

UT SOUTHWESTERN POLICY HANDBOOK

FSS-103 PROTECTED EXPRESSION ON CAMPUS

CHAPTER 8: FACILITIES AND SUPPORT SERVICES

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ADMINISTRATIVE INFORMATION

Responsible Office: Office of Legal Affairs
Executive Sponsor: Executive Vice President for Business Affairs
Effective Date: 03/05/2020
Last Review Date: 03/05/2020
Next Scheduled Review: 03/05/2025
Contact: policyoffice@utsouthwestern.edu

POLICY RATIONALE AND TEXT

The freedoms of speech, expression, and assembly are fundamental rights of all persons, and it is the policy of UT Southwestern to ensure that students, student organizations, residents, postdoctoral scholars appointed to academic training positions, faculty members, employees (collectively, “UT Southwestern personnel”), and members of the public may engage in expressive activities on campus, including listening to or observing expressive activities of others, in accordance with applicable law and this policy.

Engaging in Expressive Activities in Common Outdoor Areas

Subject to the procedures set forth below, any person may engage in expressive activities in common outdoor areas of UT Southwestern’s campus, including by responding to the expressive activities of others.

Expressive activities include distribution of written material and holding or carrying signs or otherwise attaching signs to oneself. Any person or organization distributing written material in common outdoor areas will pick up all copies of written material dropped on the ground in the area where the material was distributed.

Expressive activities do not include commercial speech. For information pertaining to commercial speech on campus, see [ETH-105 Relationships of UT Southwestern Faculty, Employees, and Trainees with Vendors](#).

In order to protect the safety of all individuals at UT Southwestern and to maintain campus security, all individuals engaging in expressive activities must identify themselves in response to a request by an authorized UT Southwestern representative by providing their name, substantiated by a drivers’ license, UT Southwestern identification badge, or other official documentation. For additional information regarding requirements for identification upon request, see [SEC-153 Badge and Identification Requirements](#).

Invitations to Off-Campus Speakers in Limited Public Forums

Subject to the procedures set forth below, UT Southwestern faculty and registered student and employee organizations may invite Off-Campus Speakers to speak in limited public forums on campus. Utilization of UT Southwestern facilities for any such speaker engagements is addressed in [FSS-101 Use of UT Southwestern Facilities](#). Student organizations should refer to the Registered Student Organizations Manual for additional procedures regarding reservation of facilities.

SCOPE

This policy applies to all individuals associated with or on the premises of UT Southwestern Medical Center, including without limitation employees, faculty, clinical residents and fellows, postdoctoral scholars appointed to academic training positions, students, patients, visitors, volunteers, vendors, contractors, commercial tenants, business associates, and members of the public.

PROCEDURES

Expressive Activities in Common Outdoor Areas

Individuals or organizations that are planning a public assembly in a common outdoor area and expect attendance of more than 25 participants, including potential counter-demonstrators, must provide advance notice of no less than two weeks to the Office of the Executive Vice President of Business Affairs to help UT Southwestern improve the safety and success of the expressive activity. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.

The following items and actions are prohibited in the common outdoor areas of UT Southwestern campus. These prohibitions are intended to protect the health and safety of all persons on campus, to maintain the free flow pedestrian traffic in and out of UT Southwestern buildings, and to ensure the teaching, research, healthcare, and administrative functions of UT Southwestern continue without disruption.

- No person or organization may engage in expressive activity within a 20-foot radius of points of entry and the perimeter of all UT Southwestern buildings.
- Use of masks, facial coverings, or disguises that conceal the identity of the wearer and are calculated to obstruct the enforcement of these rules or the law, or to intimidate, hinder, or interrupt a UT Southwestern official, police officer, or other person in the lawful performance of their duty are prohibited.
- Signs that a person holds, carries by hand, or attaches to their person may be used in engaging in expressive activities in common outdoor areas. Use of tables, kiosks, or displays other than signs that a person holds, carries by hand, or attaches to their person are prohibited.
- No speech, expression, or assembly may be conducted in a way that damages, defaces, marks, discolors, or alters in any way UT Southwestern property or the property of any individual.

Furthermore, no person or organization may engage in expressive activities in common outdoor areas that:

- are obscene, libelous, or directed to inciting or producing imminent lawless action and are likely to incite or produce such action;
 - materially and substantially disrupt or interfere with any teaching, research, healthcare, or administrative function of UT Southwestern or other authorized activities on the campus;
 - materially and substantially disrupt or interfere with free and unimpeded flow of pedestrian or vehicular traffic on campus;
- or

- violate federal, state, or local laws or regulations.

Invitations to Off-Campus Speakers in Limited Public Forums

UT Southwestern faculty and registered student and employee organizations may invite Off-Campus Speakers to speak in limited public forums on campus. The provisions of this section do not apply to invitations to speakers for classes, seminars, symposia, and conferences held in the normal course of UT Southwestern business and intended for the use and benefit of UT Southwestern and its invited guests.

For registered student organizations, requests for Off-Campus Speaker approval for invitations to speak in limited public forums must be submitted to the Director of the Bryan Williams, M.D. Student Center in accordance with the Registered Student Organizations Manual. For UT Southwestern faculty and registered employee organizations, requests for Off-Campus Speaker approval for invitations to speak in limited public forums must be submitted to the Office of the Executive Vice President for Business Affairs at least two weeks prior to the proposed event or the circulation of advertisement for the event, whichever occurs earlier.

In determining whether to approve an Off-Campus Speaker or in determining the amount of a fee, if any, to be charged for use of the institution's facilities for purposes of engaging in expressive activities, UT Southwestern may consider:

- the proposed venue and the expected size of the audience;
- any anticipated need for campus security;
- any necessary accommodations; and
- any relevant history of compliance or noncompliance with this or other applicable policy by the requestor.

UT Southwestern will not consider any anticipated controversy regarding the event in determining whether to approve an Off-Campus Speaker invitation or in determining the amount of fee, if any, to charge for use of the institution's facilities. No fee will be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees will be based on the number of officers required for an uncontroversial event of the same size and kind, and in the same place and at the same time of day.

Grievance Process and Disciplinary Procedures

Any UT Southwestern personnel who wish to submit a grievance regarding an alleged violation of this policy (including undue interference with expressive activities) may submit a written complaint to the Office of Institutional Compliance no later than 30 days after the action that is the basis for the grievance. The Office of Institutional Compliance will conduct an appropriate inquiry and issue a written decision regarding the grievance within 60 days. The decision by the Office of Institutional Compliance is final.

If the Office of Institutional Compliance determines this policy was violated, the matter will be referred for possible disciplinary action in accordance with the applicable disciplinary policies and procedures based on the status of the individual (e.g., student, resident, faculty, and employee) or the group (e.g., student or employee organization) responsible for the violation.

RESPONSIBILITIES

Deans' Offices of UT Southwestern Medical School, UT Southwestern Graduate School of Biomedical Sciences, and UT Southwestern School of Health Professions:

- Ensure that this policy is available to all students enrolled at UT Southwestern by: (1) including a copy of this policy in the General Catalog; and (2) providing a copy of this policy to students during new student orientations and upon request.

Office of the Executive Vice President for Business Affairs:

- Process requests for public assemblies of more than 25 people in common outdoor areas, and coordinate support for the same.

- Process requests for Off-Campus Speakers in limited public forums, and coordinate support for the same.

Office of Institutional Compliance:

- Investigate grievances regarding alleged violations of this policy.

University Police:

- Coordinate with the Office of the Executive Vice President for Business Affairs to address security needs for public assemblies in common outdoor areas on campus and for Off-Campus Speaker events in limited public forums.

DEFINITIONS

Commercial speech – expression related solely to the economic interests of the speaker and its audience, which proposes a commercial transaction. Commercial speech includes but is not limited to promotional speaking and other expression regarding the sale, lease, rental, or offer for sale, lease or rental of any property, product, merchandise, publication, or service for third party organizations. As used in this policy, commercial speech does not include solicitation permitted pursuant to [FSS-102 Solicitation](#) See [ETH-105 Relationships of UT Southwestern Faculty, Employees, and Trainees with Vendors](#).

