organizations may not invite the public at large to events in UTRGV buildings, facilities, or locations that are not common outdoor areas.
- c. UTRGV recognizes the importance of free inquiry, open intellectual and scientific debate, and unfettered criticism of the accepted body of knowledge that are essential to academic freedom and UTRGV's mission, and this policy should be interpreted with these tenets in mind. To facilitate an atmosphere conducive to scholarly inquiry, faculty members have the authority to maintain order in their classes and classrooms. Consistent with [ADM 06-106 Faculty Rights and Responsibilities](#), scholarly debate and discussion in classes or classrooms should be germane to the subject(s) being taught. Expressive activities of students, employees, or guests may not interfere with or disrupt any teaching activities in classes or the classroom.
- d. UTRGV and The University of Texas System each recognize the right of employees and faculty members to participate in political activities, provided such activities are not

conducted during work hours unless the employee uses accrued compensatory or vacation leave; are in compliance with the Constitution and laws of the State of Texas; do not interfere with the discharge and performance of an employee's duties or responsibilities; do not involve the use of equipment, supplies, or services of UTRGV or the UT System; do not involve the impermissible use of UTRGV facilities, do not involve the attempt to coerce students, faculty, or staff to participate in or support the political activity; and do not involve UTRGV or The UT System in partisan politics.

- e. Every employee and faculty member must protect UTRGV and The UT System against unauthorized use of opinions for advertising purposes.
- f. Except as expressly authorized by federal or state law or Section C.3 below, UTRGV will not discriminate on the basis of political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise.
- g. The UTRGV Police Department may immediately enforce these rules if a violation of these rules constitutes a breach of the peace or compromises public safety.
- h. UTRGV will develop and administer training periodically to employees and faculty members responsible for educating or disciplining students, employees, or faculty under this policy. Employees and faculty members must timely complete any assigned training.

## 2. *Scope*

- a. This policy applies to speech, expression, and assembly of students, faculty, staff, and members of the public that are not part of the teaching, research, or other official functions of UTRGV, not otherwise sponsored by UTRGV or any academic or administrative unit, and not submitted for academic credit, with the following exceptions:
  - i. This policy applies to speech by academic and administrative units, and to speech submitted for academic credit occurring in outdoor locations on campus.
  - ii. The provisions in Section C.3 on harassment apply to all speech regardless of where it occurs, including off UTRGV property, if it potentially affects an individual's education at or employment with UTRGV or potentially affects the UTRGV community.

The presentation of a speaker by a faculty member as part of an individual class, or the presentation of speaker(s) in an educational program or workshop sponsored by an academic or administrative unit, are examples of activities that are part of the teaching, research, or other functions of UTRGV.

- b. Any program or event sponsored by an academic or administrative unit of UTRGV shall have priority in the use of space and facilities over any speech, expression, and assembly that is not sponsored by an academic or administrative unit.
- c. Specific time, place, and manner rules applying to various means of expression are found in the following appendices to this policy:
  - i. Appendix A – Distribution of Literature;
  - ii. Appendix B – Signs and Banners;

- iii. Appendix C – Chalking;
- iv. Appendix D – Tables;
- v. Appendix E – Exhibits;
- vi. Appendix F – Use of Amplified Sound;
- vii. Appendix G – Guest Speakers; and
- viii. Appendix H – Public Assemblies

3. *Prohibited Expression, Items, or Actions*

- a. As defined in Section 51.9315 of the Texas Education Code, expressive activities include a broad range of speech or expressive conduct, including speech or conduct that may be controversial, hurtful, or repugnant. Even so, there are types of speech or expressive conduct that lose constitutional protections and are not acceptable under this policy, or are considered “commercial speech” and do not fall within the statutory definition of expressive activities. These types of speech or expressive conduct are discussed in Sections C.3.b-C.3.f below.
- b. Obscenity -- No persons or organizations shall distribute or display on the campus any writing or visual image, or engage in any public performance that is obscene. A writing, image, or performance is obscene if it is obscene as defined in Section 43.21 of the Texas Penal Code (or successor provisions), and is within the constitutional definition of obscenity as set forth in the decisions of the United States Supreme Court.
- c. Defamation -- No person shall publish to a third party any statement that defames another person. It is difficult to state in a comprehensive way the elements of defamation, because there are many variables depending on the status of the persons and issue(s) involved; that said, the elements of defamation generally include the following:
  - i. publication of a false statement of fact to a third party;
  - ii. referring to a person;
  - iii. the statement holds the person up to hatred, contempt, ridicule, or financial injury;
  - iv. the statement is made negligently (if the person is a private figure) or with knowledge of falsity or reckless disregard of the truth (if the person is a public official or public figure); and
  - v. the person suffers damages.

Defamation is further defined in Chapter 73 of the *Texas Civil Practice & Remedies Code* or other successor provisions, and cases interpreting.

- d. Incitement to Imminent Violations of Law -- No person shall make, distribute, or display any statements directed at inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law.
- e. Harassment – No person will make, distribute, or display any statement that constitutes harassment (as defined in Section E) of any other person. This subsection applies to all

speech at UTRGV (including speech that is part of teaching, research, or other official functions of UTRGV) whether in person or not, and whether oral, written, or symbolic.

- i. The harassment that this Section C.3.e prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense, and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within UTRGV and larger society. These are community norms, even though they cannot be enforced by disciplinary rules.
  - ii. Verbal harassment has been interpreted very narrowly by the federal courts. Policies on verbal harassment or hate speech at many universities have been held unconstitutional, either because they prohibited harassment only when it was based on race, sex, and similar categories, or because they failed to protect the expression of potentially offensive ideas. This policy should be interpreted as narrowly as need be to preserve constitutionality.
  - iii. Members of the UTRGV community are strongly encouraged to report harassment, as discussed in Section D.1 below.
- f. Solicitation – No UTRGV-affiliated individual or organization and no member of the public will make, distribute, or display on the campus any statement that offers or advertises any product or service for sale or lease that includes commercial identifiers (such as for-profit logos, trademarks, and service marks), or that requests any gift or contribution except as authorized by this policy, ADM 10-104 Solicitation on Campus, or Rule [80103 of the Regents' Rules](#).
- g. Prohibited Items or Actions
- i. The restrictions discussed in this Section C.3.g are intended to protect the health and safety of all persons on campus, to maintain the free flow of pedestrian traffic in and out of UTRGV buildings, and to protect the educational mission of UTRGV. The following items are prohibited:
    - A. Masks, facial coverings, or disguises that both conceal the identity of the wearer and are calculated to obstruct the enforcement of this policy or law, or are calculated to intimidate, hinder, or disrupt a UTRGV official, officer of the UTRGV Police Department, or other person in the lawful performance of their duty.
    - B. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons (including without limitation sticks, poles, clubs, swords, shields, or rigid signs that can be used as a shield), unless expressly authorized by [ADM 02-400 Concealed Handguns and Other Weapons on Campus](#), an appropriate UTRGV administrator (after consultation with the Chief of Police or designee), or other federal, state, or local laws or ordinances.

- C. Body armor or make-shift body armor, helmets and other garments (e.g., sporting protective gear, etc.) that alone or in combination could reasonably be construed as weapons or body armor, unless expressly authorized by an appropriate UTRGV administrator (after consultation with the Chief of Police or designee), or other federal, state, or local laws or ordinances.
  - D. Open flame, unless approved in advance by the Director of Environmental Health, Safety, and Risk Management, or designee.
- ii. No person or organization may engage in expressive activity within a ten-foot clearance around points of entry and the perimeter of all UTRGV buildings.
4. *General Rules on Means of Expression*
- a. Disruption – Except as expressly authorized under the rules related to amplified sound in Appendix F or by an authorized UTRGV official responsible for a program or event sponsored by an academic or administrative unit, no speech, expression, or assembly may be conducted in a way that interferes with any (1) teaching, research, administration, or other authorized activities on the campus; (2) free and unimpeded flow of pedestrian and vehicular traffic on the campus; or (3) signs, tables, exhibits, public assemblies, distribution of literature, or guest speakers acting under the rules of this policy and its appendices.
    - i. The term “disruption” (and its variants) as used in this Section C.4.a are distinct from and broader than the phrase “disruption of activities” as used in the Rule [30103 of the Regents’ Rules](#), the phrase “disruptive activities” as used in Rule [40502 of the Regents’ Rules](#), and “disruptive conduct” as used in [STU 02-100 Student Conduct and Discipline](#). This Section C.4.a is intended to address not only deliberate disruption, but also scheduling and coordination of events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity, and to preserve UTRGV’s ability to execute its functions.
    - ii. Except in the most extreme cases, interference and disruption are unavoidably contextual. Intentional physical interference with other individuals is nearly always disruptive in any context. Interfering with traffic depends on the relation between the volume of traffic and the size of the passageway left open. Disruptive noise is the most contextual of all, because it depends on the activity disrupted. Any distracting sound may disrupt a memorial service. Any sound sufficiently loud or persistent to make concentration difficult may disrupt a class or library. Occasional heckling in the speaker’s pauses may not disrupt political speech, but persistent heckling that prevents listeners from hearing the speaker does disrupt a political speech. These illustrations may be helpful, but none of them includes enough context to be taken as a rule. We cannot escape relying on the judgment and fairness of UTRGV authorities in particular cases. In this context where difficult enforcement judgments are unavoidable, it is especially important to remind administrators and law enforcement officials that their judgments should not be influenced by the viewpoint of those claiming disruption or of those allegedly disrupting.

- iii. Potentially disruptive events can often proceed without disruption if participants, administrators, and law enforcement officials cooperate to avoid disruption without stopping the event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the event or resorting to disciplinary charges or arrest.
- b. Coercing Attention
  - i. No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication.
  - ii. No person may persist in requesting or demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication.
- c. Damage to Property
  - i. No speech, expression, or assembly may be conducted in a way that damages, defaces, marks, discolors, or alters in any way property of UTRGV, or of any individual or organization who has not authorized the speaker to damage or deface their property.
  - ii. No person may damage, deface, mark, discolor, alter, or interfere with any sign, table, or exhibit posted or displayed by another person or organization acting under the rules of this policy or its appendices.
- d. Other Rules with Incidental Effects on Speech
  - i. Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to compile or cross-reference here. For example, libraries typically have highly restrictive rules concerning noise; laboratories and rooms containing electrical and mechanical infrastructure of UTRGV typically have safety rules and rules excluding persons without specific business there; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways. Campus housing (apartments or residence halls) may have "quiet hours" or other rules addressing noise or access. Scholarly debate and discussion in class or the classroom is expected to be germane to the subject(s) being taught; the right to attend a class at all is subject to registration and payment of tuition; individual professors may have rules of decorum in their classrooms. These kinds of rules limit the rights of students, faculty members, and staff members to enter and speak in the places to which these rules apply.
  - ii. Reasonable and nondiscriminatory rules of this kind generally control over the rights of free speech guaranteed under this policy. But even these kinds of rules are subject to the constitutional right of free speech. Such rules must be viewpoint neutral. Such rules cannot regulate speech more restrictively than they regulate other activities that cause the problems to be avoided by the rule. Such rules should not restrict speech more than is reasonably necessary to serve their purpose. Such rules cannot ban unobtrusive forms of communication with no potential for disruption even in the

specialized environment subject to the localized rule. Thus, for example, means of silent expression or protest confined to the speaker's immediate person, such as armbands, buttons, and t-shirts, are nearly always protected because they are rarely disruptive in any environment.

e. Responding to Expressive Activity

- i. UTRGV-affiliated individuals and organizations and members of the public may respond to the speech, expression, or assembly of others, subject to all the rules in this policy and its appendices.
- ii. Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.
- iii. Means of response that are permitted in many locations and without advance permission or reservation, such as signs, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized by this policy and its appendices.
- iv. Means of response that require advance permission or reservation, such as banners, exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Banner space, exhibit space, or amplified sound may be unavailable on short notice because of earlier reservations, but approval will be expedited where possible and necessary to permit appropriate response to other speech, assembly, or expression.
- v. Means of response that are confined to authorized locations, such as banners, exhibits, and amplified sound, may be used only in those locations. It is not possible to respond to amplified sound with amplified sound in the same location; similarly, if an exhibit or public assembly is in a location where amplified sound is not permitted, it is not possible to respond with amplified sound in that location. In either case, it is possible to respond with amplified sound in another location and to use signs or distribution of literature to advertise the response at the other location.

