

Meeting No. 1,205

THE MINUTES OF THE BOARD OF REGENTS  
OF  
THE UNIVERSITY OF TEXAS SYSTEM

Pages 1 - 310

May 6, 2020

Austin, Texas

## MEETING NO. 1,205

WEDNESDAY, MAY 6, 2020.--The members of the Board of Regents of The University of Texas System convened in Open Session on Wednesday, May 6, 2020, at 9:00 a.m. via telephone conference in the Board Room, Second Floor, The University of Texas System Building, 210 West Seventh Street, Austin, Texas, with the below meeting participation. This regular meeting of the Board was held via telephone conference call as authorized by Governor Abbott's Executive Order temporarily suspending certain provisions of the Texas Open Meetings Act, effective March 16 2020, to address and mitigate the effects of the COVID-19 pandemic.

### ATTENDANCE.--

#### Present

Chairman Eltife  
Vice Chairman Longoria  
Vice Chairman Weaver  
Regent Beck  
Regent Crain  
Regent Hicks  
Regent Jiles  
Regent Perez  
Regent Warren  
Regent Dominguez, Student Regent, nonvoting

In accordance with a notice being duly posted with the Secretary of State and there being a quorum present, Chairman Eltife called the meeting to order in Open Session.

### AGENDA ITEMS

1. U. T. System Board of Regents: Approval of Consent Agenda and consideration of any items referred to the full Board

Chairman Eltife noted the following related to the Consent Agenda:

- Recent and pending personnel changes at U. T. Austin require amendment to Item 2 seeking approval of the list of Key Management Personnel. Dr. Jay Hartzell should be listed as President *ad interim* effective June 1, 2020; Dr. Dan Jaffe should be shown as Interim Executive Vice President and Provost effective May 4, 2020; and Dr. Allison Preston should be listed as Interim Vice President for Research effective May 4, 2020.

- Items 3, 31, and 34 ask the Board to make formal findings, as required by our Rules, that the following dual appointments are in the best interest of the State and the U. T. System, with no conflicts in discharging the positions:
  - Executive Vice Chancellor John Zerwas as one of three Chief Medical Advisors on the Strike Force to Open Texas, working with Commissioner John Hellerstedt of the Department of State Health Services, who serves as the Chief Medical Officer on the Strike Force;
  - Dr. Marc Diamond, of U. T. Southwestern, as Chair of the Texas Council on Alzheimer's Disease and Related Disorders; and
  - Dr. Phillip Keiser, of UTMB, as a Member of the State of Texas Correctional Managed Health Care Committee.
- Items 7 and 25 request approval of amendments to institutional policies on Speech, Expression and Public Assembly as required by state law.
- Item 35 requests approval for a 15-year agreement for U. T. Health Science Center - Houston to staff Harris County hospitals and clinical programs operated by Harris Health System.
- Item 39 requests authorization to accept a gift of land for future campus expansion at U. T. Health Science Center - San Antonio.

Vice Chairman Longoria moved approval, which was seconded by Vice Chairman Weaver. The Board then approved the Consent Agenda, which is set forth on Pages 64 - 310.

In approving the Consent Agenda, the Board expressly authorized that any contracts or other documents or instruments approved therein may be executed by the appropriate officials of the respective University of Texas institution involved.

2. U. T. System: Update and possible appropriate action regarding COVID-19 issues and response

Following remarks by Chancellor Milliken, a copy of which is attached, Chairman Eltife commented on the enormous contributions of all employees, health care providers, and members of the U. T. System community to the COVID-19 response efforts. He also noted the likely financial impact of the pandemic will require all to look closely at every dollar spent and to do what is possible to assist the legislature to find efficiencies.

Regent Jiles commented on special needs for faculty professional development with regard to online teaching. Regent Crain commended the work being done and asked to be updated regarding the plan for rolling out of campus activities for the fall semester. Regent Perez commented on virtual learning and encouraged sharing

best practices between institutions. He requested future updates on enrollment, virtual learning, remote work impacting institutions, and telemedicine.

No action was taken on this item.



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# Chancellor Milliken

## PREPARED REMARKS

### UT SYSTEM BOARD OF REGENTS MEETING

May 6, 2020

#### **INTRODUCTION**

Thank you, Chairman Eltife.

First, I want to say thank you to the members of this Board for your thoughtful leadership at this time, and the guidance and support you have given me and the presidents of our 14 institutions. I've been in regular communication with Chairman Eltife and have appreciated the opportunity to keep all Board members updated on a regular basis.

You convened a special meeting in late March when it became apparent our institutions would need some flexibility to navigate the challenges they were confronting, and that was deeply appreciated. On the day we met, there were 86,000 reported cases of COVID-19 in the United States, compared to over 1.2 million today. And while Texas has not avoided significant increases, early action by the Governor and Texans has put us in a better position than many.

According to the COVID-19 model developed by UT Austin's Dr. Lauren Meyers and her research team, there is a 74% probability the peak in Texas has passed, and an 84% probability that the peak will have passed within 7 days. We will continue to monitor the numbers carefully, particularly as the next phase of opening up Texas has begun and we are planning for the fall.

All 14 UT institutions of the UT System have been dramatically affected by the pandemic, as have colleges and universities—and everyone else—across the country.

#### **ACADEMIC INSTITUTIONS**

##### ***Online Learning***

On March 17, together we announced that our academic institutions would close to almost all students on campus and we would finish the semester entirely online. I could not be prouder of how the presidents, faculty, staff, and students have adapted to this new modality. The pivot to online learning – which transitioned in less than two weeks' time for most institutions – will be remembered as one of the most remarkable feats in modern higher education history. And I am convinced it will alter higher education from this point on. While we all are looking forward to the outstanding student experience our residential campuses offer, this is a disruptive moment in higher education and much change will follow. Those who adapt well, as I know our institutions will, will thrive.

For now, UT institutions remained focused on graduating all students this spring who are on track to finish, and ensuring all other students make planned progress toward their degrees.

### ***Refunds / Housing***

Campus dormitories have remained open only for those students who do not have a suitable alternative housing arrangement. Today we have about 3,000 students living in our dorms and served by our food service operations.

We were among the first to announce that our students would be reimbursed for the most significant auxiliary expenses they could not use in the spring: housing, dining and parking. This was a necessary and important message from the Board, but not without budget impact. At UT Austin alone, this resulted in over \$26 million of lost revenue.

### ***Summer***

Our institutions will continue to provide online instruction this summer, with the possibility of some labs and other on-campus offerings later in the summer.

Summer enrollment projections, somewhat surprisingly, are flat or slightly up from last summer at most of our institutions. I suspect this has something to do with the job market as well as a desire by students in a time of uncertainty to make as much progress as they can. Also, a number of our institutions are discounting summer tuition or offering more scholarship funds to shore up summer enrollment.

### ***Fall***

The biggest issue before us is planning for operating campuses in the fall in a way that will help ensure the safety of our students, faculty, staff and visitors. You've no doubt seen reports from colleges and universities around the country with announcements ranging from the commitment to return to "normal" in the fall to hybrid educational models to delayed starts and mainly online education.

I talk daily with our UT presidents and other higher education leaders from around the country, as well as medical experts, and we are all wrestling with the same issues and many are approaching this challenge in similar ways. The question has shifted in most places from whether institutions will be open and have classes on campus in the fall, to how it will be done.

Most large Texas institutions have announced their intention to open with some degree of in-person classes and students, faculty, and staff on campus. We've had discussions with Governor Abbott and Higher Education Commissioner Keller and they have been supportive of our efforts to engage in planning now for a return to campuses in the fall, of course monitoring COVID activity and always focusing on safety. We will continue to work closely with the state and follow all guidance. And, of course, we have in-house medical experts in Drs. Zerwas and Lakey and throughout our health and academic institutions that we can rely on.

Like everyone else, we are hoping we can offer as much of the valuable in-person, residential experience as possible. It seems safe to say campus life won't be like last fall, but won't be like this spring, either.

All UT presidents and their teams are at work now on plans for fall activities that are focused first on health and safety considerations.

### ***Enrollment Challenge***

A major unknown all colleges and universities face is how enrollment in the fall will be impacted, as student patterns may change in light of uncertainties about operations. One area we expect will be especially affected is international student enrollment. As of Fall 2019, UT institutions enrolled about 20,000 international students. A substantial decrease – which is expected nationwide – would have a very significant effect on our institutional revenue.

Today our country’s foreign consulates and their visa offices are closed, and there is great uncertainty about how quickly they will be operational and whether student visas will be given priority. Yesterday I met—remotely—with leadership in the State Department to discuss opening consulates, priority for student visas, relaxing limitations on online education for international students, and providing the support needed to enroll international students.

## **HEALTH INSTITUTIONS**

Let me turn to our six health institutions. Their pivot away from business as usual has been just as dramatic and unprecedented as our academic institutions’, and they continue to play an essential role in the fight against COVID-19.

### ***Elective Procedures / Revenue Hit***

To build capacity among our health care professionals and preserve hospital beds, equipment, supplies, and personal protective equipment in response to Governor Abbott’s executive order in March, our health institutions and medical school hospitals, clinics, and physician groups suspended all research not related to the pandemic, and all elective and non-emergency procedures and admissions.

The Governor’s Supply Chain Strike Force, working with UT health institutions and others across the state, did a great job increasing bed capacity. Today, Texas has more than 20,000 hospital beds and 2,000 ICU beds ready to handle a potential surge of new COVID-19 cases.

Stopping routine delivery of health care was necessary to ensure that our health care system wasn’t overwhelmed. But it has taken an enormous financial toll on our institutions. While our original estimates were even higher, we now believe our gross revenue losses will fall somewhere between \$300 million and \$400 million.

Governor Abbott has loosened restrictions, and UT health institutions have begun, step-by-step, to open up their facilities to elective procedures. This is obviously great news, especially for the patients, many of whom have need for care, but also for the institutions that have suffered financially as surgeries and other revenue-generating treatments have been canceled or postponed during the pandemic.

Through the hard work and quick response by our campuses and the Governor’s directives on reopening, we now estimate our net losses will be considerably less than those initial projections.

***The Frontlines: COVID-19 Treatment, Tests, Trials***

This gradual resumption of elective procedures has not diminished the commitment to leading the fight against COVID-19. UT and UT-affiliated hospitals continue to provide critical care to many of our state's COVID-19 patients – roughly 17% of those hospitalized.

As of last Friday, UT institutions had processed more than 41,000 COVID-19 tests – or 13% of all tests statewide. They are averaging more than 2,000 tests per day, and with a maximum daily capacity of nearly 5,000, they can scale up as required.

During the month of April alone, UT health professionals provided well over 100,000 telemedicine visits to patients. If we are looking for silver linings in the face of much bad news and tragedy, this is one of them. The significant expansion of telemedicine can be one way we serve more Texans in the future.

The Governor's Strike Force is now sharply focused on bolstering the state's supply of swabs, transport media, reagents, and anything else required to increase Texas's testing capacity, and we are pleased and grateful that EVC John Zerwas is providing leadership in this effort as one of four medical officers supporting the work of the Strike Force.

UT institutions have more than 300 ongoing studies related to COVID-19. Multiple UT institutions are involved in trials involving Remdesivir, a potential treatment that has shown promising results and received emergency authorization from the Food and Drug Administration just last week.

**FISCAL IMPACTS**

On the positive side, the CARES Act passed by Congress in March provides funds to UT institutions and direct emergency funding to students: \$173 million is available to UT institutions, approximately half for direct emergency payments to students and half for institutional costs associated with COVID.

The presidents have developed thoughtful plans for direct payments to students, and we expect additional guidance from the U.S. Department of Education this week. It is likely that all direct payments will be to students who have a valid FAFSA on file with our institutions.

The institutional funding has not yet been made available. And while it will help, it will not begin to offset the total losses. For example, I mentioned that UT Austin refunded over \$26 million in auxiliary payments. It will be eligible for \$16 million in institutional funds, leaving it \$10 million short on that line item alone.

The CARES Act allocated \$100 billion of funding to hospitals and providers nationally, based largely on share of total Medicare reimbursements. UT institutions with their own hospitals and those with a significant share of Medicare patients will receive the most funds.

To date, UT health institutions and medical schools have received \$134 million from the CARES Act Emergency Fund for health care providers.

There is no doubt there will be a major fiscal impact on the state of Texas this year, and we began preparing for it immediately. Our institutions have taken a number of steps to reduce expenses, including imposing hiring freezes, furloughs, budget reductions, the elimination of across-the-board salary increases, and the pausing of non-essential projects.

Aside from these actions systemwide, going forward, many of the budget decisions will necessarily be local, because the specific dimensions of the budget challenge vary significantly from one UT institution to the next, depending on how many students are residential (and thus received refunds), how many are Pell recipients (the key determinant in CARES Act support), enrollments, how dependent the institution is on athletics, international students, and many other factors.

The differences between UT institutions are important, but the common denominator is that each must be prepared to operate with less financial support than they were anticipating pre-pandemic.

At this time, philanthropic support is tracking favorably with last year. Although we understand the current economic situation may affect support in the months ahead, we are grateful for the generous spirit of Texans, who have continued to support critical research, the recruitment of top scientists and faculty, and student emergency funds and scholarships.

The double whammy for Texas is that in addition to the pandemic, the oil industry has suffered dramatically. Revenue payments from University Lands is expected to be less than half of what it was last year—from over \$1 billion to less than \$500 million—which will have significant repercussions down the road. In addition, while the Texas economy is diverse, the impact on state revenues will also be significant.

## **CONCLUSION**

UT institutions continue to demonstrate every day their extraordinary contributions to finding solutions to our state's most vexing challenges, as well as their will to do whatever it takes to keep our citizens healthy, educated, and focused on a more prosperous future. UT institutions exist to be in service to Texas, and we're seeing them at their finest moments.

What should be apparent to all is 1) the critical role our health institutions are playing in getting Texas through this pandemic, along with the obvious importance of training more health professionals; and 2) the new kinds of work and education that will be needed for our state to recover from the economic downturn--the next generation of Texans must be educated and many in the workforce now will need to retool. For Texas to be successful, higher education and the UT System must thrive.

We keep an updated online list of examples of the many contributions made by our faculty, staff, health care professionals, and students as they do their part to help their fellow Texans through this period. This list of stories from every campus is updated daily on [utsystem.edu](https://utsystem.edu). I encourage everyone to visit, as the stories paint a picture of just how important the UT System is to the present—and the future—of Texas.

We have been challenged like never before, and the people of the 14 UT institutions have risen to this challenge in ways that should make every Texan proud.

And, they bolster my confidence that, with the continued leadership and support of the Board of Regents and the people of Texas, we will not only help get our state through this period, Texas and the UT System will be back stronger than ever.

Thank you very much.

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3. U. T. System: Update and possible appropriate action related to implementation of CARES Act provisions

See discussion under related Item 2. No action was taken on this item.

4. U. T. System: Consideration of recommendations from the U. T. System Student Advisory Council

Following comments by Chairman Eltife thanking the Student Advisory Council (SAC) for the work done on behalf of all students, Chancellor Milliken commented on the efforts of the SAC and his plan to share the SAC recommendations, which are set forth on the following pages, at the individual campuses, with leadership at System Administration, and with the Presidents.

BACKGROUND INFORMATION

The U. T. System Student Advisory Council was established in 1989 to provide input to the U. T. System Board of Regents working through and with the Chancellor and U. T. System Administration on issues of student concern. The operating guidelines of the Council require that recommendations have a multi-institutional focus and that the Council explore individual campus issues with institutional administrators prior to any consideration thereof. The Student Advisory Council consists of two student representatives from each U. T. System institution in addition to five elected officers and meets three times a year in Austin.

Council officers are:

**Chair:** Mr. Mustafa Mithaiwala, U. T. Health Science Center - San Antonio, Neuroscience Graduate Program, Ph.D. candidate

**Academic Success Committee:** Mr. Isaac Varela, U. T. El Paso, Electrical Engineering

**Career Success Committee:** Mr. Joshua Menhennett, U. T. Tyler, Marketing

**Affordability Committee:** Ms. Jessica Martinez, U. T. El Paso, Nursing

**Campus Wellness Committee:** Ms. Elena Ivanova, U. T. Austin, Public Health/Plan II Honors Program

**2019-20 Student Advisory Council: Summary of Recommendations**

<b>Committee</b>	<b>Committee Chairs</b>	<b>Purpose</b>	<b>Issues Identified</b>	<b>Outcome</b>
Affordability	Jessica Martinez, U. T. El Paso  Mitul Kachhla, U. T. Arlington	To explore issues related to student financial well-being at U. T. institutions and make recommendations as appropriate.	Tuition and fee transparency	Recommending that U. T. academic institutions post a breakdown of tuition and fees by Semester Credit Hours, program of study and residency status. Additionally, recommending that academic institutions explore adopting U. T. Arlington's tuition and fee estimator tool.
			Student involvement in the tuition-setting process	Recommending that U. T. academic institutions include procedures in the Handbooks of Operating Procedures for including students in the tuition-setting process.
			Graduate student funding packages	Recommending the establishment of campus committees every other year to assess cost-of-living adjustments for graduate students' stipends.
			Open educational resources	Providing a letter of support and student testimonials for the U. T. System Affordable Learning Accelerator Task Force.
Campus Wellness	Elena Ivanova, U. T. Austin  Gavin Mitchell, U. T. Arlington	To explore issues that impact campus life, student health, and general well-being at U. T. institutions, and make	Mental Health	Providing a letter of support for the continued funding of Systemwide mental health initiatives and recommending the establishment of a task force to assess the

		recommendations as appropriate.		effectiveness of existing programs and identify new potential services.
			Sexual Misconduct	Recommending several steps be taken in order to better support survivors of sexual misconduct, including assessing capacity and resources at each institution.
			Tobacco-Free Campuses	Providing support for the existing U. T. policy on tobacco-free campuses, and recommending strategies to improve enforcement and cessation support, especially as it relates to vaping.
			Sustainability	Recommending strategies to ensure compliance with existing U. T. System Sustainability Policy.
			Diversity and Inclusion	Passed a resolution in support of diversity and condemning white supremacy.
Academic Success	Issac Varela, U. T. El Paso  Jack Rust, U. T. San Antonio	To explore issues that impact student success, including retention and graduation, and make recommendations as appropriate.	Support for first-generation, nontraditional and other high-risk student groups	Requesting information from the U. T. System Guiding Coalition for Student Success regarding the programs and services in place to support the success of high-risk student populations.
Career Success	Xavier Rice,	To explore issues that impact postgraduation	Faculty mentorship of graduate	Recommending the expansion of mentor training for graduate-level

	U. T. Medical Branch – Galveston	career success and make recommendations as appropriate.	students and mentor training	faculty, including participation in the National Research Mentoring Network and the Center for Improvement of Mentored Experiences in Research.
	Joshua Menhennett, U. T. Tyler		Career services and resources available on campuses	Recommending minimum career services and resources to be provided by each U. T. academic institution.

5. U. T. System: Discussion and Appropriate Action regarding institutional Audit Committee chair changes; Report on the State Auditor's Office Statewide Single Audit Report for FY 2019 and Systemwide internal audit administrative items, including Required Communications and Annual Audit Plan Status

Chief Audit Executive Peppers provided:

- 1) a report on the State Auditor's Office (SAO) State of Texas Federal and Financial Portions of the Statewide Single Audit for Fiscal Year 2019;
- 2) required communications to the Committee, including independence of the Chief Audit Executives and the triennial quality assurance review process; and
- 3) an update on the Fiscal Year 2020 Annual Audit Plan status as of February 29, 2020.

Details on the SAO audit results, required communications, and Audit Plan status was provided to the Audit, Compliance, and Risk Management Committee (ACRMC) members prior to the meeting.

The Board then approved the following recommendation.

RECOMMENDATION

Mr. Peppers, on behalf of the Presidents at U. T. Austin, U. T. San Antonio, U. T. Tyler, and U. T. Health Science Center - San Antonio, recommends formal approval by the ACRMC of the appointment of the following individuals to serve as Chairs of the Institutional Audit Committees:

- Elizabeth Henke Yant, Retired Partner, PricewaterhouseCoopers LLP, at U. T. Austin;
- Frank Burk, Retired Partner at Carneiro, Chumney & Co. L.C., CPAs, at U. T. San Antonio (reappointment);
- Rose Blakely, Retired Co-Founder, President, and Shareholder, Curtis Blakely & Co., P.C., CPAs & Consultants, at U. T. Tyler; and
- Tony Randal (Randy) Cain, Former Ernst & Young Vice Chair and Southwest Region Managing Partner, at U. T. Health Science Center - San Antonio.

ACRMC Chairman Beck has reviewed the proposed appointments and made a motion for approval, which passed unanimously.

## BACKGROUND INFORMATION

The Texas State Auditor's Office performs the Statewide Single Audit annually. The audit includes a federal portion, which is an audit of compliance and controls over the State's federal awards, and a financial portion, which includes an audit of the basic financial statements for the State of Texas. These reports are submitted to the federal government.

Required communications to the Board include the discussion of internal auditing professional standards and confirmation of the organizational independence of the internal audit activity. Through their annual certification process, all institutional chief audit executives confirmed they are receiving adequate support to conduct the necessary audit services and there are institutional internal audit departmental processes to ensure compliance with professional standards.

The Regents' Rules require the ACRMC to annually review and approve nominations from all the institutional presidents for external member chairs of their institutional audit committees. For this year, the full Board is asked to approve the nominations.

6. U. T. System Board of Regents: Approval to renew the contract with Deloitte & Touche LLP to provide financial auditing services for Fiscal Years 2020 and 2021

The Board approved the following recommendation:

### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Business Affairs, the Executive Vice Chancellor for Academic Affairs, and the Executive Vice Chancellor for Health Affairs, that the U. T. System Board of Regents approve for Deloitte & Touche LLP (Deloitte) to provide independent auditing services for the Fiscal Year 2020 and Fiscal Year 2021 financial statement audits of the U. T. System, U. T. Austin, U. T. Southwestern Medical Center, U. T. Medical Branch - Galveston, U. T. M. D. Anderson Cancer Center, and the funds managed by The University of Texas/Texas A&M Investment Management Company (UTIMCO).

Approval is requested for U. T. System staff to negotiate and enter into an auditing services contract amendment with Deloitte to renew the contract for a two-year term pursuant to delegation of authority from the State Auditor's Office.

### BACKGROUND INFORMATION

The contract with Deloitte, effective June 30, 2016, to provide audit services for Fiscal Years 2016 and 2017 expired on May 30, 2018, and was renewed for Fiscal Years 2018 and 2019 on February 27, 2018 to expire on May 30, 2020. It has an option to renew for an additional two years.

The source of funding for this contract is primarily Available University Funds, as approved for the prior contracts.

7. U. T. El Paso: Approval of preliminary authority for a Doctor of Philosophy in Sociology degree program

The Board approved the following recommendation:

### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that the U. T. System Board of Regents approve

- a. preliminary authority for U. T. El Paso to create a Doctor of Philosophy in Sociology degree program; and
- b. notification of the proposal to the Texas Higher Education Coordinating Board.

### BACKGROUND INFORMATION

The proposed research doctoral (Ph.D.) program in Sociology would be a traditional face-to-face degree program offered to full-time doctoral students. The program will specialize in the comparative sociological study of national and social processes that connect and transcend the boundaries of the United States and Mexico, drawing on the advantage of our unique location on the U.S.-Mexico border.

The job outlook for graduates of a Ph.D. program in sociology now and in the foreseeable future is favorable. According to the U.S. Bureau of Labor Statistics, employment for sociologists prepared at the doctoral level is expected to increase by 9%, faster than the average for all occupations (5%). An additional indicator of job market need is the unemployment rate relative to other occupations. According to the American Sociological Association, in 2017 the unemployment rate for doctorate holders in sociology was 1.6%, compared to 1.9% for all social science fields and 2.4% for all science, engineering, and health fields. Lastly, in 2018 the median annual salary for sociologists was \$82,000, compared to the median annual salary for all social scientists, which was \$78,600.

The U. T. El Paso Department of Sociology and Anthropology has 15 faculty who would contribute to the doctoral program. The research productivity of the faculty compares favorably to that of their peers nationally.

Once preliminary authority has been approved, U. T El Paso will submit the full degree program proposal for approval to the U. T. System Board of Regents and the Texas Higher Education Coordinating Board.

8a. U. T. Arlington: Approval to establish a Bachelor of Science in Business Analytics degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, and the institutional administrator in charge that authorization, pursuant to the Regents' *Rules and Regulations*, Rule 40307, related to academic program approval standards, be granted to

- a. establish a Bachelor of Science degree program in Business Analytics at U. T. Arlington; and
- b. submit the proposal to the Texas Higher Education Coordinating Board for review and appropriate action.

BACKGROUND INFORMATION

Program Description

The Bachelor of Science in Business Analytics (BSBA) is a Science, Technology, Engineering, and Math (STEM) program designed to provide tools and technologies that are needed to bring value-added decisions to the strategic goals of an organization. The program will prepare graduates to apply skills, technologies, and practices to investigate business performance through data and statistical methods. In addition, the program teaches graduates how to apply these techniques to decision-making.

Need and Student Demand

The Texas Workforce Commission projects from 2016 to 2026, an increase of 36% in job openings in Mathematical Science Occupations and an 18% increase for job openings for Database Administrators. These are two employment areas students may be able to enter upon completing the program.

In 2017, the Business-Higher Education Forum released a report that projects continued growth and demand for graduates with data science and analytical skills. Specifically, the report cites that by 2021 nearly 70% of business leaders in the United States will prefer job applicants with data skills. While the research cites 2.35 million documented data science and analytics-related job postings in 2015, it projects the number to grow to 2.72 million by 2020.

The University anticipates an enrollment of 40 students in Year 1 of the program, growing by approximately 20 students per year, with 120 students anticipated to be enrolled by Year 5. An investment in student success by the College of Business, through additions in advising, tutoring, and graduate teaching assistant support is intended to mitigate attrition and improve completion rates. The College of Business continues to improve on student success and completion by focusing on student success factors and improving upon guided pathways for both transfer students and first-time college students.

### Program Quality

The program will be comprised of nine core and five support faculty, who are existing tenured and clinical faculty. The proposed program will not require the addition of any new faculty.