Common outdoor areas – outdoor spaces, including publicly accessible sidewalks, streets, and parks, that are not used for dedicated UT Southwestern business or a UT Southwestern event or teaching, research, healthcare, or administrative functions on either a permanent or temporary basis. Common outdoor areas include the area in front of the Skillern Building (the “M” building); and the area between the “M” building and the Green Research Building (the “Y” building). Common outdoor areas do not include the outside surfaces of a UT Southwestern building, surfaces associated with or connected to a UT Southwestern building, a UT Southwestern structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, or any other space within UT Southwestern’s limited public forum. Common outdoor areas are designated by state law as traditional public forums.

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

Limited public forum – the UT Southwestern property, both indoors and outdoors, that is not designated a common outdoor area. This includes space that is used for dedicated UT Southwestern business or a UT Southwestern event or teaching, research, healthcare, or administrative functions on either a permanent or temporary basis, the outside surfaces of a UT Southwestern building, surfaces associated with or connected to a UT Southwestern building, a UT Southwestern structure, spaces dedicated to temporary outdoor banners, and spaces dedicated to temporary or permanent outdoor exhibits, including McDermott Plaza and Seldin Plaza.

Off-Campus Speaker – an individual who is unaffiliated with UT Southwestern and is presented as a speaker by UT Southwestern faculty or a registered student or employee organization in UT Southwestern’s limited public forum.

Sign – any method of displaying visual messages to others via a display that a person holds, carries by hand, or otherwise attaches to their person.

RELATED STATUTES, POLICIES, OR STANDARDS

Texas Education Code, Section 51.9315

UT System Regents’ *Rules and Regulations*, Rule 40501 Speech and Assembly

UT System Regents’ *Rules and Regulations*, Rule 80101 Category of Facilities and Authorized Users

[EMP-351 Discipline and Dismissal of Classified Employees](#)

[EMP-351P-01 Appealing Disciplinary Actions](#)

[EDU-151 Student Conduct and Discipline](#)

[EDU-151P-01 Procedures for Student Discipline](#)

[ETH-105 Relationships of UT Southwestern Faculty, Employees, and Trainees with Vendors](#)

[FSS-101 Use of UT Southwestern Facilities](#)

[FSS-102 Solicitation](#)

[SEC-153 Badge and Identification Requirements](#)

FORMS, TOOLS, ONLINE PROCESSES

Registered Student Organizations Manual

CONTACTS/FOR FURTHER INFORMATION

Office of Business Affairs 214-648-2508

Office of Legal Affairs 214-648-7986

POLICY HISTORY

March 5, 2020: Developed as a new policy; published as FSS-103 Protected Expression on Campus.

Institutional Handbook of Operating Procedures Policy 02.07.03	
Section: General Administration	Responsible Vice President: Vice President, Business Operations and Facilities
Subject: Buildings and Grounds	Responsible Entity: Business Operations and Facilities

I. Title

Freedom of Expression

II. Policy

The University of Texas Medical Branch (UTMB or University) recognizes that the freedoms of speech, expression, and assembly are a central mission to higher education. UTMB is committed to fostering the free exchange of ideas and protecting the rights of freedom of speech, expression, and peaceful assembly set forth in the U. S. Constitution. Additionally, the University maintains its right to establish reasonable time, place, and manner restrictions on the expressive activities on UTMB grounds.

A. Forums –

To further the ability to freely express oneself, UTMB provides multiple forums. These forums include:

- **Traditional Public Forums:** UTMB’s common outdoor areas are considered traditional public forums. Generally, the common outdoor areas are available for lawful expressive activity, planned or spontaneous, for individual or small groups of 24 or less individuals at any time without the need for reservation. To ensure the use of a specific common outdoor area, interested individuals or groups are encouraged to make a reservation as described in Section III.B. Individuals or groups engaged in an expressive activity in a common outdoor area with a reservation will be given priority to those individuals without reservations and may be required to relocate.
- **Designated public forums:** UTMB may temporarily make limited public forums available for expressive activities as specified by UTMB. These areas while designated as such will be treated similarly to the common outdoor areas for access and expressive activity to the general public. Obstruction or impeding the flow of vehicular or pedestrian traffic is prohibited.
- **Limited Public Forums:** UTMB buildings, grounds, and facilities that are not common outdoor areas are limited public forums and the freedom of expression may be limited for particular groups or particular topics. [IHOP – 02.06.01 – Use of UTMB Facilities](#) and [02.06.02 – Special Use Facilities](#) discuss the use and reservation of these areas.
- **Nonpublic Forums –** Areas of UTMB facilities and campus that are not traditional public forums and are not by tradition or designated for public communication. These areas will be restricted to their intended use and not available for public expressive activity. The nonpublic forums include, but are not limited to:
 - Galveston National Lab
 - Hospital and clinic facilities
 - Research facilities
 - Administrative facilities
 - Academic facilities
 - Libraries
 - Classrooms

- Faculty or staff offices

Those individuals choosing to engage in an expressive activity and those choosing to listen to an expressive activity must recognize and respect the right and freedom to express oneself; thus faculty, staff, or students who unduly interfere with an expressive activity will be subject to disciplinary sanctions.

Individual or group speech, expression, or ideas during an expressive activity on UTMB properties is the viewpoint of the individual or group and not of UTMB.

B. Expression Restrictions

UTMB will place priority in allocating the use of space on campus based upon the needs of teaching, research, providing healthcare, and other official functions of the University. Thus, distance restrictions, crowd placement restrictions, and security concerns may vary depending on security concerns for patients, faculty, staff, and students. The security concerns may be such that, whether due to disruptive activity or other extenuating security events, permitted expressive activities be relocated and/or required to cease the activity.

- No person or organization may engage in expressive activity within a 15 feet clearance around points of entry and the perimeter of all UTMB buildings.
- Any acts that are disruptive to the normal operations of UTMB, including academic, healthcare, research, or administrative are not permitted.
- Expressive activities are permitted from 7:00 am to 7:00 pm.
- No expression is permitted that may damage, deface, discolor, or alter in any way UTMB property or property of another displayed or posted on UTMB grounds.
- Amplified sounds may be permitted in areas that are not disruptive to ordinary UTMB business.
- Literature distribution is permitted; however, the distributing group will be responsible for maintaining UTMB grounds by disposing disregarded literature on University property.
- Expressive displays, tables, and banners may be permitted when not disruptive to ordinary UTMB business, are not attached to UTMB buildings or facilities, not damaging UTMB property, and not obstructing or impeding the flow of vehicular or pedestrian traffic.
- Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.
- No person is permitted to engage in, display, or distribute speech on UTMB properties that is obscene, harassing, defamatory, inciting imminent violations of the law, or soliciting or commercial in nature.
- No person is permitted to engage in an expressive activity that may be in violation of any other UTMB policy or may endanger the health or safety of others.

C. Disruption of Expressive Activities

- Faculty, students, and staff engaging in a disruptive activity may be subject to disciplinary sanctions.
- Any participant engaging in a disruptive activity may be subject to criminal charges.

III. Reservation Requirements and Procedures for Common Outdoor Areas

Reservations are required for particular expressive activities to ensure safety of the participants and those with ordinary business at UTMB. For reservations of limited public forums such as indoor facilities see [IHOP – 02.06.01 – Use of UTMB Facilities](#) and [02.06.02 – Special Use Facilities](#).

A. Groups Requiring Reservations:

- Expecting 25 or more in attendance;
- Requesting more than one day for activity;
- Requesting areas regularly utilized for University sponsored activities;
- Intending the utilization of amplified sound or other special equipment; and/or
- Intending to set up a display that will impede the flow of pedestrian and/or vehicular traffic.

B. Reservation Procedure

Groups required to make reservations for an expressive activity as well as individuals or groups wanting to make a non-required reservation shall follow the procedure below. Registered Student Organizations will follow the requirements and procedures provided by Student Life.

The requesting group must file a Freedom of Expression Reservation form at a minimum of two weeks prior to the proposed dated.

Upon completion and submittal, the form will be routed to the Reservation Committee. This committee will coordinate with the requesting group the location, date based upon information provided and availability. University sponsored activities will have first priority for location, and UTMB reserves the right to relocate expressive activities in the interest of safety and security of all people on UTMB property.