5. *Police Protection*

- a. It is the responsibility of UTRGV to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty in the area of such events will be at the cost of UTRGV. When the magnitude, timing, or nature of an event in a UTRGV building, UTRGV facility, or other area in UTRGV's limited public forum requires overtime hours from police officers (including contract hours for officers hired from other departments), UTRGV will, to the extent specified in Sections C.5.b and C.5.c below, charge the cost of overtime or contract officers to the individual or organization sponsoring the event or exhibit that requires overtime police protection. The purpose of Sections C.5.b and C.5.c is to charge for police overtime when reasonable, but not to charge for police overtime made necessary by the content of speech at the event or controversy associated with any event.

- b. UTRGV-affiliated individuals or organizations planning such events should budget for the cost of police protection. A reasonable and nondiscriminatory fee for overtime police work will be charged to UTRGV-affiliated organizations for events in a UTRGV building, UTRGV facility, or other area in UTRGV's limited public forum that require overtime police protection, and:
  - i. Charge a price for admission; or
  - ii. Pay a speaker, band, or other off-campus person or organization for services at the event.
- c. UTRGV will have the sole power to decide, after reasonable consultation with the individual or organization planning the event, whether and to what extent overtime police protection is required. No fee will be charged for officers assigned on the basis of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees will be based on the number of officers required for an uncontroversial event of the same size and kind, in the same place and at the same time of day, handling the same amount of cash.
- d. Nothing in this Section C.5 applies to any interdepartmental charge or transfer among units or accounts funded by UTRGV.

#### **D. Procedures**

##### *1. Reporting Harassment*

- a. A student who believes they have been harassed should report the alleged violation to Student Rights and Responsibilities or online at Vaqueros Report It [www.utrgv.edu/reportit](http://www.utrgv.edu/reportit), using the OIE complaint form.
- b. A faculty member or staff member who believes they have been harassed should report the alleged violation to the appropriate supervisor of the accused individual, the administrator at the next higher level, the Title IX Coordinator, the Chief Compliance Officer, or the Chief Human Resources Officer, as applicable. A faculty member is not an official supervisor or administrator for purposes of this section unless that faculty member holds an administrative title.
- c. Alternatively, any member of the UTRGV community who believes they have been harassed may report the alleged violation to the Title IX Coordinator, the Chief Compliance Officer, or to the Chief Human Resources Officer, as applicable.
- d. Any UTRGV official, administrator, or supervisor who receives a report of alleged harassment shall promptly refer that report and the complainant to the Title IX Coordinator, Chief Compliance Officer, or to Student Rights and Responsibilities, as appropriate.
- e. Investigation of the information provided and any remedial or disciplinary proceedings shall proceed under procedures set out in applicable UTRGV policies, such as [ADM 03-100 Non-Discrimination and Complaint Procedure](#), [ADM 03-300 Sexual Misconduct](#), [STU 02-100 Student Conduct and Discipline](#), or other appropriate policies.

##### *2. Reporting Alleged Violations and Responses to Violations*

- a. Students, faculty members, and staff members wishing to grieve an alleged violation of [Section 51.9315 of the Texas Education Code](#) may report the alleged violation online at Vaqueros Report It ([www.utrgv.edu/reporit](http://www.utrgv.edu/reporit)), to the Chief Compliance Officer, or by calling the Compliance Hotline (<https://www.utrgv.edu/compliance/hotline/index.htm>), as appropriate. Members of the public who have concerns about compliance with Section 51.9315 may express their concerns by calling the Compliance Hotline.
  - b. A student who violates a prohibition in this policy may be disciplined under the procedures in [STU 02-100 Student Conduct and Discipline](#).
  - c. Faculty or staff members who violate a prohibition in this policy may be disciplined under applicable procedures provided by UTRGV or UT System rules and policies. If no such procedures exist, violations will be referred to the appropriate executive vice president (for faculty) or Human Resources (for staff) as appropriate.
  - d. UTRGV administrators and law-enforcement personnel may prevent imminently threatening violations, or end ongoing violations, of a prohibition in this policy, by explanation and persuasion, by reasonable physical intervention, by arrest of violators or by any other lawful measures. Alternatively or additionally, they may initiate disciplinary proceedings under applicable UTRGV policies. Discretion regarding the means and necessity of enforcement shall be vested in the Chief of Police, or in UTRGV personnel designated by the President, as appropriate, but such discretion shall be exercised without regard to the viewpoint of any speaker.
  - e. UTRGV-affiliated individuals and organizations on campus will comply with instructions from UTRGV administrators and law enforcement officials at the scene. An individual or organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under Section D.3 below.
  - f. Members of the public on campus who violate a prohibition in this policy may be subject to criminal trespass charges, arrest, or other lawful measures.
3. *Appeals*
- a. A UTRGV-affiliated individual or organization that is denied permission for an activity requiring permission in advance under this policy may appeal the denial of permission.
  - b. A UTRGV-affiliated individual or organization that complies with an on-the-scene order limiting speech, expression, or assembly may file an appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal will be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.
  - c. An individual or organization denied permission or appealing an on-the-scene order must submit a written appeal to the appropriate division vice president within ten (10) calendar days. The notice may be informal, but shall contain the appellant's name and contact information, a contact person (if an organization), a concise description of the decision or

order being challenged, the individual's or organization's reasons for disagreeing with the decision, the date the decision or order, and who made the decision. A written decision from the appropriate division vice president (or delegate) will be provided to the appellant within ten (10) business days. In deciding the appeal, the vice president (or delegate) is expected to consult with the Office of Legal Affairs and with other relevant subject-matter experts on campus as may be deemed reasonable or necessary.

- d. If the appeal is not resolved to the individual's or organization's satisfaction, the individual or organization may petition in writing to the President (or designee) to review the vice president's decision within seven (7) calendar days of the date of the decision. The President (or designee) may choose to decide the appeal, or solely at his or her discretion may choose to establish an ad hoc committee to review the appeal and make recommendations regarding the appeal. At least one representative of the faculty, staff, and student body should be included on any ad hoc committee that is appointed. In making a recommendation, an ad hoc committee is expected to consult with the Office of Legal Affairs and with other relevant subject-matter experts on campus as may be deemed reasonable or necessary.
- e. The President (or designee) shall communicate a decision to the individual or organization within 30 calendar days after notice of the appeal and receipt of relevant documents or, in cases where an ad hoc committee is established, within 30 calendar days after the receipt of the committee's written recommendation. The President's decision shall be final.

#### **E. Definitions**

1. Academic or administrative unit – any office or department of UTRGV.
2. Business Day – weekdays during which normal UTRGV business is conducted. This excludes weekends, holidays, and days on which UTRGV is engaged in limited operations (e.g., skeleton crew days, closures for public health or epidemic response, etc.).
3. Common outdoor area – refers to outdoor space of UTRGV property that is not used on either a temporary or permanent basis for dedicated UTRGV business or events, an educational function, or a research function. The term also does not include outdoor surfaces of UTRGV buildings (e.g., walls, windows, facades, etc.), surfaces associated with or connected to UTRGV buildings (e.g., porticos, colonnades, electric or other utility boxes, etc.), UTRGV structures (e.g., fountains, statues, etc.), spaces dedicated to temporary outdoor banners or exhibits, or any space within UTRGV's limited public forum.
4. Day – a calendar day.
5. Event – something that occurs during a particular interval of time; events include (without limitation) guest speakers, exhibits, tables, distribution of literature, signs, and public assemblies.
6. Expressive activity – has the meaning assigned in [Section 51.9315 of the Texas Education Code](#).
7. Faculty member or staff member – includes any individual who is appointed to or employed by UTRGV.

8. Harassment – in this policy, means hostile or offensive speech (oral, written, or symbolic) that (i) is not necessary to the expression of any idea described in Subsection a of this definition; (ii) is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the victim’s ability to participate in or benefit from the services, activities, or privileges provided by UTRGV; and (iii) personally describes or is personally directed to one or more specific individuals.
  - a. To make an argument for or against the substance or any political, religious, philosophical, ideological, or academic idea is not verbal harassment, even if some listeners are offended by the argument or idea. The categories of sexually harassing speech set forth in HOP [ADM 03-300 Sexual Misconduct](#) are rarely, if ever, necessary to argue for or against the substance of any political, religious, philosophical, ideological, or academic idea.
  - b. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in HOP [ADM 03-100 Non-Discrimination and Complaint Procedure](#) and is often based on the victim’s appearance, personal characteristics, or group membership, including, but not limited to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression, ideology, political views, or political affiliation.
  - c. Harassment can also consist of nonverbal conduct, such as hazing, practical jokes, damage to property, and physical assault. In the case of sexual harassment and sexual misconduct, sexual conduct is often central to the offense. These forms of harassment are prohibited in HOP [ADM 03-300 Sexual Misconduct](#) and in Rule [30105 of the Regents’ Rules](#).
9. Limited public forum – means UTRGV property, both indoors and outdoors, that is not part of the common outdoor area. This includes the outside surfaces of a UTRGV building UTRGV structure, spaces dedicated to temporary outdoor banners or exhibits, and residential outdoor spaces managed by Residence Life.
10. Regents’ Rules – The *Rules and Regulations* of the Board of Regents of The University of Texas System.
11. Registered student, faculty, or staff organization – an organization established and currently registered under applicable UTRGV policies.
12. Room or space – includes any room or space, indoors or outdoors, owned or controlled by UTRGV.
13. Solicitation – the sale, lease, rental or offer for sale, lease, rental of any property, product, merchandise, publication, or service, whether for immediate or future delivery; an oral statement or the distribution or display of printed material, merchandise, or products that is designed to encourage the purchase, use or rental of any property, product, merchandise, publication, or service; the receipt of or request for any gift or contribution; or the request to support or oppose or to vote for or against a candidate, issue, or proposition appearing on the ballot at any election held pursuant to State or federal law or local ordinances.

