



## 13.02.99.D0.01

## Freedom of Expression

Approved September 29, 2016

Revised:

Next Scheduled Review: September 29, 2019

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### Procedure Statement

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Texas A&M University – Central Texas (A&M – Central Texas) is committed to providing an environment that is conducive to the personal and professional development of its community members. The university will protect the rights of freedom of speech, expression, petition, and peaceful assembly as set forth by the First Amendment of the U.S. Constitution. A&M-Central Texas does reserve the right to regulate reasonable time, place and manner restriction concerning acts of expression and dissent.

Universities are the marketplace of ideas and, as such, A&M-Central Texas students 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 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.

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### Reason for Procedure

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This standard administrative procedure (SAP), in conjunction with Texas A&M University System Policy 13.02 *Student Rights and Obligations*, has been developed to provide guidance to the university community on the exercise of First Amendment rights.

The purpose of this SAP is to promote student expression and respect students' constitutional rights while providing for the University's need to make necessary arrangements (including providing security and avoiding multiple events in the same location at the same time) and ensuring that expressive activities do not interfere with the mission of the University and the rights of others. Nothing in this SAP should be used to limit the content of expressive activity that is protected by the First Amendment. A&M-Central Texas does not take any position on or action against a message or a speaker based on the content of the message. A&M-Central Texas does not endorse the message of any particular speaker or group.

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### Procedures and Responsibilities

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#### 1. GENERAL EXPRESSIVE ACTIVITY INFORMATION

1.1 A&M– Central Texas provides forums for the expression of ideas and opinions. These include:

- 1.1.1 Traditional public forums include the University’s public streets, sidewalks, parks, walking trails, and similar common areas. These areas are generally available for expressive activity, planned or spontaneous, for the individual or small groups (generally where a crowd of 25 or less will be present, and/or where an event is not promoted in advance, and/or when an event is not sponsored by a student organization) at any time without the need for reservation, or prior approval. (Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.)
- 1.1.2 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, parks, and walking trails in terms of access and availability for expressive activity. (Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.)
- 1.1.3 Limited public forums have limited open access for public expression, or they may be limited to particular groups or to particular topics regardless of content. Creation of, and access to, limited public forums for student publications may be requested through the Office of Civic & Student Engagement.
- 1.1.4 Non public forums are areas that are not traditional public forums or designated public forums. These include areas that are not by tradition or designation forums for public communication. These forums will be restricted to use for their intended purposes and are not available for public expressive activity. Examples include, but are not limited to, classrooms, mental health counseling offices, residence hall rooms, faculty and staff offices, academic and administration buildings, libraries, computer labs, and science laboratories.

Security needs, safety precautions, and local and national events may affect the availability of spaces that would otherwise be routinely available.

Individuals who choose to observe and/or listen to expressive activities bear the responsibility of acknowledging and honoring the right of free speech. Any acts that are disruptive to the normal operations of the university, including classes and university business, or that invade the rights of others will not be tolerated. Students engaging in a disruptive activity may be subject to disciplinary action. Any participation in a disruptive activity may face criminal charges.

Ideas put forth in expressive activities are not necessarily the views of A&M – Central Texas, its officers, administrators, or leaders, unless otherwise noted.

## 2. SPONTANEOUS CAMPUS EXPRESSION

2.1 Students and university community members may engage in expressive activity on campus grounds without the need for prior reservation or registration except as set out in this and other applicable University policies. To accommodate for the need of immediate and spontaneous demonstration and to better facilitate the free marketplace of ideas, the University designates the following high visibility areas as Free Expression Areas (The free flow of traffic is not to be impeded):

- 2.1.1 Warrior Hall Lobby
- 2.1.2 Founder's Hall Lobby
- 2.1.3 Warrior Hall lawn and grass areas
- 2.1.4 Founder's Hall lawn and grass areas

### 3. RESERVING CAMPUS LOCATIONS FOR EXPRESSIVE ACTIVITY

- 3.1 If a student or student organization intends to host or initiate a demonstration or event that may draw a crowd of more than 25 people, require security, impede pedestrian or vehicular traffic, and/or includes a march or similar activity, or may pose a substantial risk of disrupting the functioning of the University or of violating any other University policy, the University requires that the student or student organization contact the Office of Student & Civic Engagement at least five (5) days in advance of the activity. The Office of Student & Civic Engagement will work with the requesting student or student organization either to meet the request or to find an appropriate time and location that balances the rights of the requesting student or student organization with the rights of others and the University's educational mission.
- 3.2 Advance reservation is required for activities near intersections.
- 3.3 Individuals or organizations using amplified sound must submit a reservation five (5) days in advance of the event.

### 4. RESERVATION PROCEDURES

- 4.1 Individuals or groups who are either required to make advance reservation (see section 3) or those individuals or groups who otherwise wish to make advance reservations shall request use of the space by completing a Reservation Request form and submitting it through the Office of Civic & Student Engagement in Warrior Hall. If advance reservation is required, requests must be made at least five business days in advance of the event. Additional collaboration and coordination may be required from the office of Public Engagement and Brand Strategy in Founder's Hall. University sponsored events have first priority on the use of campus facilities. **The university reserves the right to locate any assembly to ensure that the activity does not interfere with the normal operations of the university or interfere with the rights of others.**

At the time of the request, the following information will be required:

- Name information of the person or organization sponsoring the event. Contact information for one individual who will be present during the course of the event
- Location, date, and time requested for the event
- General purpose of the event
- List of planned activities (i.e. speech or rally, distribution of literature, sit-in)
- Copies of any literature to be distributed
- Special equipment requested
- Anticipated attendance
- Student organization's advisor information