Approval or denial of a reservation request will be based upon completion of form, timeliness of the request, and availability. The committee will not consider nor base their decision on the content or viewpoint of the expressive activity or the expected reaction of others. The committee will communicate a confirmation or denial of reservation request in writing. Those who receive a denial may file an appeal.

IV. Grievances and Appeals of Disciplinary Sanctions

Students

- Students seeking to file a grievance for undue interference with an expressive activity as governed by this policy shall obtain guidance from [IHOP – 07.01.13 – Student General Grievance Policy](#).
- Students seeking to appeal disciplinary sanctions shall obtain guidance from [IHOP – 07.01.03 – Student Conduct and Discipline Policy](#).

Faculty Members

- Faculty members seeking to file a grievance for undue interference with an expressive activity as governed by this policy or for disciplinary sanctions shall follow guidance and procedures set forth in [IHOP – 05.03.08 – Faculty Grievance Policy](#).

Staff Members

- Staff members seeking to file a grievance for undue interference with an expressive activity as governed by this policy or for certain disciplinary sanctions (e.g. verbal warning, written warning, or final written warning) shall follow guidance and procedures set forth in [IHOP – 03.01.10 – Grievance Policy](#).
- Classified Employees seeking to appeal certain disciplinary sanctions (e.g. suspension without pay, demotion, or termination) shall seek guidance from [IHOP – 03.01.09 – Discipline, Dismissal, and Appeal for Classified Employees](#).

Non-UTMB Person or Organization

- Any non-UTMB person or organization may file a grievance for noncompliance of this policy with the Office of Institutional Compliance by contacting the Fraud, Abuse, and Privacy Hotline at (800) 898-7679 or via internet at <https://www.reportlineweb.com/UTMB>.

V. Definitions

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

Common outdoor area - outdoor space that is not used for dedicated UTMB business or an event, an educational function, or a research function on either a permanent or temporary basis. It does not include the outside surfaces of a UTMB building, surfaces associated with or connected to a University building, surfaces or grounds enclosed within a barrier created to restrict entrance to property owned or controlled by UTMB, 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.

Off campus person or organization - any person, organization, or business that is not an academic or administrative unit, a registered student, faculty, or staff organization, or a student, faculty member, or staff member.

Room or space - includes any room or space, indoors or outdoors, owned or controlled by UTMB.

Registered student, faculty and/or staff organization - An organization whose members consist of current UTMB students, faculty and/or staff that has completed the necessary registration criteria as outlined in the Student Organizations Handbook, published by the Office of Student Life. The organization may be profession and discipline specific, cultural, religious or social.

VI. Relevant Federal and State Statutes

[Texas Education Code § 51.9315](#)

VII. Relevant System Policies and Procedures

Regents' Rules and Regulations, Rule 30103
Regents' Rules and Regulations, Rule 31004
Regents' Rules and Regulations, Rule 40201
Regents' Rules and Regulations, Rule 40501
Regents' Rules and Regulations, Rule 80103
Regents' Rules and Regulations, Rule 80104

VIII. Related UTMB Policies and Procedures

IHOP – 02.06.01 – Use of UTMB Facilities
IHOP – 02.06.02 – Special Use Facilities
IHOP – 02.06.04 – Registering a Faculty, Staff, or Student Organization

IX. Dates Approved or Amended

<i>Originated:</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>

X. Contact Information

Business Operations and Facilities
(409) 772-0333

Draft

Speech and Assembly

Policy Number: 174

Subject: Speech and assembly

Scope: Employees, students, and others attempting to speak or assemble on property owned or controlled by the university

Date Reviewed: February 2020

Responsible Office: Office of the Senior Executive Vice President, Chief Operating Officer; Office of the Executive Vice President and Chief Academic Officer

Responsible Executive: Senior Executive Vice President, Chief Operating Officer; Executive Vice President and Chief Academic Officer

I. POLICY AND GENERAL STATEMENT

The University of Texas Health Science Center at Houston ("university") supports the freedoms of speech and assembly, subject to its well-established right to regulate time, place and manner to ensure the activities do not intrude upon or interfere with its academic programs and administrative processes. Except as expressly authorized under applicable state and federal law, the [Regents' Rules and Regulations](#) and university policies, the university shall not discriminate on the basis of political, religious, philosophical, ideological or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise.

All rallies, group demonstrations or public oratory must be conducted in accordance with this policy.

II. DEFINITIONS

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

Common Outdoor Areas: an outdoor space owned or controlled by the university that is not used for dedicated university business or an event, educational function or a research function on either a permanent or temporary basis (if on a temporary basis, the area may be a common outdoor area when not in use for such purposes). It does not include the outside surfaces (walls) of a university building, surfaces associated with or connected to a university building, a university structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, or any other space within the university's limited public forum. It also does not include parking garages or parking lots.

Limited Public Forum: any part of the university campus, including any building or property owned or controlled by the university, other than common outdoor areas.

Off-Campus Speaker: an individual who is unaffiliated with the university and is presented as a speaker by a registered student or employee organization or a member of the general public on the university's campus.

III. PROCEDURE

A. General Time, Place and Manner Restrictions

- (1) No speech, expressive activities or assembly may be conducted in a way that disrupts or interferes with: teaching, research, administration, patient care, public service, university housing, function of the university or any other authorized activities on the university campus;
- (2) free and unimpeded flow of pedestrian and vehicular traffic on campus; or
- (3) expressive activities by other persons or organizations permitted under this policy.

Additionally, individuals engaged in expressive activities are prohibited from:

- (1) wearing a mask, facial covering, or disguise that conceals the identity of the wearer, that is calculated to obstruct the enforcement of these rules or the law, or to intimidate, hinder or interrupt a university official, law enforcement officer, or other person in the lawful performance of their duty (exceptions may be made for religious attire);
- (2) possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including but not limited to sticks, poles, clubs, swords, shields, glass objects or rigid signs that can be used as a shield, unless authorized by federal, state or local laws;
- (3) wearing body-armor or make shift body-armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body-armor; and/or
- (4) having an open flame, unless advanced permission is obtained from the Vice President and Chief Auxiliary Enterprises Officer.
- (5) possessing, distributing or using alcohol on university property, except in accordance with [HOOP 9, Alcoholic Beverages](#).

By necessity, these restrictions are context-specific; therefore, university officials and The University of Texas Police – Houston (“UTP-H”) have discretion to apply these restrictions as appropriate to particular situations or events. UTP-H may immediately enforce these rules if a violation of these rules constitutes a breach of the peace or compromises public safety. Any individual or group that disagrees with the application of such restrictions to a particular situation may access the grievance process outlined in Section III.E below.

B. Common Outdoor Areas

All common outdoor areas of the university's campus are traditional public forums. As such, any person may engage in expressive activities in common outdoor areas, so long as the person's conduct is not unlawful and does not materially and substantially disrupt the functioning of the university.

Members of the public are not permitted to set up tables, kiosks, banners, exhibits, or speakers/ amplified sound in common outdoor areas. Members of the public are also not permitted to affix signs to university buildings or structures or to stake signs in the ground. Employees, students or registered student or employee organizations that wish to set up tables, kiosks, banners, exhibits, speakers/amplified sound or to post signs in common outdoor areas must follow the process in Section III.C.

Individuals or groups that intend to use the university's common outdoor areas are strongly encouraged to provide at least two weeks' notice to the [Vice President and Chief Auxiliary Enterprises Officer](#) so that appropriate security and other arrangements may be made.

Expressive activities in common outdoor areas are subject to the time, place and manner restrictions in Section III.A above.

C. Use of Other University Property

Except for common outdoor areas, all other property and facilities owned or controlled by the university are designated as a limited public forum and therefore, are not open to the general public.

Procedures regarding the use of facilities are detailed in [HOOP 11, Use of University Facilities](#) and [HOOP 211, Special Use Facilities](#).

Employees and students or registered employee and student organizations may petition, post signs, distribute literature, set up tables and exhibits or peacefully demonstrate on property owned or controlled by the university, provided that the posting of signs and the setting up of tables and exhibits requires the prior authorization of the [Vice President and Chief Auxiliary Enterprises Officer](#). All such activities are subject to the restrictions in Section III.A above.