- a. Engaging in expressive activities as defined in Section 51.9315(a)(2) of the *Texas Education Code* in a common outdoor area of campus does not constitute solicitation within this definition.
  - b. Words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle are not solicitation within this definition.
  - c. Unadorned acknowledgments or thanks to donors are not solicitation within this definition.
14. Student -- The following individuals shall be considered a student for the purpose of this policy:
- a. An individual currently enrolled at UTRGV.
  - b. An individual accepted for admission or readmission to UTRGV.
  - c. An individual who has been enrolled at UTRGV in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.
15. UTRGV-affiliated individual or organization – academic and administrative units; registered student, sponsored student, faculty, and staff organizations; and individual students, faculty members, and staff members. This phrase describes the most inclusive category of potential speakers on campus.
16. Weekday – means Monday through Friday, excluding any day that is an official holiday designated by UTRGV.

**F. Related Statutes or Regulations, Rules, Policies, or Standards**

Section 51.9315, *Texas Education Code*

Texas Charitable Raffle Enabling Act, Chapter 2002, *Texas Occupations Code*

Regents' Rules Rule 10701, Policy against Discrimination

Regents' Rules Rule 30103, Standards of Conduct

Regents' Rules Rule 30105, Sexual Harassment, Sexual Misconduct, and Consensual Relationships

Regents' Rules Rule 31004, Rights and Responsibilities of Faculty Members

Regents' Rules Rule 40201, Registered Organizations

Regents' Rules Rule 40501, Speech and Assembly

Regents' Rules Rule 50101, Student Conduct and Discipline

Regents' Rules Rule 50202, Student Organizations

Regents' Rules Rule 60306, Use of University Resources

Regents' Rules Rule 80101, Categories of Facilities and Authorized Users

Regents' Rules Rule 80103, Solicitation

Regents' Rules Rule 80104, Use of Facilities

Regents' Rules Rule 80105, Joint Sponsorship of the Use of Property or Buildings

Regents' Rules Rule 80106, Special Use Facilities

ADM 03-100 Non-Discrimination and Complaint Procedure

ADM 03-300 Sexual Harassment and Sexual Misconduct

ADM 04-101 Standards of Conduct  
ADM 05-100 Faculty Senate Constitution  
ADM 05-200 Staff Senate Constitution  
ADM 06-106 Faculty Rights and Responsibilities  
ADM 06-304 Academic Committees and Councils  
ADM 10-104 Solicitation on Campus  
ADM 10-301 Facility Use  
STU 02-100 Student Conduct and Discipline

**G. Dates Reviewed or Amended**

Dates

## 9.37 Peaceful Public Assembly

- I. Scope
- II. This policy protects and regulates speech, expression, and assembly of students, faculty members, staff members, and members of the public that are not part of the teaching, research, or other official functions of The University of Texas at San Antonio (UTSA or University), not otherwise sponsored by the University or any of its academic or administrative units, and not submitted for academic credit. General Statement

The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the University. Students, faculty and staff, when not operating in their official capacity, and members of the public, have the right to assemble in University Common Outdoor Areas, to speak, and the corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen. The University is committed to these freedoms and has adopted the free speech policy statement produced by the Committee on Freedom of Expression at the University of Chicago. A link to the University's statement can be found here:

<http://www.utsa.edu/president/campusandcommunity/cde/commitment.html>.

However, these activities are subject to the well-established right of colleges and universities to regulate time, place, and manner so that the activities do not intrude upon or interfere with the academic programs, administrative processes or other authorized activities of the University. The University shall not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person. Further, no expression or assembly may be conducted in a way that damages or defaces property of the University or of any person who has not authorized the person engaging in expression or assembly to damage or deface his or her property.

In furtherance of the University's educational mission, the University buildings including their outside surfaces, surfaces associated with or connected to a University building, or a University structure are limited public forums open only to the expressive activities of faculty, staff, and students as set forth in this policy. Members of the public may engage in expressive activities in the Common Outdoor Areas at the University in accordance with the time, place, and manner rules contained in this policy. Student, faculty, and staff organizations may not invite the public at large to events in University buildings, facilities, or locations that are not a Common Outdoor Area.

University staff, faculty and students may peaceably assemble and engage in expressive activity anywhere on the UTSA campuses that they are otherwise permitted to be without advanced permission, subject to the time, place and manner rules necessary to preserve the equal rights of others and the other functions of the University, and so long as they do not disrupt University business or operations. In keeping with the University's mission, any program or event sponsored by an academic or administrative unit of the University shall have priority in the use of space and facilities over any speech, expression, and assembly that is not sponsored by an academic or administrative unit. Members of the public are able to engage in expressive activities only in Common Outdoor Areas of UTSA campuses, subject to the time, place, and manner rules in this policy necessary to preserve the functions of the University.

No person, including a student or University employee, shall distribute any petition, handbill, object, or piece of literature; post or carry any sign, placard, or banner; or engage in speech or conduct on property or in buildings or facilities owned or controlled by UTSA if it is obscene, unlawfully defamatory, or directed to inciting or producing imminent lawless action and is likely to incite or produce such action. Further, no person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication or persist in demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication. Persons or organizations who are planning a public assembly are strongly encouraged to notify and consult with Events Management and Conference Services (EMCS) as soon as practicable. EMCS has experience in helping student organizations structure events in ways that both comply with the University's rules and achieve the organization's goals for the event. EMCS can help identify appropriate space and potentially conflicting events, as well as help the planners avoid unintended disruption or other violations.

Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to compile or cross-reference in this policy. For example, libraries typically have highly restrictive rules concerning noise; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways; classroom speech may be confined to the subject matter of the class; and individual professors may have rules of decorum in their classroom. Such rules must be viewpoint neutral and should not restrict speech more than is reasonably necessary to serve their purpose.

### III. Disruption

- A. Except as expressly authorized elsewhere in this policy, no speech, expression, or assembly may be conducted in a way that disrupts or interferes with any
  - 1. teaching, research, administration, or other authorized activities on any UTSA campus;
  - 2. free and unimpeded flow of pedestrian and vehicular traffic on any UTSA campus; or
  - 3. signs, tables, exhibits, public assemblies, distribution of literature, guest speakers, or use of amplified sound by another person or organization acting under the rules in this policy.
- B. The term "disruption" and its variants, as used in this policy, are distinct from and broader than the phrase "disruptive activities," as used in the *Rules and Regulations* of The University of Texas System Board of Regents (Series 30103 and Series 40502). This policy is concerned not only with deliberate disruption, but also with scheduling and coordinating events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity.
- C. Potentially disruptive events can often proceed without disruption if participants, administrators, and law enforcement officials cooperate to avoid disruption without stopping the event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the event or resorting to disciplinary charges or arrest.

### IV. Prohibited Items or Actions

- A. A mask, facial covering, or disguise that conceals the identity of the wearer that is calculated to obstruct the enforcement of these rules or the law, or to intimidate, hinder or interrupt a University official, UTSA PD officer, or other person in the lawful performance of their duty.
- B. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including but not limited to sticks, poles, clubs, swords, shields, or rigid signs that can be used as a shield, without written permission from the dean of students, unless authorized by federal, State or local laws.
- C. Body-armor or make shift body-armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body-armor, without written permission from the dean of students.
- D. Open flame, unless approved in advance by The University of Texas at San Antonio Fire Marshal.

V. Amplified Sound

Advanced permission is required (see Section B. for details) for any amplified sound on campus. University organizations and individuals may use amplified sound (i.e., when sound volume is increased by any electric, electronic, mechanical, or motor-powered means) on any UTSA campus at designated times and locations, subject to the rules in this policy and other applicable laws and University policies. However, any event or activity determined to be disruptive to any authorized University activity may be stopped or modified, notwithstanding the amplified sound provisions listed herein. Non-University organizations/entities/individuals will also need advanced permission for amplified sound.

- A. Location of Amplified Sound Areas (Advanced permission is required to ensure there is no disruption to other activities.)
  - 1. Sombrilla.
  - 2. Student Union.
  - 3. East Convocation Lawn.
  - 4. Bill Miller Plaza.
  - 5. Outdoor Common Areas.
  - 6. Dean of Students/designee may designate additional areas for use of amplified sound. If the Dean of Students/designee concludes that it is unworkable to schedule two or more simultaneous events using amplified sound in different spaces at the same campus, the Dean of Students/designee may refuse to schedule simultaneous events in those areas.

B. Regulating and Scheduling of Amplified Sound

- 1. The Dean of Students/designee may prescribe content neutral rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of amplified sound areas, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact.

2. Organizations/individuals wishing to use an amplified sound area must reserve a particular area for a particular time. Reservations must be made with EMCS on a form prescribed by that office.

EMCS shall make a reasonable effort to advise each applicant how to correct, if possible, any conditions that preclude approval of its application. Even if an applicant is entitled to have their application approved as submitted, EMCS may give advice about other possible locations, or about modifications to the proposed event, that would avoid potential problems or make the proposed event more workable.

The Dean of Students/designee shall approve a properly completed form to reserve an amplified sound area, unless the application must be disapproved under the below listed criteria (V.B.2.a.) or under rules established by the Dean of Students/designee under the authority of this policy.

- a. Space requests for the use of amplified sound or for exhibits will be denied if any of the following criteria apply:
  - i. The proposed use of the space would violate applicable law, the Regents' *Rules and Regulations*, or University or UT System policy;
  - ii. Another event or exhibit has been scheduled for the proposed time and location, or in sufficiently close proximity that there is a practical conflict;
  - iii. The space requested is inadequate to accommodate the proposed use;
  - iv. The proposed use of the space would violate reasonable and nondiscriminatory fire, health, or safety standards;
  - v. The proposed use of the space would constitute an immediate and actual danger to students, faculty members, or staff members or to the peace or security of the University that available law enforcement officials could not control with reasonable effort;
  - vi. The requesting person/organization is under a disciplinary penalty prohibiting reserving the use of a university space, or prohibiting the proposed use of the space; or
  - vii. The requesting person/organization owes a monetary debt to the university and the debt is considered delinquent.
- b. The Dean of Students/designee may limit the number or frequency of reservations for each person or organization to ensure reasonable access for all persons and organizations desiring to use amplified sound.

- c. The Dean of Students/designee may reserve some time slots each week for emergency reservations by persons or organizations responding to events that have occurred, or issues that have arisen since the preceding week.
3. Organizations using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area.
4. Any designations of additional areas, any additional rules regulating the designated areas, and the rules and procedures for reserving the right to use a designated area, shall be stated on a website, flyer, or pamphlet available at the EMCS Office.

#### C. Amplified Sound Indoors/Use of University Buildings

Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the Dean of Students/designee may limit or prohibit sound that would be disruptive outside the room. Reservations are required. Rules concerning reservations and general use of University buildings may be found in Chapter 8 (Facilities and University Services) of the UTSA Handbook of Operating Procedures.

#### VI. Guest Speakers

Subject to the rules in this policy, University persons, University organizations, and members of the public may present guest speakers in Common Outdoor Areas of the campuses.

Registered student, faculty, and staff organizations and University academic and administrative units may present guest speakers (i.e., speakers or performers who are not students, faculty members, or staff members) in the limited public forums of the campus. In the case of registered student organizations, advanced permission from EMCS is required. Individuals may not present a guest speaker in the limited public forums of the campus. Any determination regarding the approval of or the fee for the use of the facility for presenting a Guest Speaker must comply with Texas Education Code Section 51.9315(h).