The quality of the program will be addressed at several levels. This proposed program will be accredited by the Association to Advance Collegiate Schools of Business (AACSB). Program evaluation is conducted via multiple processes: the Student Feedback Survey (SFS), AACSB program review, and the Unit Effectiveness Process (UEP). The SFS is U. T. Arlington's course-level evaluation process where course evaluations are completed by students. The SFS is intended to continually improve teaching and learning. The UEP is U. T. Arlington's program-level institutional effectiveness process that seeks continuous program improvement through the assessment of student learning outcomes. Annually, programs identify expected student learning and advising outcomes, assess the extent to which these outcomes are achieved, and implements improvements to the program as indicated by the assessment data.

Revenue and Expenses

<b>Expenses</b>	<b>5-Year Total</b>
<i>Faculty</i>	
Salaries (Reallocated)	\$2,313,930
Benefits (Reallocated)	\$ 686,679
<i>Graduate Students</i>	
TA Salaries	0
TA Benefits	0
GRA Salaries	\$ 18,900
GRA Benefits	0
<i>Staff &amp; Administration</i>	
Graduate Coordinator Salary	0
Administrative Staff Salaries	\$ 82,350
Administrative Staff Benefits	\$ 24,705
Recruiter, Advisor (Reallocated)	\$ 265,005
Recruiter, Advisor Benefits (Reallocated)	\$ 79,502
<i>Other Expenses</i>	
Supplies and Materials	\$ 14,500
Equipment	\$ 29,500
Start-up (Course Dev w/ fringe)	\$ 26,000
Marketing	\$ 25,000
<b>Total Expenses</b>	<b>\$3,566,071</b>

<b>Revenue</b>	<b>5-Year Total</b>
<i>From Student Enrollment</i>	
Formula Funding	\$ 149,774
Tuition and Fees	\$5,311,857
<i>From Institutional Funds</i>	
Reallocation of Existing Resources	\$3,345,116
<i>From Grant Funds</i>	
N/A	
<i>From Other Revenue Sources</i>	
N/A	
<b>Total Revenue</b>	<b>\$8,806,747</b>

### Coordinating Board Criteria

The proposed program meets all applicable Coordinating Board criteria for new bachelor's degree programs.

8b. U. T. Austin: Approval to establish a Bachelor of Arts and a Bachelor of Science degree programs in Informatics

The Board approved the following recommendation:

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, and the institutional president that authorization, pursuant to the Regents' *Rules and Regulations*, Rule 40307, related to academic program approval standards, be granted to

- a. establish a Bachelor of Arts degree program and a Bachelor of Science degree program in Informatics at U. T. Austin; and
- b. submit the proposals to the Texas Higher Education Coordinating Board for review and appropriate action.

#### BACKGROUND INFORMATION

##### Program Description

The field of informatics focuses on how information intersects with people, technology, and data. The interdisciplinary bachelor's degree program in informatics, which will be offered using face-to-face, web-based, and blended learning courses, is designed to provide students with a deep understanding and knowledge of how data, information, and technology can benefit individuals, organizations, and society. The informatics program would offer both a Bachelor of Arts (B.A.) and Bachelor of Science (B.S.) degree option, to serve undergraduate students interested in either a liberal arts-based or Science, Technology, Engineering, and Math (STEM)-based approach to the rapidly growing study of the intersection of people, information, technology, and data. It will prepare graduates to leverage marketable information technology and data science skills to compete for top technology-related jobs in a wide range of careers from health care to records management to artificial intelligence.

## Need and Student Demand

With advancements in information technology, there is an increased need for experts who not only understand how technology functions, but also understand the social, cultural, and ethical issues surrounding the design, development, support, and access to these technologies.

Available data indicate that undergraduate students who pursue informatics degrees are in great demand on the job market. For example, in 2017, 80% of students who received a B.S. in Informatics from The University of Washington Information School were earning salaries between \$60,000 and \$150,000 within three months of graduation. Twelve percent of those graduates received three or more job offers, and 25% received two job offers. Similar results can be found at The University of Michigan School of Information. One hundred percent of the graduates from its B.S. in Information program find jobs within the first three to four months of graduation, with an average starting salary of \$70,000. These examples indicate a high demand for undergraduates with an informatics degree.

In the last five years, the City of Austin has added 1,200 more tech jobs than tech graduates, with these jobs paying an average salary of \$95,000. Further, the City of Austin continues to be a growing “tech hub” with major technology companies increasing their presence and adding thousands of employees.

However, Austin also ranks in the top 10 big cities suffering from “brain drain”, with a 38.4% retention of its college graduates. As information technology continues to progress as Austin’s leading industry, informatics majors will only be more in demand. Additional graduates in this field will strengthen the Austin ecosystem by helping to fill employment vacancies with graduates from the same city.

In May 2019, a survey of 192 potential employers was conducted. Eighty-eight responses (46% response rate) were received. Among the employers surveyed, 94% indicated an interest in hiring applicants with a bachelor’s in informatics from the U. T. Austin School of Information. Further, 80% would be interested in hiring interns who were in the process of completing a bachelor’s in informatics from the U. T. Austin School of Information.

Nationally, informatics is proving to be an area of particular success and growth, even among STEM programs. Bachelor’s completions in informatics exhibited over 50% growth between 2010 and 2014. A program in informatics at U. T. Austin is appealing to students based on a survey of 105 undergraduate students enrolled in undergraduate courses offered by the School of Information. Of those surveyed, 59% of respondents indicated they would have definitely, probably, or possibly been interested in pursuing an undergraduate major offered by the School of Information. Asked a different way, approximately one-third would prefer a stand-alone major either in addition to or instead of their current major.

There is a strong demand for STEM education at U. T. Austin, by both prospective and current students. However, current degree programs cannot accommodate the

number of qualified and interested students due to enrollment limitations. The informatics program will help serve students who would otherwise not attend U. T. Austin because they could not get into a STEM program due to capacity, potentially seeking education by leaving Texas. It will also potentially lessen the stress on existing degrees by offering another option to students generally interested in technology, but who find themselves more interested in the human end of computing than solely in the circuitry or the underlying code. It would also serve students who enter the university undeclared, but still face the challenge of near-capacity degree programs.

### Program Quality

Core existing faculty includes 10 tenured/tenure-track faculty in the School of Information, three full-time nontenure-track faculty, and a pool of part-time adjunct faculty. The School is currently hiring six additional faculty who will contribute to the program and will hire additional faculty as the program grows. The existing faculty have doctoral degrees in information studies/science, science and technology studies, psychology, computer science, engineering, and the humanities. The School of Information is currently ranked 5th (tie) in the *U.S. News & World Report* “Best Library and Information Studies Program” rankings, and a recent published analysis of information programs identified the School of Information as the 3rd (tie) most prolific information school as measured by overall research impact, and the 2nd most highly cited. This high research impact informs teaching and allows the faculty to teach students cutting-edge knowledge.

An additional measure of program quality was the Texas Higher Education Coordinating Board review in 2019 of the School’s graduate programs, in which the external review committee report found the School of Information to be a “vibrant, healthy, and thriving learning environment. The School’s students, faculty, and staff are actively engaged in the mission of the School” and concluded that its programs enjoy strong reputations locally, statewide, nationally, and internationally.

Lastly, the informatics program has the potential to greatly benefit traditionally underrepresented populations in STEM and at U. T. Austin. The existing graduate programs currently boast the highest percentage of females in STEM programs at U. T. Austin, and the undergraduate program is likely to mirror that success.

Revenue and Expenses

<b>Expenses</b>	<b>5-Year Total</b>
<i>Faculty</i>	
Salaries (including benefits)	\$5,111,950.02
Program Administration	\$1,339,074.45
<i>Graduate Students</i>	
Graduate Assistants (with benefits)	\$ 718,485.30
<i>Staff &amp; Administration</i>	
Administrative Staff Salaries (with benefits)	\$ 801,855.58
<i>Other Expenses</i>	
Student Support (Scholarships)	\$ 317,856.00
Supplies and Materials	\$ 65,500.00
Equipment	\$ 100,000.00
Start-up packages for new faculty	\$1,000,000.00
Advertising	\$ 30,000.00
<b>Total Expenses</b>	<b>\$9,484,721.35</b>

<b>Revenue</b>	<b>5-Year Total</b>
<i>From Student Enrollment</i>	
Formula Funding	0
Tuition and Fees	0
<i>From Institutional Funds</i>	
Reallocation of Existing Resources	\$9,484,721.35
<i>From Grant Funds</i>	
N/A	
<i>From Other Revenue Sources</i>	
N/A	
<b>Total Revenue</b>	<b>\$9,484,721.35</b>

Coordinating Board Criteria

The proposed program meets all applicable Coordinating Board criteria for new bachelor's degree programs.

8c. U. T. Rio Grande Valley: Approval to establish a Doctor of Philosophy in Human Genetics degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that authorization, pursuant to Regent's *Rules and Regulations*, Rule 40307, related to academic program approval standards, be granted to

- a. establish a Doctor of Philosophy in Human Genetics degree program at U. T. Rio Grande Valley; and
- b. submit the proposal to the Texas Higher Education Coordinating Board for review and appropriate action.

BACKGROUND INFORMATION

Program Description

U. T. Rio Grande Valley proposes to develop a Doctor of Philosophy (Ph.D.) in Human Genetics degree program that will address the growing need for researchers in human genetics and genomics. The Ph.D. in Human Genetics will be a four-year, full-time, research-intensive program consisting of 72 credit hours.

The proposed degree program is designed to develop the next generation of independent scientists in human genetics and genomics, with a heavy focus on research training. The program will be focused on applications of human genetics to medicine and will encompass training across the breadth of genetics, from molecular genetics through computational approaches to analysis.

Since the completion of the human genome project, the use of genetic testing and genetic approaches for understanding disease and applying personalized medicine based on each patient's genetic makeup has significantly grown. This growth is associated with an increased demand for qualified geneticists in the areas of basic research, clinical research, medical care, and biological science. Because of the location of the program in the Rio Grande Valley, there will be a natural focus on the diseases and conditions that disproportionately affect minority populations, particularly Hispanics.

The proposed degree program is structured to produce highly qualified, research-oriented human geneticists able to meet the critical need for genetics expertise in the coming decades.

## Need and Student Demand

The American Society of Human Genetics has noted a current and continuing shortage of human geneticists able to meet the labor demands generated from the expanding understanding of the human genome and proliferation of genetic testing. Doctoral-level human geneticists will be needed in the traditional academic areas of basic science, clinical research, and education. However, they will also be needed in management and consulting, biocuration and bioinformatics, patent law, biotechnology, pharmaceutical development, clinical laboratory management, health policy, science reporting, and scientific editing.

The expected growth in need for human geneticists is substantial. Market research reports reflect a primary need for advanced genomic/genetic scientists growing at a rate of nearly 20% per year. These reports identify primary areas of growth in sequence analysis, large-scale data analysis, and “omic” applications, such as genomics, metabolomics, transcriptomics, methylomics, microbiomics, and proteomics. These are areas of substantial existing strength in the Department of Human Genetics at U. T. Rio Grande Valley.

While the U.S. Bureau of Labor Statistics does not include human geneticist as a specific job title in the Occupational Outlook Handbook, the job outlooks for a variety of other relevant titles are provided. Between 2018 and 2028, medical scientist jobs are projected to grow by 8%, which is faster than the average. Similarly, growth in biological science educators at the college level is projected to increase by 12% between 2018 and 2028.

At the regional level, Texas is a major employer of life scientists, with 13 medical schools, four National Cancer Institute (NCI) Cancer Centers, over 1,700 medical and testing labs, and more than 4,000 life science and research firms. The projected growth in medical and life science jobs in Texas will increase more rapidly than the projected national growth, with medical scientist positions expected to grow 17% and life scientist positions expected to grow by 14% between 2016 and 2026.

Projected student demand is strong. The presence of undergraduate and graduate training programs in the biological sciences generates a large pool of U. T. Rio Grande Valley graduates each year who are prepared to pursue doctoral studies in human genetics. The B.S. and M.S. in Biology, and M.S. in Biochemistry and Molecular Biology all produce students capable of feeding into the Ph.D. in Human Genetics program. In addition, this degree program will be able to recruit students nationally and internationally.

Seven new students will be admitted into the program each year. The enrollment projections were determined after reviewing the faculty-to-student ratios at other programs in Texas, as well as the number of students accepted each year into those programs. The expectation is to achieve a steady state of 25 doctoral students by the end of Year 5. Based on the 72-credit hour program of study, the degree program can be completed in four years.

Program Quality

The program is projected to require partial or full-time commitment from 23 core and supporting faculty members, including a designated Course Director. The University already employs 11 of the core faculty members and nine support faculty members; three new program faculty will be hired during the first three years of the program.

Faculty members currently employed by the University have a demonstrated record of research productivity. Over the past five years, 11 core faculty members currently employed by the University have averaged 43.5 referred papers and 1.2 book chapters per faculty member. In addition, core faculty members have won over \$62 million in total external grant awards over the past five years, including several National Institutes of Health (NIH) grants.

Moreover, U. T. Rio Grande Valley has made significant facility and equipment investments to support a high-quality, nationally competitive program. Available resources to support human genetics research are located in facilities in Brownsville, Edinburg, and San Antonio. These resources include the South Texas Diabetes and Obesity Institute Genomics Computing Center in Brownsville, a 1,000 square-foot machine room housing a high-performance computing cluster.

Revenue and Expenses

<b>Expenses</b>	<b>5-Year Total</b>
<i>Faculty</i>	
Salaries	\$ 5,727,392
Benefits	\$ 2,454,597
<i>Graduate Students</i>	
TA Salaries	\$ 1,335,000
TA Benefits	\$ 133,500
<i>Staff &amp; Administration</i>	
Clerical and Support Staff	\$ 674,460
Staff Benefits	\$ 289,054
<i>Other Expenses</i>	
Equipment	\$ 300,000
Supplies & Materials	\$ 475,000
Marketing & Recruitment	\$ 70,000
Library Resources	\$ 290,000
Facilities	\$ 56,000
<b>Total Expenses</b>	<b>\$11,805,003</b>

<b>Revenue</b>	<b>5-Year Total</b>
<i>From Student Enrollment</i>	
Formula Funding	\$ 1,110,525
Tuition and Fees	\$ 525,667
<i>From Institutional Funds</i>	
Reallocation of Existing Resources	\$ 6,086,062
Institutional Enhancement Funds	\$ 5,000,000
<i>From Grant Funds</i>	
N/A	-
<i>From Other Revenue Sources</i>	
N/A	-
<b>Total Revenue</b>	<b>\$12,722,254</b>

Coordinating Board Criteria

The proposed program meets all applicable Coordinating Board criteria for new doctoral degree programs.

9a. U. T. Arlington: Discussion and appropriate action regarding proposed changes to admission criteria for the Master of Business Administration degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional administrator in charge that the U. T. System Board of Regents approve changes to the criteria for admission to the Master of Business Administration degree program at U. T. Arlington as described on the following pages.

BACKGROUND INFORMATION

The College of Business proposes updating the standards for admissions to the Master of Business Administration (MBA) Program to simplify the admission process and add flexibility to the admission criteria while maintaining high-quality standards.

Although the MBA program at U. T. Arlington was originally designed to train nonbusiness majors, under the current catalogue, individuals with nonbusiness undergraduate majors cannot be unconditionally admitted to the MBA program regardless of undergraduate Grade Point Average (GPA), Graduate Management Admission Test (GMAT) or Graduate Record Examinations (GRE). According to the

Graduate Management Admission Council, in 2017 only 47% of business school applicants studied business prior to beginning an MBA program. The proposed admission criteria no longer discriminate between business and nonbusiness undergraduates.

All students admitted to the U. T. Arlington MBA program in Fall 2019 and Spring 2020 who had an undergraduate GPA of 3.5 or higher succeeded in their first semester of the MBA program. In all cases, students obtained a graduate GPA of 3.0 or higher during their first semester (average graduate GPA was 3.61). Thus, the proposed change provides a GMAT/GRE waiver for top undergraduate students who graduated from a university with an Association to Advance Collegiate Schools of Business (AACSB) [or European Quality Improvement System (EQUIS)/Association of MBAs (AMBA)] accreditation.

The current admission policy allows probationary admissions with a GMAT/GRE waiver for students who complete 12 hours of foundation pathway courses. The foundation courses add at least one semester to the completion of the MBA and are no longer a prerequisite for any of the required courses in the MBA program. Performance on foundation courses has not been predictive of success in the program. The proposed modification allows students to gain probationary admission by achieving passing scores of 85% or greater on three exams in Business Statistics (BSTAT), Economics (ECON), and Management (MANA) taken through a vendor approved by the MBA Graduate Committee.

<b>Current Admission Criteria</b>	<b>Proposed Admission Criteria</b>
<p data-bbox="203 1117 669 1180">Unconditional Admission without Committee Review</p> <p data-bbox="203 1222 799 1549">Applicants qualify for unconditional admission without the need for review by the MBA Admissions Committee if they have a bachelor’s degree in a business discipline (with a GPA of 3.0 or better), take the GMAT and score at least 500 with a 30th percentile or higher in the verbal and quantitative areas. The GRE is accepted but the GMAT is preferred.</p>	<p data-bbox="824 1117 1286 1180">Unconditional Admission without Committee Review</p> <p data-bbox="824 1222 1414 1768"><del>Applicants qualify for unconditional admission without the need for review by the MBA Admissions Committee if they have a bachelor’s degree in a business discipline (with a GPA of 3.0 or better), take the GMAT and score at least 500 with a 30th percentile or higher in the verbal and quantitative areas. The GRE is accepted but the GMAT is preferred.</del> <u>A 3.0 GPA (or higher) in the last 60 undergraduate hours with an earned undergraduate degree, and a minimum score of 500 on the GMAT with at least 30th percentile in verbal and quantitative areas or equivalent GRE scores.</u></p>

	<p><u>GMAT/GRE Waiver Conditions</u>  <u>Waiver of the GMAT/GRE and unconditional admission will be considered for applicants who meet one of the following conditions:</u></p> <ul style="list-style-type: none"> <li>• <u>Have earned a 3.5 GPA (or higher) in two calculations (cumulative and last 60 hours) with an earned undergraduate degree in any major from a university with accreditation by the Association of Advance Collegiate Schools of Business (AACSB) or by the European Quality Improvement System (EQUIS) or the Association of Master of Business Administration (AMBA) so long as the degree was awarded no more than seven academic years prior to the semester for which admission to the Master of Business Administration (MBA) is sought, or</u></li> <li>• <u>An earned graduate degree or a graduate certificate (at least 9 credit hours) from a professionally and/or from a regionally accredited school with a 3.0 GPA (or higher) for all graduate coursework</u></li> </ul>
<p>Probationary Admission</p> <p>Applicants with a bachelor’s degree in a business or non-business discipline and a GPA of 3.0 or better who choose not to take the GMAT can be admitted to the MBA program on probation. Twelve hours of Foundation Pathway courses are required. These courses must be completed with a 3.0 or higher GPA and with only one grade of C. Upon successful completion of the Foundation Pathway courses, the student will be admitted unconditionally to the MBA program. The Foundation Pathway courses are in addition to the 36-hour count.</p>	<p>Probationary Admission</p> <p><del>Applicants with a bachelor’s degree in a business or non-business discipline and a GPA of 3.0 or better who choose not to take the GMAT can be admitted to the MBA program on probation. Twelve hours of Foundation Pathway courses are required. These courses must be completed with a 3.0 or higher GPA and with only one grade of C. Upon successful completion of the Foundation Pathway courses, the student will be admitted unconditionally to the MBA program. The Foundation Pathway courses are in addition to the 36-hour count.</del></p> <p><u>An applicant who does not meet unconditional admission requirements, as</u></p>

	<p><u>stated above, may receive probationary admission</u></p> <p>a) <u>Without taking the GMAT or GRE if the applicant 1) has a GPA of 3.0 or greater and 2) achieves passing scores of 85 percent or greater on three exams in Business Statistics (BSTAT), Economics (ECON), and Management (MANA) taken through a UTA College of Business approved vendor (approved by MBA Committee). Modules are available in these areas for exam preparation. Retaking exams is permissible, however successful completion of exams is required prior to admission. If GMAT/GRE minimum scores (as stated above) or at least a 3.0 GPA are not met, the MBA committee will review for an admission decision.</u></p>
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9b. U. T. Arlington: Discussion and appropriate action regarding proposed changes to admission criteria for the Master of Science in Business Analytics degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional administrator in charge that the U. T. System Board of Regents approve changes to the criteria for admission to the Master of Science in Business Analytics degree program at U. T. Arlington as described below.

BACKGROUND INFORMATION

U. T. Arlington requests approval to change the required Grade Point Average (GPA) for unconditional admission in the Master of Science in Business Analytics (MSBA) from 3.25 to 3.0 in an effort to standardize the College of Business master's program admission criteria and to be more competitive with peer schools. This change aligns with the existing GPA requirement for admission into graduate programs at U. T. Arlington and enhances the consistency of graduate admission practices within the College.

In addition, U. T Arlington requests approval to eliminate the use of Graduate Management Admission Test (GMAT) or Graduate Record Examination (GRE) scores and replace them with the GMAT or GRE percentiles. Program faculty have found that verbal and quantitative percentiles are better predictors of success than the actual GMAT or GRE scores.

Finally, the institution requests approval to eliminate the requirement for a face-to-face interview with international applicants. Currently, every international applicant is interviewed to validate his/her verbal communication skills. Now that the MSBA program has five years of interview data, it has been determined that the interview has no value added to the application process as the applicant's verbal percentile rank and Test of English as a Foreign Language/International English Language Testing System scores adequately predict success in the program.

Current Unconditional Admission Criteria	Proposed Unconditional Admission Criteria
Applicants qualify for unconditional admission without the need for review by the Graduate Studies Committee if they meet the following set of unconditional admission criteria:	No change
<b>UNCONDITIONAL ADMISSION</b> Individuals who meet each of the following two conditions are given unconditional admission:	<b>UNCONDITIONAL ADMISSION</b> Individuals who meet <del>each both</del> of the following conditions are given unconditional admission:
<ul style="list-style-type: none"> <li>Applicant holds an earned bachelor's degree from an AACSB-accredited college or university, with a minimum GPA of 3.25 on the last 60 hours of undergraduate work and</li> </ul>	<ul style="list-style-type: none"> <li>Applicant holds an earned bachelor's degree from an AACSB-accredited college or university, with a minimum GPA of 3.250 on the last 60 hours of undergraduate work and</li> </ul>
<ul style="list-style-type: none"> <li>GMAT total score is at least 580 with verbal and quantitative score at the 50th percentile or higher, on both. GRE scores will be considered if the verbal and quantitative score is at the 50th percentile or higher, on both.</li> </ul>	<ul style="list-style-type: none"> <li><del>GMAT total score is at least 580 with verbal and quantitative score at the 50th percentile or higher, on both. GRE scores will be considered if the verbal and quantitative score is at the 50th percentile or higher, on both.</del> <u>GRE or GMAT verbal and quantitative scores at the 50th percentile or higher in either.</u></li> </ul>
In addition, international applicants must meet the following condition:	<del>In addition, international applicants must meet the following condition:</del>

<ul style="list-style-type: none"> <li>• Successfully complete a face-to-face interview (either in person or online) with the MSBA Graduate Advisor.</li> </ul>	<ul style="list-style-type: none"> <li>• <del>Successfully complete a face-to-face interview (either in person or online) with the MSBA Graduate Advisor.</del></li> </ul>
Applicants who require committee review are considered for admission using the following factors, with no single factor used as the primary criterion for making admission decisions.	No change
<ul style="list-style-type: none"> <li>• Undergraduate and graduate GPA (overall, major, and last 60 hours) and program accreditation status of the applicant's degree granting institution;</li> </ul>	No change
<ul style="list-style-type: none"> <li>• Score on the GMAT/GRE (including separate scores on the verbal and quantitative portions);</li> </ul>	No change
<ul style="list-style-type: none"> <li>• Applicant's professional work experience and professional certification/licensure; and</li> </ul>	No change
<ul style="list-style-type: none"> <li>• Letters of reference and personal statement provided by the applicant.</li> </ul>	No change

[Secretary's Note: At the request of the Office of Academic Affairs, a nonsubstantive change was made to the name of the degree program during the meeting to reference Master of Science in Business Analytics rather than Master of Science in Business Administration.]

9c. U. T. Arlington: Discussion and appropriate action regarding proposed changes to admission criteria for the Master of Science in Information Systems degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional administrator in charge that the U. T. System Board of Regents approve changes to the criteria for admission to the Master of Science in Information Systems degree program at U. T. Arlington as described below.

BACKGROUND INFORMATION

U. T. Arlington proposes revisions to the admission criteria for the Master of Science in Information Systems. In an effort to standardize master's program admission

criteria and to be more competitive with peer schools, the required Grade Point Average (GPA) for unconditional admission will change from 3.25 to 3.0. This change will better reflect current institutional admissions and enhance the consistency of graduate admission practices within the College of Information Systems and Operations Management.

U. T. Arlington also found inconsistency between Graduate Records Examinations (GRE) and Graduate Management Admission Test (GMAT) percentiles. This will be corrected by standardizing admission criteria for departmental programs. In addition, assessing verbal and quantitative percentiles independently is considered a better predictor of success than the overall GMAT score.

Lastly, with the GPA changed to 3.0, the conditional criteria are not needed as they are already in the Graduate Catalog as University criteria and do not need to be repeated.