D. Regulation of Off-Campus Speakers

The university reserves the right to regulate the presentation of guest speakers on the campus who are not affiliated with the university.

Any organization or person may present an off-campus speaker in the university's common outdoor areas, subject to the restrictions in Sections III.A and III.B and [HOOP 165, Solicitation](#).

Only registered student or employee organizations may present off-campus speakers on the campus in areas other than common outdoor areas. Sponsoring groups must submit a request for the use of a facility in accordance with [HOOP 11, Use of University Facilities](#) or [HOOP 211, Special Use Facilities](#).

Any determination regarding the approval of or the fee for use of a university facility for presenting an off-campus speaker:

- (1) will consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, such as:
 - a. the proposed venue and expected size of the audience;
 - b. any anticipated need for campus security;
 - c. any necessary accommodations; and

- d. any relevant history of compliance or non-compliance by the requesting student or employee organization with this policy or other relevant university policies.

- (2) will not consider any anticipated controversy related to the event.

The organization sponsoring the off-campus speaker has the responsibility for making clear that the organization, not the university, is extending the invitation to speak, and that any views the speaker expresses are his or her own and are not necessarily those of the university.

An off-campus speaker is subject to all provisions of federal, state and local laws.

When an off-campus speaker is paid from state funds for his or her speech, the facilities in which the speech is delivered will be open to the public, including members of the news media ([HOOP 5, Communications with the Media](#)), who will be entitled to record, videotape or telecast live portions of the speech.

No person may in any way obstruct or lessen the opportunity for the audience to take the fullest advantage of the speech, including the opportunity to see and hear the speaker during the entire speech. The provisions of this paragraph do not apply to classes, seminars, symposia and conferences intended for students, faculty, staff and invited guests.

E. Grievance Procedure

Any person wishing to report a violation of this policy or of Texas Education Code 51.9315 should report it to the university's Office of Institutional Compliance at 888-472-9868 or compliance@uth.tmc.edu.

F. Disciplinary Sanctions

Any student who unduly interferes with the expressive activities of others on campus will be subject to disciplinary action in accordance with HOOP 186, Student Conduct and Discipline.

Any employee who unduly interferes with the expressive activities of others on campus will be subject to disciplinary action in accordance with applicable university policies and procedures, which may include HOOP 44, Faculty Reappointment and Non-Reappointment, HOOP 133, Faculty Termination, HOOP 153, Termination of Appointment: Administrative and Professional and/or HOOP 187, Discipline and Dismissal of Classified Employees.

Any student organization that unduly interferes with the expressive activities of others on campus will be subject to disciplinary action and/or revocation of registration. See also HOOP 110, Student Organizations.

Members of the public who violate this policy are subject to appropriate law enforcement or administrative action, including prohibition from entering campus property.

G. Solicitation

Solicitation is prohibited on the university's campus except as specifically allowed in [HOOP 165, Solicitation on Campus](#).

H. Impermissible Activity

No person, including a student or employee of the university, shall distribute any petition, handbill, object or piece of literature; post or carry any sign, placard or banner; or engage in speech, either orally or in writing, or conduct on property or in buildings or facilities owned or controlled by the university if it is obscene, libelous or directed to inciting or producing imminent lawless action and/or is likely to incite or produce such action.

Further, no person may engage in expressive activities that violate any other university policy, including but not limited to: HOOP 38, Political Activity; HOOP 39, Campus and Workplace Violence Prevention; HOOP 59, Sex-Based Discrimination, Harassment & Misconduct; [HOOP 180, Acceptable Use of University Information Resources](#); [HOOP 183, Nondiscrimination, Anti-Harassment and Equal Opportunity](#) and HOOP 219, Social Media.

III. CONTACTS

Office of Senior Executive Vice President, Chief Operating Officer

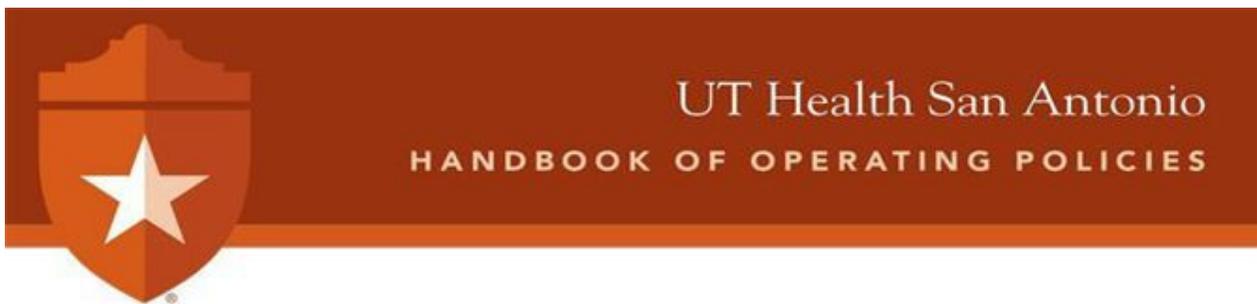
713-500-4952

<https://inside.uth.edu/financialresources/contact-us.htm>

Office of Executive Vice President and Chief Academic Officer

713-500-3082

<https://www.uth.edu/evpara/contact-us/leadership.htm>



9.1.9: Expressive Activities			
Chapter 9	Facilities	Originated:	June 2000
Section 9.1	University Facilities	Reviewed w/ Changes:	May 2020
Responsible Entity:	Vice President for Academic, Faculty and Student Affairs	Reviewed w/o Changes:	

- I. Purpose:

In furtherance of UT Health San Antonio’s (“UTHSA”) mission of making lives better through excellence in education, research, health care, and community engagement, the purpose of this Policy is to protect and promote “Expressive Activities” taking place in UTHSA Outdoor Public Forums, as defined in Section IV of this Policy. Any Expressive Activities engaged in by individuals under this Policy are the views of those individuals and do not necessarily represent the views of UTHSA.

- II. Scope:

This policy applies to all UTHSA administrators, faculty, staff, students, residents, fellows, post-doctoral research fellows, other trainees, visiting scholars, student organizations and/or UTHSA organizations, and invited guests, hereinafter collectively referred to as “UTHSA Community,” and members of the public who desire to conduct Expressive Activities on any property owned by UTHSA. This Policy shall not apply to Commercial Speech.

- III. Policy:
 - A. Rights and Responsibilities
 - 1. UTHSA will protect and promote the rights of all persons to engage in Expressive Activities as guaranteed and defined by the United States Constitution and the Constitution and laws of the State of Texas. Every person shall be at liberty to speak, write, or publish their opinions on any subject, being responsible for the abuse of that privilege, as well as following all applicable State laws as well as UTHSA rules.¹ All the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the state institutions of higher education of this state.²

2. UTHSA shall encourage free, robust, uninhibited debate and deliberation to the extent that the Expressive Activity does not:
 - a. threaten or endanger the health or safety of any person;
 - b. deny or infringe upon the rights of others;
 - c. interfere or disrupt the orderly conduct of classroom activities, patient care, normal operations, or the use of any UTHSA facility;
 - d. generate a volume of sound that interferes with the conduct of normal UTHSA functions;
 - e. obstruct pedestrian or vehicular traffic on campus;
 - f. obstruct or interfere with the free movement of any persons between any properties owned or leased by the UTHSA; and
 - g. damage UTHSA property or contribute to the damage of property.
 3. UTHSA Community Members may invite outside speakers to speak on campus in accordance with UTHSA procedural requirements (see Procedure section) and as detailed in the HOP.
 4. No student, faculty or staff organization will be denied any benefit that is generally available to other organizations based on their political, religious, philosophical, ideological, or academic viewpoint(s).
 5. UTHSA reserves the right to specify the time, manner, and place for individuals engaging in Expressive Activities. (see Procedure Section)
 6. Expressive Activities carried out for the purpose of commercial/for-profit benefit (commercial speech) are prohibited.
- B. Signage
1. Signage will be allowed so long as signs are carried, attached to an individual's person, or under the constant care, custody, and control of the owner.
 2. Signage may not to be attached to UTHSA buildings or structures, staked into campus grounds, or hoisted on poles, sticks, or other objects that may pose a danger to others, without prior written permission from UTHSA.
 3. UTHSA shall not be liable for any damages to property or persons caused by signage.
- C. Public Assembly and Distribution of Printed Materials
1. Public assembly, speech, and distribution of written materials will be permitted in Outdoor Public Forums, areas designated by UTHSA (see Attachment A, "Map depicting location of Outdoor Public Forums"), provided the expression is of a lawful nature and does not conflict with other activities that are scheduled at the same time and location.
 - a. To assist in the coordination and reservation of space, members of the public are encouraged to declare, by registration, their intent to sponsor or lead an Expressive Activity on any property that is owned by the UTHSA. (See Procedure section).
 - b. UTHSA reserves the right to relocate any Expressive Activity where the time and/or location conflicts with a UTHSA promoted event, a student organization sponsored event, or significant institutional interest.
- D. Disruption and Interference