##### A. Location and Form of Presentation

1. A guest speaker may present a speech or performance, or lead a discussion of specified duration, at a time announced in advance, in a fixed indoor location reserved through EMCS. A guest speaker may distribute literature only immediately before, during, and immediately after the normal course of his or her speech, presentation, or performance, and only to persons in attendance. Only literature that complies with Section VIII of this policy may be distributed.
2. A guest speaker may not:
  - a. accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
  - b. distribute literature to persons who have not chosen to attend the speech, performance, or discussion; or

- c. help staff a table or exhibit.

#### B. Scheduling Guest Speakers

1. A registered student organization that wishes to present a guest speaker shall submit to EMCS a completed form prescribed by the Dean of Students/designee. It is recommended that the form be submitted at least five (5) business days but no later than 48 hours prior to the event,
2. The Dean of Students/designee shall approve an application properly made under subsection 1. unless it must be disapproved under the criteria in V.B.2.a.

#### C. Obligations of Presenting Organization

A student, faculty, or staff organization that presents a guest speaker must make clear that:

1. the organization, and not the University, invited the speaker; and
2. the views expressed by the speaker are his or her own and do not necessarily represent the views of the University, the University of Texas System, or any institution of the System.

D. No Guest Speaker who is to be paid from State funds as consideration for his or her speech shall be permitted to speak on any of the University's campuses unless the University facility in which the speech is to be delivered will be open to the public, including members of the news media, who will be entitled to record, videotape, or telecast live portions of the speech. This does not apply to classes, seminars, symposia, and conferences intended for the use and benefit of students, faculty, staff, and invited guests. No person may in any way obstruct or lessen in any way the opportunity for the audience to take the fullest advantage of the speech, including the opportunity to see and hear the speaker during the entire speech.

E. With the exception of the activities that fall under Section D above, all activities held within the limited public forum portions of University property and sponsored by staff, student or faculty organizations are open to the university community only.

### VII. Signs

A. Students, faculty, staff and members of the public who are in Common Outside Areas may display a sign by holding or carrying it by hand or otherwise attaching it to their person. No advanced permission is required. Signs on sticks or poles or otherwise attached to any device are prohibited.

1. Any person holding or carrying a sign shall exercise due care to avoid bumping, hitting, or injuring any other person.

2. Any person holding or carrying a sign at a speech, performance, or other event shall exercise due care to avoid blocking the view of any other person observing the speech, performance, or event. Depending on the venue, this may mean that signs may be displayed only around the perimeter of a room or an audience.
3. Hand-held signs constructed of materials that create a hazard to other people are not permitted. Signs constructed of rigid materials, including sticks, poles, wood, metal, hard plastic, or other materials that could be construed as a hazard are not permitted.
4. A law enforcement officer or the dean of students, or an usher or other University employee if authorized by officials responsible for managing the venue, may warn any person that his or her sign is being handled in violation of subsections HOP 9.37 VII.A. If the violation persists after a clear warning, the law enforcement officer, dean of students, authorized usher, or other authorized employee may confiscate the sign. A law enforcement officer may take any action necessary to keep the peace, including but not limited to, issuing a criminal trespass warning to the violator.

B. Except as provided for herein or in the UTSA Handbook of Operating Procedures, nothing may be written or posted on any building, statute, fountain, walkway surface, road surface, tree, or natural feature of the campus.

C. General policies related to posting signage/displaying banners may be found in the UTSA Handbook for Operating Procedures (Policy 9.09).

## VIII. Distribution of Literature

### A. General Rule on Distribution of Literature

1. Subject to the Regents' *Rules and Regulations* and University policies, including those regarding co-sponsorships, solicitation and prohibited expression, registered student, faculty, and staff organizations, and University academic and administrative units may sell, distribute, or display literature on campus. Individual students, faculty members, and staff members may distribute or display literature, but may not sell it. Members of the public may distribute or display literature in the Common Outside Areas. In either case, no advanced permission is required.
2. "Literature" means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informal matter that is produced in multiple copies for distribution to potential readers.

### B. Not-for-Profit Literature Only

1. Except as expressly authorized by Section VIII.B.2., or by contract with the University, no person or organization may sell, distribute, or display on campus any publication operated for profit. A registered student, faculty, or staff organization may sell publications operated for profit as part of a fund-raiser authorized by, and subject to the limits of University solicitation policies.

2. Newspapers, magazines, or other publications may be distributed, or offered for sale by means of an unattended rack or vending machine in area(s) designated in advance by the president of the University or his or her delegate for the direction of such activity.
3. A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, benefits any private shareholder or individual.

C. Limits on Advertising

1. Literature distributed on campus may contain the following advertising:
  1. Advertising for a registered student, faculty, or staff organization, or a University academic or administrative unit;
  2. Advertising for an organization that is tax exempt under Section 501(c) (3) of the Internal Revenue Code;
  3. Paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising; and
  4. Other advertising expressly authorized by the *Rules and Regulations* of the Board of Regents (Series 80103) or by contract with the University.
2. All other advertising in literature distributed on any UTSA campus is prohibited.

D. Clean Up of Abandoned Literature

Any person or organization distributing literature on any UTSA campus shall pick up all copies dropped on the ground in the area where the literature was distributed.

IX. Joint Sponsorship

- A. No registered student, faculty, or staff organizations; or individual students, faculty, or staff, may jointly sponsor any event on campus with an off-campus person or organization. Only University academic or administrative units with authority delegated from the president of the University may jointly sponsor events with an off-campus person or organization. All joint sponsorships must be consistent with Series 80105 of the *Rules and Regulations* of the Board of Regents.
- B. An event is a prohibited joint sponsorship if an individual or a student, faculty, or staff organization:
  1. Relies on an off-campus person or organization for planning, staffing, advertising or managing the event; or
  2. Advertises the event as jointly sponsored by an off-campus person or organization; or
  3. Operates the event as an agent of, or for the material benefit of, an off-campus person or organization, except for solicitation of charitable contributions in accordance with applicable University policies; or
  4. Distributes any proceeds of the event to an off-campus person or organization, except for:
    1. The proceeds of charitable contributions solicited in accordance with applicable University policies; or
    2. Payment of a fair market price for goods or services provided to the University person or organization; or

5. Reserves a room or space for the use of an off-campus person or organization.
- C. The following facts do not, in and of themselves, indicate a prohibited joint sponsorship:
1. That a University person or organization endorses an off-campus person or organization or its message;
  2. That a University person or organization sells, distributes, or displays literature prepared by an off-campus person or organization or containing contact information for an off-campus person or organization;
  3. That a University person or organization has purchased goods or services from an off-campus provider;
  4. That a registered student, faculty, or staff organization has invited a guest speaker under Section V;
  5. That a registered student, faculty, or staff organization has received financial contributions to support the event from an off-campus donor.
- D. The purpose of this rule is to preserve the limited space on campus for the use of students, faculty members, and staff members, and the rule will be interpreted to serve that purpose.

#### X. Tables

University persons or organizations may set up tables from which to display literature and disseminate information and opinions, subject to the rules of this policy and other applicable University rules and regulations. No advanced permission is required.

##### A. Locations

1. Subject to the restrictions in paragraph 2. and subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic, University persons and organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location.
2. Tables may not be set up inside any library, classroom, laboratory, performance hall, stadium, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time.
3. A University academic or administrative unit may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. University academic and administrative units are encouraged to clearly state any such rules in writing, and to publish those rules on a website or on a flyer or pamphlet conveniently available at the chief administrative office of the unit.
4. If any table is set up in a prohibited or disruptive location, any University employee pointing out the violation shall also point out other locations, as nearby as is reasonably possible, where the table is permitted.

##### B. Identification

Each table must have a sign or literature that identifies the University person or organization sponsoring the table.

C. Cleanup around Tables

Any person or organization sponsoring a table shall remove litter from the area around the table at the end of each day.

D. Sources of Tables

Persons and organizations may supply their own tables. In addition, the University Center Information Desk maintains a supply of tables that may be reserved and checked out for use on campus. The EMCS shall maintain, on a website or on a flyer or pamphlet conveniently available at the EMCS Office, a current description of the rules and procedures for reserving and checking out tables.

XI. Exhibits

University organizations may erect exhibits (i.e., an object or collection of related objects, designed to stand on the ground or on a raised surface, which is not a table, is designed for temporary display, and is not permanently attached to the ground) that are not inconsistent with applicable University policies. Advanced permission is required from EMCS, except that an academic or administrative unit may authorize indoor exhibits in a space that it occupies and controls. Exhibits may not be erected in areas that would impede vehicle or pedestrian traffic or otherwise adversely impact any authorized activity.

A. Authorization Process

An organization desiring to erect an exhibit shall apply on a form prescribed by EMCS.

B. Criteria for Approval

1. The Dean of Students/designee shall authorize an exhibit described in a properly completed application unless the Dean of Students/designee finds that use of the proposed space for the proposed exhibit must be disapproved under the criteria listed in Section V.B.2.a.
2. An exhibit may not be left unattended by the organization requesting it unless prior arrangements are made to pay for police protection in their absence pursuant to XI.C.2.
3. If approved pursuant to Section XI.B.1., the EMCS Office, in consultation with UTSA police and other appropriate offices, shall specify the location of each exhibit to reduce the hazard to pedestrians, including those who are visually impaired.
4. If the application is denied, the applicant may choose to consult with the EMCS Office regarding how to correct, if possible, any conditions that preclude approval of his or her application. Even if an application may be approved as submitted, the Dean of Students/designee or the EMCS Office staff may provide guidance about other possible locations, or about modifications to the exhibit, that would avoid potential problems or make the proposed exhibit more workable.

C. Time Limits

1. In locations administered by the Dean of Students/designee, each exhibit may be displayed for five (5) business days. The exhibit may be renewed for an additional five (5) business days if space is available.
  2. The exhibit must be removed at the end of each day and may be re-erected each morning. However, the Dean of Students/designee may authorize overnight exhibits in designated locations, provided that the requesting entity agrees to pay for police protection.
- D. Clean Up Around Exhibits

Any organization sponsoring an exhibit shall remove litter from the area around the exhibit at the end of each day.

E. Liability

Any organization displaying or sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. The University shall not be liable for any damage that may occur to the exhibit, and any organization sponsoring the exhibit shall indemnify the University for any claims arising from the exhibit's presence on campus.

XII. Responding to Speech, Expression, and Assembly

University persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this and other applicable University policies. Responding to another's expression is simply another form of expression, and all applicable rules herein, including rules regarding advanced permission or reservations, such as those related to banners, exhibits and amplified sound, must be followed. When feasible, the EMCS Office will make reasonable efforts to expedite approval of banners, exhibits and amplified sound.

XIII. Solicitation

No person shall make, distribute, or display on any UTSA campus any statement that offers or advertises any product or service for sale or lease, or requests any gift or contribution, except as authorized by the *Rules and Regulations* of the Board of Regents (Series 80103).

XIV. Police Patrol

It is the responsibility of the University to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty areas that include speakers, public assemblies, persons staffing or viewing exhibits will be at the cost of the University. When the magnitude, timing, or nature of an event requires additional hours from police officers (including contract hours for officers hired from other departments or private security agencies), the University will, to the extent specified in subsections B. and C. below, charge the cost of additional or contract officers to the person or organization sponsoring the event or exhibit that

requires additional police protection. The purpose of subsections B. and C. is to charge for additional police presence where reasonably necessary, but not to charge for additional police due to the content of speech at the event.

