

UNIVERSITY RULE

08.99.99.M1 Expressive Activity on Campus

Approved May 14, 2020

Next Scheduled Review: May 14, 2025

Rule Statement

Texas A&M University is committed to providing an educational and work climate that is conducive to the personal and professional development of each individual. In fulfilling its multiple missions as an institution of higher learning, it encourages the free exchange of ideas. The university will protect the rights of freedom of speech, expression, petition and peaceful assembly as set forth in the U.S. Constitution and Texas state law. Texas A&M University maintains its right to regulate reasonable time, place and manner restrictions concerning acts of expression and dissent.

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the bill: Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

Definitions

Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

1. **Benefit** means recognition by or registration with the university, the use of the university’s facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.
2. **Campus** means all land and buildings owned or leased by the university, including those at branch campuses and remote locations.

3. **Common outdoor areas** means places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for a special event. This term does not include areas immediately adjacent to a private residence.
4. **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. (Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.)
5. **Disruptive Activity** is the obstruction, disruption or interference with classes, research, administrative functions or other university activities, and is not permitted. Likewise, infringement on the rights of others is prohibited.
6. **Employee** means an individual employed by the university.
7. **Expressive activity** 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.
8. **Faculty** means any full or part-time employee of the university holding an academic appointment.
9. **Limited public forums** have limited open access for public expression, or they may be limited to particular groups or to particular topics.
10. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
11. **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 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, research and computer laboratories, the MSC lawn, Easterwood Airport, Brayton Fire Training School, and research facilities.
12. **Person** means students, faculty, staff, student organizations, and third-parties.
13. **Reasonable time, place, and manner restrictions** means limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.
14. **Staff** means an employee of the university that is not a faculty member.
15. **Student** means an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.
16. **Student Organization** means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.
17. **Third-party (External Client)** means an individual or entity that is not a student, student organization, or employee of the university.
18. **Traditional public forum** means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples

of traditional public forums include public streets, sidewalks, plazas, lawns, and parks. 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.)

Official Rule

1. EXPRESSIVE ACTIVITY RIGHTS

- 1.1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
- 1.2. Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as 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 by the requesting student organization or employee with this rule and other relevant rules. The university may not consider any anticipated controversy related to the event.
- 1.3. The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
- 1.4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.
 - 1.4.1. As outlined in Section 3, Texas A&M University may require advance reservation of events in certain circumstances to ensure safety and to promote an environment conducive to study.
 - 1.4.2. There are areas such as residences, the Bush Library, the nuclear reactors, utility buildings, etc. that 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. Information about existing

requirements, restrictions, or security concerns will be discussed at the time a reservation request is processed.

- 1.5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. RESERVABLE DESIGNATED PUBLIC FORUMS

- 2.1. Rudder Fountain Area, Lawrence Sullivan Ross Statue Area, and the West Mall Area are reservable designated public forums and will be reserved at the request of students and non-students for expressive activity. The act of confirming a reservation will ensure the availability of space. A reservation is not required, except as described in Section 3. Each area available for reservation is described below.

- *Rudder Fountain Area* – space between Memorial Student Center and Rudder Tower. Sound equipment is allowed and is available for use in this area at a small fee. The volume of any sound equipment must be kept at a level that would not interfere with any academic or other program taking place in nearby buildings.
- *Lawrence Sullivan Ross Statue Area* – space west of the Academic Building and near the statue of Lawrence Sullivan Ross. No sound equipment is permitted in this area. (This area is not available for expressive activity during Silver Taps and/or during the Ross Volunteer practice for Silver Taps.)
- *West Campus Mall Area* – space east of the Heep Center and marked by flagpoles and plantings. No sound equipment is permitted in this area.

- 2.2. Texas A&M University branch campuses and remote locations may identify reservable designated public forums on their respective campuses.

3. ADVANCE RESERVATION REQUIREMENTS

In an effort to ensure safety and to promote an environment conducive to study, advanced reservation for expressive activity is required (in the form of an approved Reservation Request for Space) for events or activities that are promoted in advance, and/or sponsored by student organizations, and/or expected to draw a crowd of more than 25 people. Advance reservation is also required for activities near intersections, and/or in close proximity to academic buildings anytime classes, and/or study activities, and/or research are taking place.

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 on main campus in College Station shall request use of the space through the Scheduling Office on the second floor of Rudder Tower. 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 at branch campuses or remote locations should contact the designate administrator at that location. If advance reservation is required (see Section 3), requests must be made at least five business days in advance of the event. Additional collaboration and coordination may be required from a building/space proctor. Usually use of the space will be assigned to the person or organization that requests the area first. University sponsored events have first priority on the use of campus facilities. **The university reserves the right to locate any assembly so as to ensure that the activity does not interfere with the normal operation of the university or interfere with the rights of others.**

- 4.2. The decision to confirm a request for space will be based on proper and timely completion of the Reservation Request form, compliance with applicable sound and sign requirements, and availability of space. The decision to confirm will be based on the foregoing 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. If a request is denied, the rationale for the decision will be provided in writing. The denial of a reservation request can be appealed to the Vice President for Student Affairs or a designee.

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, march with signs, distribution of literature, sit-in).
- Special equipment requested.
- Anticipated attendance.

For recognized student organizations, an officer of the sponsoring organization must be present at the event, and during the entire course of the event.

4.3. Guidelines for Expression

1. *Disruptive Activity* – Obstruction, disruption or interference with classes, research, administrative functions or other university activities is not permitted. Likewise, infringement on the rights of others is prohibited.
2. *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.
3. *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.

4. Literature may be distributed in traditional and designated public forums. Such activities should not become disruptive nor should they impede access.
5. *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.
6. *Noise* – Making sustained or repeated noise in a manner that substantially interferes with speakers’ ability to communicate their message is not permitted. Noise levels should not interfere with classes, meetings or activities in progress or the privacy of residence hall students.
7. *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.
8. *Presenting Identification* – In accordance with Texas Education Code § 51.209, it is unlawful for any persons on any property either owned or controlled by the university to refuse to identify themselves to a university official in response to a request. For the purpose of this rule people identify themselves by presenting student or faculty/staff ID card or government issued ID card.
9. *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 the campus lawns, shrubs and trees.
10. *Other University Rules* – All applicable University Rules and University Student Rules should be followed whenever engaging in activities on campus. Consult the University Student Rules booklet for further information.

All individuals participating in expressive activity are expected to comply with state and federal law, municipal ordinances, 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.

5. EXTERNAL CLIENT EVENTS

Events organized by an external party but held on the Texas A&M University campuses must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member (see [University Standard Administrative Procedure 24.99.99.M0.02](#) for applicable procedures).

6. GRIEVANCE PROCEDURE

- 6.1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.

- 6.2. Students may file a grievance with the Office of the Dean of Student Life. Faculty may file a grievance with the Dean of Faculties. Staff may file a grievance with Human Resources. Third parties may file a grievance with Human Resources.
- 6.3. 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 tolerated. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. Any participant in a disruptive activity may also face criminal charges. The offices listed in section 6.2 of this rule are responsible for the complaint according to its normal procedures. Grievances may be referred to another office for review and further action, when appropriate.

7. IMPLEMENTATION

- 7.1. A copy of this rule shall be provided to students during New Student Conferences and other new student orientation programs.
- 7.2. This rule shall be posted on the university's website.

Related Statutes, Policies, or Requirements

[Texas Education Code § 51.9315.](#)
[University SAP 24.99.99.M0.02, *External Client Events*](#)

Contact Office

Office of Risk, Ethics, & Compliance