Current Unconditional Admission Criteria	Proposed Unconditional Admission Criteria
<p><b>UNCONDITIONAL ADMISSION SET #1: GMAT CONDITION</b></p> <p>Individuals who meet each of the following two conditions are given unconditional admission:</p>	<p><b>UNCONDITIONAL ADMISSION SET #1: GMAT CONDITION</b></p> <p>Individuals who meet <del>each</del> <u>both</u> of the following <del>two</del> conditions are given unconditional admission:</p>
<ul style="list-style-type: none"> <li>Applicant holds an earned bachelor's degree from an AACSB-accredited college or university, with a minimum GPA of 3.25 on the last 60 hours of undergraduate work and</li> </ul>	<ul style="list-style-type: none"> <li>Applicant holds an earned bachelor's degree from an AACSB-accredited college or university, with a minimum GPA of <u>3.250</u> on the last 60 hours of undergraduate work and</li> </ul>
<ul style="list-style-type: none"> <li>GMAT total score is at least 520 with verbal and quantitative score at the 36th percentile or higher, on both. The GMAT is preferred, however, GRE scores will be considered if the verbal and quantitative score is at the 50th percentile or higher, on both.</li> </ul>	<ul style="list-style-type: none"> <li><del>GMAT total score is at least 520 with verbal and quantitative score at the 36th percentile or higher, on both. The GMAT is preferred, however, GRE scores will be considered if the verbal and quantitative score is at the 50th percentile or higher, on both. <u>GRE or GMAT verbal and quantitative scores at the 50th percentile or higher in each.</u></del></li> </ul>

<p><b>UNCONDITIONAL ADMISSION SET #2: GMAT WAIVER CONDITION</b></p> <p>This unconditional admission set #2 focuses on satisfying the following criteria.</p>	<p><del><b>UNCONDITIONAL ADMISSION SET #2: GMAT WAIVER CONDITION</b></del></p> <p><del>This unconditional admission set #2 focuses on satisfying the following criteria.</del></p>
<ul style="list-style-type: none"> <li>• Graduated from UTA within three years of expected entrance into the graduate program with a BS/BBA in Information Systems (or related degree) with a minimum of 3.25 overall GPA and 3.25 information systems GPA.</li> </ul>	<ul style="list-style-type: none"> <li><del>• Graduated from UTA within three years of expected entrance into the graduate program with a BS/BBA in Information Systems (or related degree) with a minimum of 3.25 overall GPA and 3.25 information systems GPA.</del></li> </ul>
<ul style="list-style-type: none"> <li>• Applicants who require committee review are considered for admission using the following factors, with no single factor used as the primary criterion for making admission decisions.</li> </ul>	<ul style="list-style-type: none"> <li><del>• Applicants who require committee review are considered for admission using the following factors, with no single factor used as the primary criterion for making admission decisions.</del></li> </ul>
<ul style="list-style-type: none"> <li>• Undergraduate and graduate GPA (overall, major, and last 60 hours) and program accreditation status of the applicant's degree granting institution;</li> </ul>	<ul style="list-style-type: none"> <li><del>• Undergraduate and graduate GPA (overall, major, and last 60 hours) and program accreditation status of the applicant's degree granting institution;</del></li> </ul>
<ul style="list-style-type: none"> <li>• Score on the GMAT/GRE (including separate scores on the verbal and quantitative portions);</li> </ul>	<ul style="list-style-type: none"> <li><del>• Score on the GMAT/GRE (including separate scores on the verbal and quantitative portions);</del></li> </ul>
<ul style="list-style-type: none"> <li>• Applicant's professional work experience and professional certification/licensure; and</li> </ul>	<ul style="list-style-type: none"> <li><del>• Applicant's professional work experience and professional certification/licensure; and</del></li> </ul>
<ul style="list-style-type: none"> <li>• Letters of reference and personal statement provided by the applicant.</li> </ul>	<ul style="list-style-type: none"> <li><del>• Letters of reference and personal statement provided by the applicant.</del></li> </ul>

9d. U. T. Tyler: Discussion and appropriate action regarding proposed changes to admission criteria for the Master of Business Administration degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that the U. T. System Board of Regents approve changes to the criteria for admission to the Master of Business Administration degree program at U. T. Tyler as described below.

BACKGROUND INFORMATION

U. T. Tyler proposes changes to the admission criteria for the Master of Business Administration (MBA). Most MBA programs in the United States require two recommendation letters from individuals who can comment on professional qualifications. Evaluating letters of recommendation from applicants will give the admissions committee a better sense of the value an applicant can bring to the program and how the applicant can benefit from the program. To that end, U. T. Tyler would like to require submission of two letters of recommendation.

Another proposed change notes that, upon admission, students will be sent a link to the U. T. Tyler Honor Code and are asked to acknowledge its receipt. This requirement will alert students to the importance of integrity and the Honor Code.

The final proposed change would allow an applicant who has a prior graduate degree to request a waiver of the Graduate Management Admission Test (GMAT). Completion of a prior graduate degree is considered to be a strong indicator of likely success in another graduate program.

Current Admission Criteria	Proposed Admission
<p>The requirements to be a graduate student in business administration are:</p>	<p>The requirements to be a graduate student in business administration are:</p>
<p>1. Admission to the degree program is determined primarily on the basis of predictors of success in graduate study:</p> <ul style="list-style-type: none"> <li>a. a baccalaureate degree from a regionally accredited institution,</li> <li>b. grade point average computed on the last 60 undergraduate hours, and</li> <li>c. a satisfactory score on the Graduate Management Admissions Test (GMAT). In rare instances the Graduate Record Examination (GRE) may be accepted in lieu of the GMAT.</li> </ul>	<p>1. Admission to the degree program is determined primarily on the basis of predictors of success in graduate study:</p> <ul style="list-style-type: none"> <li>a. a baccalaureate degree from a regionally accredited institution,</li> <li>b. grade point average computed on the last 60 undergraduate hours, and</li> <li>c. a satisfactory score on the Graduate Management Admissions Test (GMAT). In rare instances the Graduate Record Examination (GRE) may be accepted in lieu of the GMAT.</li> <li><u>d. Two letters of recommendation from professional contacts.</u></li> </ul>
<p>2. Quantitative measures are integrated into an index that multiplies the applicant's 60-hour GPA times 200 and adds the total GMAT score (60-hour GPA X 200) + GMAT = &gt;1000. An index score of greater than 1000 is typical of a successful candidate. If the student's 60-hour GPA is above 3.25 the GMAT may be waived.</p>	<p>2. No change</p>
<p>3. Additionally, applicants with three or more years of extensive managerial work experience (earned in the U.S. or with a U.S. government entity) may request to have the GMAT requirement waived by the Program Advisor. This decision is made on a case-by-case basis; "extensive managerial experience" will typically mean a full-time supervisory or managerial position held for a significant period of time after completing the bachelor's degree as demonstrated with a resume. Applicants for the Executive MBA Healthcare Management Program (EMBA HCM) are required to have 3 or more years of managerial work experience. Such experience is</p>	<p>3. <u>Applicants who earned a prior graduate degree may request a waiver of the GMAT.</u> Additionally, applicants with three or more years of extensive managerial work experience (earned in the U.S. or with a U.S. government entity) may request to have the GMAT requirement waived by the Program Advisor. This decision is made on a case-by-case basis; "extensive managerial experience" will typically mean a full-time supervisory or managerial position held for a significant period of time after completing the bachelor's degree as demonstrated with a resume. Applicants for the Executive MBA Healthcare Management Program (EMBA HCM) are required to have 3 or more years of managerial work experience. Such experience is</p>

<p>evaluated by the Program to waive the GMAT requirement for EMBA HCM applicants.</p>	<p>evaluated by the Program to waive the GMAT requirement for EMBA HCM applicants.</p>
<p>4. Consideration may also be given to other factors.</p>	<p>4. No change</p>
<p>5. International applicants must meet the minimum requirements as stated in the International Graduate Student Admissions section of this catalog.</p>	<p>5. No change</p>
<p>6. No more than nine semester credit hours of graduate credit earned prior to acceptance into the program, including transfer credit, may be applied to the degree. Students seeking admission to the program who have not yet satisfied admission criteria may be admitted as conditional or provisional students and allowed to complete one semester with up to nine hours of coursework.</p>	<p>6. No change</p>
<p>7. After reviewing all credentials (official transcripts, GMAT score, other relevant information), the Graduate Program Advisor and the Soules College of Business Graduate Admissions Committee will determine if the student may be accepted into the program. A degree plan will be prepared by the Graduate Program Advisor with the student. Students will be notified of official acceptance into the program. Full admission must occur prior to enrollment beyond nine semester credit hours including any transfer credit.</p>	<p>7. After reviewing all credentials (official transcripts, GMAT score, other relevant information), the Graduate Program Advisor and the Soules College of Business Graduate Admissions Committee will determine if the student may be accepted into the program. A degree plan will be prepared by the Graduate Program Advisor with the student. Students will be notified of official acceptance into the program. <u>Upon admission, applicants will receive a link to the U. T. Tyler Honor Code and be asked to abide by it.</u> Full admission must occur prior to enrollment beyond nine semester credit hours including any transfer credit.</p>

10. U. T. Health Science Center - Houston: Discussion and appropriate action regarding the Mission Statement

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and the institutional president that the U. T. System Board of Regents approve and reaffirm the Mission Statement for U. T. Health Science Center - Houston as follows.

Mission Statement

As a comprehensive health science university, the mission of The University of Texas Health Science Center at Houston is to educate health science professionals, discover and translate advances in the biomedical and social sciences, and model the best practices in clinical and public health.

We pursue this mission in order to advance the quality of human life by enhancing the diagnosis, treatment, and prevention of disease and injury, as well as promoting individual health and community well-being.

BACKGROUND INFORMATION

Each public institution of higher education is required to have a mission statement under *Texas Education Code* Section 51.359. Section 51.352 of the *Code*, regarding the Responsibility of Governing Boards, requires each governing board to insist on clarity of focus and mission of each institution under its governance.

In addition, Southern Association of Colleges and Schools (SACS) accreditation requirements require the periodic review and approval of each institution's mission statement by its governing board.

The U. T. Health Science Center - Houston Mission Statement was last reviewed and approved by the Board of Regents on December 6, 2007. There are no changes to the existing Mission Statement.

11. U. T. System: Approval to amend The University of Texas System Professional Medical Liability Benefit Plan to provide coverage for certain health care professionals and approve rates

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of The University of Texas System Professional Medical Liability Benefit Plan (Plan) Management Committee, chaired by the Vice Chancellor and General Counsel and comprised of the Committee Chair, the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Academic Affairs, and the Executive Vice Chancellor for Business Affairs, after consultation with Milliman, Inc., actuary for the Plan, that:

- a. the Plan be amended to provide coverage to health care professionals who are licensed, certified or registered to provide patient care at the same levels of coverage currently provided to physicians and dentists covered under the Plan (\$500,000 per incident and \$1,500,000 per year as set forth in Exhibit 1);
- b. premium rates and risk classifications for these newly covered health care professionals be as set forth in Exhibit 2; and
- c. coverage levels for residents and fellows also be increased to the same amount of coverage.

BACKGROUND INFORMATION

Authority for the establishment of a self-insurance program to indemnify U. T. System physicians was granted to the Board of Regents by Senate Bill 391, Acts of the 65th Legislature, effective March 10, 1977 (later codified as *Texas Education Code* Section 59.01 et seq.). The self-insured Plan for professional medical liability was originally approved by the Board of Regents on April 15, 1977. Since the Plan was first approved, it has been amended periodically as needed.

In Fall 2003, a Task Force of physicians and attorneys was appointed and met to discuss tort reform measures that had recently been adopted by the legislature and the impact of these changes on U. T. System physicians and institutions. In anticipation of the effects of the new law, the Task Force overwhelmingly recommended expanding medical liability coverage to also provide legal representation before the Texas State Board of Medical Examiners (now the Texas Medical Board) and the Texas State Board of Dental Examiners. On August 12, 2004, the Board of Regents adopted a Plan amendment to provide coverage for legal representation and expenses in disciplinary, licensing, or similar administrative proceedings up to \$25,000 per proceeding and \$100,000 per

enrollment year, unless other Plan exclusions apply. Fines, penalties, or costs assessed as a result of the proceedings are explicitly excluded from coverage. The last Plan amendment was in 2013 when the Plan Administrator was provided discretionary authority to exceed the prior \$25,000 disciplinary coverage limitation up to \$35,000 when warranted.

*Texas Education Code* Section 59.01 et seq. was amended the last legislative session to permit systems of higher education to expand coverage to include other health care professionals in addition to physicians and dentists. Other health care professionals to be added to Plan coverage include clinical nurse specialists, psychologists, athletic trainers, chiropractors, certified nurse practitioners, perfusionists, physician assistants, certified nurse anesthetists, surgical assistants, certified nurse midwives and other healthcare professionals who are licensed, certified or registered to provide patient care. To reduce administrative cost and complexity, coverage for these other health professionals would be provided on a blanket basis, meaning that billing will be simplified and individual certificates of coverage will only be issued on an "as-needed basis", generally for hospital credentialing purposes.

The recommendation to increase resident coverage levels, currently at \$100,000/\$300,000, to the same level of coverage as those provided to faculty physicians and dentists and other health professionals will simplify administration, particularly for out-of-state externships. The Plan actuary advises that current premium levels for residents should be adequate since overall exposure per claim is capped at \$250,000 by the Texas Tort Claims Act.

The proposed Plan amendments are set forth as Exhibit 1. The premium rates and risk classes are set forth as Exhibit 2.

Exhibit 1

# THE UNIVERSITY OF TEXAS SYSTEM PROFESSIONAL MEDICAL LIABILITY BENEFIT PLAN

(Effective September 1, 2005)

## ARTICLE I PURPOSE

The purpose of The University of Texas System Professional Medical Liability Plan (“Plan”) is to provide certain health care providers and students of The University of Texas System (“System”) with professional liability indemnity from and against medical and dental liability claims pursuant to the authority granted to the Board of Regents of The University of Texas System by Texas Education Code Section 59.01 et seq.

## ARTICLE II DEFINITIONS

Unless otherwise required by the context, the following definitions shall control:

A. **Plan Participant** shall mean:

1. Staff physicians and dentists who are medical doctors, oral surgeons, oral pathologists, dentists, doctors of osteopathy, or podiatrists appointed to the faculty of ~~a health an~~ institution of the System, medical doctors employed in health services at and by a general academic institution of the System;
2. Residents and fellows enrolled in a residency program or fellowship at a System medical or dental school who are duly licensed, credentialed, and registered to practice their profession;
3. Medical doctors, oral surgeons, oral pathologists, dentists, doctors of osteopathy, and podiatrists appointed to the faculty of a medical school or hospital of the System on a part-time or volunteer basis, and who either devote their total professional service to such appointments or provide services to patients by assignment from the department chairman. For purposes of the Plan, such persons are “Plan Participants” only when providing services to patients in conjunction with supervision of medical or dental students or residents by assignment from the department chairman and shall become Participants in the Plan only as provided in Article IV, Section 2;
4. Medical or dental students of a medical or dental school of the System and only when participating (with prior approval of such medical or dental school) in a patient-care program of a duly accredited medical or dental school under the direct supervision of a faculty member of the school conducting such program; ~~and~~
5. Healthcare professional staff members and faculty who are licensed, certified or registered to provide patient care; and
- ~~5.6.~~ System institutions against which a liability claim, as that term is defined in Article II.B. below, is made that arises from the treatment or lack of treatment by a Plan Participant in ~~4-41-5~~ 4-41-5 above

- B. **Liability Claim** means a claim, lawsuit or cause of action based upon treatment or lack of treatment within the United States of America, its territories or possessions, or Canada that departs from accepted standards of medical or dental care which proximately results in injury to or death of a patient, whether the claim or cause of action sounds in tort or contract, subject to the exclusions described in Article V, Section 4, below. This definition shall extend to anywhere in the world for ~~full-time or part-time faculty of a medical or dental school or hospital of the System-~~ Plan Participants after compliance with conditions for participation set by the Administrator and the Executive Vice Chancellor for Health Affairs or a delegate.
- C. **Disciplinary and Licensing Actions** means any disciplinary, licensing, or similar administrative proceeding brought against a Participant by a Texas licensing or healthcare professional regulatory agency for the Participant's profession or a Texas quality review or regulatory body that arises from professional services, except those excluded pursuant to Article V, Section 4.
- D. **System** means The University of Texas System.
- E. **Board** means the Board of Regents of The University of Texas System.
- F. **Fund** means the Professional Medical Liability Fund established by the Board.
- G. **Administrator** means the Vice Chancellor and General Counsel of The University of Texas System.
- H. **Damages** mean all damages, including damages for death, which are payable because of injury to which the Plan applies, but does not include exemplary or punitive damages.
- I. **Coverage** means the liability indemnity and legal representation afforded Participants by this Plan.
- J. **Annual Enrollment period** begins on the date the Participant has a System appointment and meets the conditions for participation under Article IV below and ends on August 31<sup>st</sup> after enrollment begins.
- K. **Certificate of Coverage** means that document issued to the Plan Participant by the System specifying the enrollment period and limits of coverage.
- L. **Professional services** means medical, dental or health care and treatment.
- M. **Plan year** means the twelve-month period beginning on September 1 and ending on August 31 of each year.

### ARTICLE III APPLICABILITY OF PLAN PROVISION

The coverage afforded by this Plan is subject to the particular terms, conditions, and limitations (including, but not limited to limits of liability) of this Plan and the interpretation thereby by the Board or the Plan Administrator. Notwithstanding any other language of the Plan, the coverage afforded by the Plan applies only to Liability Claims and Disciplinary and Licensing Actions arising out of incidents, transactions or events occurring on or after April 1, 1977.

## **ARTICLE IV CONDITIONS FOR PARTICIPATION**

### Section 1

Each Participant on the effective date of the Plan, and each person who becomes a Participant thereafter, as long as this Plan remains in effect, shall participate in the Plan provided, that

- A. Each medical or dental student, as an additional condition of participation, must pay into the Fund a fee in such amount or amounts, and at such time or times, as may be required by the Board; and
- B. A medical doctor employed in health services at and by a general academic institution of the System shall not become a participant unless and until
  1. Such institution files with the Administrator a written application, on behalf of such medical doctors, for participation in the Plan, and
  2. Such application is approved and accepted by the Administrator.

### Section 2

Plan Participants as defined in Article IIA.3 above shall become participants in the Plan upon written designation by the president or approved delegee of the ~~health care~~ institution with the approval of the Administrator and the Executive Vice Chancellor for Health Affairs.

### Section 3

Residents and fellows who work additional hours for additional compensation at a System health facility or facility affiliated with the System, will be provided coverage as long as it meets the requirements of the Accreditation Council for Graduate Medical Education (including requirements of supervision and restrictions on allowable number of work hours), and the work has previously been identified as part of the resident's or fellow's general training program and fees generated for professional services are deposited in a System health component practice plan, trust or affiliated foundation or certified not-for-profit corporation as approved by the Board.

## **ARTICLE V COVERAGE OF PARTICIPANTS**

### Section 1 -- Payments on Behalf of Participants

- A. Except as otherwise provided herein, the System will pay on behalf of each Participant, from monies in the Fund, all sums which the Participant shall become legally obligated to pay as damages because of a Liability Claim arising from the exercise of the Participant's employment, duties or training with the System as a Plan Participant performed in the practice of the Participant's profession, including service by the Participant as a member of a formal accreditation or similar professional board or committee of a hospital or professional society with respect to medical staff privileges, accreditation or disciplinary matters related to competency.
- B. Coverage for Plan Participants as defined in Article IIA. 3 above shall be limited to claims arising from assigned teaching activities and supervision of medical or dental students, residents and fellows performed within the course and scope of the Participants' assignments.

- C. Peer review performed at the request of a credentialing body or a professional society for the purpose of determining quality of care is covered provided that any funds generated from the review are deposited into the practice plan as required by the practice plan bylaws.
- D. Coverage for Plan Participants for Disciplinary and Licensing Actions shall be limited to legal representation of the Plan Participant by an attorney in a proceeding brought against the Plan Participant by the Texas State Board of Medical Examiners, ~~or~~ Texas State Board of Dental Examiners or other Texas state healthcare professional regulatory board that arises from a covered activity, subject to the limitation in Section 3 D below and exclusions set forth in Section 4 below.

#### Section 2 -- Defense of Lawsuits

The System shall have the right and duty to defend any claim or lawsuit against a Participant seeking damages because of such injury even if any of the allegations of the claim or lawsuit are groundless, false or fraudulent. The System may make such investigation and settlement of any claim or lawsuit, as it deems appropriate. The System shall not be obligated to pay any claim or judgment or to defend any suit after the applicable limit of the System's liability has been exhausted by payment of judgments or settlements, or monies in the Fund have been exhausted. The System has no duty to defend any claims not covered by the Plan.

#### Section 3 -- Supplementary Payments

The System will pay from the Fund, in addition to the applicable limit of liability:

- A. All expenses incurred by the System in investigating and defending any lawsuit, all costs taxed against the Participant in any suit defended by the System, and all interest on the entire amount of any judgment therein which accrues after entry of the judgment and before the System has paid or tendered or deposited in court that part of the judgment which does not exceed the limit of the System's liability thereon;
- B. Premiums on appeal bonds required in any such suit, premiums on bonds to release attachments in any such lawsuit for an amount not in excess of the applicable limit of liability of this Plan, but the System shall have no obligation to apply for or furnish any such bonds.
- C. Reasonable, personal expenses incurred by a Participant at the System's request in assisting the System in the investigation or defense of any claim or lawsuit.
- D. Costs and expenses incurred in connection with the investigation and defense of a disciplinary and licensing action brought against the Participant; however the Plan will not pay more than \$25,000 in costs and expenses on behalf of a Participant for any single proceeding unless in the discretion of the Plan Administrator or a designee there is a determination of necessity to exceed such limitation on costs and expenses up to \$35,000. Furthermore, the Plan will not pay more than \$100,000 for costs and expenses on behalf of a Participant for all such proceedings during an annual enrollment period.

#### Section 4 -- Exclusions

The System will not defend or indemnify a Participant for:

- A. Injury arising out of the performance by the Participant of any illegal, dishonest, fraudulent, criminal or malicious act or omission by the Participant unless Participant had no reasonable cause to believe his conduct was unlawful or illegal;

- B. Any claims or lawsuits alleging violation of state or federal laws relating to antitrust, fraud and abuse, anti-kickback, and illegal remuneration;
- C. Injury arising out of any sexual conduct of the Participant, including but not limited to sexual harassment and sexual relations, and including, without limitation, when intentionally or negligently done in connection with any professional service, act or omission, and regardless of whether such conduct is alleged to constitute negligence;
- D. Any injury caused while Participant is acting under the influence of alcohol or controlled substances or as a result of excessive use of therapeutic drugs;
- E. Any use, administration or prescription of any drug or pharmaceutical disapproved or not yet approved by the United States Food and Drug Administration for treatment for human beings; unless such use, administration or prescription has been approved by the Institutional Review Board of the health care institution where such drug or pharmaceutical was used, administered or prescribed;
- F. Any liability arising out of any professional or licensed service, act or omission outside the scope of Participant's employment with System;
- G. Injury for which the Participant may be held liable as a proprietor, stockholder, owner, member of the board of directors, governors or trustees, superintendent, executive officer, department head or medical director of any non-System owned or managed hospital, sanitarium, laboratory, clinic with bed and board facilities, infirmary, nursing home, foundation, surgical center, blood bank, commercial or any other business enterprise whether or not related to patient care and/or treatment; but, this exclusion shall not be applied to responsibilities which require the special expertise or training of a physician or surgeon and which are not principally executive or administrative in nature;
- H. Injury arising out of the rendering of or failure to render professional services by any other person for whose acts or omissions the Participant may be held liable as a member, partner, officer, director or stockholder of any professional partnership, association or corporation;
- I. Injury to any employee of the Participant arising out of and in the course of that person's employment by the Participant;
- J. Any obligation for which the Participant or any carrier acting as insurer may be liable under any workers' compensation, unemployment compensation or disability benefits law, or under any similar law;
- K. Any liability or indemnity obligation assumed by the Participant under contract or agreement, except to the extent endorsed hereto;
- L. Injury to any employee (past or present) or applicant for employment or patient of the Participant based upon actual or alleged discrimination based on race, religion, color, sex, national origin, age, veteran status, or disability;
- M. Damage to property:
  - 1. owned, occupied or rented by a Participant;
  - 2. used by a Participant;
  - 3. in any Participant's care, custody or control; or
  - 4. over which a Participant is exercising physical control for any reason;

- N. Any fines, penalties, the return or withdrawal of fees or government payments, including any fines, penalties or costs assessed against a Participant by the Texas State Board of Medical Examiners, ~~or~~ Texas State Board of Dental Examiners or other Texas state healthcare professional regulatory board as a result of a Disciplinary and Licensing Action;
- O. Any award of punitive or exemplary damages, treble or multiple damages;
- P. Any claim arising out of professional services which occurred prior to the date of this Plan;
- Q. Any claim arising out of professional services which occurred after the termination of faculty appointment, employment, residency or student status with the System;
- R. Any claim arising out of professional services where the professional services were billed for by the Participant and were not deposited in a System health component practice plan trust or affiliated foundation or certified not-for-profit corporation as approved by the Board;
- S. Any claim arising out of professional services performed for professional fees, salaries or other compensation by a Plan Participant that is not part of the Plan Participant's employment with the System or training program; and
- T. Legal representation of a Plan Participant before the Texas State Board of Medical Examiners, ~~or~~ Texas State Board of Dental Examiners or other Texas state healthcare professional regulatory board in a Disciplinary and Licensing Action arising out of any activity that is excluded under this Plan.
- U. Matters before the Texas Medical Board or other Texas regulatory agency, where, in the judgment of the Plan Administrator or a designee, a potential conflict of interest exists between the Participant and The University of Texas System or its institutions with regard to a potential or pending employment or administrative matter.

## **ARTICLE VI PARTICIPANTS' OBLIGATIONS**

### Section 1 -- Notice of Claim, Suit or Disciplinary and Licensing Action

The Participant shall give written notice to the System as soon as practicable of any claim made against the Participant. The notice shall identify the Participant and contain reasonably obtainable information with respect to the time, place and circumstances of the injury, including the names and addresses of the patient and of available witnesses. If a claim is made or a lawsuit is brought against the Participant, the Participant shall immediately forward to the Administrator every demand, notice, summons, or other process received by the Participant in accordance with administrative procedures prescribed or approved by the Administrator.

The Participant shall give written notice to the System as soon as practicable of any disciplinary and licensing action taken against the Participant for which the Participant seeks coverage.

### Section 2 -- Cooperation by Participant

The Participant shall cooperate with the System and, upon the System's request, respond to discovery requests, attend meetings with Plan representatives or defense counsel, and attend mediations and trials. Further, the Participant shall cooperate with the System in enforcing any right of contribution or indemnity against any person or organization who may be liable to the Participant because of injury or damage with respect to which coverage is afforded under this Plan. The Participant shall attend hearings and trials and assist in securing and giving evidence and obtaining the attendance of witnesses. The Participant shall not, except at Participant's own cost, and after informing the Administrator in writing, voluntarily make any payment, assume any obligation or incur any expense. The Participant shall not take any affirmative act or omission which may reasonably prejudice the defense of the claim or lawsuit. The taking of any affirmative act or omission which prejudices the defense of the claim or lawsuit shall entitle the System, but not obligate the System, to deny indemnity for any or all claims or lawsuit so prejudiced.

