



**OFFICE OF THE DIRECTOR OF POLICE
THE UNIVERSITY OF TEXAS SYSTEM
TRAINING BULLETIN 024
CAMPUS FREE SPEECH
AUGUST 23, 2019**



I. Purpose

The purpose of this training bulletin is to provide University of System Police personnel an overview of the impact of Senate Bill 18 (Campus Free Speech).

II. Introduction

Senate Bill 18 (86th Regular Session) commonly known as the “Campus Free Speech Bill” creates section 51.9315 of the Education Code. The Campus Free Speech Bill makes the common outdoor areas of our campuses traditional public forums. With this change in law, any member of the public can now come onto the common outdoor areas of our campuses for the purpose of engaging in “expressive activities,” which is a term defined by the statute.

III. Definitions

- “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 but does not include commercial speech.
 - The following are examples of what is and is not expressive activity as defined by Senate Bill 18:

Yes	<ul style="list-style-type: none"> • Loudly expressing opinions on the role of women in society to people walking by 	No	<ul style="list-style-type: none"> • Yelling obscenities at female students as they walk by
Yes	<ul style="list-style-type: none"> • Sitting in silence holding up a sign saying capitalism is the cause of homelessness 	No	<ul style="list-style-type: none"> • Soliciting money from students walking by while carrying a sign that says capitalism is the cause of homelessness
		No	<ul style="list-style-type: none"> • Sleeping on a bench with a sign that says capitalism is the cause of homelessness

- “Commercial speech” expression related solely to the economic interests of the speaker and its audience.
- “Common outdoor areas” is not defined by Senate Bill 18 or case law and should be construed according to its common meaning.

IV. **What has changed with passage of Senate Bill 18?**

- Anyone who is in the common outdoor areas of a campus for the purpose of engaging in expressive activities is authorized to be on campus, that is, the common outdoor areas of our campuses are now traditional public forums for free speech.

V. **What has *not* changed with passage of Senate Bill 18?**

- There are no changes to how officers should respond to individuals who are not engaging in expressive activities or are present inside buildings or other areas not considered to be campuses’ common outdoor areas.
- Reasonable time, place and manner restrictions still apply to all expressive activity on our property, regardless of who is engaging in the expressive activity.
- Asking for Identification:
 - There are no changes to Section 51.209 of the Education Code and Regents’ Rule 80101, which authorize: (1) our refusal to allow persons having no legitimate business to enter our property; (2) ejection of persons from our property on the person’s refusal to leave peaceably on request; and (3) requiring identification of any person on our property. Likewise, it is still unlawful to refuse to provide identification upon request.
 - However, officers should be aware that requiring identification of an individual *only* because that individual is engaging in expressive activity in an outdoor area of campus may be seen as “chilling” that person’s speech.
 - Requiring identification for other reasons is still authorized, including requiring identification of individuals not engaging in expressive activity or engaging in expressive activity inside buildings or locations not considered the common outdoor area of a campus.

VI. **Additional Resources/Reference Materials**

Senate Bill No. 18, enrolled, available at

<https://capitol.texas.gov/tlodocs/86R/billtext/pdf/SB00018F.pdf#navpanes=0>