- A. A reasonable and nondiscriminatory fee for the additional police work will be charged for events that require additional police presence, and
  - 1. charge a price for admission, or
  - 2. pay a speaker, band, or other off-campus person or organization for services at the event.

Persons or organizations planning such events should budget for the cost of police presence.

- B. The University shall have the sole power to decide, after reasonable consultation with the person or organization planning the event, whether and to what extent overtime police presence is required. All fees shall be based on the number of officers required for an event of the same size and kind, in the same place and at the same time of day. No fee shall be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event.

#### XV. Undue Interference

- A. Pursuant to Texas Education Code § 51.9315, students, student organizations, faculty and staff are prohibited from unduly interfering with expressive activities of others on campus.
- B. Any violation of Section A is subject to disciplinary sanctions through the processes described on Section XVI.

#### XVI. Response to Violations

- A. Any person wishing to make a grievance regarding a violation of Texas Education Code § 51.9315 may report it via the University compliance and ethics hotline by visiting [www.reportlineweb.com/UTSA](http://www.reportlineweb.com/UTSA) or calling 1 (877) 270-5051.
- B. A student who violates a prohibition in this policy may be disciplined under the procedures in the [Student Code of Conduct](#).
- C. A registered student or sponsored student organization that violates a prohibition in this policy may be disciplined under the procedures in HOP 5.02 and the Student Organization Handbook.
- D. A faculty member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by faculty members shall be referred to the Office of the Provost and Vice President for Academic Affairs.

- E. A staff member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by staff members shall be referred to the Human Resources Department.
- F. Authorized University personnel may prevent imminently threatened violations, or end ongoing violations of a prohibition in this policy, by explanation and persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively or additionally, they may initiate disciplinary proceedings under paragraph B., C., D., or E.. Discretion regarding the means and necessity of enforcement shall be vested in the Chief of Police, or in University personnel designated by the president, as appropriate, but such discretion shall be exercised without regard to the viewpoint of any speaker.
- G. Persons and organizations on UTSA campuses shall comply with instructions from University administrators and law enforcement officials at the scene. A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under Section XVII-Appeals.

#### XVII. Appeals

- A. A person or organization that is denied permission for an activity requiring advanced permission under this policy may appeal the denial of permission.
- B. A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth weekday after complying with the order, file an appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal shall be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.
- C. Any person or organization aggrieved by a decision under this policy is entitled to appeal to the Dean of Students/designee by providing a written appeal to the Dean of Students on or before the fifth weekday after the day the decision is announced. The written appeal shall contain the person's/organization's name and mailing address, a description of the decision complained of, the organization's reasons for disagreeing with the decision, and the date the decision was announced.
- D. When a timely appeal is received, the Dean of Students/designee shall review the written appeal and may render a decision based on the documents provided, or, at his/her discretion, provide the person/organization with an opportunity for a face-to-face meeting at which both the aggrieved party and the person making the decision are present. The decision of the Dean of Students/designee concludes the appellate process.

#### XVIII. Definitions

The following definitions are used for the purpose of this policy.

- A. "Academic or administrative unit" means any office or department of the University.
- B. "Faculty member and staff member" includes any person who is employed by the University, including student employees.
- C. "Off-campus person or organization" means any person, organization, or business that is not an academic unit, an administrative unit, a registered organization (student, faculty, staff), or a student, faculty member, or staff member.
- D. "University person or organization" includes academic and administrative units; registered student, faculty, and staff organizations; and individual students, faculty members, staff members, and other agents of the University serving in an official capacity.
- E. "Registered student, faculty, or staff organization" includes a registered student organization under the Student Organization Relationship Statement, a faculty or staff organization under the *Rules and Regulations* of the Board of Regents (Series 40201), and Student Government and any unit or subdivision thereof.
- F. "Student" means a person who is currently enrolled at UTSA, or attending an educational program sponsored by the University while that person is on campus.
- G. "Amplified sound" means sound where volume is increased by any electric, electronic, mechanical, or motor-powered means. This includes but is not limited to, bullhorns, speakers, laptops, cell phones, microphones, and tablets.
- H.
- I. "Dean of Students/designee" means the University's Dean of Students or any delegate or representative thereof.
- J.
- K. "Office of Student Activities" means the office that oversees all registered/sponsored student organizations; this office is under the Dean of Students.
- L. "Room or space" includes any room or space, indoors or outdoors, owned or controlled by the University.
- M. "University" means The University of Texas at San Antonio (UTSA).
- N. "Weekday" means Monday through Friday except for official university holidays.
- O. "Day" means calendar day.
- P. "Common Outdoor Area" means outdoor space that is not used for dedicated University business or an event, an educational function, or a research function on either a permanent or temporary basis. It does not include the outside surfaces of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, or any other space within the University's limited public forum. Common Outdoor Areas are designated by state law as traditional public forums.
- Q. Guest Speaker— an individual who is unaffiliated with UTSA and is presented as a speaker by a registered student, faculty, or staff organization on the UTSA campus.

# Manual of Policies and Procedures for Student Affairs

## Chapter 6. Speech, Expression, and Assembly

### Subchapter 6-100. Governing Principles

#### Sec. 6-101. General Definitions--Categories of Speakers

As used in this chapter,

1. "Academic or administrative unit" means any office or department of the University.
2. "Event" means something that occurs in a certain place during a particular interval of time; events include but are not limited to guest speakers, exhibits, tables, distribution of literature, signs, and public assemblies.
3. "Faculty member and staff member" includes any person who is employed by the University.
4. "Off-campus person or organization" and "member of the public" means any person, organization, or business that is not an academic or administrative unit, a registered student, faculty, or staff organization, or a student, faculty member, or staff member.
5. "University person or organization" includes academic and administrative units, registered student, faculty, and staff organizations, and individual students, faculty members, and staff members. This phrase describes the most inclusive category of potential speakers on campus; all persons and organizations of any kind are either an "off-campus person or organization" or a "University person or organization."
6. "Registered student, faculty, or staff organization" includes a registered student organization under Chapter 2, subchapter 2.7, a faculty or staff organization under the Regents' Rules and Regulations (Rule 40201), and Student Government and any unit or subdivision thereof;
7. "Student" means a person who is currently enrolled in residence at the University, or who is accepted for admission or readmission to the University, or who has been enrolled at the University in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows, or who is attending an educational program sponsored by the University while that person is on campus.

#### Sec. 6-102. Other General Definitions

As used in this chapter:

1. "amplified sound" means sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting and group chanting are not amplified sound and are not subject to the special rules on amplified sound, but are subject to general rules on disruption.
2. "chief student affairs officer" means the Chief Student Affairs Officer or his/her designee and "Director" refers to the Director of Student Engagement or his/her designee.
3. "Common outdoor area" means outdoor space that is not used for dedicated University business or an event, an educational function, or a research function on either a permanent or temporary basis. It does not include the outside surfaces of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, or any other space within the University's limited public forum. Common outdoor areas are designated by state law as traditional public forums.
4. "Limited public forum" means the University property, both indoors and outdoors, that is not part of the common outdoor area. This includes the outside surfaces of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, residential outdoor spaces managed by University Housing and Dining including but not limited to Soules College of Business, Fisch College of Pharmacy.
5. "Riter Plaza" includes the Carillon/Bell Tower, surrounding landscaped and paved sidewalk areas.
6. "Spence Plaza" includes the paved area outside the main entrance to the Cowan Center and areas surrounding the fountain.
7. "Braithwaite Gardens" includes the paved areas adjacent to the Cowan Center.  
"room or space" includes any room or space, indoors or outdoors, owned or controlled by the University.

8. "Patriot Plaza" includes the grass and paved area outside the main entrance to the University Center and next to Riter Plaza.
9. "Harvey Deck" includes the patio near Harvey Lake.
10. "University" means The University of Texas at Tyler.
11. "Weekday" means Monday through Friday except for official University holidays, skeleton crew days, or any days the university must close due to events that interfere with the ability of the university to continue normal operations, including but not limited to natural disasters, epidemics, attacks on infrastructure, etc.
12. "day" means calendar day.

**Sec. 6-103. Freedom of Speech, Expression, and Assembly**

- a. The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the University. Students, faculty, and staff have the right to assemble, to speak, and to attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen.
- b. Students, faculty, and staff are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, in all parts of the campus, subject only to rules necessary to preserve the equal rights of others and the other functions of the University. Teaching, research, and other official functions of the University shall have priority in allocating the use of space on campus. Members of the public are able to engage in expressive activities only in common outdoor areas of the campus, subject to the time, place and manner rules in this Chapter necessary to preserve the operations of the University.
- c. In furtherance of the University's educational mission, the University buildings including their outside surface, surfaces associate with or connected to a University building, or a University structure are limited public forums open only to the expressive activities of faculty, staff and students as set forth in this Chapter. Members of the public may engage in expressive activities at the University in accordance with the time, place, and manner rules contained in this Chapter. Student, faculty and staff organizations may not invite the public at large to events in University buildings, facilities or locations that are not a common outdoor area.
- d. Except as expressly authorized by subchapter 6-200, the University shall not discriminate on the basis of, including but not limited to, race, color, religion, national origin, gender, age, disability, citizenship, veteran status, political, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise.
- e. The University of Texas at Tyler Police Department (UTTPD) may immediately enforce these rules if a violation of these rules constitutes a breach of the peace or compromises public safety.

**Sec. 6-104. Scope of this Chapter and Related Provisions**

- a. This chapter protects and regulates speech, expression, and assembly of students, faculty members, staff members, and members of the public that are not part of the teaching, research, or other official functions of the University, not otherwise sponsored by the University or any academic or administrative unit, and not submitted for academic credit.
- b. This chapter also regulates certain speech that is part of the teaching, research, or other official functions of the University:
  1. Section 6-204 on harassment applies to all speech on campus or otherwise actionable by the university.
  2. This Chapter applies to speech by University persons and University organizations in the common outdoor areas and the limited public forums. This Chapter also applies to members of the public in common outdoor areas. It also applies to speech that is submitted for academic credit, and speech made using the University's resources as determined by the Director. The Director and/or designee approves reservations for the use of the temporary exhibit and banner spaces, and use of University tables, for all University persons and organizations because scheduling through a single office is necessary to avoid conflicts. The Director also administers and schedules reservations

in the common outdoor areas and the use of the amplified sound for all University persons, University organizations and members of the public.

c. Any program or event sponsored by an academic or administrative unit of the University shall have priority in the use of space and facilities over any speech, expression, and assembly that is not sponsored by an academic or administrative unit, except that programs or events sponsored by an academic or administrative unit shall not have priority in the use of weekday amplified sound areas defined in section 6-802. This chapter does not limit other existing authority of University officials to authorize programs and events sponsored by an academic or administrative unit and not provided for in this chapter.

d. Additional rules concerning free speech and academic freedom of faculty are found in the Regents' *Rules and Regulations* (Rule 40501).

e. Underlying rules concerning free speech of students are found in the Regents' *Rules and Regulations* (Rule 40501). This chapter implements those provisions and applies them to the University.

f. Rules restricting access to the campus and restricting speech on the campus by persons who are not students, faculty, or staff are found in the Regents' *Rules and Regulations* (Rule 40501).

g. Rules protecting and regulating speech on University computer networks are promulgated by Information Resources and are currently found in IR Policies, Information Resources Acceptable Use Policy.

h. Rules requiring University employees to make clear that controversial statements are in their personal capacity are found in the Regents' Rules and Regulations (Rule 30103). Rules restricting use of University equipment, supplies, services, and working hours for political activities are found in the Regents' Rules and Regulations (Rule 30103).