## 4.2 Denial of Reservation Requests

- 4.2.1 If the Office of Student & Civic Engagement denies the reservation request, the Assistant Director of Student Engagement or Associate Dean of Student Affairs will, where feasible, propose measures to address any defects in the request. When the basis for the denial is receipt of an earlier request for the same location and time, the Assistant Director of Student Engagement or Associate Dean of Student Affairs will inform the individual or organization whose request is denied of other possible dates, times, and locations that are available for reservation.
- 4.2.2 The decision to confirm a request for space will be based on proper and timely completion of the Reservation Request form, in compliance with applicable sound and sign requirements, and availability of space. The decision will be based on the above criteria, and in no circumstance will any decision be based on the content or viewpoint of the expressive activity or upon the expected reaction of others. The University asserts itself as a content-neutral facilitator of expressive activities. If a request is denied, the rationale for such a decision will be provided in writing. The denial of a reservation may be appealed to the Dean of Student Affairs or a designee. All appeals shall follow the Student Complaint Process found in the University Student Handbook.

## 5. GUIDELINES FOR EXPRESSION

There are numerous locations on campus available to express your views. The following general conditions of use apply to all areas on the University campus and are only intended to promote the safety and welfare on campus. Expressive activity may not create a vehicular or other safety hazard or constitute disruptive activity, defamation, riotous conduct, or obscenity as those terms are defined by federal or state law and may not impede access to other expressive activity, such as blocking the audience's view or preventing the audience from hearing a speaker.

- 5.1 In accordance with the constitutions of the State of Texas and the United States and university policy, A&M-Central Texas recognizes the rights of all students to engage in discussion, to express thoughts and opinions, and to assemble, speak, write, publish or invite speakers on any subject without interference or fear of disciplinary action by the university.
- 5.2 Disruptive Activity – Engaging in conduct that unreasonable, materially, or substantially interferes with or disrupts any University teaching, research, administrative, public service, or other authorized activity is prohibited. Likewise, infringement on the rights of others is prohibited.
- 5.3 Reasonable Access – It is important to provide reasonable access to, and exit from, any office, classroom, laboratory or building. Likewise, vehicular and pedestrian traffic should not be obstructed.
- 5.4 Picketing – Picketing in an orderly manner outside of university buildings may be permitted. Such activities should not become disruptive nor should they impede access. Picketing is not permitted inside campus buildings.

- 5.5 Literature may be distributed in traditional and designated public forums. (Distribution of commercial literature requires a separate concessions permit.) Such activities should not become disruptive nor should they impede access.
- 5.6 Symbolic Protest – Displaying a sign, gesturing, wearing symbolic clothing or otherwise protesting silently is permissible unless it is a disruptive activity or impedes access. In addition, such acts should not block the audience’s view or prevent the audience from being able to pay attention.
- 5.7 Noise-Making sustained or repeated noise in a manner that substantially interferes with a speaker’s ability to communicate a message is not permitted. Noise levels should not interfere with classes, meetings or activities in progress. Amplification devices are not permitted in lobby spaces of Warrior Hall or Founder’s Hall.
- 5.8 Force or violence – Any attempt to prevent a university activity or other lawful assembly by the threat or use of force or violence is not permissible.
- 5.9 Presenting Identification – In accordance with the Texas Education Code it is unlawful for any person on any property either owned or controlled by the university to refuse to identify oneself to a university official in response to a reasonable request. For the purpose of these guidelines, a person identifies oneself by presenting a student ID, state issued ID card, or military ID.
- 5.10 Damage to Property – Any damage to university or personal property in the course of, or as a result of, an expressive activity is prohibited. Care should be taken to ensure that university and personal property is not damaged or destroyed. This includes campus lawns, shrubs, and trees. Damage to university property has a financial impact on the institution and the university reserves the right to seek financial reparations for the damage.
- 5.11 Other University Standards – All applicable University Student Conduct standards shall be followed whenever engaging in activities on campus. Consult the A&M – Central Texas Student Handbook for further information.

## 6. STUDENT ORGANIZATIONS SPONSORING INVITATIONS AND EVENTS

- 6.1 “Student organization” shall refer to a recognized student group in accordance with all specific campus policies and practices.
- 6.2 Student organizations must comply with all policies and procedures outlined in the Student Organization Handbook.

## 7. WHAT TO DO IF YOUR RIGHTS ARE VIOLATED

- 7.1 If your personal safety is actively being or has been violated or threatened, call 911.
- 7.2 If you need physical access to a space on campus and it is being blocked, contact TAMUCT University Police Department at 501-5800.

7.3 If a student feels as though their right of free speech has been violated, they may contact the Dean of Student Affairs or Associate Dean of Student Affairs at 501-5909. If the student believes it is the Dean or Associate Dean of Student Affairs who is violating their right to free speech, they should contact the Office of Institutional Compliance at 519-5722.

8. In compliance with applicable state and federal laws, A&M-Central Texas shall not participate or intervene in any political campaign and must prevent its resources from being used in any way that could appear to support a political candidate.

All individuals participating in expressive activity are expected to comply with state and federal law, municipal ordinances, A&M – Central Texas Student Conduct Standards and the above guidelines. Failure to do so may result in immediate removal from the campus and any other appropriate action by university officials and/or University Police.

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

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[Texas A&M University System Rule 13.02 \*Student Rights and Responsibilities\*](#)

[Texas A&M University – Central Texas Code of Student Conduct](#)

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## **Contact Office**

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Division of Student Affairs  
Warrior Hall, 105  
(254)519.5721