### Section 3 -- Nonassignability of Interest in Plan

The Participant's interest under this Plan is nonassignable. If any Participant shall die or be adjudged incompetent, this Plan shall thereupon terminate automatically as to such Participant, but shall indemnify and defend the legal representative of such Participant's estate as a Participant with respect to liability previously incurred and covered by this Plan.

## ARTICLE VII LIMITS OF LIABILITY

The Plan's liability shall not exceed the limits of liability stated below, and such stated limits shall be applied as follows:

1. A single "per claim" limit of liability shall be applicable to a Liability Claim regardless of the number of claimants or Plan Participants involved.
  - a. A single "per claim" limit of liability shall apply to claims involving injuries to more than one patient such as in obstetrical services to the mother and fetus/child or children, a single "per claim" limit of liability shall be applicable for all such claims and resulting lawsuits.
  - b. A single "per claim" limit of liability shall apply to all claims by both the patient and by the family members or the heirs or estate of such patient, including derivative claims, claims for loss of consortium, claims of beneficiaries under the Texas Wrongful Death Statute and claims for mental anguish and related injuries associated with bystander perception or reaction to the injuries sustained by the patient.
  - c. Plan coverage limits of liability will not be stacked, added or combined in any manner to increase liability under this Plan even though multiple claimants, multiple claims or injuries, multiple lawsuits, or annual periods may be involved within a Liability Claim.
2. The "annual aggregate for all claims for all Participants" is the maximum amount of money the Plan will pay to indemnify all Participants for all Liability Claims arising during any one Plan year.

### Limits of Liability Schedule

The following limits shall apply unless lower liability limits are set by law, in which case the lower limits shall apply:

Staff Physician, Resident, Fellow and Healthcare Professional - \$500,000.00 per Liability Claim (up to \$1,500,000.00 for all Liability Claims during any one enrollment period)

~~Resident and Fellows – \$100,000.00 per Liability Claim (up to \$300,000.00 for all Liability Claims during any one enrollment period)~~

Medical or Dental Student - \$25,000.00 per Liability Claim (up to \$75,000.00 for all Liability Claims during any one enrollment period)

Annual Aggregate - \$30,000,000.00 for all Liability Claims for all Participants during any one Plan year

Per Claim Limitation - Plan liability shall be limited to \$2,000,000.00 per claim regardless of the number of the claimants or Plan Participants involved in an incident.

The above limits of liability for Plan Participants, as defined in Article II A 1 - 4 only, may be exceeded upon determination of necessity and with the conditions of participation determined by the Plan Administrator or a designee.

## ARTICLE VIII OTHER COVERAGE

### Section 1 -- Coverage

When the Participant has other professional liability coverage which is stated to be applicable to the loss on an excess or contingent basis, the amount of the System's liability under this Plan shall not be reduced by the existence of such insurance.

### Section 2 -- Insurance

When both this Plan and insurance apply to the loss on the same basis, whether primary, excess or contingent, the System shall not be liable under this Plan for a greater proportion of the loss than that stated in the applicable contribution provision below:

- A. **Contribution by Equal Shares.** If all such valid and collectible insurance provides for contribution by equal shares, the System shall not be liable for a greater proportion of such loss than would be payable if each such insurer contributes an equal share until the share of each insurer or the Plan equals the lowest applicable limit of liability under any one policy or the Plan or the full amount of loss is paid, and with respect to any amount of loss not so paid, the remaining insurers or the Plan then continue to contribute equal shares of the remaining amount of the loss until each such insurer or the Plan has paid its limit in full or the full amount of the loss is paid.
- B. **Contribution by Limits.** If any of such insurance does not provide for contribution by equal shares, the System shall not be liable for a greater proportion of such loss than the applicable limit of liability under this Plan for such loss bears to the total applicable limit of liability of all valid and collectible insurance and the Plan against such loss.

## ARTICLE IX MODIFICATION AND TERMINATION

### Section 1 -- Rights of Participants

The Board may terminate the Plan at any time or from time to time, may amend, alter or suspend the Plan in whole or in part, as to all persons eligible to participate hereunder, or any class or groups of such persons, provided such action shall not impair any rights accrued prior to the effective date of such termination, amendments, alterations or suspension. Any such termination, amendments, alterations or suspension shall be effective on the date of the Board

action unless a later date is specified by the Board. The Administrator shall promptly give notice of any such termination, amendment, alteration or suspension to all Participants affected thereby.

Section 2 -- Termination in Event of Mandatory Participation in Other Indemnity or Insurance Programs

It is an express condition of the Plan that if the System is required by law, or by a collective bargaining or other agreement, to contribute toward another plan, program or scheme providing professional liability insurance or indemnity benefits for a class or group of Plan Participants, this Plan will terminate forthwith as to such class or group of Plan Participants.

Section 3 -- Termination of Plan Participation

This Plan shall apply to a Participant only so long as such Participant remains qualified to participate in this Plan, provided that cessation of such participation shall not impair any rights accrued under this Plan prior to the effective date of such cessation of qualification.

Section 4 -- Benefits Terminable

All coverage of a Participant under this Plan shall cease at once if the Participant engages in any business or performs any act which in the sole judgment of the Board is prejudicial to the interest of the System.

**ARTICLE X  
ACTION AGAINST SYSTEM**

Section 1 -- Conditions Precedent

No action shall lie against the System unless, as a condition precedent thereto, there shall have been full compliance with all of the terms of this Plan, nor until the amount of the Participant's obligation to pay shall have been finally determined either by judgment against the Participant after actual trial, or by written agreement of the claimant and the Administrator.

Section 2 -- Third-party Actions

Any person or organization, or the legal representative thereof, who has secured such judgment or written agreement, shall thereafter be entitled to recover under this Plan to the extent of the coverage afforded by this Plan. No person or organization shall have any right under this Plan to join the System as a party to any action against the Participant to determine the Participant's liability, nor shall the System be impleaded by the Participant or the Participant's legal representative. Bankruptcy or insolvency of the Participant or the Participant's estate shall not relieve the System of any of its obligation hereunder.

**ARTICLE XI  
ADMINISTRATION OF PLAN**

Section 1 -- Administration

The Plan shall be administered by the Administrator under direction of the Board.

Section 2 -- Administrative Regulations

The Administrator may from time to time prescribe regulations for the administration of this Plan provided that such regulations shall, in the opinion of the Administrator, be consistent with the provisions of this Plan as it may be amended from time to time pursuant to Article IX of this Plan. Pursuant to The University of Texas System Regents' Rules and Regulations, the Administrator may delegate in writing certain administrative, accounting, and investment functions of the Plan.

### Section 3 -- Legal Interpretation

The text of this Plan shall control and the headings to the Articles, Sections and Paragraphs are for reference purposes only, and do not limit or extend the meaning of any of the Plan's provisions. The Plan shall be governed by and construed in accordance with the laws of the State of Texas. Any interpretation of the Plan by the Administrator shall be conclusive as between the System and its employees and students, participating Plan Participant, and retired or otherwise terminated Participants, employees and students, and may be relied upon by the System and all parties in interest.

### Section 4 -- Counsel and Settlement Authority

Authority to employ counsel, approve attorney fees and expenses, and approve settlement of all claims, including litigation, shall rest with the Administrator, or the Administrator's delegate, subject to any additional approval required by the Board of Regents of the System pursuant to any applicable policies of the System.

## **ARTICLE XII GENERAL PROVISIONS**

### Section 1 -- Subrogation

In the event of any payment under this Plan, the System shall be subrogated to all of the Participant's rights of recovery thereof against any person or organization and the participant shall execute and deliver instruments and papers and do whatever else is necessary to secure such rights. The Participant shall do nothing after loss to prejudice such rights.

### Section 2 -- Changes

Notice to any agent or knowledge possessed by any agent or by any other person shall not affect a waiver or a change in any part of this Plan, or estop the System from asserting any right under the terms of this Plan; nor shall the terms of this Plan be waived or changed, except by written waiver or amendment duly approved by the Board.

### Section 3 -- Entirety of Agreement

This Plan embodies all agreements existing between any and all persons and the System or any of its agents relating to this Plan and the coverage afforded hereunder.

### Section 4 -- Employment Noncontractual

The System may terminate the appointment, employment, internship, residency, fellowship, or student-school relationship of any Participant as freely and with the same effect as if this Plan were not in operation.

### Section 5 -- Actions Against Participant

This Plan or its operations shall not in any way affect any claim or cause of action by the System against a Participant for indemnity or contribution arising out of or incident to any Liability Claim.

#### Section 6 -- Communications

All notices, reports and statements given, made, delivered or transmitted to a Participant shall be deemed duly given, made, delivered or transmitted when delivered to the Participant, or when mailed by first-class mail, postage prepaid, and addressed to the Participant at the address last appearing on the books of the System. A Participant who changes address shall forthwith give written notice to the System of such change. Written directions, notices and other communications from participants to the System shall be mailed by first-class mail, postage prepaid, or delivered as follows:

The University of Texas System  
Office of General Counsel  
~~Ashbel Smith Hall~~  
~~201-210~~ West 7th Street  
Austin, Texas 78701

**Attention:** Vice Chancellor and General Counsel

#### Section 7 -- Use of Pronouns

Whenever used in this Plan, masculine pronouns shall include both men and women unless the context indicates otherwise.

#### Section 8 -- Effective Date

The revised Plan shall be effective ~~September 1, 2010~~ July 1, 2020.

Exhibit 2

**The University of Texas System Professional Medical Liability Benefit Plan**  
Premium Rates & Risk Classifications for Newly Covered Healthcare Professionals

Tier 1	\$15	Group 1 – All Other Group 2 – Clinical Nurse Specialists, Psychologist
Tier 2	\$25	Group 3 - Athletic Trainers Group 4 - Chiropractors Group 5 - Certified Nurse Practitioners, Perfusionists, Physician Assistants
Tier 3	\$35	Group 6 – Certified Nurse Anesthetists Group 7 – Surgical Assistants
Tier 4	\$350	Group 8 – Certified Nurse Midwives

12. U. T. Austin: Red and Charline McCombs Stadium Player Development Center and Renovation - Amendment of the current Capital Improvement Program to include expansion of ongoing project; approval of addition to total project cost; and modified appropriation of funds and authorization of expenditure

The Board approved the following recommendation:

### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Business Affairs, and the institutional president that the U. T. System Board of Regents amend the current Capital Improvement Program (CIP) to include the expanded scope of the ongoing and nearly completed Red and Charline McCombs Stadium and Player Development Center and Renovation project at The University of Texas at Austin as follows:

- a. approve the addition of funding necessary to complete the project (\$2,700,000); and
- b. appropriate funds and authorize expenditure of the requested additional amount, which combined with the previously authorized expenditure results in a new total project cost of \$12,600,000 with all funding, with the exception of \$200,000 from Gifts, to come from Auxiliary Enterprises Balances.

### BACKGROUND INFORMATION

#### Previous Actions

None. This project was initially a minor project with a total project cost of \$9,900,000 (under \$10 million) and did not require Definition Phase approval.

#### Project Description

The original scope of this minor project included a new addition of a two-level structure, a player development center, exterior improvements, and utility infrastructure. After construction was underway in Phase 1, unknown utility conditions were discovered and a buried duct bank was relocated to achieve structural integrity for the new addition, placing the cost above the minor project threshold. Phase 2 is being brought forward now to accelerate completion of the overall project and streamline the schedule and budget while still utilizing the current contractor. The additional scope includes renovation of the north section of the McCombs Stadium and finish-out of the second floor in the new addition.

This proposed project reclassification has been approved by U. T. System staff and meets the criteria for inclusion in the CIP. Pursuant to a May 10, 2017 Board of Regents approval, effective September 1, 2017, U. T. Austin has delegated authority for institutional management of construction projects under the continued oversight of the Office of Capital Projects.

**The University of Texas at Austin  
Red and Charline McCombs Stadium Player Development Center and Renovation**

**Project Information**

Project Number	102-1306
CIP Project Type	New Construction
Facility Type	Athletic
Management Type	Institutional Management
Institution’s Project Advocate	Arthur Johnson, Executive Senior Associate Athletic Director
Project Delivery Method	Construction Manager-at-Risk
Gross Square Feet (GSF)	13,407 - New Construction 3,100 - Repair and Rehabilitation (R&R)

**Project Funding**

	<u>Current</u>	<u>Proposed</u>
Auxiliary Enterprises Balances	\$9,900,000	\$12,400,000
Gifts <sup>1</sup>	<u>\$ 0</u>	<u>\$ 200,000</u>
Total Project Cost	\$9,900,000	\$12,600,000

<sup>1</sup>Gifts are not fully collected or committed at this time; however, the Office of Finance has determined the institution has sufficient local funds to cover any shortfall

**Project Cost Detail**

Building Cost – New Construction	\$8,771,000
Renovation	300,000
Utilities	600,000
Site Development	-
Furniture and Moveable Equipment	550,600
Institutionally Managed Work	163,800
Architectural/Design Services	1,009,200
Project Management Fees	567,000
Insurance	-
Other Professional Fees	175,000
Project Contingency	441,500
Other Costs	<u>21,900</u>
Total Project Cost	\$12,600,000

**Building Cost per GSF Benchmarks (escalated to midpoint of construction)**

<b>McCombs Stadium Player Development Center</b>			<b>\$654</b>
	Low Quartile	Median	High Quartile
Other U. T. System Projects	\$364	\$393	\$552
Other National Projects	\$438	\$514	\$667

**Project Planning**

Definition Phase Completed	No
Owner’s Project Requirements	Yes
Basis of Design	Yes
Schematic Design	Yes
Detailed Cost Estimate	Yes

13. U. T. Austin: Texas Athletics Basketball and Rowing Training Facility - Approval of design development

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Business Affairs, and the institutional president that the U. T. System Board of Regents approve design development plans for the Texas Athletics Basketball and Rowing Training Facility project at The University of Texas at Austin.

BACKGROUND INFORMATION

Previous Actions

On December 9, 2019, the Chancellor approved this project for Definition Phase. On February 27, 2020, the project was included in the Capital Improvement Program (CIP) with a total project cost of \$60,000,000 to be funded entirely from RFS Bond Proceeds.

Project Description

The project will replace the Denton A. Cooley Pavilion basketball training facility after it is decommissioned following completion of the Moody Center. The building will be adjacent to and serve as the primary training facility for the Men's and Women's Basketball programs and the Women's Rowing program. The four-story facility will

include basketball courts, rooms for rowing ergometers, strength and conditioning, sports medicine, players' lounges, meeting rooms, and coach and staff offices. Also included in the project will be the interior finish-out of space in the Moody Center for locker rooms for the men, women, and visiting basketball teams, as well as retail store spaces.

**The University of Texas at Austin  
Texas Athletics Basketball and Rowing Training Facility**

**Project Information**

Project Number	102-1292
CIP Project Type	New Construction
Facility Type	Athletic
Management Type	Institutional Management
Institution's Project Advocates	Arthur Johnson, Executive Senior Associate Athletics Director Shawn Eichorst, Deputy Athletic Director/Chief Operating Officer
Project Delivery Method	Construction Manager-at-Risk
Gross Square Feet (GSF)	75,200 – New Construction 12,600 – Repair & Renovation (R&R)

**Project Planning**

Definition Phase Completed	Yes
Owner's Project Requirements	Yes
Basis of Design	Yes
Schematic Design	Yes
Detailed Cost Estimate	Yes

**Project Milestones**

Definition Phase Approval	December 2019
Addition to CIP	February 2020
Design Development Approval	May 2020
Additional authorizations as needed/Notice to Proceed	August 2020
Substantial Completion	22 months after Notice to Proceed is approved

**Basis of Design**

The planned building life expectancy includes the following elements:

- Enclosure: 50 years
- Building Systems: 30 years
- Interior Construction: 20 years

14. U. T. Southwestern Medical Center: James W. Aston Ambulatory Care Building Renovations - Amendment of the current Capital Improvement Program to increase total project cost; approval of design development; appropriation of funds and authorization of expenditure; and resolution regarding parity debt

The Board approved the following recommendation:

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, and the institutional president that the U. T. System Board of Regents approve the recommendations for the James W. Aston Ambulatory Care Building Renovations project at The University of Texas Southwestern Medical Center as follows:

- a. amend the current Capital Improvement Program (CIP) to increase the total project cost from \$37,000,000 to \$47,711,000;
- b. approve design development plans;
- c. appropriate funds and authorize expenditure of \$47,711,000 with funding of \$35,711,000 from Revenue Financing System (RFS) Bond Proceeds and \$12,000,000 from Designated Funds; and
- d. resolve in accordance with Section 5 of the Amended and Restated Master Resolution Establishing The University of Texas System Revenue Financing System that parity debt shall be issued to pay the project's cost, including any costs prior to the issuance of such parity debt; sufficient funds will be available to meet the financial obligations of the U. T. System, including sufficient Pledged Revenues as defined in the Master Resolution to satisfy the Annual Debt Service Requirements of the Financing System, and to meet all financial obligations of the U. T. System Board of Regents relating to the Financing System; and U. T. Southwestern Medical Center, which is a "Member" as such term is used in the Master Resolution, possesses the financial capacity to satisfy its direct obligation as defined in the Master Resolution relating to the issuance by the U. T. System Board of Regents of tax-exempt parity debt in the aggregate amount of \$35,711,000.

#### BACKGROUND INFORMATION

##### Debt Service

The \$35,711,000 in RFS debt will be repaid from Clinical Revenues. Annual debt service on the \$35,711,000 in RFS debt is expected to be \$2.0 million. The institution's Scorecard Rating of 5.3 at fiscal year-end 2019 is below the maximum

threshold of 6.0 and demonstrates that the institution has the financial capacity to satisfy its direct obligations related to parity debt.

Previous Actions

On May 10, 2019, the Chancellor approved this project for Definition Phase. On November 14, 2019, the Board approved the addition to the CIP with a total project cost of \$37,000,000 with funding of \$25,000,000 from RFS Bond Funding and \$12,000,000 from Designated Funds.

Project Description

The original project to renovate the James W. Aston Ambulatory Care Building was approved to meet the clinical needs of patients and research needs of faculty. The original scope included the expansion of the neuroscience and ophthalmology clinics; providing a central core of clinical research space for investigators and their patients; and addressing significant building infrastructure issues including mechanical, electrical and plumbing (MEP) systems, building envelope and enclosure, and ADA regulatory compliance deficiencies.

As part of the design development process the need to expand the scope of the infrastructure replacement and modernization work was identified based on a detailed condition assessment of the MEP systems. Additional scope now includes expanding the building footprint to meet electrical code requirements and extending circuits; and replacing original building air handling units and domestic hot water piping throughout the building. The full renovation of 17 exam rooms has also added to the clinical scope.

**The University of Texas Southwestern Medical Center  
James W. Aston Ambulatory Care Building Renovations**

**Project Information**

Project Number	303-1243
CIP Project Type	Repair and Rehabilitation
Facility Type	Healthcare Facility, Hospital
Management Type	Institutional Management
Institution’s Project Advocate	Brendan Kelley, Vice Chair of Clinical Affairs, Neurology and Neurotherapeutics
Project Delivery Method	Construction Manager-at-Risk
Gross Square Feet (GSF)	143,050

**Project Funding**

	<u>Current</u>	<u>Proposed</u>
Revenue Financing System Bond Proceeds <sup>1</sup>	\$25,000,000	\$35,711,000
Designated Funds	<u>\$12,000,000</u>	<u>\$12,000,000</u>
<b>Total Project Cost</b>	<b>\$37,000,000</b>	<b>\$47,711,000</b>

<sup>1</sup> RFS Bond Proceeds to be repaid from Clinical Revenues

**Project Cost Detail**

Building Cost	\$ 36,777,500
Fixed Equipment (with IR)	2,700,000
Site Development	-
Furniture and Moveable Equipment	550,000
Institutionally Managed Work	-
Architectural/Design Services	2,523,000
Project Management Fees	1,036,000
Insurance	437,500
Other Professional Fees	400,000
Project Contingency	2,400,000
Other Costs	887,000
<b>Total Project Cost</b>	<b>\$47,711,000</b>

**Project Planning**

Definition Phase Completed	Yes
Owner's Project Requirements	Yes
Basis of Design	Yes
Schematic Design	Yes
Detailed Cost Estimate	Yes

**Project Milestones**

Definition Phase Approval	May 2019
Addition to CIP	November 2019
Design Development Approval	May 2020
Construction Notice to Proceed	July 2020
Substantial Completion	December 2021

15. U. T. System Board of Regents: Presentation of Certificate of Appreciation to Student Regent Daniel R. Dominguez

Chairman Eltife expressed his appreciation and commented on Regent Dominguez' service as Student Regent, especially emphasizing his hard work, thoughtful questions, and insightful comments. Regents Perez and Jiles expressed gratitude and acknowledged Regent Dominguez' commitment and value added to the Board, specifically noting his extensive note taking, feedback, and follow-up with the institutions following campus visits.

CERTIFICATE OF APPRECIATION

to

DANIEL R. DOMINGUEZ

Upon the occasion of completion of  
his term of service

as Student Regent  
of  
The University of Texas System

In appreciation for his wise counsel,  
conscientious stewardship, and dedicated service  
to The University of Texas System

2019 – 2020

16. U. T. System Board of Regents: Presentation of Certificate of Appreciation to President Gregory L. Fenves

Chairman Eltife recognized President Greg Fenves for his distinguished service to U. T. Austin as Dean, Provost, and President, noting his vision and leadership made the campus even stronger and changed the lives of thousands of young Texans. Chairman Eltife also highlighted some of President Fenves' accomplishments during his tenure, including the opening of a new medical school and his steady leadership through challenging times. Chancellor Milliken joined with the Board to express his deep gratitude for President Fenves' service to U. T. Austin. Vice Chairman Longoria commented on the early days of his career at U. T. Austin and his five years as President, his strategic planning and discipline to create a stronger institution for all. Regent Hicks remarked on his calm manner and grace that brought U. T. Austin to the place it is today. Regent Beck agreed with the remarks of other members and shared how much he has admired the manner that President Fenves has led the University. Regent Jiles remarked on the service of both President Fenves and his wife, Carmel, expressing his appreciation. Regent Perez thanked him for elevating the stature of the University and his attention to the Rio Grande Valley to build a

stronger presence in the area. Regent Crain added that she shared the same sentiments as the other members and commented on his welcoming spirit and engagement with students.

CERTIFICATE OF APPRECIATION  
The Board of Regents  
Expresses to

GREGORY L. FENVES, Ph.D.

Deep and Sincere Appreciation for His  
Thoughtful Vision, Exceptional Leadership,  
and Distinguished Service

to

The University of Texas System

as

President  
The University of Texas at Austin  
2015 – 2020

RECESS TO EXECUTIVE SESSION PURSUANT TO *TEXAS GOVERNMENT CODE*, CHAPTER 551.--At 10:02 a.m., the Board recessed to Executive Session, pursuant to *Texas Government Code* Sections 551.071, 551.072, 551.073, 551.074, 551.076, and 551.089 to consider those matters listed on the Executive Session agenda.

RECONVENE IN OPEN SESSION TO CONSIDER ACTION, IF ANY, ON EXECUTIVE SESSION ITEMS AND TO CONSIDER AGENDA ITEMS.--The Board reconvened in Open Session at 10:49 a.m.

- 1a. U. T. System: Discussion and appropriate action regarding individual personnel matters relating to appointment, employment, evaluation, compensation, assignment, and duties of presidents (academic and health institutions); U. T. System Administration officers (Executive Vice Chancellors and Vice Chancellors); other officers reporting directly to the Board (Chancellor, General Counsel to the Board, and Chief Audit Executive); Board members; and U. T. System and institutional employees

No action was taken on this item.

- 1b. U. T. System: Discussion and appropriate action regarding individual personnel matters relating to assignment and duties of the Chancellor, including responsibilities associated with the admissions procedures set forth in Regents' Rules and Regulations, Rule 40303

No action was taken on this item.

- 1c. U. T. Health Science Center - Houston: Discussion and appropriate action regarding proposed compensation for Sunjay Kaushal, M.D., Professor of Surgery, Department of Surgery (Regents' Rules and Regulations, Rule 20204, regarding compensation for highly compensated employees)

Vice Chairman Longoria made the following motion:

I move that the U. T. System Board of Regents approve the proposed changes in compensation for Dr. Sunjay Kaushal, as Professor of Surgery, in the Department of Surgery at U. T. Health Science Center - Houston within the parameters outlined and recommended in Executive Session.

I further move that the Board find that these compensation changes are in the best interest of U. T. Health Science Center - Houston as required by state law.

Regent Crain seconded the motion, which carried unanimously.

- 1d. U. T. Austin: Discussion and appropriate action regarding terms of compensation for Dr. Jay Hartzell as President *ad interim*

No action was taken on this item.

- 1e. Additional item posted with the Secretary of State: U. T. System: Discussion and possible appropriate action regarding individual personnel matters related to COVID-19 matters and response

No action was taken on this item.

- 2a. U. T. System Academic Institutions: Discussion and appropriate action regarding proposed negotiated gifts, including potential naming features

No action was taken on this item.

- 2b. U. T. System Health Institutions: Discussion and appropriate action regarding proposed negotiated gifts, including potential naming features

No action was taken on this item.

3a. U. T. System Board of Regents: Discussion with Counsel on pending legal issues

No action was taken on this item.

3b. U. T. System Board of Regents: Discussion and appropriate action regarding legal issues concerning pending legal claims by and against U. T. System

No action was taken on this item.

3c. U. T. Austin: Discussion and appropriate action regarding legal issues related to the utilization of the Brackenridge Tract, including land bounded by Exposition Boulevard, Lake Austin Boulevard, and Enfield Road, Austin, Travis County, Texas

No action was taken on this item.

3d. Additional item posted with the Secretary of State: U. T. System: Discussion and possible appropriate action regarding legal issues related to COVID-19 matters and response

No action was taken on this item.

4. U. T. Austin: Discussion and appropriate action regarding the lease, uses, or value of property related to the Brackenridge Tract, including land bounded by Exposition Boulevard, Lake Austin Boulevard, and Enfield Road, Austin, Travis County, Texas

No action was taken on this item.

5. U. T. System Board of Regents: Discussion and appropriate action regarding safety and security issues, including security audits and the deployment of security personnel and devices

No action was taken on this item.

ADJOURNMENT.--There being no further business, the meeting was adjourned at 10:50 a.m.