## **Subchapter 6-200. Prohibited Expression**

### **Sec. 6-201. Obscenity**

a. No person or organization shall distribute or display on the campus any writing or visual image, or engage in any public performance, that is obscene. A writing, image, or performance is "obscene" if it is obscene as defined in Texas Penal Code, Section 21.08 or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

### **Sec. 6-202. Defamation**

a. No person shall make, distribute, or display on the campus any statement that unlawfully defames any other person.

b. A statement unlawfully defames another person if it is false, if the false portion of the statement injures the reputation of the other person, and if the speaker has the constitutionally required state of mind as set forth in decisions of the United States Supreme Court.

### **Sec. 6-203. Incitement to Imminent Violations of Law**

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

### **Sec. 6-204. Harassment**

a. No person shall make, distribute, or display on the campus any statement that constitutes verbal harassment of any other person. This section applies to all speech on the campus or otherwise actionable by the university, including speech that is part of teaching, research, or other official functions of the University.

b. "Verbal harassment" means hostile or offensive speech, oral, written, or symbolic, that

1. personally describes or is personally directed to one or more specific individuals; and
2. is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the victim's ability to participate in or benefit from the services, activities, or privileges provided by the University; and
3. is not necessary to the expression of any idea described in item c. of this subsection.

c. To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not verbal harassment, even if some listeners are offended by the argument or idea. The categories of sexually harassing speech set forth in Series 200 of the Handbook of Operating Procedures are rarely, if ever, necessary to argue for or against the substance of any political, religious, philosophical, ideological, or academic idea.

d. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in Series 200 of the Handbook of Operating Procedures, and is often based on the victim's appearance, personal characteristics, or group membership, including but not limited to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity, ideology, political views, or political affiliation.

e. Harassment can also consist of nonverbal conduct, such as hazing, practical jokes, damage to property, and physical assault. In the case of sexual harassment and sexual misconduct, sexual conduct is often central to the offense. These forms of harassment are prohibited in sections 2.4.1, 2.4.3, 2.4.4 and 2.4.5, of the Handbook of Operating Procedures, and in the Regents' Rules and Regulations (Rule 30105). For enhanced penalties for disciplinary offenses motivated by the race, color, or national origin of a student harmed by the offense, see MOPP chapter 8, section 8-501(b). To the extent of any conflict in the definition of verbal harassment, the more detailed definition in this section controls. For enhanced penalties for disciplinary offenses related to hazing, see MOPP chapter 8, section 8-804(a).

f. The harassment that this section prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense, and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within the University and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules.

g. Verbal harassment has been interpreted very narrowly by the federal courts. Many university policies on verbal harassment or hate speech have been held unconstitutional, either because they prohibited harassment only when it was based on race, sex, and similar categories, or because they failed to protect the expression of potentially offensive ideas. This policy should be interpreted as narrowly as need be to preserve its constitutionality. Members of the University community are required to report harassment.

1. A student who believes he or she has been harassed should report the alleged violation to the chief student affairs officer.
2. A faculty member or staff member who believes he or she has been harassed should report the alleged violation to the complainant's supervisor or to the Office of Human Resources.
3. Alternatively, any person who believes he or she has been harassed may report the alleged violation to the Office of Human Resources or to any University official, administrator, or supervisor. A faculty member is not an "official, administrator, or supervisor" for this purpose unless that faculty member holds an administrative position.
4. Any University official, administrator, or supervisor who receives a report of alleged harassment shall promptly refer that report and the complainant to the Office of Human Resources, or to the chief student affairs officer, as appropriate. A complainant, whose report is not forwarded to the Office of Human Resources, or to the chief student affairs officer, has not initiated proceedings for providing a remedy to the complainant or for imposing discipline on the alleged harasser.

5. Investigation of the information provided, and any remedial or disciplinary proceedings, shall proceed under the procedures set out in the harassment policies cross referenced in section 6-204(e).

**Sec. 6-205. Solicitation**

a. No person shall make, distribute, or display on the campus any statement that offers or advertises any product or service for sale or lease, or requests any gift or contribution, except as authorized in paragraph (b), by section 6-403, or by the Regents' Rules and Regulations.

1. Words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle, are not solicitation within this definition.
2. Unadorned acknowledgments or thanks to donors are not solicitation within this definition.

b. A registered student, faculty, or staff organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions, for the benefit of the organization, for the benefit of another registered student, faculty, or staff organization, or for the benefit of an organization that is tax-exempt under Section 501(c)(3) of the Internal Revenue Code. No organization may sell items obtained on consignment. No organization may request contributions for an off-campus tax-exempt organization for more than fourteen days in any fiscal year.

c. Registered student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature that contains advertising, subject to the limits in section 6-403. Individual students, faculty members, and staff members may distribute or display such literature, but may not sell it.

d. Individual students, faculty members, and staff members may post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used, but only on a bulletin board or other location designated for that purpose by an academic or administrative unit in space that the unit occupies or controls. Any unit that designates a bulletin board or other location for this purpose may regulate that bulletin board or other location under the procedures set forth in section 6-506.

1. A resident of a University residence hall or apartment building may occasionally invite one or more salespersons to come to the resident's room or apartment and in that room or apartment, the salesperson may offer products or services for sale to other residents of that residence hall or apartment building.

e. A registered student, faculty, or staff organization may collect admission fees for programs scheduled in advance under chapter 7; provided, that neither University persons nor organizations may collect admissions fees for the exhibition of movies on the campus.

f. A registered student, faculty, or staff organization may collect membership fees or dues at meetings of the organization scheduled in advance under chapter 7.

g. Registered student, faculty, or staff organization may sell charitable raffle tickets on behalf of an organization that is authorized to conduct a charitable raffle under the Texas Charitable Raffle Enabling Act, Texas Occupations Code, Chapter 2002, or successor provisions.

h. A registered student organization that receives funds from solicitations under this section shall deposit and account for such funds under the rules in Chapter 2, Subchapter 2.7. More detailed regulation of solicitation appears in the Regents' Rules and Regulations (Rule 80103). The provisions most relevant to students, faculty, and staff have been incorporated here.

**Subchapter 6-300. General Rules on Means of Expression**

**Sec. 6-301. Disruption**

a. Except as expressly authorized in section 6-802, or by an authorized University official

responsible for a program or event sponsored by an academic or administrative unit, no speech, expression, or assembly may be conducted in a way that disrupts or interferes with any

1. teaching, research, administration, or other authorized activities on the campus;
2. free and unimpeded flow of pedestrian and vehicular traffic on the campus; or
3. signs, tables, exhibits, public assemblies, distribution of literature, guest speakers, or use of amplified sound by another person or organization acting under the rules in this chapter.

b. The term "disruption" and its variants, as used in this rule, are distinct from and broader than the phrase "disruptive activities," as used in *the Regents' Rules and Regulations* (Rule 40502). This rule is concerned not only with deliberate disruption, but also with scheduling and coordination of events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity.

1. Except in the most extreme cases, interference and disruption are unavoidably contextual. Intentional physical interference with other persons is nearly always disruptive in any context. Interfering with traffic depends on the relation between the volume of traffic and the size of the passageway left open. Disruptive noise is the most contextual of all, because it depends on the activity disrupted. Any distracting sound may disrupt a memorial service. Any sound sufficiently loud or persistent to make concentration difficult may disrupt a class or library. Occasional heckling in the speaker's pauses may not disrupt a political speech, but persistent heckling that prevents listeners from hearing the speaker does disrupt a political speech. These illustrations may be helpful, but none of them includes enough context to be taken as a rule. We cannot escape relying on the judgment and fairness of University authorities in particular cases. In this context where difficult enforcement judgments are unavoidable, it is especially important to remind administrators and law enforcement officials that their judgments should not be influenced by the viewpoint of those claiming disruption or of those allegedly disrupting.

c. Potentially disruptive events can often proceed without disruption if participants, administrators, and law enforcement officials cooperate to avoid disruption without stopping the event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the event or resorting to disciplinary charges or arrest.

#### **Sec. 6-302. Damage to Property**

a. No speech, expression, or assembly may be conducted in a way that damages or defaces property of the University or of any person who has not authorized the speaker to damage or deface his or her property.

b. No person may damage, deface, or interfere with any sign, table, or exhibit posted or displayed by another person or organization acting under the rules in this chapter.

#### **Sec. 6-303. Coercing Attention**

a. No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication.

b. No person may persist in requesting or demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication.

#### **Sec. 6-304. Co-sponsorship**

a. Academic or administrative units with authority delegated from the president of the University may co-sponsor events with an off-campus person or organization.

b. Student Organizations with approval from the Director may co-sponsor events with an off-campus person or organization.

c. An event is a prohibited co-sponsorship if an individual or a student, faculty, or staff organization

1. Depends on an off-campus person or organization for planning, staffing, or management of the event; or
2. Advertises the event as co-sponsored by an off-campus person or organization; or
3. Operates the event as agent of, or for the benefit of, an off-campus person or organization, except for solicitation of charitable contributions under the authority of section 6-205(b); or
4. Distributes any proceeds of the event to an off-campus person or organization, except for
  - a. the proceeds of charitable contributions solicited under the authority of section 6-205(b); or
  - b. payment of a fair market price for goods or services provided to the University person or organization; or
5. Reserves a room or space for the use of an off-campus person or organization; or
6. Engages in any other behavior that persuades the Director that an off-campus person or organization is in fact responsible for the event, in full or in substantial part.

d. The following facts do not, in and of themselves, indicate a prohibited co-sponsorship:

1. That a University person or organization endorses an off-campus person or organization or its message;
2. That a University person or organization sells, distributes, or displays literature prepared by an off-campus person or organization or containing contact information for an off-campus person or organization;
3. That a University person or organization has purchased goods or services from an off-campus provider;
4. That a registered student, faculty, or staff organization has invited a guest speaker under subchapter 6-1000;
5. That a registered student, faculty, or staff organization has received financial contributions to support the event from an off-campus donor.

e. The purpose of this rule is to preserve the limited space on campus for the use of students, faculty, and staff, and the rule shall be interpreted to serve that purpose. It is not the purpose of this rule to prevent students, faculty, staff, or members of the public from exercising their right to associate with other persons or organizations holding views similar to their own.

#### **Sec. 6-305. Other Rules with Incidental Effects on Speech**

a. Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to compile or cross-reference here. For example, libraries typically have highly restrictive rules concerning noise; laboratories and rooms containing the electrical and mechanical infrastructure of the University typically have safety rules and rules excluding persons without specific business there; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways. Speech within classrooms is generally confined to the subject matter of the class; the right to attend a class at all is subject to registration and payment of tuition; individual professors may have rules of decorum in their classroom. These kinds of rules limit the right of students, faculty, and staff to enter and speak in the places to which these rules apply.

b. Reasonable and nondiscriminatory rules of this kind generally control the rights of free speech guaranteed in this chapter. But even these kinds of rules are subject to the constitutional right of free speech. Such rules must be viewpoint neutral. Such rules cannot regulate speech more restrictively than they regulate other activities that cause the problems to be avoided by the rule. Such rules should not restrict speech more than is reasonably necessary to serve their purpose. Such rules cannot ban unobtrusive forms of communication with no potential for disruption even in the specialized environment subject to the localized rule. Thus, for example, means of silent expression or protest confined to the speaker's immediate person, such as armbands, buttons, and t-shirts, are nearly always protected because they are rarely disruptive in any environment.