1. Disrupting, interfering, and/or preventing the Expressive Activities of others is prohibited.
 2. Any member of the UTHSA Community who violates subsection 1. shall be subject to sanctions in accordance with the procedures published herein, as well as any applicable disciplinary actions as defined within the HOP, as noted below in the Procedure Section.
 3. Members of the public who violate subsection 1 will be asked to leave the campus, and if necessary, UTHSA Police will be called upon to maintain order and enforce UTHSA policies, as well as all other applicable laws.
- E. Restrictions
1. In order to fulfill UTHSA's mission of making lives better through excellence in education, research, health care and community engagement, UTHSA shall restrict Expressive Activities based on the time, place, and manner of the Expressive Activity. These restrictions are necessary to implement UTHSA's strategies of educating a diverse student body to become excellent health care providers and scientists by providing a learning environment for students, faculty, and staff. These restrictions also implement UTHSA's strategy for providing compassionate and culturally proficient health care by allowing patients and their companions access to the many health care services provided by UTHSA. By restricting Expressive Activities based on the time, place, and manner, UTHSA will be able to implement other strategies of engaging our community to improve health and influencing thoughtful advances in health policy, by providing space on the campus for the Expressive Activities, as it is available.
 2. Space shall be restricted based on the following:
 - a. the needs of teaching, research, clinical education and/or practice;
 - b. official activities of the UTHSA; and
 - c. security and/or safety reasons.
 3. In the event of security and/or safety reasons, previously scheduled Expressive Activities may be relocated or be required to cease. No person or organization may engage in Expressive Activities within thirty (30) feet of points of entry and perimeter of a UTHSA building.
 4. Expressive Activities are prohibited outside the weekday (M-F) hours of 7:00 am to 6:00 pm, unless occurring in conjunction with a pre-approved UTHSA or student Organization-sponsored event, or prior written permission is given by UTHSA. An Expressive Activity event may not continue beyond three consecutive days.
 - a. Long Campus Outdoor Public Forums:
 - i. ALTC Plaza,
 - ii. Holly Courtyard,
 - iii. AAB Breezeway,
 - iv. Library Plaza,
 - v. Nursing Courtyard,
 - vi. Athletic Fields

- b. Greehey Campus Outdoor Public Forums:
 - i. STRF Plaza
 - c. Laredo Campus:
 - i. The Courtyard at the Regional Campus-Laredo
5. Notwithstanding sections E. 1. – 4., UTHSA reserves the right to relocate Expressive Activity in accordance with all applicable laws.

IV. Definitions

- A. Expressive Activities: any conduct protected by the First Amendment of the United States Constitution or by Section 8, Article I, Texas Constitution, and including assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
- B. Student Organization: includes any organization that is composed mostly of students enrolled at UTHSA and receives a benefit from UTHSA.
- C. Outdoor Public Forums: exterior rooms, spaces, or elements that are made available for the shared use of two (2) or more people, and as designated herein. (See attached Map)

V. Procedures

- A. Inviting Guest Speakers (budget, approval, and fees)
 - 1. Guest speakers may be invited to speak on UTHSA property in the Outdoor Public Forums listed in Section III.E.4. Requests for guest speakers on campus must be submitted to the Office of Room Scheduling at least two (2) weeks prior to the desired date of the event to allow the UTHSA to determine if the desired location and time will not disrupt a prior scheduled event or interfere with a significant institutional interest.
- B. Procedures for Reporting Violations of this Policy & Law.
 - 1. Compliance hotline – (877) 507-7317
 - 2. UTHSA Police – (210) 597-2800
- C. Procedure to Sanction for Interference.
 - 1. Faculty & Staff – HOP 4.9 Performance Administration.
 - 2. Students – HOP 14.1.1
 - 3. Members of the Public:
 - a. HOP 2.5.1
 - b. All applicable general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the UTHSA.
- D. Procedure to file Grievance or Appeal Disciplinary Action.
 - 1. UTHSA Community Members
 - a. Faculty & Staff – HOP 4.9.5.

b. Students – HOP 14.1.1.

2. Members of the public who would like to appeal a disciplinary action may call the UTHSA compliance hotline at (877) 507-7317.

VI. Communication

The policy on Expressive Activities will be available on UTHSA's website and, as well, in the Student Handbook.

¹ Tex. Const. art. I, § 8

² Tex. Edu. Code Ann. § 51.201

Expressive Activities in MD Anderson's Common Outdoor Areas Policy

Purpose

This policy governs the rights and responsibilities of any person, subject to reasonable restrictions, to engage in Expressive Activities in the Common Outdoor Areas of The University of Texas MD Anderson Cancer Center (MD Anderson).

Policy Statement

MD Anderson recognizes and supports the rights of its Workforce Members, as well as members of the public, to conduct or participate in Expressive Activities in the Common Outdoor Areas of MD Anderson's campus.

The Common Outdoor Areas of MD Anderson are deemed to be traditional public forums, and are generally open to assembly, speech, and other Expressive Activities subject to reasonable restrictions on time, place, and manner.

Any person or entity, whether a member of the public or a Workforce Member, may conduct Expressive Activities in the Common Outdoor Areas of MD Anderson's campus within the time, place, and manner parameters established in this policy and other MD Anderson policies referenced herein.

At no time is commercial solicitation or Commercial Speech permitted on MD Anderson's campus. See the [Charitable Activities, Charitable Expenditures, and Solicitation Policy \(MD Anderson Institutional Policy #ADM0115\)](#).

Scope

Compliance with this policy is the responsibility of all Workforce Members and members of the public who conduct or participate in Expressive Activities in the Common Outdoor Areas of MD Anderson's campus.

Target Audience

The target audience for this policy includes, but is not limited to, Workforce Members as well as members of the public who wish to conduct or participate in Expressive Activities in the Common Outdoor Areas of MD Anderson's campus.

Definitions

Benefit: For the purpose of this policy, a Benefit includes:

- Recognition by or registration with MD Anderson;
- The privilege to use MD Anderson facilities and/or grounds for meetings or speaking purposes;
- The privilege to use MD Anderson communication channels; and

- Any funding sources that may be generally made available.

Commercial Speech: Any speech or expression related solely to the economic interests of non-MD Anderson programs, including promoting or advertising any product, service or other transaction (e.g., sale, lease, rental etc.).

Common Outdoor Area: Any outdoor area owned, leased, or controlled by MD Anderson that is generally used for informal gatherings and that is not specifically designated for MD Anderson's official business, events, education, and/or administrative functions, on either a permanent or temporary basis (if on a temporary basis, the area may be a Common Outdoor Area when not in use for such purposes). Common Outdoor Areas are deemed to be traditional public forums and generally open to assembly, speech and other Expressive Activities, subject to reasonable restrictions on time, place, and manner. See [Common Outdoor Areas on MD Anderson's Campus \(Attachment #ATT3353\)](#).

Contractor: Any organization or individual who performs a service for MD Anderson for any period of time pursuant to a contract with MD Anderson.