Tina E. Montemayor  
Secretary to the Board of Regents  
July 2, 2020



**TABLE OF CONTENTS**  
**THE UNIVERSITY OF TEXAS SYSTEM BOARD OF REGENTS**  
**CONSENT AGENDA**

**Committee and Board Meetings:**

May 6, 2020  
Austin, Texas

**Page**

**MEETING OF THE BOARD**

- |    |   |           |
|----|---|-----------|
| 1. | Minutes - <b>U. T. System Board of Regents</b> : Approval of Minutes of the regular meeting held on February 26-27, 2020; and the special called meetings held on March 27, 2020, and April 8, 2020   | <b>68</b> |
| 2. | Resolution - <b>U. T. System Board of Regents</b> : Adoption of resolution regarding the list of Key Management Personnel authorized to negotiate, execute, and administer classified government contracts (Managerial Group) to reflect appointment of new Army Futures Command Director | <b>68</b> |
| 3. | Approval of Dual Position of Honor, Trust, or Profit - <b>U. T. System</b> : Appointment by Governor Abbott of John M. Zerwas, M.D., Executive Vice Chancellor for Health Affairs, to the Strike Force to Open Texas relating to COVID-19   | <b>70</b> |

**AUDIT, COMPLIANCE, AND RISK MANAGEMENT COMMITTEE**

No items for Consent Agenda

**FINANCE AND PLANNING COMMITTEE**

- |    |   |           |
|----|---|-----------|
| 4. | Other Fiscal Matters - <b>U. T. System</b> : Funding source change to replace Library, Equipment, Repair and Rehabilitation funding with Internal Lending Program funding for U. T. Health Science Center - Tyler campus utilities and improvements | <b>71</b> |
| 5. | Real Estate Report - <b>U. T. System</b> : Summary Report of Separately Invested Assets Managed by U. T. System   | <b>71</b> |

**ACADEMIC AFFAIRS COMMITTEE**

- |    |  |           |
|----|--|-----------|
| 6. | Report - <b>U. T. System Academic Institutions</b> : Fiscal Year 2019 Post-Tenure Review   | <b>72</b> |
| 7. | Other Matters - <b>U. T. System Academic Institutions</b> : Approval of Policies Regarding Speech, Expression, and Public Assembly Revised Per <i>Texas Education Code</i> Section 51.9315 | <b>74</b> |
| 8. | Contract (funds going out) - <b>U. T. Arlington</b> : Oriental Business Services, Inc., to provide janitorial services, including residence hall make-ready and quick-turn services        | <b>75</b> |

	<b>Page</b>
9. Contract (funds coming in) - <b>U. T. Austin:</b> Gastroenterology Program Support Agreement by and among Ascension Seton (formerly known as Seton Family of Hospitals), Seton Family of Doctors, and The University of Texas at Austin	<b>75</b>
10. Contract (funds coming in and going out) - <b>U. T. Austin:</b> Total Contract Value Increase to Master Research Services Agreement between Seton Family of Hospitals and the University of Texas at Austin, on behalf of Dell Medical School	<b>76</b>
11. Contract (funds going out) - <b>U. T. Austin:</b> Paciolan, LLC, to provide software, service, and equipment for ticketing system at Intercollegiate Athletics facilities	<b>76</b>
12. Request for Budget Change - <b>U. T. Austin:</b> Transfer \$8,198,369 from Dell Medical Pediatric Department (DMPD) - Surgery - Pediatric and Congenital Cardiothoracic Surgery, Operating Income, AUF Funds, to Dell Medical Pediatric Department (DMPD) - Surgery - Pediatric and Congenital Cardiothoracic Surgery, Administrative and Professional Salaries and All Expense to increase the salary budget for the Pediatric Heart Program funded by Ascension Seton as per the Pediatric Congenital Heart Disease Program Support Agreement (RBC No. 11017) -- amendment to the 2019-2020 budget	<b>77</b>
13. Request for Budget Change - <b>U. T. Austin:</b> Tenure Appointments -- amendment to the 2019-2020 budget	<b>78</b>
14. Employment Agreement - <b>U. T. Austin:</b> Approval of terms of Employment Agreement for current Football Associate Head Coach Stan Drayton	<b>78</b>
15. Employment Agreement - <b>U. T. Austin:</b> Approval of terms of Employment Agreement for current Head Football Strength and Conditioning Coach Yancy J. McKnight	<b>80</b>
16. Employment Agreement - <b>U. T. Austin:</b> Approval of terms of Employment Agreement for current Football Co-Offensive Coordinator Herbert L. Hand, Jr.	<b>81</b>
17. Employment Agreement - <b>U. T. Austin:</b> Approval of terms of Employment Agreement for new Football Associate Head Coach for Defense/Defensive Line Mark Hagen	<b>83</b>
18. Contract (funds going out) - <b>U. T. Dallas:</b> Cuevas Distribution, Inc., to provide services for delivery of bulk liquid nitrogen and laboratory cylinder gases on an as-needed basis	<b>84</b>
19. Approval of Dual Position of Honor, Trust, or Profit - <b>U. T. El Paso:</b> Appointment by President Trump of Heather Wilson, Ph.D., as a Member of the National Science Board	<b>84</b>
20. Request for Budget Change - <b>U. T. Rio Grande Valley:</b> New Hire with Tenure -- amendment to the 2019-2020 budget	<b>85</b>
21. Contract (funds coming in) - <b>U. T. San Antonio:</b> Amendment to University Computer Store Management and Operation Agreement with HiEd Inc. to provide on-premises vending machines that distribute computer and technology related commodities	<b>85</b>

- 22. Request for Budget Change - **U. T. San Antonio**: Transfer \$2,500,000 from Recreational Center Reserve account to Capital Project - Cost Center Clearing account to provide institutional support to cover costs related to the Intramural Recreation Field Reconstruction (RBC No. 11010) -- amendment to the 2019-2020 budget **86**
- 23. Request for Budget Change - **U. T. San Antonio**: New Hires with Tenure -- amendment to the 2019-2020 budget **86**

**HEALTH AFFAIRS COMMITTEE**

- 24. Report - **U. T. System Health Institutions**: Fiscal Year 2019 Post-Tenure Review **87**
- 25. Other Matters - **U. T. System Health Institutions**: Approval of Policies Regarding Speech, Expression, and Public Assembly Revised Per *Texas Education Code* Section 51.9315 **89**
- 26. Contract (funds going out) - **U. T. Southwestern Medical Center**: American Food and Vending Service of Missouri, Inc., to provide coffee services **90**
- 27. Contract (funds going out) - **U. T. Southwestern Medical Center**: Slingshot, LLC, to support core value brand marketing and health systems priorities **90**
- 28. Lease - **U. T. Southwestern Medical Center**: Authorization to extend a lease of approximately 48,770 square feet of space at 3030 Waterview Parkway and 3020 Waterview Parkway, Richardson, Dallas County, Texas, from GI DC Richardson, LLC, a Delaware limited liability company, as Lessor, for office, clinical and research uses **91**
- 29. Lease - **U. T. Southwestern Medical Center**: Authorization to lease vacant medical office space and ancillary commercial space in the Texas Health Frisco Medical Office Building located at 12500 Dallas Parkway, Frisco, Collin County, Texas, to Northlake Obstetrics & Gynecology, P. A., and to other to-be-determined lessees for office, medical office, commercial and related uses **91**
- 30. Purchase - **U. T. Southwestern Medical Center**: Authorization to purchase 2.81 acres improved with a 22,143 square foot medical office building located at 6010 Forest Park Road, City of Dallas, Dallas County, Texas, from UTSW Investments, LLC, for future campus expansion **92**
- 31. Approval of Dual Position of Honor, Trust, or Profit - **U. T. Southwestern Medical Center**: Appointment by Governor Abbott of Marc Diamond, M.D., Professor and Center Director for Alzheimer's and Neurodegenerative Diseases, as Chair of the Texas Council on Alzheimer's Disease and Related Disorders **94**
- 32. Contract (funds going out) - **U. T. Medical Branch - Galveston**: First Amendment to Agreement with Alere North America, LLC, to provide point of care testing for flu, strep, and RSV in all primary care clinics **95**

- |     |  |            |
|-----|--|------------|
| 33. | Other Matters - <b>U. T. Medical Branch - Galveston</b> : Approval of campus expansion zone included in U. T. Medical Branch - Galveston, Facilities Master Plan, composed of the city blocks on either side of 6th Street from Market Street to Broadway Avenue and all city blocks between Harborside Drive and Market Street from 13th Street to 20th Street, in Galveston, Galveston County, Texas | <b>95</b>  |
| 34. | Approval of Dual Position of Honor, Trust, or Profit - <b>U. T. Medical Branch - Galveston</b> : Appointment of Philip Keiser, M.D., Professor, Division of Infectious Diseases, Internal Medicine, as a Member of the State of Texas Correctional Managed Health Care Committee as the physician representative from U. T. Medical Branch - Galveston   | <b>96</b>  |
| 35. | Contract (funds coming in) - <b>U. T. Health Science Center - Houston</b> : To provide faculty and residents to The Harris Health System to staff Harris County hospitals and clinical programs  | <b>97</b>  |
| 36. | Interagency Agreement (funds coming in) - <b>U. T. Health Science Center - Houston</b> : Interagency Agreement between U. T. Health Science Center - Houston and Texas Health and Human Services Commission to provide data analysis services  | <b>97</b>  |
| 37. | Request for Budget Change - <b>U. T. Health Science Center - Houston</b> : New Hire with Tenure -- amendment to the 2019-2020 budget   | <b>98</b>  |
| 38. | Request for Budget Change - <b>U. T. Health Science Center - San Antonio</b> : New Hire with Tenure -- amendment to the 2019-2020 budget   | <b>98</b>  |
| 39. | Gift - <b>U. T. Health Science Center - San Antonio</b> : Authorization to accept the gift of two parcels consisting of 12.874 acres of land subject to a ground lease and 7.44 acres of unimproved land located at Wurzbach Road and Floyd Curl Drive, City of San Antonio, Bexar County, Texas, from San Antonio Medical Foundation, for future campus expansion                                     | <b>99</b>  |
| 40. | Contract (funds going out) - <b>U. T. M. D. Anderson Cancer Center</b> : Eurofins Viracor, Inc., to provide reference lab testing services   | <b>100</b> |
| 41. | Lease - <b>U. T. M. D. Anderson Cancer Center</b> : Authorization to lease approximately 32,148 square feet of space located at 8000 El Rio Street, Suites 8030, 8032, 8036, 8038, 8066, 8076, and 8078, Houston, Harris County, Texas, to Ziopharm Oncology, Inc.   | <b>100</b> |
| 42. | Lease - <b>U. T. M. D. Anderson Cancer Center</b> : Authorization to enter into a lease for up to 12 years for approximately 66,300 square feet of space located in Life Science Plaza, 2130 West Holcombe Boulevard, Houston, Harris County, Texas, from Life Science Plaza Investment Group, L.P., for research, therapy manufacturing and other mission purposes                                    | <b>101</b> |

**FACILITIES PLANNING AND CONSTRUCTION COMMITTEE**

No items for Consent Agenda

## MEETING OF THE BOARD

1. Minutes - U. T. System Board of Regents: Approval of Minutes of the regular meeting held on February 26-27, 2020; and the special called meetings held on March 27, 2020, and April 8, 2020
  
2. Resolution - U. T. System Board of Regents: Adoption of resolution regarding the list of Key Management Personnel authorized to negotiate, execute, and administer classified government contracts (Managerial Group) to reflect appointment of new Army Futures Command Director

To comply with the Department of Defense National Industrial Security Program Operating Manual (NISPOM) requirements, it is recommended that the Board of Regents approve the revised resolution set forth below regarding exclusion of individuals from the list of Key Management Personnel (KMP) authorized to negotiate, execute, and administer classified government contracts. The revision reflects the appointment of a new Army Futures Command Director.

A Resolution amending the Managerial Group list was last adopted by the Board of Regents on August 15, 2019.

NISPOM defines KMP as "officers, directors, partners, regents, or trustees." The Manual requires that the Senior Management Official (SMO), Facility Security Officer (FSO), and the Insider Threat Program Senior Official (ITPSO) must always be designated as part of the Managerial Group and be cleared at the level of the Facility Clearance. Other officials or KMPs, as determined by the Defense Security Service, must be granted Personal Security Clearances or be formally excluded by name from access to classified material.

### RESOLUTION

BE IT RESOLVED:

- a. That those persons occupying the following positions at The University of Texas System and The University of Texas at Austin shall be known as the Managerial Group, having the authority and responsibility for the negotiation, execution, and administration of Department of Defense (DoD) or User Agency contracts, as described in DoD 5220.22-M, "National Industrial Security Program Operating Manual" (NISPOM):

James B. Milliken, J.D., Chancellor, The University of Texas System  
Gregory L. Fenves, Ph.D., President, The University of Texas at Austin, resigning effective June 1, 2020  
Jay Hartzell, Ph.D., President *ad interim*, The University of Texas at Austin, effective June 1, 2020  
Daniel T. Jaffe, Ph.D., Interim Executive Vice President and Provost, The University of Texas at Austin, effective May 4, 2020  
Allison Preston, Ph.D., Interim Vice President for Research, The University of Texas at Austin, effective May 4, 2020

Seth J. Wilk, Army Futures Command Director, The University of Texas  
at Austin

Francis J. Landry III, Facility Security Officer (FSO), The University of Texas  
System/Security Manager, Applied Research Labs, The University of Texas  
at Austin

Patrick H. Vetter, Insider Threat Program Senior Official (ITPSO), The University  
of Texas System/Assistant Security Director, Applied Research Labs,  
The University of Texas at Austin

James R. (Trey) Atchley III, Chief Inquiry Officer, The University of Texas System  
Helen T. Mohrmann, Chief Information Security Officer, The University of Texas  
System

Michael J. Heidingsfield, Director of Police, The University of Texas System

The Chief Executive Officer (i.e., the Chancellor) and the members of the  
Managerial Group have been processed, or will be processed, for a personnel  
security clearance for access to classified information to the level of the facility  
security clearance granted to this institution, as provided for in the NISPOM.

The Managerial Group is hereby delegated all of the Board's duties and  
responsibilities pertaining to the protection of classified information under  
classified contracts of the DoD or User Agencies of the NISPOM awarded to  
U. T. System, including U. T. Austin.

- b. That the following named members of the U. T. System Board of Regents shall not  
require, shall not have, and can be effectively excluded from access to all classified  
information in the possession of U. T. System, including U. T. Austin, and do not  
occupy positions that would enable them to affect adversely the policies and practices  
of the U. T. System, including U. T. Austin, in the performance of classified contracts  
for the Department of Defense or User Agencies of the NISPOM awarded to the  
U. T. System, including U. T. Austin, and need not be processed for a personnel  
security clearance:

Members of the U. T. System Board of Regents:

Kevin P. Eltife, Chairman

Janiece Longoria, Vice Chairman

James C. "Rad" Weaver, Vice Chairman

David J. Beck

Christina Melton Crain

R. Steven Hicks

Jodie Lee Jiles

Nolan E. Perez, M.D.

Kelcy L. Warren

Daniel R. Dominguez, Student Regent from June 1, 2019 to May 31, 2020 (nonvoting)

[Secretary's Note: Following distribution of agenda materials, the item was amended to  
reflect recent and pending personnel changes at U. T. Austin.]

3. Approval of Dual Position of Honor, Trust, or Profit - **U. T. System**: Appointment by Governor Abbott of John M. Zerwas, M.D., Executive Vice Chancellor for Health Affairs, to the Strike Force to Open Texas relating to COVID-19

The following item has been approved by the Chancellor in accordance with Regents' *Rules and Regulations*, Rule 30103.

It has been determined that the holding of this office or position is of benefit to the State of Texas and The University of Texas System and that there is no conflict between holding this position and the appointment with the System.

The Board is also asked to find that holding this position is of benefit to the State of Texas and The University of Texas System and that there is no conflict between the position and the System.

Name:	John M. Zerwas, M.D.
Title:	Executive Vice Chancellor for Health Affairs
Position:	Chief Medical Advisor, Strike Force to Open Texas, COVID-19
Period:	April 17, 2020, for a term to expire at the pleasure of the Governor
Compensation:	None
Description:	Governor Abbott appointed Dr. Zerwas to the newly created Strike Force to Open Texas to assist as one of three Chief Medical Advisors in developing a medical architecture to comprehensively test and trace COVID-19 that will enable Texans to gradually and safely begin the process of returning to work and other activities.

**AUDIT, COMPLIANCE, AND RISK MANAGEMENT COMMITTEE**

No items for Consent Agenda

**FINANCE AND PLANNING COMMITTEE**

4. Other Fiscal Matters - U. T. System: Funding source change to replace Library, Equipment, Repair and Rehabilitation funding with Internal Lending Program funding for U. T. Health Science Center - Tyler campus utilities and improvements

Request approval to allocate \$2,725,000 from the Internal Lending Program (ILP) to U. T. Health Science Center - Tyler for campus utilities and improvements, and to reduce the Fiscal Year 2020 Library, Equipment, Repair and Rehabilitation (LERR) allocation to U. T. Health Science Center - Tyler by the same amount. The allocation of ILP is requested as subsequent to the award of LERR funding, it was determined that funding from the ILP will provide more flexibility to U. T. Health Science Center - Tyler in delivering these needed improvements.

5. Real Estate Report - U. T. System: Summary Report of Separately Invested Assets Managed by U. T. System

**THE UNIVERSITY OF TEXAS SYSTEM  
SEPARATELY INVESTED ASSETS  
Managed by U. T. System  
Summary Report at February 29, 2020**

		FUND TYPE							
		Current Purpose Restricted		Endowment and Similar Funds		Annuity and Life Income Funds		TOTAL	
		Book	Market	Book	Market	Book	Market	Book	Market
<b>Land and Buildings:</b>									
Ending Value 11/30/2019	\$	3,211,647	\$ 19,766,969	\$ 96,076,617	\$ 484,106,982	\$ 137,270	\$ 204,284	\$ 99,425,534	\$ 504,078,235
Increase or Decrease		5,350,000	5,350,039	320,000	(284,484)	-	-	5,670,000	5,065,555
Ending Value 02/29/2020	\$	8,561,647	\$ 25,117,008	\$ 96,396,617	\$ 483,822,498	\$ 137,270	\$ 204,284	\$ 105,095,534	\$ 509,143,790
<b>Other Real Estate:</b>									
Ending Value 11/30/2019	\$	-	\$ -	\$ 5	\$ 5	\$ -	\$ -	\$ 5	\$ 5
Increase or Decrease		-	-	-	-	-	-	-	-
Ending Value 02/29/2020	\$	-	\$ -	\$ 5	\$ 5	\$ -	\$ -	\$ 5	\$ 5

Report prepared in accordance with Sec. 51.0032 of the *Texas Education Code*. Details of individual assets by account furnished on request.

Note: Surface estates are managed by the U. T. System Real Estate Office. Mineral estates are managed by U. T. System University Lands. The royalty interests received from the Estate of John A. Jackson for the John A. and Katherine G. Jackson Endowed Fund in Geosciences are managed by the U. T. Austin Geology Foundation, with the assistance of the Bureau of Economic Geology.

**ACADEMIC AFFAIRS COMMITTEE**

6. **Report - U. T. System Academic Institutions: Fiscal Year 2019 Post-Tenure Review**

In accordance with *Texas Education Code* Section 51.942 and Regents' *Rules and Regulations*, Rule 31102, the following report on the Fiscal Year 2019 post-tenure review for the U. T. System academic institutions is provided by the Executive Vice Chancellor for Academic Affairs.

During Fiscal Year 2019, 429 tenured faculty members at the eight academic institutions with tenured faculty were subject to post-tenure review. Of the 429 faculty members reviewed, 228 or 53.1% were evaluated as Exceeds Expectations; 187 or 43.6% were evaluated as Meets Expectations; 14 or 3.3% received Does Not Meet Expectations; and none received an Unsatisfactory evaluation. Twelve faculty members retired or resigned before their post-tenure reviews.

The following summary tables provide additional details of the post-tenure review results for Academic Year 2018-2019.

**Summary of Post-Tenure Review Results**

	Total Actually Reviewed	Total Exceeding Expectations	Total Meets Expectations	Total Does Not Meet Expectations	Total Unsatisfactory	Decided to Retire or Resign Before Review
UTA	45	33	12	0	0	0
UTAUS	181	79	95	7	0	7
UTD	47	22	25	0	0	0
UTEP	42	27	12	3	0	1
UTPB	3	0	3	0	0	1
UTRGV	47	33	12	2	0	1
UTSA	51	24	25	2	0	2
UTT	13	10	3	0	0	0
Total	429	228	187	14	0	12
		53.1%	43.6%	3.3%	0.0%	

**Post-Tenure Review Results by Gender**

	Actually Reviewed		Exceeding Expectations		Meets Expectations		Does Not Meet Expectations		Unsatisfactory		Decided to Retire or Resign Before Review	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
UTA	32	13	25	8	7	5	0	0	0	0	0	0
UTAUS	131	50	58	21	66	29	7	0	0	0	6	1
UTD	36	11	17	5	19	6	0	0	0	0	0	0
UTEP	32	10	21	6	8	4	3	0	0	0	1	0
UTPB	3	0	0	0	3	0	0	0	0	0	0	1
UTRG	32	15	20	13	10	2	2	0	0	0	0	1
UTSA	36	15	16	8	20	5	0	2	0	0	1	1
UTT	10	3	7	3	3	0	0	0	0	0	0	0
Total	312	117	164	64	136	51	12	2	0	0	8	4

**Post-Tenure Review Results by Ethnicity**

	Total Actually Reviewed					Exceeds Expectations				
	White	Black	Hispanic	Asian	Other	White	Black	Hispanic	Asian	Other
UTA	29	1	4	11	0	22	0	2	9	0
UTAUS	149	7	9	14	2	65	1	3	9	1
UTD	28	3	3	12	1	12	0	3	6	1
UTEP	18	0	15	9	0	13	0	8	6	0
UTPB	2	0	1	0	0	0	0	0	0	0
UTRGV	25	2	10	7	3	18	0	8	4	3
UTSA	27	4	5	15	0	12	3	1	8	0
UTT	12	0	0	1	0	9	0	0	1	0
Total	290	17	47	69	6	151	4	25	43	5

	Meets Expectations					Does Not Meet Expectations				
	White	Black	Hispanic	Asian	Other	White	Black	Hispanic	Asian	Other
UTA	6	1	1	4	0	0	0	0	0	0
UTAUS	79	5	6	4	1	5	1	0	1	0
UTD	16	3	0	6	0	0	0	0	0	0
UTEP	3	0	8	1	0	2	0	0	1	0
UTPB	2	0	1	0	0	0	0	0	0	0
UTRGV	6	2	2	2	0	1	0	0	1	0
UTSA	15	1	3	6	0	0	0	1	1	0
UTT	3	0	0	0	0	0	0	0	0	0
Total	130	12	21	23	1	8	1	1	4	0

	Unsatisfactory					Decided to Retire/Resign Before Review				
	White	Black	Hispanic	Asian	Other	White	Black	Hispanic	Asian	Other
UTA	0	0	0	0	0	0	0	0	0	0
UTAUS	0	0	0	0	0	5	0	1	1	0
UTD	0	0	0	0	0	0	0	0	0	0
UTEP	0	0	0	0	0	1	0	0	0	0
UTPB	0	0	0	0	0	1	0	0	0	0
UTRGV	0	0	0	0	0	1	0	0	0	0
UTSA	0	0	0	0	0	2	0	0	0	0
UTT	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	10	0	1	1	0

**PRESENT STATUS OF EACH PERFORMANCE THAT DOES NOT MEET EXPECTATIONS:**

**U. T. Austin:** Department Chairs and Deans will monitor marginal performance each year and provide feedback through the Annual Review process.

**U. T. El Paso:** (1) Chair and mentors work to bring research productivity to an acceptable standard. (2) Urge the Chair to work with faculty member to ensure new research is well and timely published. (3) Chair or an assigned mentor must work with faculty member on a plan for achieving satisfactory research results.

**U. T. Rio Grande Valley:** Significant concerns were raised regarding the quality and impact of the publications presented by the faculty members. Based on these results, meetings with the respective Deans and Department Chairs were held to establish an action plan with concrete initiatives to address the aforementioned issues.

**U. T. San Antonio:** Individuals have been (1) instructed to meet with the Department Chair, Associate Dean, and Dean to evaluate current workload and outline a plan of action to strengthen performance or (2) instructed to meet with the Department Chair and Dean to increase graduate student mentoring, publications, and effective teaching practices and outline a plan of action to strengthen performance.

7. Other Matters - U. T. System Academic Institutions: Approval of Policies Regarding Speech, Expression, and Public Assembly Revised Per *Texas Education Code* Section 51.9315

Policies for the following U. T. System academic institutions have been revised and are recommended by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel to the Board for approval, as required by *Texas Education Code* Section 51.9315:

U. T. Arlington;  
U. T. Austin;  
U. T. Dallas;  
U. T. El Paso;  
U. T. Permian Basin;  
U. T. Rio Grande Valley;  
U. T. San Antonio; and  
U. T. Tyler.

In 2019, the 86th Legislature enacted *Texas Education Code* Section 51.9315, which requires that institutions of higher education adopt a policy detailing students' rights and responsibilities regarding expressive activities at the institution. The policy must:

(1) allow:

(A) any person to, subject to reasonable restrictions, engage in expressive activities on campus, including by responding to the expressive activities of others; and

(B) student organizations and faculty to invite speakers to speak on campus;

(2) establish disciplinary sanctions for students, student organizations, or faculty who unduly interfere with the expressive activities of others on campus;

(3) include a grievance procedure for addressing complaints of a violation of *Texas Education Code* Section 51.9315;

(4) be approved by a majority vote of the institution's governing board before final adoption; and

(5) be posted on the institution's Internet website.

Consequently, all U. T. academic institutions revised their existing policies. The revised policies have been reviewed by the Office of General Counsel and found to be in compliance with *Texas Education Code* Section 51.9315.

Note: The approved revised policies regarding Speech, Expression, and Public Assembly are attached as Appendix A at the end of the Consent Agenda.

8. Contract (funds going out) - U. T. Arlington: Oriental Business Services, Inc., to provide janitorial services, including residence hall make-ready and quick-turn services

Agency: Oriental Business Services, Inc.

