

## 08.99.99.R1 Expressive Activity on Campus

Approved May 14, 2020  
Next Scheduled Review: May 14, 2025



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### Rule Summary

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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 students’ rights and responsibilities regarding expressive activities” on its campus.

Texas A&M University-Commerce, finding that freedom of expression is of critical importance, ensures free, robust, and uninhibited debate and deliberations by our students, regardless of whether the students are on or off campus. A&M-Commerce officially recognizes freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of the University and persons should be permitted to assemble peaceably on campuses for expressive activities, including listening to or observing the expressive activities of others.

This rule is adopted to meet the requirements of the Texas Education Code Section 51.9315.

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### Procedures and Responsibilities

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#### 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. (See *12.99.99.R0.05 Invited Speakers*) 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:
  - 1.2.1 Proposed venue and the expected size of the audience,
  - 1.2.2 Anticipated need for campus security,
  - 1.2.3 Necessary accommodations, and
  - 1.2.4 Relevant history of compliance or noncompliance by the requesting student organization or employee with this rule and other relevant rules.

1.2.5 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.

## 2 FORUMS

2.1 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.

2.2 The Sam Rayburn Student Center and Ferguson Auditorium are deemed limited public forum. Any person is permitted to engage in expressive activities in these facilities in accordance with the Scheduling Office requirements.

2.3 Classrooms, campus offices, and residence halls are deemed nonpublic forum.

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

## 3 COMPLAINT PROCEDURE

3.1 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 complaint.

3.2 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. All complaints will be administered by the university concern process found on the [student concerns website](#).

If a violation of this rule was found to occur, the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. Complaints concerning (a) faculty will be referred to the Office of the Provost; (b) student and student organizations will be referred to the Student Conduct Office; and (c) complaints concerning staff and third parties will be referred to Human Resources.

## 4 IMPLEMENTATION

4.1 The rule will be included in the Student Guidebook and distributed each semester electronically.

4.2 The rule will be posted to the university's website.

## 5. EXTERNAL CLIENT EVENTS

Events organized by an external party and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member.

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## Related Statutes, Policies, or Requirements

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[Texas Education Code §51.9315 Protected Expression on Campus](#)

[University Procedure 12.99.99.R0.05 Invited Speakers](#)

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## Definitions

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

**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.

**Campus** means all land and buildings owned or leased by the University.

**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.

**Employee** means an individual employed by the University.

**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.

**Faculty** means any full or part-time employee of the University holding an academic appointment.

**Limited public form** means location that the University has opened for expressive activity with a content-neutral limited purpose.

**Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.

**Person** means students, faculty, staff, student organizations, and third-parties.

**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.

**Staff** means an employee of the University that is not a faculty member.

**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.

**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.

**Third party (External Client)** means an individual or entity that is not a student, student organization, or employee of the University.

**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

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## Contact Office

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University Ethics & Compliance Office  
903.886.5996