Expressive Activity: Any speech or expressive conduct protected by the First Amendment to the U.S. Constitution or by Section 8, Article I, Texas Constitution. Expressive Activity includes assemblies, protests, speeches, the distribution of non-commercial written material, the carrying of signs, and the circulation of petitions. Expressive Activity does not include activities or behavior prohibited by MD Anderson policies or Commercial Speech and/or commercial solicitation.

Off-Campus Speaker: An individual or organization who is unaffiliated with or sponsored by MD Anderson, and who is invited by a Workforce Member to speak on campus.

Student Organization: Any organization that is composed mostly of students enrolled in an MD Anderson undergraduate or graduate program, including the School of Health Professions and/or the MD Anderson UT Health Graduate School, and that receives a Benefit from MD Anderson. For the purpose of this policy, residents, fellows, and others participating in Clinical Health Education Programs (CHEP), Graduate Medical Education (GME), or other health care professional graduate programs are not considered students under this policy.

Volunteer: Individuals who give freely of their time to perform established Volunteer job duties for specified, minimal periods, usually on a regular basis. They are interviewed, selected, and placed in non-paid positions without reimbursement or educational credit for their services. They are oriented, trained, monitored, and evaluated only by Volunteer Services staff in accordance with Joint Commission requirements. Volunteers cannot perform specific functions, duties, and responsibilities of a position encompassed by an established MD Anderson compensated employee job classification.

Workforce Member: Faculty, administrative/classified employees, Volunteers, trainees/students, Contractors, and other persons whose conduct, in the performance of work for or academic studies at MD Anderson, is under the direct control of MD Anderson, whether or not they are paid by MD Anderson.

Procedure

1.0 Overview

- 1.1 MD Anderson recognizes and respects that Expressive Activities, including the freedoms of speech, expression, and assembly, are fundamental rights of all persons. To that end, Workforce Members as well as members of the public may engage in Expressive Activities in Common Outdoor Areas owned, leased, or controlled by MD Anderson.
- 1.2 Expressive Activities include responding to the Expressive Activities of others.
- 1.3 Engaging in Expressive Activities does not require prior notice nor permission from MD Anderson.

- 1.4 In all instances, Expressive Activities in Common Outdoor Areas owned, leased, or controlled by MD Anderson must meet the requirements set forth in this policy, including but not limited to time, place, and manner requirements put in place to provide our patients and their families an environment that promotes health and healing, as well as safeguard our Workforce Members.
- 1.5 Expressive Activities in Common Outdoor Areas explicitly excludes any activity, speech, or material distribution in support of Commercial Speech. Those found to be facilitating Commercial Speech in MD Anderson's Common Outdoor Areas will be asked to leave MD Anderson's premises immediately. Any Workforce Member found to be facilitating Commercial Speech in MD Anderson's Common Outdoor Areas may be subject to corrective action.
- 1.6 Those holding or organizing Expressive Activities that do not involve an Off-Campus Speaker do not need to submit an [Expressive Activities at MD Anderson Registration form](#), nor need to alert MD Anderson that such an event will be held. However, should multiple parties wish to use the same Common Outdoor Area at the same time, priority will be given to those who have submitted an [Expressive Activities at MD Anderson Registration form](#).

2.0 Common Outdoor Areas

- 2.1 As defined by the Texas State Legislature, Common Outdoor Areas are deemed traditional public forums in which Expressive Activities may take place.
- 2.2 MD Anderson's Common Outdoor Areas may be found in the [Common Outdoor Areas on MD Anderson's Campus \(Attachment #ATT3353\)](#).
- 2.3 From time to time, renovation and construction activities may preclude use of MD Anderson's Common Outdoor Areas to prevent bodily harm and ensure such renovation and construction activities continue without interruption.
- 2.4 Each Common Outdoor Area on MD Anderson's campus may have unique time and manner restrictions, depending on its proximity to patient care areas. These time and manner restrictions may vary depending on patient needs, institutional safety concerns, and other operational priorities. See the [Common Outdoor Areas on MD Anderson's Campus \(Attachment #ATT3353\)](#) for details.

3.0 Expressive Activities

- 3.1 Workforce Members as well as members of the public may engage in Expressive Activities in the Common Outdoor Areas of MD Anderson's campus.
- 3.2 Expressive Activities include:
 - A. Distribution of written material(s);
 - B. Carrying or displaying signage;
 - C. Circulating petitions; and
 - D. Assemblies, protests, and speeches.
- 3.3 Expressive Activities do not include:
 - A. Soliciting by private, commercial entities;
 - B. Affixing signs or banners to buildings or structures;
 - C. Staking signs into the ground;

- D. Installing or placing objects that may pose a danger to individuals, such as poles, pickets, and sticks; or
- E. Any activity or behavior that is prohibited by other MD Anderson policies referenced herein.

3.4 Expressive Activities may not:

- A. Impair egress and ingress to MD Anderson facilities;
- B. Block pedestrian or vehicular traffic from its path of travel;
- C. Otherwise impede safety measures put in place to protect MD Anderson's patients and visitors, as well as Workforce Members; nor
- D. Include the use of tables, kiosks, and/ or other structures.

4.0 Invited Speakers

- 4.1 Student Organizations and MD Anderson faculty members may invite Off-Campus Speakers to speak as part of Expressive Activities held in MD Anderson's Common Outdoor Areas.
- 4.2 Student Organizations and MD Anderson faculty members must submit an [Expressive Activities at MD Anderson Registration form](#) to register any Expressive Activity that involves an Off-Campus Speaker. The form will request information necessary to determine the level of operational impact that the Expressive Activity may have, including:
 - A. The proposed Common Outdoor Area;
 - B. The expected number of attendees;
 - C. Any anticipated need for campus security;
 - D. Any necessary accommodations; and
 - E. Any relevant history of compliance or noncompliance by the requesting Student Organization or MD Anderson faculty member with existing MD Anderson institutional policies, MD Anderson's Code of Conduct, and MD Anderson's Standards of Conduct: Do the Right Thing.
- 4.3 Depending on the nature of the Expressive Activity involving an Off-Campus Speaker, MD Anderson may elect to charge reasonable fees for overtime police protection. Such charges will be based on the criteria outlined in Section 7.
 - A. At no time will MD Anderson assess fees based on the political, religious, philosophical, ideological, or academic controversy anticipated or experienced during the Expressive Activity.
 - B. MD Anderson will assess fees based on the number of police officers required for an uncontroversial event of the same size, kind, location, time of day, and handling the same amount of cash, if any.

5.0 Behavior During Expressive Activities

By necessity, the expectations for behavior outlined below are context-specific; therefore, university officials and The University of Texas Police at Houston (UT Police – Houston) have discretion to apply these restrictions as appropriate to particular situations or events. UT Police – Houston may immediately enforce these rules if a violation of these rules constitutes a breach of the peace or compromises public safety. Any

individual or group that disagrees with the application of such restrictions to a particular situation may access the grievance process outlined in Section 8.2.