Funds: \$2,700,000 over the full contract term, including possible extensions

Period: December 21, 2019 through December 20, 2024; with two options for two-year renewals

Description: Oriental Business Services, Inc., to provide janitorial services, including quick-turn and make-ready services for dormitories.

9. Contract (funds coming in) - U. T. Austin: Gastroenterology Program Support Agreement by and among Ascension Seton (formerly known as Seton Family of Hospitals), Seton Family of Doctors, and The University of Texas at Austin

Agency: Ascension Seton (formerly known as Seton Family of Hospitals) and Seton Family of Doctors

Funds: U. T. Austin will be paid a maximum of approximately \$3,600,000 annually in the first year, escalating to approximately \$8,600,000 by the final program year (with full staffing of program personnel)

Period: Initial term beginning January 1, 2020 through August 31, 2022; with renewal periods of one year each, unless terminated earlier

Description: The Program Support Agreement outlines the terms of a regional comprehensive gastroenterology (GI) program to provide interdisciplinary and multidisciplinary team-based care for a wide variety of conditions.

This care will include adult inpatient and outpatient general and subspecialized gastroenterology care, general and advanced endoscopic procedures, as well as pediatric advanced endoscopy procedures. Among other terms, the program will include 24/7 coverage of Dell Seton Medical Center at U. T. Austin and other designated Seton inpatient facilities, outpatient GI clinics, and research funding.

10. Contract (funds coming in and going out) - U. T. Austin: Total Contract Value Increase to Master Research Services Agreement between Seton Family of Hospitals and the University of Texas at Austin, on behalf of Dell Medical School

Agency: Seton Family of Hospitals

Funds: Actual funds expended or received to date total approximately \$1,500,000. Total contract value for existing and pending statement of work (SOW) is approximately \$2,931,290. U. T. Austin is requesting approval to increase the total contract value to \$6,000,000 based on new and expected research.

Period: February 28, 2019 through August 31, 2021

Description: Under the Agreement, Seton Family of Hospitals and U. T. Austin both receive and provide services. Seton Family of Hospitals and U. T. Austin add specific research statements of work (SOW) to the agreement, each of which allows for the provisions of services by one party to the other with respect to joint research efforts. Each SOW identifies a specific research project and set of services, along with payment and other relevant terms. Initial term was October 1, 2017 through August 31, 2019. The Agreement was amended to extend the term through August 31, 2021, and approved by the Board of Regents on May 2019, at a total contract value of approximately \$2,734,106.

11. Contract (funds going out) - U. T. Austin: Paciolan, LLC, to provide software, service, and equipment for ticketing system at Intercollegiate Athletics facilities

Agency: Paciolan, LLC

Funds: \$8,750,000

Period: July 1, 2020 through June 30, 2032

Description: Department Addendum to Master Software License and Services Agreement with Paciolan, LLC. Paciolan will license comprehensive ticketing, parking, and donation platform; and provide services, equipment, supplemental integrations, and features for designated locations relevant to Intercollegiate Athletics ticketing system.

12. Request for Budget Change - U. T. Austin: Transfer \$8,198,369 from Dell Medical Pediatric Department (DMPD) - Surgery - Pediatric and Congenital Cardiothoracic Surgery, Operating Income, AUF Funds, to Dell Medical Pediatric Department (DMPD) - Surgery - Pediatric and Congenital Cardiothoracic Surgery, Administrative and Professional Salaries and All Expense to increase the salary budget for the Pediatric Heart Program funded by Ascension Seton as per the Pediatric Congenital Heart Disease Program Support Agreement (RBC No. 11017) -- amendment to the 2019-2020 budget

The following Request for Budget Change has been administratively approved by the Chancellor and the Executive Vice Chancellor for Academic Affairs and is recommended for approval by the U. T. System Board of Regents:

Description	\$ Amount	RBC #
Dell Medical Pediatric Department (DMPD) - Surgery - Pediatric and Congenital Cardiothoracic Surgery - AUF Funds		
Amount of Transfer:	\$8,198,369	11017
From: Dell Medical Pediatric Department (DMPD) - Surgery - Pediatric and Congenital Cardiothoracic Surgery - AUF Funds Operating Income	\$8,198,369	
To: Dell Medical Pediatric Department (DMPD) - Surgery - Pediatric and Congenital Cardiothoracic Surgery - AUF Funds Administrative and Professional Salaries	\$7,998,369	
All Expenses	\$200,000	

13. Request for Budget Change - U. T. Austin: Tenure Appointments -- amendment to the 2019-2020 budget

The following Requests for Budget Changes (RBC) have been administratively approved by the Chancellor and the Executive Vice Chancellor for Academic Affairs and are recommended for approval by the U. T. System Board of Regents:

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
<b>Dell Medical School</b>					
Department of Medicine					
Associate Professor					
Kevin Hackshaw (T)	2/1-8/31	30	12	230,000	11008
Associate Professor					
Elizabeth Tyler-Kabara (T)	2/17-8/31	100	12	650,000	11015
<b>College of Fine Arts</b>					
Department of Theatre and Dance					
Associate Professor					
Leah Cox (T)	1/1-5/31	100	09	100,000	11007
<b>Jackson School of Geosciences</b>					
Department of Geological Sciences					
Director (A&P) and Professor					
Demian Saffer (T)	1/1-5/31	100	12	280,000	11009
	1/1-5/31	0	09	210,000	

14. Employment Agreement - U. T. Austin: Approval of terms of Employment Agreement for current Football Associate Head Coach Stan Drayton

The following Football Associate Head Coach Employment Agreement has been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and is recommended for approval by the U. T. System Board of Regents. If the Agreement is approved, total compensation for the contract period for Stan Drayton will be in excess of \$1 million. Such employment under the Agreement is subject to the Constitution and Bylaws of the National Collegiate Athletic Association, any intercollegiate athletic conference of which The University of Texas at Austin is a member, the Regents' *Rules and Regulations*, and the policies of The University of Texas at Austin. Any violation of the provisions of such constitution, bylaws, rules, regulations, or policies shall be grounds for suspension without pay and/or dismissal.

To:

**Period:**

April 1, 2020 through March 31, 2022

**Guaranteed compensation:**

Annual Salary: \$650,000

Automobile: One Dealer Car, included in Annual Salary

Social club membership: In accordance with Athletics Department's policies and procedures, and based on availability and business need

**Nonguaranteed compensation:**

No change

**Note:**

In proposing the new Agreement for Football Associate Head Coach Stan Drayton, U. T. Austin has substantially changed the approach to compensation. For comparison purposes, the approximate increase in guaranteed compensation from FY 2020 to FY 2021 is 22% due to equity increases and with changes throughout the agreements to the classification of other employment terms as part of the base salary.

From:

**Guaranteed compensation:**

Annual Salary: \$515,000

Automobile: One dealer car (or \$7,500 annually in lieu of one dealer car)

Sports Camps and Clinics: \$10,000 annually

Optional Social Club Membership: The University of Texas Golf Club

**Nonguaranteed compensation:**

Performance Incentives:

Team Wins Big 12 Conference Championship game: maximum of \$10,000 annually

Team wins the NCAA National Championship Team: maximum of \$85,000 annually

Source of Funds: Intercollegiate Athletics

15. Employment Agreement - U. T. Austin: Approval of terms of Employment Agreement for current Head Football Strength and Conditioning Coach Yancy J. McKnight

The following Head Football Strength and Conditioning Coach Employment Agreement has been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and is recommended for approval by the U. T. System Board of Regents. If the Agreement is approved, total compensation for the contract period for Yancy J. McKnight will be in excess of \$1 million. Such employment under the Agreement is subject to the Constitution and Bylaws of the National Collegiate Athletic Association, any intercollegiate athletic conference of which The University of Texas at Austin is a member, the Regents' *Rules and Regulations*, and the policies of The University of Texas at Austin. Any violation of the provisions of such constitution, bylaws, rules, regulations, or policies shall be grounds for suspension without pay and/or dismissal.

To:

**Period:**

April 1, 2020 through March 31, 2022

**Guaranteed compensation:**

Annual Salary: \$510,000

Automobile: One Dealer Car, included in Annual Salary

Sports Camps and Clinics: In accordance with Athletics Department's policies and procedures, based on availability and business need, and included in Annual Salary

Social club membership: In accordance with Athletics Department's policies and procedures, and based on availability and business need

**Nonguaranteed compensation:**

No change

**Note:**

In proposing the new Agreement for Football Strength and Conditioning Coach Yancy McKnight, U. T. Austin has substantially changed the approach to compensation. For comparison purposes, the approximate increase in guaranteed compensation from FY 2020 to FY 2021 is 14.81% due to equity increases and with changes throughout the agreements to the classification of other employment terms as part of the base salary.

From: **Guaranteed compensation:**

Annual Salary: \$436,687

Automobile: One dealer car (or \$7,500 annually in lieu of one dealer car)

Optional Social Club Membership: The University of Texas Golf Club

Sports Camps and Clinics: \$10,000 annually, included in Annual Salary

**Nonguaranteed compensation:**

Performance Incentives:

Team wins Big 12 Conference Championship: maximum of \$10,000 annually

Team wins the NCAA National Championship Team: \$85,000

Source of Funds: Intercollegiate Athletics

16. Employment Agreement - U. T. Austin: Approval of terms of Employment Agreement for current Football Co-Offensive Coordinator Herbert L. Hand, Jr.

The following Football Co-Offensive Coordinator Employment Agreement has been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and is recommended for approval by the U. T. System Board of Regents. If the Agreement is approved, total compensation for the contract period for Herbert L. Hand, Jr., will be in excess of \$1 million. Such employment under the Agreement is subject to the Constitution and Bylaws of the National Collegiate Athletic Association, any intercollegiate athletic conference of which The University of Texas at Austin is a member, the Regents' *Rules and Regulations*, and the policies of The University of Texas at Austin. Any violation of the provisions of such constitution, bylaws, rules, regulations, or policies shall be grounds for suspension without pay and/or dismissal.

To:

**Period:**

April 1, 2020 through March 31, 2022

**Guaranteed compensation:**

Annual Salary: \$700,000

Automobile: One Dealer Car, included in Annual Salary

Sports Camps and Clinics: In accordance with Athletics Department's policies and procedures, based on availability and business need, and included in Annual Salary

Social club membership: In accordance with Athletics Department's policies and procedures, and based on availability and business need

**Nonguaranteed compensation:**

No change

**Note:**

In proposing the new Agreement for Football Co-Offensive Coordinator Herbert L. Hand, Jr., U. T. Austin has substantially changed the approach to compensation. For comparison purposes, the approximate increase in guaranteed compensation from FY 2020 to FY 2021 is 6.46% due to equity increases and with changes throughout the agreements to the classification of other employment terms as part of the base salary.

From:

**Guaranteed compensation:**

Annual Salary: \$640,000

Automobile: One dealer car (or \$7,500 annually in lieu of one dealer car)

Optional Social Club Membership: The University of Texas Golf Club

Sports Camps and Clinics: \$10,000 annually

**Nonguaranteed compensation:**

Performance Incentives:

Team wins Big 12 Conference Championship: maximum of \$10,000 annually

Team wins the NCAA National Championship Team: \$85,000

Source of Funds: Intercollegiate Athletics

17. Employment Agreement - U. T. Austin: Approval of terms of Employment Agreement for new Football Associate Head Coach for Defense/Defensive Line Mark Hagen

The following Football Associate Head Coach for Defense/Defensive Line Employment Agreement has been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and is recommended for approval by the U. T. System Board of Regents. If the Agreement is approved, total compensation for the contract period for Mark Hagen will be in excess of \$1 million. Such employment under the Agreement is subject to the Constitution and Bylaws of the National Collegiate Athletic Association, any intercollegiate athletic conference of which The University of Texas at Austin is a member, the Regents' *Rules and Regulations*, and the policies of The University of Texas at Austin. Any violation of the provisions of such constitution, bylaws, rules, regulations, or policies shall be grounds for suspension without pay and/or dismissal.

Proposed:           **Guaranteed compensation:**

Annual Salary: \$550,000

Automobile: One Dealer Car, included in Annual Salary

Sports Camps and Clinics: In accordance with Athletics Department's policies and procedures, and based on availability and business need

Social club membership: In accordance with Athletics Department's policies and procedures, and based on availability and business need

Relocation: One-time relocation allowance of \$2,000

Moving allowance: maximum of \$25,000

**Nonguaranteed compensation:**

Performance Incentives:

Team Wins Big 12 Conference Championship game: maximum of \$10,000 annually

Team wins the College Football Playoff Championship game: maximum of \$85,000 annually

Team Academic Performance Incentives: N/A

Coach of the Year Honors: N/A

Honorary Head Coach Assignment: N/A

Source of Funds: Intercollegiate Athletics

Period:           February 6, 2020 through March 31, 2022

18. Contract (funds going out) - U. T. Dallas: Cuevas Distribution, Inc., to provide services for delivery of bulk liquid nitrogen and laboratory cylinder gases on an as-needed basis

Agency: Cuevas Distribution, Inc.

Funds: Approximately \$800,000 per year or \$4,000,000 over a possible five-year maximum term

Period: April 1, 2020 through March 31, 2023; with option to renew for two additional one-year terms

Description: Cuevas Distribution, Inc., a State of Texas certified HUB business, will provide services for routine delivery of bulk liquid nitrogen and laboratory cylinder gases to the U. T. Dallas campus on an as-needed basis. This proposed award is the result of a competitive solicitation and resulting recommendation by an evaluation committee of University staff including faculty, research, and business stakeholders.

19. Approval of Dual Position of Honor, Trust, or Profit - U. T. El Paso: Appointment by President Trump of Heather Wilson, Ph.D., as a Member of the National Science Board

The following item has been approved by the Executive Vice Chancellor for Academic Affairs in accordance with Regents' *Rules and Regulations*, Rule 30103.

It has been determined that the holding of this office or position is of benefit to the State of Texas and The University of Texas at El Paso and that there is no conflict between holding this position and the appointment with the University.

The Board is also asked to find that holding this position is of benefit to the State of Texas and the University and that there is no conflict between the position and the University.

Name: Heather Wilson, Ph.D.

Title: President

Position: Member, National Science Board

Period: Six-year term, expiring May 10, 2026

Compensation: None

Description: Dr. Heather Wilson will be appointed to serve a six-year term on the National Science Board, which provides advice and oversight for the National Science Foundation (NSF). The National Science Board, comprised of 25 members, works with the NSF to recommend and encourage research, education and budget priorities; and serves as an independent advisory body to the President and Congress on policy matters related to science and engineering. It also publishes policy papers and statements on issues of national importance to science and engineering.

20. Request for Budget Change - U. T. Rio Grande Valley: New Hire with Tenure -- amendment to the 2019-2020 budget

The following Request for Budget Change (RBC) has been administratively approved by the Chancellor and the Executive Vice Chancellor for Academic Affairs and is recommended for approval by the U. T. System Board of Regents:

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
<b>School of Medicine</b>					
Neuroscience					
Chair and Institute Director,					
Professor					
Ihsan Salloum (T)	5/1-8/31	100	12	400,000	11032

21. Contract (funds coming in) - U. T. San Antonio: Amendment to University Computer Store Management and Operation Agreement with HiEd Inc. to provide on-premises vending machines that distribute computer and technology related commodities

Agency: HiEd Inc.

Funds: Revenue Generating; estimated amount annually \$25,000

Period: Initial University Computer Store Management and Operation Agreement is for a 60-month term beginning November 1, 2018, with five additional 12-month renewal options, with each renewal option being at U. T. San Antonio's discretion

Effective Date for this Amendment is May 15, 2020

Description: In 2018, U. T. San Antonio entered into a University Computer Store Management and Operation Agreement with HiEd Inc. That initial Agreement did not require Board approval as it did not reach the institution's delegated contracting threshold. That initial Agreement was competitively procured.

This Amendment to the initial Agreement allows for on-premises vending machines that distribute computer and technology related commodities for the benefit and convenience of students, faculty, staff, alumni, and invitees. The value of the initial contract and the amendment combined does not trigger required Board approval. Instead, Board approval for this amendment is sought in accordance with *Texas Government Code* Section 2203.005(a) and The University of Texas Systemwide Policy UTS 130 pertaining to Vending Machine Contracts.

- 22. Request for Budget Change - U. T. San Antonio: Transfer \$2,500,000 from Recreational Center Reserve account to Capital Project - Cost Center Clearing account to provide institutional support to cover costs related to the Intramural Recreation Field Reconstruction (RBC No. 11010) -- amendment to the 2019-2020 budget
  
- 23. Request for Budget Change - U. T. San Antonio: New Hires with Tenure -- amendment to the 2019-2020 budget

The following Requests for Budget Changes (RBC) have been administratively approved by the Chancellor and the Executive Vice Chancellor for Academic Affairs and are recommended for approval by the U. T. System Board of Regents:

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
<b>College of Liberal and Fine Arts</b>					
Department of Music					
Professor					
Martin Camacho (T)	5/18-5/31	100	09	93,800	11031
<b>College of Engineering</b>					
Department of Civil and Environmental Engineering					
Professor					
Sergio Alcocer (T)	1/21-5/31	10	09	300,000	11030
<b>College of Health, Community and Policy</b>					
Departments of Demography and Sociology					
Professor					
Jeralynn Crossman (T)	5/11-5/31	100	09	180,000	11036

**HEALTH AFFAIRS COMMITTEE**

24. **Report - U. T. System Health Institutions: Fiscal Year 2019 Post-Tenure Review**

In accordance with *Texas Education Code* Section 51.942 and Regents' *Rules and Regulations*, Rule 31102, the following report on the Fiscal Year 2019 post-tenure review for the U. T. System health institutions is provided by the Executive Vice Chancellor for Health Affairs.

During Fiscal Year 2019, 213 tenured faculty members at the six health institutions with tenured faculty were subject to post-tenure review. Of the 213 faculty members reviewed, 102 or 47.9% were evaluated as Exceeds Expectations; 105 or 49.3% received Meets Expectations; 5 or 2.3% received Does Not Meet Expectations; and 1 or 0.5% received Unsatisfactory evaluations. Seven faculty members retired or resigned the tenured position before their post-tenure review.

The following summary tables provide additional details of the post-tenure review results for Academic Year 2018-2019.

**Summary of Post-Tenure Review Results**

	Total Subject to Review	Total Exceeds Expectations	Total Meets Expectations	Total Does Not Meet Expectations	Total Unsatisfactory	Decided to Retire or Resign Before Review
UTSWMC	52	33	18	1	0	1
UTMB	27	15	11	1	0	1
UTHSC-H	27	24	2	1	0	3
UTHSC-SA	44	27	17	0	0	1
UTMDACC	62	2	57	2	1	1
UTHSC-T	1	1	0	0	0	0
Total	213	102	105	5	1	7
		47.9%	49.3%	2.3%	0.5%	

**Post-Tenure Review Results by Gender**

	Subject to Review		Exceeds Expectations		Meets Expectations		Does Not Meet Expectations		Unsatisfactory		Decided to Retire or Resign Before Review	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
UTSWMC	42	10	26	7	15	3	1	0	0	0	1	0
UTMB	20	7	13	2	6	5	1	0	0	0	1	0
UTHSC-H	20	7	17	7	2	0	1	0	0	0	0	3
UTHSC-SA	32	12	21	6	11	6	0	0	0	0	1	0
UTMDACC	45	17	2	0	40	17	2	0	1	0	1	0
UTHSC-T	1	0	1	0	0	0	0	0	0	0	0	0
Total	160	53	80	22	74	31	5	0	1	0	4	3

**Post-Tenure Review Results by Ethnicity**

	Total Actually Reviewed					Exceeds Expectations				
	White	Black	Hispanic	Asian	Other	White	Black	Hispanic	Asian	Other
UTSWMC	45	0	0	7	0	27	0	0	6	0
UTMB	18	0	0	9	0	11	0	0	4	0
UTHSC-H	20	0	1	6	0	18	0	1	5	0
UTHSC-SA	26	1	5	11	1	18	1	3	5	0
UTMDACC	36	1	8	16	1	1	0	1	0	0
UTHSC-T	1	0	0	0	0	1	0	0	0	0
Total	146	2	14	49	2	76	1	5	20	0

	Meets Expectations					Does Not Meet Expectations				
	White	Black	Hispanic	Asian	Other	White	Black	Hispanic	Asian	Other
UTSWMC	17	0	0	1	0	1	0	0	0	0
UTMB	6	0	0	5	0	1	0	0	0	0
UTHSC-H	2	0	0	0	0	0	0	0	1	0
UTHSC-SA	8	0	2	6	1	0	0	0	0	0
UTMDACC	34	1	7	14	1	0	0	0	2	0
UTHSC-T	0	0	0	0	0	0	0	0	0	0
Total	67	1	9	26	2	2	0	0	3	0

	Unsatisfactory					Decided to Retire/Resign Before Review				
	White	Black	Hispanic	Asian	Other	White	Black	Hispanic	Asian	Other
UTSWMC	0	0	0	0	0	0	0	0	1	0
UTMB	0	0	0	0	0	1	0	0	0	0
UTHSC-H	0	0	0	0	0	2	0	0	1	0
UTHSC-SA	0	0	0	0	0	1	0	0	0	0
UTMDACC	1	0	0	0	0	1	0	0	0	0
UTHSC-T	0	0	0	0	0	0	0	0	0	0
Total	1	0	0	0	0	5	0	0	2	0

**PRESENT STATUS OF EACH PERFORMANCE THAT DOES NOT MEET EXPECTATIONS:**

**U. T. Southwestern Medical Center:** Faculty member retired.

**U. T. Medical Branch-Galveston:** Faculty member began remediation plan.

**U. T. Health Science Center-Houston:** Faculty member was counseled and decided to enter a phased retirement.

**U. T. M. D. Anderson Cancer Center:** Both faculty members pending administrative review.

**PRESENT STATUS OF EACH UNSATISFACTORY PERFORMANCE:**

**U. T. M. D. Anderson Cancer Center:** Professor retired.

25. Other Matters - U. T. System Health Institutions: Approval of Policies Regarding Speech, Expression, and Public Assembly Revised Per *Texas Education Code* Section 51.9315

Policies for the following U. T. System health institutions have been revised and are recommended by the Chancellor, the Executive Vice Chancellor for Health Affairs, and the Vice Chancellor and General Counsel to the Board for approval, as required by state law, *Texas Education Code* 51.9315:

U. T. Southwestern Medical Center;  
U. T. Medical Branch - Galveston;  
U. T. Health Science Center - Houston;  
U. T. Health Science Center - San Antonio;  
U. T. M. D. Anderson Cancer Center; and  
U. T. Health Science Center - Tyler.

In 2019, the 86th Legislature enacted the Texas Education Code Section 51.9315, which requires institutions of higher education adopt a policy detailing students' rights and responsibilities regarding expressive activities at the institution. The policy must:

(1) allow:

(A) any person to, subject to reasonable restrictions, engage in expressive activities on campus, including by responding to the expressive activities of others; and

(B) student organizations and faculty to invite speakers to speak on campus:

(2) establish disciplinary sanctions for students, student organizations, or faculty who unduly interfere with the expressive activities of others on campus;

(3) include a grievance procedure for addressing complaints of a violation of *Texas Education Code* Section 51.9315;

(4) be approved by a majority vote of the institution's governing board before final adoption; and

(5) be posted on the institution's Internet website.

Consequently, all U. T. System health institutions revised their existing policies. The revised policies have been reviewed by the Office of General Counsel and found to be in compliance with *Texas Education Code* Section 51.9315.

Note: The approved revised policies regarding Speech, Expression, and Public Assembly are attached as Appendix A at the end of the Consent Agenda.

26. Contract (funds going out) - U. T. Southwestern Medical Center: American Food and Vending Service of Missouri, Inc., to provide coffee services

Agency: American Food and Vending Service of Missouri, Inc.

Funds: \$7,000,000

Period: March 31, 2020 through March 30, 2023; with the option to renew for two additional one-year renewal periods

Description: American Food and Vending Service of Missouri, Inc., will provide coffee services on the U. T. Southwestern Medical Center campus. The contract was competitively bid. In accordance with *Texas Education Code* Section 51.945, the students were provided with an opportunity to comment prior to the determination that this vending services provider should be selected by the institution.

27. Contract (funds going out) - U. T. Southwestern Medical Center: Slingshot, LLC, to support core value brand marketing and health systems priorities

Agency: Slingshot, LLC

Funds: \$12,000,000 over the full contract term, including renewal options

Period: March 11, 2020 through September 10, 2021; with option to renew for two one-year renewal periods

Description: Slingshot, LLC, will engage in support of U. T. Southwestern Medical Center's core value brand marketing and health system priorities, providing strategic, creative, media planning and purchasing, production materials, and account management. The contract was competitively bid.

28. Lease - U. T. Southwestern Medical Center: Authorization to extend a lease of approximately 48,770 square feet of space at 3030 Waterview Parkway and 3020 Waterview Parkway, Richardson, Dallas County, Texas, from GI DC Richardson, LLC, a Delaware limited liability company, as Lessor, for office, clinical and research uses

Description: Lease of approximately 48,770 square feet of space located at 3030 Waterview Parkway and 3020 Waterview Parkway Richardson, Dallas County, Texas. The institution provides clinical services at the premises, including to individuals associated with nearby U. T. Dallas. The initial lease was approved by the Board on August 22, 2012.

Lessor: GI DC Richardson, LLC, a Delaware limited liability company

Term: Extend term from July 1, 2020 through November 30, 2027

Lease Cost: Approximately \$7,927,157 in base rent plus operating expenses with Lessor providing a \$585,240 tenant improvement allowance to Lessee

29. Lease - U. T. Southwestern Medical Center: Authorization to lease vacant medical office space and ancillary commercial space in the Texas Health Frisco Medical Office Building located at 12500 Dallas Parkway, Frisco, Collin County, Texas, to Northlake Obstetrics & Gynecology, P. A., and to other to-be-determined lessees for office, medical office, commercial and related uses

Description: Lease of vacant medical office space and ancillary commercial space located in the recently built Texas Health Frisco Medical Office Building located at 12500 Dallas Parkway, Frisco, Collin County, Texas, to Northlake Obstetrics & Gynecology, P. A. (Northlake) and to other to-be-determined lessees for office, medical office use or commercial uses. U. T. Southwestern Medical Center currently holds a master lease of the entire building from Texas Health Resources, the building owner and an entity in which the institution has a financial interest. U. T. Southwestern Medical Center also jointly operates a hospital adjacent to the property. Pursuant to authorization from the Board on June 28, 2017, U. T. Southwestern Medical Center is in the process of acquiring fee title to the building.