## Subchapter 6-400. Distribution of Literature

### Sec. 6-401. General Rule on Distribution of Literature

a. Registered student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature on campus, subject to the rules in this subchapter and to the general rules in subchapters 6-200 and 6-300. Individual students, faculty members, and staff members may distribute or display literature but may not sell it. In either case, no advance permission is required. Members of the public may distribute literature in the common outdoor areas, subject to the rules outlined in this chapter but may not sell literature.

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

### Sec. 6-402. Not-for-Profit Literature Only

a. Except as expressly authorized by the Regents' Rules and Regulations or by contract with the University, no person or organization may sell, distribute, or display on campus any publication operated for profit. A registered student, faculty, or staff organization may sell publications operated for profit as part of a fund-raiser authorized by, and subject to the limits of, section 6-205(b)(1).

b. A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, inures to the benefit of any private shareholder or individual.

### Sec. 6-403. Limits on Advertising

a. Literature distributed on campus may contain the following advertising:

1. advertising for a registered student, faculty, or staff organization, or an academic or administrative unit;
2. advertising for an organization that is tax exempt under Section 501(c)(3) of the Internal Revenue Code;
3. paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising; and
4. other advertising expressly authorized by the Regents' Rules and Regulations or by contract with the University.

b. All other advertising in literature distributed on campus is prohibited.

### Sec. 6-405. Clean-up of Abandoned Literature

a. Any person or organization distributing literature on campus shall pick up all copies dropped on the ground in the area where the literature was distributed.

## Subchapter 6-500. Signs and Banners

### Sec. 6-501. General Rule on Signs

a. "Sign" means any method of displaying a visual message to others except that transferring possession of a copy of the message is distribution of literature and not a sign.

b. Subject to the rules in this subchapter and to the general rules in subchapters 6-200 and 6-300, a University person or organization may display a sign by holding or carrying it, by displaying it at a table (see subchapter 6-600), or by posting it on a kiosk, bulletin board, or other designated location. Signs may not be posted in any other location.

### Sec. 6-502. Signs & Demonstrative Materials

a. Students, faculty, and staff may display a sign on campus by holding or carrying it by hand or otherwise attaching it to their person. Members of the public may display a sign in common outdoor areas by holding or carrying it by hand or otherwise attaching it to their person. No advance permission is required. Signs on sticks or poles or otherwise attached to any device are

prohibited.

b. Hand-held signs, hazard materials, and exhibits that create a hazard to other people are not permitted. Signs constructed of rigid materials, including sticks, poles, wood, metal, hard plastic, or other materials that could be construed as a hazard are not permitted.

c. Any person holding or carrying a sign shall exercise due care to avoid bumping, hitting, or injuring any other person.

d. Any person holding or carrying a sign at a speech, performance, or other event shall exercise due care to avoid blocking the view of any other person observing the speech, performance, or event. Depending on the venue, this may mean that signs may be displayed only around the perimeter of a room or an audience.

e. A law enforcement officer or the chief student affairs officer, or an usher or other University employee if authorized by officials responsible for managing the venue, may warn any person that his or her sign is being handled in violation of paragraphs (b) -(d). If the violation persists after a clear warning, the law enforcement officer, chief student affairs officer, authorized usher, or other authorized employee may confiscate the sign. A law enforcement officer may take any action necessary to keep the peace including but not limited to issuing a criminal trespass warning to the violator.

#### **Sec. 6-503. Signs on Kiosks**

a. A kiosk is an outdoor structure, attached to the ground in a fixed location, designed for the posting of signs.

b. University persons and organizations may post signs on kiosks. No advance permission is required. Individuals may not post on kiosks any sign advertising goods or services for sale (see section 6-205).

c.. Each sign posted on a kiosk must identify the University person or organization that posted the sign, and must state the date the sign was posted or the date of the event being advertised. No sign advertising an event may be posted on a kiosk more than fourteen days before the date of the event.

d. The person or organization that posts a sign on a kiosk must remove that sign not later than fourteen days after it was posted, or twenty-four hours after the event it advertised, whichever is earlier.

e. No sign may be posted on a kiosk on top of another properly posted sign.

f. No person or organization may post more than two signs on the same kiosk at the same time.

g. The Director, or their designee, may remove any sign that violates any of the rules in this section.

#### **Sec. 6-504. Banners**

a. "Banner" means a sign hung from a structure, or between two buildings, structures, or poles. Banners on sticks or poles or otherwise attached to any device are prohibited.

b. The chief student affairs officer shall designate places where banners may be hung in indoor/outdoor locations not occupied or controlled by any other academic or administrative unit. Other academic and administrative units may designate one or more places where banners may be hung in indoor or outdoor locations that the unit occupies or controls.

1. Academic and administrative units and registered student, faculty, and staff organizations may hang banners in locations designated by the chief student affairs officer. Individuals may not hang banners.
2. Advance permission is required from the unit administering the location, and

usually, advance reservations are required. Academic and administrative units advertising official University events or programs may be given priority. In locations administered by academic or administrative units other than the chief student affairs officer, organizations affiliated with the unit administering the location may be given priority.

3. In locations administered by the chief student affairs officer, each banner may be hung for up to two weeks. The banner may be renewed for additional time if space is available, but usually, other organizations are waiting their turn and renewal is not possible.

4. Other units administering a location for banners may limit the time each banner may hang. Any such time limit shall be applied without discrimination to all organizations, except that academic and administrative units may be given preference.

e. The Director shall maintain, on a Web site or on a flyer or pamphlet conveniently available at the Department of Student Engagement:

1. a list of locations where banners may be hung;
2. the academic or administrative unit that administers banners at each outdoor location; and
3. a current description of the rules and procedures for reserving the right to hang a banner in locations administered by the chief student affairs officer.

f. The unit administering a banner location may require that the physical work of hanging the banners be performed only by employees of Physical Plant or other appropriate University personnel.

g. Hand-held banners. University persons, university organization, and members of the public are permitted to display a hand-held banner carried by two or more individuals without poles, in accordance with this chapter, in the common outdoor areas.

#### **Sec. 6-505. Decal**

a. "Decal" means a non-permanent object designed to adhere on the ground.

1. Decals may be placed only by academic or administrative units in locations approved by the chief student affairs officer and must comply with section 6-200.

#### **Sec. 6-506. Signs in Other Designated Locations (Including Departmental Bulletin Boards)**

a. Each academic or administrative unit of the University may authorize the posting of signs in spaces that unit occupies and controls. Such authorization may be granted by general rule, by stamping or initialing individual signs, or by long-standing tradition.

b. Signs in spaces occupied by academic or administrative units may be:

1. confined to bulletin boards or other designated locations;
2. subject to viewpoint-neutral rules limiting the size of signs, limiting how long they may be posted, requiring each sign to show the date it was posted and the name of the person or organization who posted it, and similar rules designed to facilitate fair and equal opportunities to post signs;
3. confined to official statements or business of the unit, or to certain subject matters of interest within the unit, or to signs posted by persons or organizations affiliated with the unit.

c. Each academic or administrative unit shall post on or near each bulletin board or other designated location that it administers:

1. either the rules applicable to that bulletin board or location, or a particular office or Web site where the rules applicable to that bulletin board or location may conveniently be found; and
2. if a stamp or initials are required on signs before they are posted on that bulletin board or

location, the name and office location of the person whose stamp or initials are required.

d. This notice shall be posted in the upper left corner of each bulletin board or other designated location for posting signs, or conspicuously in another nearby location. If no such notice is posted, or the bulletin board is in a general use area such as a hallway, the sign must be approved for posting by the Department of Student Engagement to verify that the sign complies with subchapter 6-200 and sections 6-301 to 6-304.

e. Within the scope of the subject matters permitted on a particular bulletin board or other designated location, no academic or administrative unit shall discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed on a sign.

f. This section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official University business.

### **Subchapter 6-600. Tables**

#### **Sec. 6-601. General Rule on Tables**

University persons or organizations may set up tables from which to display literature and disseminate information and opinions, subject to the rules in this subchapter and to the general rules in subchapters 6-200 and 6-300. No advance permission is required for groups providing their own tables; however, reservations are required for on-campus groups wishing to use University-supplied tables.

a. Subject to the restrictions in paragraph (b) and subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic (see section 6-301), University persons and organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location.

b. Restrictions on table placement:

1. Tables may not be set up on the Riter Plaza, Spence Plaza, and Braithwaite Gardens.
2. Tables may not be set up inside any library, classroom, laboratory, performance hall, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time.
3. Academic or administrative units may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. Academic and administrative units are encouraged to clearly state any such rules in writing, and to publish those rules on a Web site or on a flyer or pamphlet conveniently available at the chief administrative office of the unit.

c. If any table is set up in a prohibited or disruptive location, any University employee pointing out the violation shall also point out other locations, as nearby as is reasonably possible, where the table is permitted.

#### **Sec. 6-602. Identification**

a. Each table must have a sign or literature that identifies the University person or organization sponsoring the table.

#### **Sec. 6-603. Clean-up around Tables**

a. Any person or organization sponsoring a table shall remove litter from the area around the table at the end of each day.

#### **Sec. 6-604. Sources of Tables**

a. Persons and organizations may supply their own tables. In addition, the university maintains a supply of tables that may be reserved and checked out for use on campus. The director shall maintain, on a Web site or on a flyer or pamphlet conveniently available at the Department of

Student Engagement, a current description of the rules and procedures for reserving and checking out tables.

### **Subchapter 6-700. Exhibits and A-Frames**

#### **Sec. 6-701. General Rule on Exhibits**

- a. "Exhibit" means an object or collection of related objects, designed to stand on the ground or on a raised surface, that is not a table, and that is designed for temporary display and is not permanently attached to the ground.
- b. "A-frame" means a movable and self-supporting sign board designated to stand on the ground, an A-frame is an exhibit
- c. University persons and organizations may erect exhibits, subject to the rules in this subchapter and to the general rules in subchapters 6-200 and 6-300. Advance permission is required from the director, except that an academic unit may authorize indoor exhibits in a space that it occupies and controls. Exhibits may not be erected on the Riter Plaza, Spence Plaza, and Braithwaite Gardens.

#### **Sec. 6-702. Application Process**

- a. A person or organization desiring to erect an exhibit shall apply on a form prescribed by the director.

#### **Sec. 6-703. Criteria for Approval**

- a. The director shall authorize an exhibit described in a completed application under section 6-702 unless the director finds that use of the proposed space for the proposed exhibit must be disapproved under the criteria in section 7-203.
- b. The director shall specify the location of each exhibit to reduce the hazard to visually impaired pedestrians.
- c. The director shall advise each applicant how to correct, if possible, any conditions that preclude approval of his or her application. Even if an applicant is entitled to have their application approved as submitted, the director may give advice about other possible locations, or about modifications to the exhibit, that would avoid potential problems or make the proposed exhibit more workable.