- 5.1 Workforce Members participating in Expressive Activities must not create the impression that they are acting in their capacity as a Workforce Member, and must take reasonable steps to ensure that their participation is not seen as an endorsement of or support for the Expressive Activity by MD Anderson. Reasonable steps include not wearing MD Anderson employee ID badges and not wearing MD Anderson branded items. See the [Political Activities Policy \(MD Anderson Institutional Policy #ADM0262\)](#).
- 5.2 Those participating in Expressive Activities must comply with expectations of behavior set forth in [MD Anderson's Code of Conduct](#) and [MD Anderson's Do the Right Thing: MD Anderson's Standards of Conduct](#) and other applicable MD Anderson policies. Anyone found violating any of these standards while participating in Expressive Activities in MD Anderson's Common Outdoor Areas will be asked to leave MD Anderson's premises immediately.
- 5.3 Those participating in Expressive Activities on MD Anderson's Common Outdoor Areas may not:
 - A. Engage in an Expressive Activity within 20 feet of the entrance to an MD Anderson facility or MD Anderson-sponsored event.
 - B. Wear masks, facial coverings, or disguises that conceal the identity of the wearer; that is calculated to obstruct the enforcement of this policy or the law; or to intimidate, hinder or interrupt a university official, law enforcement officer, or other person in the lawful performance of their duty (exceptions may be made for religious attire).
 - C. Possess, use, or display firearms, facsimile firearms ("toy guns"), ammunition, explosives, or other items that could be used as weapons, including but not limited to sticks, poles, clubs, swords, shields, glass objects or rigid signs that can be used as a shield, unless authorized by federal, state or local laws.
 - D. Openly carry firearms, or carry firearms in a concealed manner, regardless of whether an individual possesses a License to Carry. See the [Policy on Concealed Handgun Carriage on MD Anderson's Campus \(MD Anderson Institutional Policy #ADM3251\)](#).
 - E. Wear body-armor or makeshift body-armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body-armor.
 - F. Have an open flame, unless advanced permission is obtained.
 - G. Smoke or use tobacco products. See the [Tobacco Free Policy \(MD Anderson Institutional Policy #ADM0258\)](#).
 - H. Consume, distribute, or possess alcohol. See the [Alcoholic Beverages Policy \(MD Anderson Institutional Policy #ADM0108\)](#).
 - I. Record, either through photography, video, or audio, those not participating in the Expressive Activity, or those participating in the Expressive Activity without their consent.
 - J. Post to any social media site images, video, or audio of those not participating in the Expressive Activity; or post any social media site images, video, or audio of those participating in the Expressive Activity without their consent. See the [Social Media Policy \(MD Anderson Institutional Policy #ADM1112\)](#).
 - K. Place or display signage that violates the [Displays and Signage for Areas Open to Patients and the Public Policy \(MD Anderson Institutional Policy #ADM1182\)](#).

L. Use speech, signage, or behavior that:

- Damages, defaces, marks, discolors, or alters any property, whether of MD Anderson or of an individual;
- Is obscene, libelous, or designed to incite or produce imminent lawless actions; and/or
- Materially or substantially disrupts or interferes with any MD Anderson's operations, whether academic, research, clinical, or administrative.

6.0 Political Campaigns

- 6.1 Political campaigns may hold Expressive Activities in MD Anderson's Common Outdoor Areas. Such campaigns may advocate for or against a particular candidate or proposed legislation.
- 6.2 All political campaigns that hold Expressive Activities in MD Anderson's Common Outdoor Areas must submit an [Expressive Activities at MD Anderson Registration form](#), and comply with the provisions in this policy, as well as all UT System Regents' Rules, UT System policies, and state and federal laws.
- 6.3 See the [Political Activities Policy \(MD Anderson Institutional Policy #ADM0262\)](#) and the [Communicating with Public Officials Policy \(MD Anderson Institutional Policy #ADM3346\)](#) for additional information.

7.0 Security and Accommodations

- 7.1 The expected attendance, duration, and nature of an Expressive Activity may require that UT Police – Houston officers provide security for the Expressive Activity. If such is required, the Expressive Activity organizers are responsible for making payment in advance for the required services of UT Police – Houston officers. The determination of whether an Expressive Activity requires UT Police – Houston officers is at the sole discretion of MD Anderson.
- 7.2 The organizers of an Expressive Activity in MD Anderson's Common Outdoor Areas are responsible for providing all accommodations, including power and sanitation facilities (e.g., portable toilets and hand-washing or hand-sanitizing stations), required by the City of Houston, based on the expected attendance, duration, and nature of an Expressive Activity. MD Anderson may require any group that does not comply with this Section to leave the premises.
- 7.3 At no time may those participating in Expressive Activities utilize MD Anderson's indoor facilities, including restrooms and water fountains.

8.0 Disciplinary Procedures and Grievance Process

- 8.1 Workforce Members who do not comply with the standards and expectations set forth in this policy may be subject to the [Corrective Action Policy \(MD Anderson Institutional Policy #ADM0256\)](#), the [Education & Training Disciplinary Actions and Appeals Policy \(MD Anderson Institutional Policy #ACA0068\)](#), the [School of Health Professions Conduct and Discipline Policy \(MD Anderson Institutional Policy #ACA1264\)](#), or the [Non-Renewal of Faculty Appointment Policy \(MD Anderson Institutional Policy #ACA0058\)](#), as applicable.

8.2 Any Workforce Member; Student Organization; or member of the public who believes that there has been an undue interference of their rights to assembly, speech, and/or other Expressive Activities may submit their concerns or complaints to Institutional Compliance by any of the methods below:

- Institutional Compliance direct line, 713-745-6636
- Institutional Compliance email, Institutional_Compliance@mdanderson.org
- The Chief Compliance and Ethics Officer via the Page Operator, 713-792-7090
- The Compliance Hotline, 800-789-4448

Attachments/Links

[Common Outdoor Areas on MD Anderson's Campus \(Attachment #ATT3353\)](#)

[Expressive Activities at MD Anderson Registration form](#)

[MD Anderson's Code of Conduct](#)

[MD Anderson's Do the Right Thing: MD Anderson's Standards of Conduct](#)

Related Policies

[Academic Actions and Appeals in Training Policy \(MD Anderson Institutional Policy #ACA1194\)](#)

[Alcoholic Beverages Policy \(MD Anderson Institutional Policy #ADM0108\)](#)

[Appearance and Demeanor Policy \(MD Anderson Institutional Policy #ADM0261\)](#)

[Charitable Activities, Charitable Expenditures, and Solicitation Policy \(MD Anderson Institutional Policy #ADM0115\)](#)

[Clery Act Policy on Reporting Criminal Activity \(MD Anderson Institutional Policy #ADM1104\)](#)

[Communicating with Public Officials Policy \(MD Anderson Institutional Policy #ADM3346\)](#)

[Corrective Action Policy \(MD Anderson Institutional Policy #ADM0256\)](#)

[Displays and Signage for Areas Open to Patients and the Public Policy \(MD Anderson Institutional Policy #ADM1182\)](#)

[Education & Training Disciplinary Actions and Appeals Policy \(MD Anderson Institutional Policy #ACA0068\)](#)

[Guests and Tours on Campus Policy \(MD Anderson Institutional Policy #ADM3251\)](#)

[News Media Assistance Policy \(MD Anderson Institutional Policy #ADM0414\)](#)

[Non-Renewal and Termination of Appointment Policy for AV/TAA Trainees \(MD Anderson Institutional Policy #ACA0062\)](#)

[Non-Renewal of Faculty Appointment Policy \(MD Anderson Institutional Policy #ACA0058\)](#)

[Policy on Concealed Handgun Carriage on MD Anderson's Campus \(MD Anderson Institutional Policy #ADM1254\)](#)

[Political Activities Policy \(MD Anderson Institutional Policy #ADM0262\)](#)

[Public and Retail Space Use Policy \(MD Anderson Institutional Policy #ADM0234\)](#)

[School of Health Professions Conduct and Discipline Policy \(MD Anderson Institutional Policy #ACA1264\)](#)

[Social Media Policy \(MD Anderson Institutional Policy #ADM1112\)](#)

[Tobacco Free Policy \(MD Anderson Institutional Policy #ADM0258\)](#)

Joint Commission Standards / National Patient Safety Goals

None.

Other Related Accreditation / Regulatory Standards

None.

References

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

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

[Regents' Rule 80103, Solicitation](#)

[Texas Senate Bill 18 \(SB18\), Enrolled](#)

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Owner:	Joseph Woelkers, Chief Operating Officer
Policy Area:	Administration
References:	

Free Speech

Scope

All University of Texas Health Science Center at Tyler (the "University") employees, faculty, staff, students, volunteers, licensed independent practitioners, contractors and staff, clinicians in training rotating at the University from another institution and members of the public.

Purpose

This policy is intended to (a) acknowledge that freedom of speech is a fundamental right and that freedom of expression is of critical importance; and (b) to ensure free, robust and uninhibited debate and deliberations.

Definitions

1. *Academic or Administrative Unit* – any office or department of the University.
2. *Event* – 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* – any person who is employed by the University.
4. *Off-Campus Person or Organization* and *Member of the Public* – 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* – 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* – a registered student organization, a faculty or staff organization under the Regents' Rules and Regulations (Rule 40201), and student government and any unit or subdivision thereof;
7. *Student* – a person who is currently enrolled at the University, or who is accepted for admission or readmission to the University, or who has been enrolled at the University in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows, or who is attending an educational program sponsored by the University while that person is on campus.
8. *Amplified Sound* – 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.