Presently, the institution plans to use 105,292 rentable square feet of the approximate 123,137 square foot building to house its physicians and for clinical uses. U. T. Southwestern Medical Center plans to lease the balance of approximately 17,845 rentable square feet as described below. U. T. Southwestern Medical Center is seeking authorization to lease approximately 14,076 rentable square feet of medical office space to Northlake and to enter into one or more leases for approximately 3,769 square feet with yet to-be-determined lessees at fair market value rents and at market terms.

The base rent figures and other lease terms below reflect the current medical office and commercial market rental rates for a Class A medical office building in the Frisco area, and such rates and other lease terms may adjust based on market conditions. The Lease Revenue calculations below reflect all of the 17,845 square feet specified above.

- Lessee:** Northlake Obstetrics & Gynecology, P. A., and additional Lessees yet to be determined
- Lease Term:** Based on market; lease terms for medical office properties in the Frisco area are commonly five to 10 years or more, with up to two five-year extension options. The Northlake lease is for an initial term of approximately 15-years with one five-year renewal option thereafter.
- Lease Revenue:** Based on market, estimated annual base rent payable by third-party lessees during an initial five-year to 10-year term currently range from \$26 to \$29 per square foot, plus the cost of all operating expenses, including taxes. The Northlake lease has an initial annual base rent of \$27 per square foot with two percent annual increases. In addition, there is an annual repayment of \$3.71 per square foot for an excess tenant improvement allowance, for an initial total rent of \$30.71 per square foot or approximately \$7,173,000 for the initial term.
- In addition to base rent, the lessees shall each pay their proportionate shares of operating expenses attributable to their respective premises, including taxes if applicable. The institution will reserve the right to convert its net leases into gross leases, where the tenant pays no operating expenses, but instead pays a higher base rent to cover such costs.
- Improvement Allowance and Commissions:** U. T. Southwestern will provide the lessees a market improvement allowance currently estimated up to an amount of \$50 to \$80 per rentable square foot for the rentable area depending on the size of the lease space and term of the lease to construct improvements in the premises, now in shell condition. Each lessee will either (a) directly pay the cost of improvements that exceed their respective allowances or (b) at the institution's discretion, repay all or a portion of such excess costs amortized as rent over the term of the lease. The Northlake lease will include an \$80 base tenant improvement allowance plus an additional \$38.93 excess tenant improvement allowance, to be repaid during the initial term. The Northlake lease does not include brokerage fees; however, future leases may include commissions to be paid by the institution for leasing services, which are projected to be at a market rate of 6.75 percent of the aggregate rent (typically for a term not to exceed 10 years). Tenant improvements and leasing commissions for the leasing of all the space currently allotted to third parties may total approximately \$2,055,000.

**Parking:** Parking is provided in the building's adjacent garage and surface parking area at a ratio of four per 1,000 rentable square feet of leased premises for the use of each medical office lessee; the parking allocation to the commercial space may be less than the office space allocation specified above. Presently, the Lessees will not pay a charge for parking; however, the individuals utilizing parking at the building may be charged a fee. However, this is subject to change and periodic adjustment in the future.

**Lease Revenue Amount:** The projected total rent amount for the initial leases in the building based on yet to be determined leases at market and the Northlake lease is estimated at \$10,990,250. Northlake accounts for approximately \$9,834,700 to include base rent and excess tenant improvement rent over the initial term and the renewal term. The to-be-determined leases will also be at fair market rates with the lessee paying its share of expenses.

30. Purchase - U. T. Southwestern Medical Center: Authorization to purchase 2.81 acres improved with a 22,143 square foot medical office building located at 6010 Forest Park Road, City of Dallas, Dallas County, Texas, from UTSW Investments, LLC, for future campus expansion

**Description:** Purchase of 2.81 acres improved with a 22,143 square foot medical office building located at 6010 Forest Park Road, City of Dallas, Dallas County Texas, and authorization for the Executive Director of Real Estate to execute all documents, instruments, and other agreements, and to take all further actions deemed necessary or advisable to purchase the property. This property is across the street from U. T. Southwestern Medical Center and is contiguous to property already owned by U. T. Southwestern Medical Center. Current tenant, Bio-Medical Applications of Texas, Inc., will remain pursuant to an existing lease for the building expiring October 31, 2020. The property may be used for mission purposes and for future programmed campus expansion.

**Seller:** UTSW Investments, LLC, a Texas limited liability company and subsidiary of Slate Properties, LLC

**Purchase Price:** \$6,375,000

31. Approval of Dual Position of Honor, Trust, or Profit - U. T. Southwestern Medical Center: Appointment by Governor Abbott of Marc Diamond, M.D., Professor and Center Director for Alzheimer's and Neurodegenerative Diseases, as Chair of the Texas Council on Alzheimer's Disease and Related Disorders

The following item has been approved by the Executive Vice Chancellor for Health Affairs in accordance with Regents' *Rules and Regulations*, Rule 30103.

It has been determined that the holding of this office or position is of benefit to the State of Texas and The University of Texas Southwestern Medical Center and there is no conflict between holding this position and the appointment with the University.

The Board is also asked to find that holding this position is of benefit to the State of Texas and the University, and that there is no conflict between the position and the University.

Name: Marc Diamond, M.D.

Title: Professor and Center Director for Alzheimer's and Neurodegenerative Diseases

Position: Chair, Texas Council on Alzheimer's Disease and Related Disorders

Period: December 5, 2019; for a term to expire at the pleasure of the Governor

Compensation: None

Description Governor Abbott has appointed Marc Diamond, M.D., as Chair of the Texas Council on Alzheimer's Disease and Related Disorders. The Texas Council on Alzheimer's Disease and Related Disorders facilitates the coordination of state services for victims of Alzheimer's disease and related disorders. The purpose of the council is to advise the Department of State Health Services and recommend needed action for the benefit of persons with Alzheimer's disease and related disorders and for their caregivers; coordinate public and private family support networking systems for primary family caregivers; disseminate information on services and related activities for persons with Alzheimer's disease and related disorders to the medical and health care community, the academic community, primary family caregivers, advocacy associations, and the public; coordinate a volunteer assistance program primarily for in-home and respite care services; encourage research to benefit persons with Alzheimer's disease and related disorders; recommend to the Department disbursement of grants and funds available for the Council; facilitate coordination of state agency services and activities relating to persons with Alzheimer's disease and related disorders.

32. Contract (funds going out) - U. T. Medical Branch - Galveston: First Amendment to Agreement with Alere North America, LLC, to provide point of care testing for flu, strep, and RSV in all primary care clinics

Agency: Alere North America, LLC

Funds: \$3,000,000, bringing the total contract cap amount to \$9,000,000

Period: September 1, 2019 through August 31, 2024

Description: Alere North America, LLC, provides point of care testing for flu, strep, and RSV in all U. T. Medical Branch - Galveston primary care clinics. The test results are available in less than five minutes thereby improving patient flow in clinics. The contract was procured via a Best Value Exclusive Acquisition Justification given that it was required for exact compatibility with existing equipment, which is already in place in the Island Pediatric Primary Care and Urgent Care clinics in Galveston. The original Agreement for \$6,000,000 was approved at the November 14, 2019 Board of Regents' meeting. The First Amendment to the Agreement adds 35 additional units in all primary care clinics and nine additional units at the three hospitals. The cap amount is also being increased in this First Amendment by \$3,000,000 to \$9,000,000.

33. Other Matters - U. T. Medical Branch - Galveston: Approval of campus expansion zone included in U. T. Medical Branch - Galveston, Facilities Master Plan, composed of the city blocks on either side of 6th Street from Market Street to Broadway Avenue and all city blocks between Harborside Drive and Market Street from 13th Street to 20th Street, in Galveston, Galveston County, Texas

Description: U. T. Medical Branch - Galveston presented a Facilities Master Plan (the "Plan") to the Board of Regents on February 5, 2010. The Plan included a campus expansion zone described as the city blocks on either side of 6th Street from Market Street to Broadway Avenue and all city blocks between Harborside Drive and Market Street from 13th Street to 20th Street in Galveston, Galveston County, Texas. The Plan was presented to the Board in 2010 for information only. When the expansion zone included in the Plan was presented to the Board for approval in 2016, U. T. Medical Branch - Galveston sought approval for only the city blocks on either side of 6th Street from Market Street to Broadway Avenue and all city blocks between Harborside Drive and The Strand from 13th Street to 20th Street, which is just a portion of the land shown in the Plan presented to the Board in 2010. Approval is requested to modify the approved expansion zone to include the remaining land shown in the Plan's campus expansion zone, which are the city blocks between The Strand and Market Street from 13th Street to 20th Street.

34. Approval of Dual Position of Honor, Trust, or Profit - U. T. Medical Branch - Galveston: Appointment of Philip Keiser, M.D., Professor, Division of Infectious Diseases, Internal Medicine, as a Member of the State of Texas Correctional Managed Health Care Committee as the physician representative from U. T. Medical Branch - Galveston

The following item has been approved by the Executive Vice Chancellor for Health Affairs in accordance with Regents' *Rules and Regulations*, Rule 30103.

It has been determined that the holding of this office or position is of benefit to the State of Texas and The University of Texas Medical Branch at Galveston and that there is no conflict between holding this position and the appointment with the University.

The Board is also asked to find that holding this position is of benefit to the State of Texas and the University and that there is no conflict between the position and the University.

Name: Philip Keiser, M.D.

Title: Professor, Division of Infectious Diseases, Internal Medicine

Position: Member, State of Texas Correctional Managed Health Care Committee as the physician representative from U. T. Medical Branch - Galveston

Period: March 2020 through March 2026

Compensation: None

Description: Ben G. Raimer, President *ad interim* of U. T. Medical Branch - Galveston (UTMB), appointed Dr. Keiser to serve as a Member of the State of Texas Correctional Managed Health Care Committee as the physician representative from UTMB. In this role, he will meet a minimum of four times per year to supervise health care delivery to Texas Department of Criminal Justice offenders incarcerated in the Texas prison system.

35. Contract (funds coming in) - U. T. Health Science Center - Houston: To provide faculty and residents to The Harris Health System to staff Harris County hospitals and clinical programs

Agency: Harris County Hospital District, dba Harris Health System

Funds: \$2.076 billion

Period: July 1, 2020 through June 30, 2035

Description: This Affiliation Agreement between U. T. Health Science Center - Houston and the Harris County Hospital District, dba Harris Health System, will define the arrangements by which U. T. Health Science Center - Houston will provide faculty and trainees to staff Harris Health System's facilities and clinical programs.

36. Interagency Agreement (funds coming in) - U. T. Health Science Center - Houston: Interagency Agreement between U. T. Health Science Center - Houston and Texas Health and Human Services Commission to provide data analysis services

Agency: Texas Health and Human Services Commission

Funds: \$5,000,000

Period: March 11, 2020 through August 31, 2021

Description: Interagency Agreement under which U. T. Health Science Center - Houston will provide data analysis services, including individual benchmark and progress data, in connection with a legislatively mandated project set forth in House Bill 1, Article IX, Health Related Provisions Section 10.06, Cross-Agency Coordination on Healthcare Strategies and Measures.

37. Request for Budget Change - U. T. Health Science Center - Houston: New Hire with Tenure -- amendment to the 2019-2020 budget

The following Request for Budget Change (RBC) has been administratively approved by the Chancellor and the Executive Vice Chancellor for Health Affairs and is recommended for approval by the U. T. System Board of Regents:

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
<b>Cizik School of Nursing</b>					
Department of Research					
Associate Professor					
Daphne C. Hernandez (T)	2/1-8/31	100	12	\$140,153	11033

38. Request for Budget Change - U. T. Health Science Center - San Antonio: New Hire with Tenure -- amendment to the 2019-2020 budget

The following Request for Budget Change (RBC) has been administratively approved by the Chancellor and the Executive Vice Chancellor for Health Affairs and is recommended for approval by the U. T. System Board of Regents:

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
<b>School of Medicine</b>					
Biochemistry and Structural Biology					
Associate Professor					
Shaun Olsen (T)	5/1-8/31	100	12	145,000	11025

39. Gift - U. T. Health Science Center - San Antonio: Authorization to accept the gift of two parcels consisting of 12.874 acres of land subject to a ground lease and 7.44 acres of unimproved land located at Wurzbach Road and Floyd Curl Drive, City of San Antonio, Bexar County, Texas, from San Antonio Medical Foundation, for future campus expansion

Description: Acquisition by gift of two parcels consisting of 12.874 acres of improved land and 7.44 acres of unimproved land located at Wurzbach Road and Floyd Curl Drive, City of San Antonio, Bexar County, Texas, from San Antonio Medical Foundation for future campus expansion, including a future hospital site. The 12.874-acre parcel gift is for land subject to a ground lease to U. T. Health Science Center - San Antonio. The site is improved with an approximately 260,000 square foot clinical and research facility currently used by the U. T. Health Science Center - San Antonio Department of Radiation Oncology. The ground lease interest and improvements were transferred from the Cancer Therapy and Research Center to the U. T. System Board of Regents by gift and purchase on December 6, 2007. The San Antonio Medical Foundation now wishes to gift ownership of the underlying land; combined with the ground lease by U. T. Health Science Center - San Antonio currently in place, giving the institution full ownership of land and building. The unimproved 7.44-acre parcel is across Floyd Curl Drive. Both parcels are in the acquisition zone identified for the Greehey Academic and Research Campus Master Plan.

Donor: San Antonio Medical Foundation, a Texas nonprofit corporation

Value: Estimated value based on 2019 Bexar County Central Appraisal District records is \$6,397,330 for the 12.874 acres, and \$2,996,330 for the 7.44 acres.

40. Contract (funds going out) - U. T. M. D. Anderson Cancer Center: Eurofins Viracor, Inc., to provide reference lab testing services
- Agency: Eurofins Viracor, Inc. f/k/a ViraCor-IBT Laboratories, Inc.
- Funds: Total cost under this Agreement will not exceed \$9,200,000 over the full contract term, including renewal options
- Period: The initial term will be for a period of 60 months, commencing April 1, 2020; with two 12-month renewal options
- Description Eurofins Viracor, Inc., provides standard and esoteric testing in infectious disease, immunology and allergy testing. Eurofins Viracor will provide Reference Laboratory Testing for qPCR assays results within 24 hours or less for a critical patient population. Eurofins Viracor monitors public gene sequence repositories, as well as internal data, for new strains or mutations. Eurofins Viracor qPCR assays target at least two portions of the viral genome, utilizing unique primer and probe sets for each target. This Agreement was acquired via an Exclusive Acquisition Justification.
41. Lease - U. T. M. D. Anderson Cancer Center: Authorization to lease approximately 32,148 square feet of space located at 8000 El Rio Street, Suites 8030, 8032, 8036, 8038, 8066, 8076, and 8078, Houston, Harris County, Texas, to Ziopharm Oncology, Inc.
- Description: Lease of space located at 8000 El Rio Street, Suites 8030, 8032, 8036, 8038, 8066, 8076, and 8078, Houston, Harris County, Texas, collectively with approximately 32,148 square feet of service center space, used for research and manufacturing.
- Lessee: Ziopharm Oncology, Inc., a Delaware corporation; Ziopharm has a research and development agreement with the institution
- Term: Seven-year term with staggered commencement dates running from November 2019 through June 1, 2020, with suites 8066, 8076 and 8078 having one five-year renewal option
- Lease Income: During the initial term, total base rent is estimated at \$5,658,700, plus taxes. If all renewal options are exercised, total base rent for the renewal period will be an estimated \$2,832,400 for a total estimated base rent of \$8,491,100, plus taxes.

42. Lease - U. T. M. D. Anderson Cancer Center: Authorization to enter into a lease for up to 12 years for approximately 66,300 square feet of space located in Life Science Plaza, 2130 West Holcombe Boulevard, Houston, Harris County, Texas, from Life Science Plaza Investment Group, L.P., for research, therapy manufacturing and other mission purposes

Description: Lease of approximately 66,300 square feet of commercial space located at Life Science Plaza, located at 2130 West Holcombe Boulevard, Houston, Harris County, Texas, for research, therapy manufacturing and other mission purposes. This space is currently occupied by Bellicum, Inc., and improved for research, therapy manufacturing, and office uses. The institution has entered into an agreement with Bellicum to acquire substantially all of its assets; these assets include equipment for research and manufacturing uses pursuant to cGMP manufacturing requirements as promulgated by the Food and Drug Administration.

On November 14, 2019, the Board authorized the acquisition of Bellicum’s assets and the lease of this space in Life Science Plaza for a term not to exceed 10 years. However, the Lessor has required, as a condition to leasing this space to the Board on behalf of U. T. M. D. Anderson Cancer Center, that the term be for up to 12 years; this is to stagger the expiration date of this space with those of the other spaces in this building leased on behalf of the institution. In addition to a small amount of exterior mechanical space, in aggregate with existing leases U. T. M. D. Anderson Cancer Center would occupy approximately 242,095 rentable square feet of 340,244 rentable square feet; this is approximately 71% of the building.

Lessor: Life Science Plaza Investment Group, L.P., a Texas limited partnership

Term: Up to a 12-year primary term, with two five-year renewal options at fair market value. This is a change from the previously authorized 10-year primary term.

Lease Cost: Over the now longer term, total base rent and operating expenses paid by U. T. M. D. Anderson Cancer Center are estimated at \$56,819,000. This is a change from the previously-approved \$41,616,000 for estimated base rent and estimated operating expenses.

Estimated base rent is now \$34,568,500, which is an escalation from \$35.35 per square foot to \$36.53 per square foot due to the passage of time. Estimated operating expenses are now \$22,250,500 over the term or \$23.89 per square foot with estimated 3.33% annual increases. An increase in property taxes in 2020 resulted in a 20% increase in estimated operating expenses per square foot from what was previously estimated.

**FACILITIES PLANNING AND CONSTRUCTION COMMITTEE**

No items for Consent Agenda

# APPENDIX A

(Consent Agenda Items 7 and 25)



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

- I. Policy
- II. Definitions
- III. Relevant Federal and State Statutes
- IV. Relevant UT System and UTA Policies, Procedures, and Forms
- V. Who Should Know
- VI. UTA Officer(s) Responsible for Policy
- VII. Dates Approved or Amended
- VIII. Contact Information

### I. Policy

#### Governing Principles

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

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

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

## Freedom of Speech, Expression and Assembly

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

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

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

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

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

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

## Scope

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

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

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

## Prohibited Items or Actions

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

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

## Prohibited Expression

### Obscenity.

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

### Defamation.

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

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

Incitement to Imminent Violations of Law.

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

Harassment.

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

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

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

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

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

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

## Solicitation & Commercial Speech

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

## General Rules on Means of Expression

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

## Distribution of Literature

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

## Signs, Banners, and A-Frames

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

## Tables, Exhibits, and Amplified Sound

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

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

## Public Assemblies

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

## Guest Speakers

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

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

## Responding to Speech, Expression, and Assembly

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

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

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

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

## Enforcement and Appeals

### Police Protection and Additional Administrative Support

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

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

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

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

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

#### Response to Violations

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

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

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

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

#### Appeals

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

#### Notice

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

## II. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### III. Relevant Federal and State Statutes

Texas Education Code Section 51.9315 – Protected Expression on Campus

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

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

Regents’ Rules and Regulations, Rule 80103 – Solicitation

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

UTA HOP series CO-UF-PO – University Facilities

UTA HOP series SL-SO-PO – Student Organizations

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

### V. Who Should Know

The entire UTA community.

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

Vice President for Student Affairs.

### VII. Dates Approved or Amended

Pending

## VIII. Contact Information

Vice President for Student Affairs

# CHAPTER 13. SPEECH, EXPRESSION, AND ASSEMBLY

## Subchapter 13–100. Governing Principles

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Sec. 13–201. Obscenity**

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

#### **Sec. 13–202. Defamation**

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

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

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

#### **Sec. 13–204. Harassment**

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

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

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

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

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

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

## Subchapter 13–300. General Rules on Means of Expression

### Sec. 13–301. Disruption

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Literature distributed on campus may contain the following advertising:

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Subchapter 13–600. Tables**

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

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

### **Sec. 13–602. Locations**

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

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

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

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

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

## **Subchapter 13–700. Exhibits**

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

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

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

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

### **Sec. 13–703. Approval Process**

- a. General exhibits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Sec. 13–1001. Definitions**

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

### **Sec. 13–1002. Who May Present**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 13–1203. Appeals**

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

UT Dallas Policy Navigator:: Speech Expression and Assembly :: UTDSP5001 (v2)

# **Speech Expression and Assembly - UTDSP5001**

## **Policy Statement**

### **Section A: Governing Principles**

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

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

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

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

- other official functions of the University, not otherwise sponsored by the University or any academic or administrative unit, and not submitted for academic credit. Subsection 7 on Harassment applies to all speech regardless of where it occurs, including off University property, if it potentially affects a University person's education or employment with the University or potentially affects the University community..
2. This policy applies to speech by University persons and University organizations in the common outdoor areas, the limited public forums, and speech made using the University's information systems. This policy also applies to members of the public in common outdoor areas.
  3. Any program or event sponsored by an academic or administrative unit of the University will have priority in the use of space and facilities over any speech, expression, and assembly that is not sponsored by an academic or administrative unit. Reservation process and available space for academic or administrative units are different and separate from those outlined in this policy. This policy does not limit other existing authority of University officials to authorize programs and events sponsored by an academic or administrative unit not provided for in this policy.
  4. Additional rules concerning free speech and academic freedom of faculty members are found in the Regents' *Rules and Regulations* (Rule 31004, Number 2, Sections 1 and 2).
  5. Underlying rules concerning free speech of students are found in the Regents' *Rules and Regulations* (Rule 40501, Rule 80103, and Rule 80104). This policy implements those provisions and applies them to UT Dallas.
  6. Rules requiring University employees to make clear that controversial statements they make are in their personal capacity are found in the Regents' *Rules and Regulations* (Rule 10101, Section 6.2). Rules restricting use of University equipment, supplies, services, and working hours for political activities are found in the Regents' *Rules and Regulations* (Rule 30103).

### **Subsection 3: Definitions**

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

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

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

## **Section B: Prohibited Expression**

### **Subsection 4: Obscenity**

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

### **Subsection 5: Defamation**

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

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

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

### **Subsection 7: Harassment**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Subsection 21: Banners**

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

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

## **Section F: Tables**

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

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

### **Subsection 23: Locations**

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

### **Subsection 24: Identification**

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

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

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

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

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

## **Section G: General Exhibits and A-frame Exhibits**

### **Subsection 27: General Rules on Exhibits**

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

### **Subsection 28: Application Process**

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

### **Subsection 29: Criteria for Approval**

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

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

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

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

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

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

### **Subsection 32: Liability**

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

## **Section H: Amplified Sound**

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

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

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

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

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

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

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

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

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

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

## **Section I: Public Assemblies**

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

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

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

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

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

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

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

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

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

## Section J: Guest Speakers

### Subsection 40: Definitions

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

### Subsection 41: Who May Present

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

### Subsection 42: Location and Form of Presentation

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

#### **Subsection 443 Application**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Policy History**

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## **Policy Links**

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

# Speech, Expression, and Assembly

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

## 2.1 Governing Principles

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

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

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

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

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

### 2.1.2 Scope and Related Provisions

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

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

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

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

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

2.1.2.4 Related Regulations and Policies include:

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

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

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

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

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

### 2.1.3 Definitions

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

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

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

## **2.2 Prohibited Expression**

### **2.2.1 Obscenity**

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

## **2.2.2 Defamation**

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

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

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

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

## **2.2.4 Harassment**

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

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

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

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

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

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

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

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

2.2.4.5 Complaints about harassment may be reported as follows:

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

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

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

#### **2.2.5 Solicitation**

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

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

2.2.5.2 Permissible Solicitation includes:

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

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

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

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

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

### **2.3.1 Disruption**

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

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

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

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

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

## **2.3.2 Damage to Property**

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

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

### **2.3.3 Coercing Attention**

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

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

### **2.3.4 Co-sponsorship**

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

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

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

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

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

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

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

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

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

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

## **2.4 Distribution of Literature**

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

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

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

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

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

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

### **2.4.3 Limits on Advertising**

Literature distributed on campus may contain the following advertising:

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

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

All other advertising in literature distributed on campus is prohibited

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

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

### **2.5 Signs and Banners**

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

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

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

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

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

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

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

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

### **2.5.3 Banner**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **2.6 Tables**

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

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

### **2.6.2 Locations**

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

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

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

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

### **2.6.3 Identification**

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

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

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

### **2.6.5 Sources of Tables**

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

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

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

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

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

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

#### **2.7.2 Application Process**

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

#### **2.7.3 Criteria for Approval**

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

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

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

#### **2.7.4 Time Limits**

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

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

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

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

### **2.7.6 Liability**

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

## **2.8 Amplified Sound**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **2.8.5 Amplified Sound Indoors**

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

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

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

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

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

### **2.9.2 Reservation of Space**

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

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

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

### **2.9.3 Notice and Consultation**

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

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

## **2.10 Guest Speakers**

### **2.10.1 Definitions**

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

### **2.10.2 Who May Present**

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

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

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

2.10.3.2 A guest speaker may not:

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

performance, or discussion; or

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

#### **2.10.4 Application**

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

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

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

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

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

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

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

#### **2.11.2 Applications**

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

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

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

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

## **2.12 Enforcement and Appeals**

### **2.12.1 Police Protection**

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

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

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

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

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

### **2.12.2 Response to Violations**

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

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

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

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

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

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

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

### **2.12.3 Appeals**

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

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

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

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

## SPEECH, EXPRESSION, AND ASSEMBLY

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### **A. Purpose**

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

### **B. Persons Affected**

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

### **C. Definitions**

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

Handbook of Operating Procedures

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

**D. Policy**

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

## Handbook of Operating Procedures

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

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

### 2. Scope

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

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

3. *Prohibited Expression*

a. Obscenity

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

b. Defamation

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

c. Incitement to Imminent Violations of Law

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

d. Harassment

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

4. *General Rules of Means of Expression*

a. Disruption

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

b. Not-for-Profit Literature Only

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

c. Limits on Advertising

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

d. Clean up of Abandoned Literature

Handbook of Operating Procedures

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

6. *Signs and Banners*

a. General Rules on Signs

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

b. Hand-Held Signs

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

c. Banner

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

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

ii. Temporary banner space designations

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

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

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

iii. Space priority

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

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

iv. Time limits

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

7. *Chalking*

a. General Rules on Chalking

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

Handbook of Operating Procedures

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

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

8. *Tables*

a. General Rule of Tables

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

b. Locations

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

i. Restrictions on Table Placement

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

c. Clean-Up Around Tables

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

d. Sources of Tables

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

9. Exhibits and A-Frames

a. General Rules on Exhibits

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

b. Application Process

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

c. Approval Process

- i. General exhibits

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

1. The Chief Student Affairs Officer will designate temporary outdoor exhibit spaces where general exhibits may be placed. The Chief Student Affairs Officer shall authorize an exhibit described in a completed application under Section D.9(b) unless the Chief Student Affairs Officer finds that use of the proposed temporary outdoor exhibit space for the proposed exhibit must be disapproved under the criteria in **Student Life Departmental Policies**. The Chief Student Affairs Officer shall advise each applicant how to correct, if possible, any conditions that preclude approval of their application.
2. The Chief Student Affairs Officer will consider the totality of the circumstances, including safety concerns, as part of the approval process.
  - a. Even if an applicant is entitled to have their application approved as submitted, the Chief Student Affairs Officer may give advice about other possible locations, or about modifications to the exhibit, that would avoid potential problems or make the proposed exhibit more workable.

ii. A-frame exhibits

1. The Chief Student Affairs Officer will designate temporary outdoor exhibit spaces where A-frame exhibits may be placed. ~~If~~ an academic or administrative unit or a registered or sponsored student, faculty, or staff organization wishes to place an A-frame exhibit in a different location than the structure will be considered a general exhibited under this section.
2. The Chief Student Affairs Officer will maintain, on a Web site or on a flyer or pamphlet, a current description of the rules and procedures for reserving a temporary outdoor exhibit space for A-frame exhibits on campus.

d. Time Limits

i. General exhibits

1. In locations administered by the Chief Student Affairs Officer, each exhibit may be displayed for fourteen days. The exhibit may be renewed for an additional fourteen days if space is available.
2. The exhibit may be displayed no earlier than 8:00 am and must be removed by 10:00 pm each day. However, the Chief Student Affairs Officer may authorize overnight exhibits in designated locations.