#### **Sec. 6-704. Time Limits**

- a. In locations administered by the director, each exhibit may be displayed for fourteen days. The exhibit may be renewed for an additional fourteen days if space is available.
- b. The exhibit must be removed at the end of each day and may be re-erected each morning. However, the chief student affairs officer may authorize overnight exhibits in designated locations. Overnight exhibit locations shall be listed on a Web site, or on a flyer or pamphlet conveniently available in the Department of Student Engagement. A-frame signs and other small exhibits may be left overnight if the exhibit is relatively small in size and is placed in specified locations according to section 6-703(b).

#### **Sec. 6-705. Clean Up Around Exhibits**

- a. Any person or organization sponsoring an exhibit shall remove litter from the area around the exhibit at the end of each day.

#### **Sec. 6-706. Liability**

- a. Any person or organization sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. The University shall not be liable for any damage that may occur to the exhibit, and any person or organization sponsoring the exhibit shall indemnify the University for any claims arising from the exhibit's presence on campus.

## **Subchapter 6-800. Amplified Sound**

### **Sec. 6-801. General Rule on Amplified Sound**

a. All individuals may use amplified sound on campus at designated times and locations, subject to the rules in this subchapter and to the general rules in subchapters 6-200 and 6-300. Advance permission is required. This subchapter creates limited exceptions to the general rule on disruption in section 6-301.

### **Sec. 6-802. Location and Times of Weekday Amplified Sound Areas**

a. The University West Yard Amplified Sound Area is located adjacent to the University Center between the University Center and Stewart Hall.

1. All individuals may use amplified sound in this area from 11:00 a.m. to 1:00 p.m., and after 5:00 p.m. Monday through Friday.

b. The Deck Amplified Sound Area is located adjacent to Harvey Lake near Stewart Hall.

1. All individuals may use amplified sound in this area from 11:00 a.m. to 1:00 p.m., and after 5:00 p.m. Monday through Friday.

c. The Patriot Plaza is located adjacent to the main entrance to the University Center, Alumni House and Riter Plaza.

1. All individuals may use amplified sound in this area from 11:00 a.m. to 1:00 p.m. and after 5:00 p.m. Monday through Friday.

d. The chief student affairs officer may designate additional areas for weekday use of amplified sound.

### **Sec. 6-803. Regulation and Scheduling of Weekday Amplified Sound**

a. The Director may prescribe rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of weekday amplified sound areas, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact. All such rules shall be reasonable and nondiscriminatory.

b. Amplified sound in the Deck and University West Yard is in fact disruptive of teaching, administration, and research in the University Center and Stewart Hall. The disruption inherent in this use of amplified sound is expressly authorized, but no other disruption is authorized. Disruption is permitted to this extent because otherwise, it would be necessary to ban all use of amplified sound in and near the center of campus during working hours. The hours are limited because otherwise, work in these important buildings would be continuously disrupted.

c. Between 8:00 a.m. and 5:00 p.m. Monday through Friday, university persons must use sound equipment owned or controlled by the University.

d. All individuals using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area.

e. Any designations of additional areas, any additional rules regulating the designated areas, and the rules and procedures for reserving the right to use a designated area, shall be clearly stated on a Web site or on a flyer or pamphlet conveniently available at the Department of Student Engagement.

### **Sec. 6-804. Amplified Sound on Evenings and Weekends**

a. With advance permission from the Director, all individuals may use amplified sound in any outdoor location on campus, including the weekday amplified sound areas designated in section 6-802, after 5:00 p.m. Monday through Friday, and after 8:00 a.m. Saturday and Sunday, except for the early morning hours excluded in paragraph (b).

b. If amplified sound is authorized for an event on a Sunday, Monday, Tuesday, Wednesday, or Thursday evening, the sound must be turned off by 1:00 a.m. on the following day. If amplified sound is authorized for an event on a Friday or Saturday evening, the sound must be turned off by 2:00 a.m. on the following day.

c. The Director may prescribe reasonable and nondiscriminatory rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of amplified sound on evenings and weekends, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact.

#### **Sec. 6-805. Amplified Sound Indoors**

a. Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the Director may limit or prohibit sound that would be disruptive outside the room. Reservations may be required. Rules concerning use of University buildings are contained in chapter 7.

#### **Sec. 6-806. Noise Level**

- a. All amplified sound must comply with the City of Tyler noise ordinance.
1. Monday through Thursday 7:00 a.m. to 10:00 p.m. the limit is 75 decibels.
  2. Monday through Thursday 10:00 p.m. to 6:59 a.m. the limit is 63 decibels.
  3. Friday through Sunday 7:00 a.m. to 11:00 p.m. the limit is 75 decibels.
  4. Friday through Sunday 11:00 p.m. to 6:59 a.m. the limit is 63 decibels.

### **Subchapter 6-900. Public Assemblies**

#### **Sec. 6-901. General Rule on Public Assemblies**

a. "Publicly assemble" and "public assembly" include any gathering of persons, including discussions, rallies, and demonstrations. The rules of subchapter 6-800 apply to any use of amplified sound at a public assembly.

b. All individuals may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this subchapter, to the general rules in subchapters 6-200 and 6-300, and to the rules on use of University property in chapter 7. No advance permission is required.

#### **Sec. 6-902. Reservation of Space**

a. University persons or organizations who wish to publicly assemble in a particular room or space at a particular time may reserve the room or space under the provisions in subchapter 7-200.

b. An organization with a reservation has the right to the reserved room or space for the time covered by the reservation. Any person or organization using or occupying the room or space without a reservation must yield control of the room or space in time to permit any organization with a reservation to begin using the room or space promptly at the beginning of its reserved time.

#### **Sec. 6-903. Notice and Consultation**

a. Persons or organizations who are planning a public assembly with seventy-five or more participants are strongly encouraged to notify and consult with the director as soon as practicable after the point at which the planners anticipate or plan for seventy-five or more participants. Persons or organizations planning smaller assemblies are encouraged to consult the director if there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events. The director can help identify appropriate space and potentially conflicting events. Refer to the Student Organization Handbook for additional information, policies, and procedures related to student organizations reserving space for public assemblies with seventy-five or more participants.

### **Subchapter 6-1000. Guest Speakers**

#### **Sec. 6-1001. Definitions**

a. "Guest speaker" means a speaker or performer who is not a student, faculty member, or staff member.

**Sec. 6-1002. Who May Present**

a. Registered student, faculty, and staff organizations, and academic and administrative units, may present guest speakers on University property. In the case of registered student organizations, advance permission from the director is required through the proper form reservation system for events. Individuals may not present a guest speaker in University buildings or University facilities.

**Sec. 6-1003. Location and Form of Presentation**

a. A guest speaker may present a speech or performance, or lead a discussion, at a time announced in advance, in a fixed indoor location, or in a fixed outdoor location approved by the chief student affairs officer. A guest speaker may distribute literature to persons who attend the speech, performance, or discussion.

b. A guest speaker may not

1. accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
2. distribute literature to persons who have not chosen to attend the speech, performance, or discussion; or
3. help staff a table or exhibit set up under subchapter 6-600 or 6-700.

**Sec. 6-1004. Application**

a. A registered student organization that wishes to present a guest speaker shall apply to the Director, on a form prescribed by the Director, at least 14 days prior to the scheduled event or any planned advertising for the event, whichever is earlier. The application shall be combined with an application under section 7-202 to reserve the use of a University room or space for the event.

b. The Director shall approve an application properly made under subsection (a) unless it must be disapproved under the criteria in section 7-203.

**Sec. 6-1005. Obligations of Presenting Organization**

a. student, faculty, or staff organization that presents a guest speaker must make clear that

1. the organization, and not the University, invited the speaker; and
2. the views expressed by the speaker are his or her own and do not necessarily represent the views of the University, the University of Texas System, or any component institution.

**Subchapter 6-1100. Responding to Speech, Expression, and Assembly**

**Sec. 6-1101. General Rule on Responding**

a. University persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this chapter.

**Sec. 6-1102. Applications of Section 6-1101**

a. Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.

b. Means of response that are permitted in many locations and without advance permission or reservation, such as signs, tables, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized in this policy.

c. Means of response that require advance permission or reservation, such as banners, A-frames, exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Banner space and some amplified sound areas may be unavailable on short notice but the director shall expedite approval of A-frames, exhibits, and available banner space and amplified sound areas where necessary to permit appropriate response to other speech, assembly, or expression.

d. Means of response that are confined to authorized locations, such as banners and amplified sound, may be used only in those locations. It is not possible to respond to amplified sound with

amplified sound in the same location; similarly if an exhibit or public assembly is in a location where amplified sound is not permitted, it is not possible to respond with amplified sound in that location. In either case, it is possible to respond with amplified sound in another location and to use signs or distribution of literature to advertise the response at the other location.

### **Subchapter 6-1200. Enforcement and**

#### **Appeals Sec. 6-1201. Police Protection**

a. It is the responsibility of the University to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty hours in the area of such events will be at the cost of the University. When the magnitude, timing, or nature of an event requires overtime hours from police officers (including contract hours for officers hired from other departments or private security agencies), the University will, to the extent specified in subsections

(b) and (c), charge the cost of overtime or contract officers to the person or organization sponsoring the event or exhibit that requires overtime police protection. The purpose of subsections (b) and (c) is to charge for police overtime where reasonably possible, but not to charge for police overtime made necessary by the content of speech at the event or by the controversy associated with any event.

b. A reasonable and nondiscriminatory fee for overtime police work will be charged for events that require overtime police protection, and

1. charge a price for admission, or
2. pay a speaker, band, or other off-campus person or organization for services at the

event. Persons or organizations planning such events should budget for the cost of police protection.

c. The University shall have the sole power to decide, after reasonable consultation with the person or organization planning the event, whether and to what extent overtime police protection is required. In accordance with SB 18 section 2 subsection h No fee shall be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees shall be determined by the department providing the security service.

#### **Sec. 6-1202. Response to Violations**

a. Students wishing to make a grievance regarding a violation may report it via the [Non-Academic Student Grievance Form](#).

b. A student or student organizations who violates a prohibition in this chapter may be disciplined under the procedures in chapter 8.

c. A faculty member who violates a prohibition in this chapter may be disciplined under applicable procedures provided by the Handbook of Operating Policies. If no such procedures exist, violations by faculty members shall be referred to their direct supervisor or the Office of Academic Affairs and Provost.

d. A staff member who violates a prohibition in this chapter may be disciplined under applicable procedures provided by the Handbook of Operating Policies. If no such procedures exist, violations by staff members shall be referred to their direct supervisor or the Office of Human Resources.

e. Authorized University personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this chapter, by explanation and persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively or additionally, they may initiate disciplinary proceedings under paragraph (a), (b), or (c). Discretion regarding the means and necessity of enforcement shall be vested in the chief of police, or in University

personnel designated by the president, as appropriate, but such discretion shall be exercised without regard to the viewpoint of any speaker.

f. Persons and organizations on the campus shall comply with instructions from University administrators and law enforcement officials at the scene. A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under section 6-1203.

**Sec. 6-1203. Appeals**

a. A person or organization that is denied permission for an activity requiring advance permission under this chapter may appeal the denial of permission.

b. A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth weekday after complying with the order, file an appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal shall be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.

c. An appeal authorized by this section shall be heard under the procedures set out in Chapter 7, Use of University Property, Rooms and Spaces, subchapter 7-400.

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