9. *Chief Student Affairs Officer* — the Chief Student Affairs Officer or his/her designee (the "Director").
10. *Common Outdoor Area* — 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.
11. *Limited Public Forum* — 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.
12. *Room or Space* — any room or space, indoors or outdoors, owned or controlled by the University.
13. *University* — The University of Texas Health Science Center at Tyler.
14. *Weekday* — Monday through Friday except for official University holidays, skeleton crew days or days when the University is closed due to events that interfere with the ability of the University to continue normal operations, including but not limited to natural disasters, epidemics and attacks on infrastructure.
15. *Day* — calendar day.
16. *Guest Speaker* — a speaker or performer who is not a student, faculty member, or staff member.
17. *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.
18. *Verbal harassment* — 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 protected expression of any idea.
19. *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.
20. *Sign* — 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.
21. *Kiosk* — an outdoor structure, attached to the ground in a fixed location, designed for the posting of signs.
22. *Decal* — a non-permanent object designed to adhere on the ground.

23. *Exhibit* – 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.
24. *A-frame* – a movable and self-supporting sign board designated to stand on the ground, an A-frame is an exhibit
25. "*Publicly assemble*" and "*public assembly*" – any gathering of persons, including discussions, rallies, and demonstrations.

POLICY

Chapter 1 – Governing Principles

Section 1-1. 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 Policy. Members of the public may engage in expressive activities 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.
- d. Except as expressly authorized by Chapter 2, 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 Health Science Center at Tyler Police Department may immediately enforce these rules if a violation of these rules constitutes a breach of the peace or compromises public safety.

Section 1-2. Scope of this Policy and Related Provisions

- a. 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, not otherwise sponsored by the University or any academic or administrative unit, and not submitted for academic credit.
- b. This Policy also regulates certain speech that is part of the teaching, research, or other official functions of the University:
 1. Section 2-4 on harassment applies to all speech on campus or otherwise actionable by the University.
 2. This Policy applies to speech by University persons and University organizations in the common outdoor areas and the limited public forums. This Policy 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. 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.
 - 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'
 - f. *Rules and Regulations* (Rule 40501). This Policy implements those provisions and applies them to the University.
 - g. 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).
 - h. 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.
 - i. 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).

Chapter 2 – Prohibited Expression

Section 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.

Section 2-2. 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.

Section 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.

Section 2-4. 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. 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. Categories of sexually harassing speech subject to prohibition under University policy and applicable law are rarely, if ever, necessary to argue for or against the substance of any political, religious, philosophical, ideological, or academic idea and remain prohibited.
- c. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech 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.
- d. 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 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.
- e. 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.
- f. 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.

Section 2-5. 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 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. 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.

- e. A registered student, faculty, or staff organization may collect admission fees for programs scheduled in advance; 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.
- 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. 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.

Chapter 3. General Rules on Means of Expression

Section 3-1. Disruption

- a. Except as expressly authorized by a 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.

Section 3-2. 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 Policy.

Section 3-3. 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.

Section 3-4. 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 2-5(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 2-5(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 Chapter 10;
 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.

Section 3-5. 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.

Chapter 4. Distribution of Literature

Section 4-1. General Rule on Distribution of Literature

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 Chapter and to the general rules in Chapters 2 and 3. 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 Policy but may not sell literature.

Section 4-2. 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 2-5(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.

Section 4-3. 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.

Section 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.

Chapter 5. Signs and Banners

Section 5-1. General Rule on Signs

Subject to the rules in this Chapter and to the general rules in Chapters 2 and 3, a University person or organization may display a sign by holding or carrying it, by displaying it at a table, or by posting it on a kiosk, bulletin board, or other designated location. Signs may not be posted in any other location.

Section 5-2. 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.

Section 5-3. Signs on Kiosks

- a. 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 2-5).
- b. 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.
- c. 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.
- d. No sign may be posted on a kiosk on top of another properly posted sign.
- e. No person or organization may post more than two signs on the same kiosk at the same time.
- f. The Director, or their designee, may remove any sign that violates any of the rules in this Section.

Section 5-4. 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.
- c. The Director shall maintain, on a Web site or on a flyer or pamphlet conveniently available to students:
 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.
 - d. 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.
 - e. 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 Policy, in the common outdoor areas.

Section 5-5. Decal

Decals may be placed only by academic or administrative units in locations approved by the chief student affairs officer and must comply with Chapter 2.

Section 5-6. 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 University administration to verify that the sign complies with Chapter 2 and Sections 3-1 to 3-4.
- 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.

Chapter 6. Tables

Section 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 Chapters 2 and 3. 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 3-1), 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 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 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.

Section 6-2. Identification

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

Section 6-3. 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.

Section 6-4. Sources of Tables

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 to students, a current description of the rules and procedures for reserving and checking out tables.

Chapter 7. Exhibits and A-Frames

Section 7-1. General Rule on Exhibits

University persons and organizations may erect exhibits, subject to the rules in this subchapter and to the general rules in Chapters 2 and 3. Advance permission is required from the director, except that an academic unit may authorize indoor exhibits in a space that it occupies and controls.

Section 7-2. Application Process

A person or organization desiring to erect an exhibit shall apply on a form prescribed by the director.

Section 7-3. Criteria for Approval

- a. The director shall authorize an exhibit described in a completed application unless the director finds that use of the proposed space for the proposed exhibit must be disapproved under established criteria.
- 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.

Section 7-4. 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 to students. 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.

Section 7-5. Clean Up Around Exhibits

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

Section 7-6. 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.

Chapter 8. Amplified Sound

Section 8-1. General Rule on Amplified Sound

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 Chapters 2 and 3. Advance permission is required. This subchapter creates limited exceptions to the general rule on disruption in Section 3-1.

Section 8-2. Location and Times of Weekday Amplified Sound Areas

The chief student affairs officer may designate areas for weekday use of amplified sound.

Section 8-3. 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. 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. 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 made available by the Director .

Section 8-4. Amplified Sound on Evenings and Weekends

With advance permission from the University administration, University persons and organizations and members of the public may use amplified sound in any outdoor location on campus, including the weekday amplified sound areas.

Section 8-5. Noise Level

- a. All Amplified Sound must comply with the City of Tyler noise ordinance.
 - Monday through Thursday 7:00 a.m. to 10:00 p.m. the limit is 75 decibels
 - Monday through Thursday 10:00 p.m. to 6:59 a.m. the limit is 63 decibels
 - Friday through Sunday 7:00 a.m. to 11:00 p.m. the limit is 75 decibels

- Friday through Sunday 11:00 p.m. to 6:59 a.m. the limit is 63 decibels, 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.

Section 8-6. Amplified Sound Indoors

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.

Chapter 9. Public Assemblies

Section 9-1. General Rule on Public Assemblies

- a. The rules of Chapter 8 apply to any use of amplified sound at a public assembly.
- b. University persons and organizations and members of the public 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 general rules in Chapters 2 and 3. No advance permission is required.

Section 9-2. 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 Chapter 7.
- 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.

Section 9-3. Notice and Consultation

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.

Chapter 10. Guest Speakers

Section 10-1. 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 director is required through the proper form reservation system for events. Individuals may not present a guest speaker in University buildings or University facilities.

Section 10-2. 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 Chapter 6 or 7.

Section 10-3. 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 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 established criteria.

Section 10-4. Obligations of Presenting Organization

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.

Chapter 11. Responding to Speech, Expression, and Assembly

Section 11-1. General Rule on Responding

University persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this Policy.

Section 11-2. Applications of Section 11-1

- 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.

Chapter 12. Enforcement and Appeals

Section 12-1. 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 Texas Education Code Section 51.9315(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.

Section 12-2. Response to Violations

- a. Students wishing to make a grievance regarding a violation may report it to University administration.
- b. A student or student organizations who violates a prohibition in this Policy may be subject to discipline.
- c. A faculty member who violates a prohibition in this Policy 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 Policy 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 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 (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 12-3.

Section 12-3. Appeals

- a. A person or organization that is denied permission for an activity requiring advance 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.

References

[none]

Attachments:

[none]