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

ii. A-frame exhibits

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

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

e. Clean-Up Around Exhibits

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

f. Liability

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

10. *Amplified Sound*

a. General Rule on Amplified Sound

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

b. Location and Times of Weekday Amplified Sound Areas

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

c. Regulation and Scheduling of Weekday Amplified Sound

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

i. Reservations

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

d. Amplified sound on Evenings and Weekends

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

e. Amplified Sound Indoors

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

Handbook of Operating Procedures

11. *Public Assemblies*

a. General Rules on Public Assemblies

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

b. Reservation of Space

i. Reservation of Common Outdoor Areas

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

ii. Reservation of Limited Public Forums

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

faculty, staff, and students may not reserve space under the provisions in **Student Life Departmental Policies**.

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

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

12. *Guest Speakers*

a. Who May Present

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

b. Location and Form of Presentation

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

d. Obligations of Presenting Organization

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

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

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

a. General Rule on Responding

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

b. Applications

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

14. *Enforcement and Appeals*

a. Police Protection

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

E. Procedures

1. Reporting Harassment

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

2. Response to Alleged Violations

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

### Handbook of Operating Procedures

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

### 3. Appeals

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

## Handbook of Operating Procedures

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy Number: ADM 02-300

Responsible Executive: Student Affairs & Leadership

Originated: XX/XX/XXXX

Handbook of Operating Procedures

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

Texas Education Code, [Section 51.9315](#)

Texas Penal Code, [Section 43.21](#)

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

UTPB\_ADM-02-100 Student Conduct and Discipline

UTPB\_ADM-03-100 Non-Discrimination

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

UTPB\_ADM 04-101 Standards of Conduct

UTPB\_ADM-05-100 Faculty Senate Constitution

UTPB\_ADM-05-200 Staff Senate Constitution

UTPB\_ADM 06-106 Faculty Rights and Responsibilities

UTPB\_ADM 08-101 Information Resources Use and Security

UTPB\_ADM 10-104 Solicitation on Campus

UTPB\_ADM 10-301 Facility Use

UT Permian Basin [Acceptable Use Policy](#)

UT Permian Basin Student Life Departmental Policies

**G. Dates Reviewed or Amended**

Amended on XX/XX/XXXX.

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SPEECH, EXPRESSION, AND ASSEMBLY

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**A. Purpose**

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

**B. Persons Affected**

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

**C. Policy**

1. *Governing Principles*

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

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

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

## 2. *Scope*

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

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

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

- iii. Appendix C – Chalking;
  - iv. Appendix D – Tables;
  - v. Appendix E – Exhibits;
  - vi. Appendix F – Use of Amplified Sound;
  - vii. Appendix G – Guest Speakers; and
  - viii. Appendix H – Public Assemblies
3. *Prohibited Expression, Items, or Actions*
- a. As defined in Section 51.9315 of the Texas Education Code, expressive activities include a broad range of speech or expressive conduct, including speech or conduct that may be controversial, hurtful, or repugnant. Even so, there are types of speech or expressive conduct that lose constitutional protections and are not acceptable under this policy, or are considered “commercial speech” and do not fall within the statutory definition of expressive activities. These types of speech or expressive conduct are discussed in Sections C.3.b-C.3.f below.
  - b. Obscenity -- No persons or organizations shall distribute or display on the campus any writing or visual image, or engage in any public performance that is obscene. A writing, image, or performance is obscene if it is obscene as defined in Section 43.21 of the Texas Penal Code (or successor provisions), and is within the constitutional definition of obscenity as set forth in the decisions of the United States Supreme Court.
  - c. Defamation -- No person shall publish to a third party any statement that defames another person. It is difficult to state in a comprehensive way the elements of defamation, because there are many variables depending on the status of the persons and issue(s) involved; that said, the elements of defamation generally include the following:
    - i. publication of a false statement of fact to a third party;
    - ii. referring to a person;
    - iii. the statement holds the person up to hatred, contempt, ridicule, or financial injury;
    - iv. the statement is made negligently (if the person is a private figure) or with knowledge of falsity or reckless disregard of the truth (if the person is a public official or public figure); and
    - v. the person suffers damages.Defamation is further defined in Chapter 73 of the *Texas Civil Practice & Remedies Code* or other successor provisions, and cases interpreting.
  - d. Incitement to Imminent Violations of Law -- No person shall make, distribute, or display any statements directed at inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law.
  - e. Harassment – No person will make, distribute, or display any statement that constitutes harassment (as defined in Section E) of any other person. This subsection applies to all

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

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

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

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

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

e. Responding to Expressive Activity

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

5. *Police Protection*

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

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

#### **D. Procedures**

##### *1. Reporting Harassment*

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

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

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

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

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

**E. Definitions**

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

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

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

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

Section 51.9315, *Texas Education Code*

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

Regents' Rules Rule 10701, Policy against Discrimination

Regents' Rules Rule 30103, Standards of Conduct

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

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

Regents' Rules Rule 40201, Registered Organizations

Regents' Rules Rule 40501, Speech and Assembly

Regents' Rules Rule 50101, Student Conduct and Discipline

Regents' Rules Rule 50202, Student Organizations

Regents' Rules Rule 60306, Use of University Resources

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

Regents' Rules Rule 80103, Solicitation

Regents' Rules Rule 80104, Use of Facilities

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

Regents' Rules Rule 80106, Special Use Facilities

ADM 03-100 Non-Discrimination and Complaint Procedure

ADM 03-300 Sexual Harassment and Sexual Misconduct



Handbook of Operating Procedures

Policy Number: ADM 02-300  
Responsible Executive: Academic Affairs  
Originated: 03/30/2020

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

**G. Dates Reviewed or Amended**

Dates

## 9.37 Peaceful Public Assembly

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

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

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

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

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

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

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

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

### III. Disruption

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

### IV. Prohibited Items or Actions

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

V. Amplified Sound

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

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

B. Regulating and Scheduling of Amplified Sound

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

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

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

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

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

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

C. Amplified Sound Indoors/Use of University Buildings

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

VI. Guest Speakers

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

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

A. Location and Form of Presentation

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

- c. help staff a table or exhibit.

B. Scheduling Guest Speakers

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

C. Obligations of Presenting Organization

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

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

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

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

VII. Signs

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

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

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

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

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

#### VIII. Distribution of Literature

##### A. General Rule on Distribution of Literature

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

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

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

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

C. Limits on Advertising

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

D. Clean Up of Abandoned Literature

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

IX. Joint Sponsorship

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

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

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

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

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

C. Cleanup around Tables

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

D. Sources of Tables

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

XI. Exhibits

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

A. Authorization Process

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

B. Criteria for Approval

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

C. Time Limits

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

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

E. Liability

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

XII. Responding to Speech, Expression, and Assembly

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

XIII. Solicitation

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

XIV. Police Patrol

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

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

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

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

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

#### XV. Undue Interference

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

#### XVI. Response to Violations

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

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

XVII. Appeals

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

XVIII. Definitions

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

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

## Manual of Policies and Procedures for Student Affairs

### Chapter 6. Speech, Expression, and Assembly

#### Subchapter 6-100. Governing Principles

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

As used in this chapter,

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

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

As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 6-205. Solicitation**

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

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

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

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

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

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

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

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

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

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

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

**Sec. 6-301. Disruption**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Subchapter 6-400. Distribution of Literature**

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

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

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

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

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

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

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

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

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

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

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

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

### **Subchapter 6-500. Signs and Banners**

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

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

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

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

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

prohibited.

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 6-504. Banners**

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

b. The chief student affairs officer shall designate places where banners may be hung in indoor/outdoor locations not occupied or controlled by any other academic or administrative unit. Other academic and administrative units may designate one or more places where banners may be hung in indoor or outdoor locations that the unit occupies or controls.

1. Academic and administrative units and registered student, faculty, and staff organizations may hang banners in locations designated by the chief student affairs officer. Individuals may not hang banners.
2. Advance permission is required from the unit administering the location, and

usually, advance reservations are required. Academic and administrative units advertising official University events or programs may be given priority. In locations administered by academic or administrative units other than the chief student affairs officer, organizations affiliated with the unit administering the location may be given priority.

3. In locations administered by the chief student affairs officer, each banner may be hung for up to two weeks. The banner may be renewed for additional time if space is available, but usually, other organizations are waiting their turn and renewal is not possible.

4. Other units administering a location for banners may limit the time each banner may hang. Any such time limit shall be applied without discrimination to all organizations, except that academic and administrative units may be given preference.

e. The Director shall maintain, on a Web site or on a flyer or pamphlet conveniently available at the Department of Student Engagement:

1. a list of locations where banners may be hung;
2. the academic or administrative unit that administers banners at each outdoor location; and
3. a current description of the rules and procedures for reserving the right to hang a banner in locations administered by the chief student affairs officer.

f. The unit administering a banner location may require that the physical work of hanging the banners be performed only by employees of Physical Plant or other appropriate University personnel.

g. Hand-held banners. University persons, university organization, and members of the public are permitted to display a hand-held banner carried by two or more individuals without poles, in accordance with this chapter, in the common outdoor areas.

**Sec. 6-505. Decal**

a. "Decal" means a non-permanent object designed to adhere on the ground.

1. Decals may be placed only by academic or administrative units in locations approved by the chief student affairs officer and must comply with section 6-200.

**Sec. 6-506. Signs in Other Designated Locations (Including Departmental Bulletin Boards)**

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

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

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

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

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

location, the name and office location of the person whose stamp or initials are required.

d. This notice shall be posted in the upper left corner of each bulletin board or other designated location for posting signs, or conspicuously in another nearby location. If no such notice is posted, or the bulletin board is in a general use area such as a hallway, the sign must be approved for posting by the Department of Student Engagement to verify that the sign complies with subchapter 6-200 and sections 6-301 to 6-304.

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

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

### **Subchapter 6-600. Tables**

#### **Sec. 6-601. General Rule on Tables**

University persons or organizations may set up tables from which to display literature and disseminate information and opinions, subject to the rules in this subchapter and to the general rules in subchapters 6-200 and 6-300. No advance permission is required for groups providing their own tables; however, reservations are required for on-campus groups wishing to use University-supplied tables.

a. Subject to the restrictions in paragraph (b) and subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic (see section 6-301), University persons and organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location.

b. Restrictions on table placement:

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

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

#### **Sec. 6-602. Identification**

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

#### **Sec. 6-603. Clean-up around Tables**

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

#### **Sec. 6-604. Sources of Tables**

a. Persons and organizations may supply their own tables. In addition, the university maintains a supply of tables that may be reserved and checked out for use on campus. The director shall maintain, on a Web site or on a flyer or pamphlet conveniently available at the Department of

Student Engagement, a current description of the rules and procedures for reserving and checking out tables.

### **Subchapter 6-700. Exhibits and A-Frames**

#### **Sec. 6-701. General Rule on Exhibits**

- a. "Exhibit" means an object or collection of related objects, designed to stand on the ground or on a raised surface, that is not a table, and that is designed for temporary display and is not permanently attached to the ground.
- b. "A-frame" means a movable and self-supporting sign board designated to stand on the ground, an A-frame is an exhibit
- c. University persons and organizations may erect exhibits, subject to the rules in this subchapter and to the general rules in subchapters 6-200 and 6-300. Advance permission is required from the director, except that an academic unit may authorize indoor exhibits in a space that it occupies and controls. Exhibits may not be erected on the Riter Plaza, Spence Plaza, and Braithwaite Gardens.

#### **Sec. 6-702. Application Process**

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

#### **Sec. 6-703. Criteria for Approval**

- a. The director shall authorize an exhibit described in a completed application under section 6-702 unless the director finds that use of the proposed space for the proposed exhibit must be disapproved under the criteria in section 7-203.
- b. The director shall specify the location of each exhibit to reduce the hazard to visually impaired pedestrians.
- c. The director shall advise each applicant how to correct, if possible, any conditions that preclude approval of his or her application. Even if an applicant is entitled to have their application approved as submitted, the director may give advice about other possible locations, or about modifications to the exhibit, that would avoid potential problems or make the proposed exhibit more workable.

#### **Sec. 6-704. Time Limits**

- a. In locations administered by the director, each exhibit may be displayed for fourteen days. The exhibit may be renewed for an additional fourteen days if space is available.
- b. The exhibit must be removed at the end of each day and may be re-erected each morning. However, the chief student affairs officer may authorize overnight exhibits in designated locations. Overnight exhibit locations shall be listed on a Web site, or on a flyer or pamphlet conveniently available in the Department of Student Engagement. A-frame signs and other small exhibits may be left overnight if the exhibit is relatively small in size and is placed in specified locations according to section 6-703(b).

#### **Sec. 6-705. Clean Up Around Exhibits**

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

#### **Sec. 6-706. Liability**

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

### **Subchapter 6-800. Amplified Sound**

#### **Sec. 6-801. General Rule on Amplified Sound**

a. All individuals may use amplified sound on campus at designated times and locations, subject to the rules in this subchapter and to the general rules in subchapters 6-200 and 6-300. Advance permission is required. This subchapter creates limited exceptions to the general rule on disruption in section 6-301.

#### **Sec. 6-802. Location and Times of Weekday Amplified Sound Areas**

a. The University West Yard Amplified Sound Area is located adjacent to the University Center between the University Center and Stewart Hall.

1. All individuals may use amplified sound in this area from 11:00 a.m. to 1:00 p.m., and after 5:00 p.m. Monday through Friday.

b. The Deck Amplified Sound Area is located adjacent to Harvey Lake near Stewart Hall.

1. All individuals may use amplified sound in this area from 11:00 a.m. to 1:00 p.m., and after 5:00 p.m. Monday through Friday.

c. The Patriot Plaza is located adjacent to the main entrance to the University Center, Alumni House and Riter Plaza.

1. All individuals may use amplified sound in this area from 11:00 a.m. to 1:00 p.m. and after 5:00 p.m. Monday through Friday.

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

#### **Sec. 6-803. Regulation and Scheduling of Weekday Amplified Sound**

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

b. Amplified sound in the Deck and University West Yard is in fact disruptive of teaching, administration, and research in the University Center and Stewart Hall. The disruption inherent in this use of amplified sound is expressly authorized, but no other disruption is authorized. Disruption is permitted to this extent because otherwise, it would be necessary to ban all use of amplified sound in and near the center of campus during working hours. The hours are limited because otherwise, work in these important buildings would be continuously disrupted.

c. Between 8:00 a.m. and 5:00 p.m. Monday through Friday, university persons must use sound equipment owned or controlled by the University.

d. All individuals using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area.

e. Any designations of additional areas, any additional rules regulating the designated areas, and the rules and procedures for reserving the right to use a designated area, shall be clearly stated on a Web site or on a flyer or pamphlet conveniently available at the Department of Student Engagement.

#### **Sec. 6-804. Amplified Sound on Evenings and Weekends**

a. With advance permission from the Director, all individuals may use amplified sound in any outdoor location on campus, including the weekday amplified sound areas designated in section 6-802, after 5:00 p.m. Monday through Friday, and after 8:00 a.m. Saturday and Sunday, except for the early morning hours excluded in paragraph (b).

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

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

**Sec. 6-805. Amplified Sound Indoors**

a. Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the Director may limit or prohibit sound that would be disruptive outside the room. Reservations may be required. Rules concerning use of University buildings are contained in chapter 7.

**Sec. 6-806. Noise Level**

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

**Subchapter 6-900. Public Assemblies**

**Sec. 6-901. General Rule on Public Assemblies**

a. "Publicly assemble" and "public assembly" include any gathering of persons, including discussions, rallies, and demonstrations. The rules of subchapter 6-800 apply to any use of amplified sound at a public assembly.

b. All individuals may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this subchapter, to the general rules in subchapters 6-200 and 6-300, and to the rules on use of University property in chapter 7. No advance permission is required.

**Sec. 6-902. Reservation of Space**

a. University persons or organizations who wish to publicly assemble in a particular room or space at a particular time may reserve the room or space under the provisions in subchapter 7-200.

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

**Sec. 6-903. Notice and Consultation**

a. Persons or organizations who are planning a public assembly with seventy-five or more participants are strongly encouraged to notify and consult with the director as soon as practicable after the point at which the planners anticipate or plan for seventy-five or more participants. Persons or organizations planning smaller assemblies are encouraged to consult the director if there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events. The director can help identify appropriate space and potentially conflicting events. Refer to the Student Organization Handbook for additional information, policies, and procedures related to student organizations reserving space for public assemblies with seventy-five or more participants.

**Subchapter 6-1000. Guest Speakers**

**Sec. 6-1001. Definitions**

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

**Sec. 6-1002. Who May Present**

a. Registered student, faculty, and staff organizations, and academic and administrative units, may present guest speakers on University property. In the case of registered student organizations, advance permission from the director is required through the proper form reservation system for events. Individuals may not present a guest speaker in University buildings or University facilities.

**Sec. 6-1003. Location and Form of Presentation**

a. A guest speaker may present a speech or performance, or lead a discussion, at a time announced in advance, in a fixed indoor location, or in a fixed outdoor location approved by the chief student affairs officer. A guest speaker may distribute literature to persons who attend the speech, performance, or discussion.

b. A guest speaker may not

1. accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
2. distribute literature to persons who have not chosen to attend the speech, performance, or discussion; or
3. help staff a table or exhibit set up under subchapter 6-600 or 6-700.

**Sec. 6-1004. Application**

a. A registered student organization that wishes to present a guest speaker shall apply to the Director, on a form prescribed by the Director, at least 14 days prior to the scheduled event or any planned advertising for the event, whichever is earlier. The application shall be combined with an application under section 7-202 to reserve the use of a University room or space for the event.

b. The Director shall approve an application properly made under subsection (a) unless it must be disapproved under the criteria in section 7-203.

**Sec. 6-1005. Obligations of Presenting Organization**

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

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

**Subchapter 6-1100. Responding to Speech, Expression, and Assembly**

**Sec. 6-1101. General Rule on Responding**

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

**Sec. 6-1102. Applications of Section 6-1101**

a. Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.

b. Means of response that are permitted in many locations and without advance permission or reservation, such as signs, tables, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized in this policy.

c. Means of response that require advance permission or reservation, such as banners, A-frames, exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Banner space and some amplified sound areas may be unavailable on short notice but the director shall expedite approval of A-frames, exhibits, and available banner space and amplified sound areas where necessary to permit appropriate response to other speech, assembly, or expression.

d. Means of response that are confined to authorized locations, such as banners and amplified sound, may be used only in those locations. It is not possible to respond to amplified sound with

amplified sound in the same location; similarly if an exhibit or public assembly is in a location where amplified sound is not permitted, it is not possible to respond with amplified sound in that location. In either case, it is possible to respond with amplified sound in another location and to use signs or distribution of literature to advertise the response at the other location.

### **Subchapter 6-1200. Enforcement and**

#### **Appeals Sec. 6-1201. Police Protection**

a. It is the responsibility of the University to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty hours in the area of such events will be at the cost of the University. When the magnitude, timing, or nature of an event requires overtime hours from police officers (including contract hours for officers hired from other departments or private security agencies), the University will, to the extent specified in subsections

(b) and (c), charge the cost of overtime or contract officers to the person or organization sponsoring the event or exhibit that requires overtime police protection. The purpose of subsections (b) and (c) is to charge for police overtime where reasonably possible, but not to charge for police overtime made necessary by the content of speech at the event or by the controversy associated with any event.

b. A reasonable and nondiscriminatory fee for overtime police work will be charged for events that require overtime police protection, and

1. charge a price for admission, or
2. pay a speaker, band, or other off-campus person or organization for services at the

event. Persons or organizations planning such events should budget for the cost of police protection.

c. The University shall have the sole power to decide, after reasonable consultation with the person or organization planning the event, whether and to what extent overtime police protection is required. In accordance with SB 18 section 2 subsection h No fee shall be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees shall be determined by the department providing the security service.

#### **Sec. 6-1202. Response to Violations**

a. Students wishing to make a grievance regarding a violation may report it via the [Non-Academic Student Grievance Form](#).

b. A student or student organizations who violates a prohibition in this chapter may be disciplined under the procedures in chapter 8.

c. A faculty member who violates a prohibition in this chapter may be disciplined under applicable procedures provided by the Handbook of Operating Policies. If no such procedures exist, violations by faculty members shall be referred to their direct supervisor or the Office of Academic Affairs and Provost.

d. A staff member who violates a prohibition in this chapter may be disciplined under applicable procedures provided by the Handbook of Operating Policies. If no such procedures exist, violations by staff members shall be referred to their direct supervisor or the Office of Human Resources.

e. Authorized University personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this chapter, by explanation and persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively or additionally, they may initiate disciplinary proceedings under paragraph (a), (b), or (c). Discretion regarding the means and necessity of enforcement shall be vested in the chief of police, or in University

personnel designated by the president, as appropriate, but such discretion shall be exercised without regard to the viewpoint of any speaker.

f. Persons and organizations on the campus shall comply with instructions from University administrators and law enforcement officials at the scene. A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under section 6-1203.

**Sec. 6-1203. Appeals**

a. A person or organization that is denied permission for an activity requiring advance permission under this chapter may appeal the denial of permission.

b. A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth weekday after complying with the order, file an appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal shall be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.

c. An appeal authorized by this section shall be heard under the procedures set out in Chapter 7, Use of University Property, Rooms and Spaces, subchapter 7-400.

Revised: 02/27/2020

# UT SOUTHWESTERN POLICY HANDBOOK

## FSS-103 PROTECTED EXPRESSION ON CAMPUS

### CHAPTER 8: FACILITIES AND SUPPORT SERVICES

#### CONTENTS

Policy Rationale and Text  
Scope  
Procedures  
Responsibilities  
Definitions  
Related Statutes  
Forms, Tools, Online Processes  
Contacts/For Further Information  
Policy History

#### 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](mailto: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.



<b>Institutional Handbook of Operating Procedures</b> <b>Policy 02.07.03</b>	
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:**

### IHOP Policy 02.07.03

- 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](#).

## IHOP Policy 02.07.03

### **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

IHOP Policy 02.07.03

**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](mailto: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

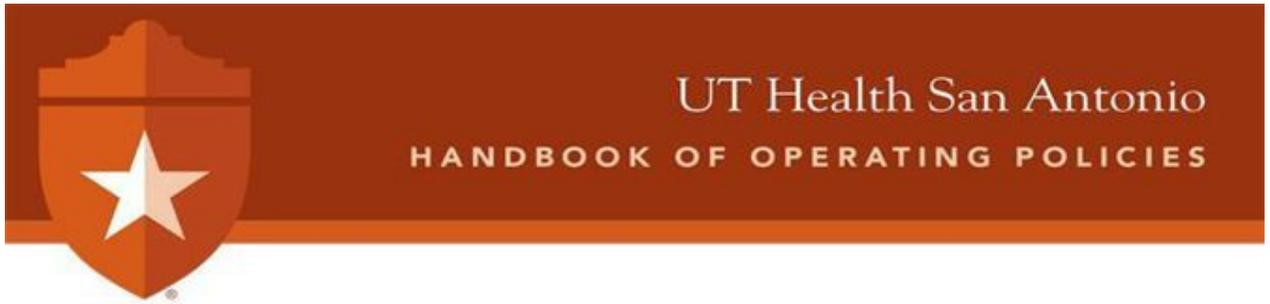
713-500-4952

<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>



<b>9.1.9: Expressive Activities</b>			
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.<sup>1</sup> 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.<sup>2</sup>

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.

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<sup>1</sup> Tex. Const. art. I, § 8

<sup>2</sup> Tex. Edu. Code Ann. § 51.201



**MD Anderson Institutional Policy # ###POLICYID###**

## **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](mailto:Institutional_Compliance@mdanderson.org)
- The Chief Compliance and Ethics Officer via the Page Operator, 713-792-7090
- The Compliance Hotline, 800-789-4448

## Attachments/Links

[Common Outdoor Areas on MD Anderson's Campus \(Attachment #ATT3353\)](#)

[Expressive Activities at MD Anderson Registration form](#)

[MD Anderson's Code of Conduct](#)

[MD Anderson's Do the Right Thing: MD Anderson's Standards of Conduct](#)

## Related Policies

[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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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]*