



System Ethics & Compliance Office  
**THE TEXAS A&M UNIVERSITY SYSTEM**

The Honorable Greg Abbott, Governor of Texas  
Office of the Governor  
PO Box 12428  
Austin, TX 78711-2428

November 25, 2020

RE: Combined Report of **The Texas A&M University System** Institutions – SB 18/ Tex. Educ. Code Ann. § 51.9315, *Protected Expression on Campus*

Dear Governor Abbott:

Senate Bill 18, passed by the 86<sup>th</sup> Legislature (2019) and codified in Tex. Educ. Code Ann. § 51.9315, requires, by December 1, 2020, all institutions of higher education to prepare, post on the institution's Internet website, and submit to the governor and the members of the legislature “a report regarding the institution’s implementation” of this new law. § 51.9315(k).

To comply with this new law, the System Ethics and Compliance Office and the Office of General Counsel provided a template rule to system members on July 31, 2019. See Exhibit “A.” Members could modify the template to fit the particular needs of their campus. Members submitted a draft rule for review by December 13, 2019. After review and approval for legal sufficiency each institution’s rule was submitted to the A&M System Board of Regents for approval. The Board of Regents approved the rules on May 14, 2020. See Exhibit “B.” The rules have been posted to each institution’s website.

Attached as Exhibits C-M are the individual reports of the A&M system institutions. If you have any questions regarding this matter, please contact me at (979) 458-6008 or [janetgordon@tamus.edu](mailto:janetgordon@tamus.edu).

Best regards,

Janet Gordon  
System Ethics and Compliance Officer

cc: Members of the Texas Legislature

Attachments: Exhibits A-M

Exhibit A – Template Rule Provided to Members

Exhibit B – Agenda Items 5.1 & 5.2 (including member rules)

Exhibit C – Report of Texas A&M University

Exhibit D – Report of Prairie View A&M University

Exhibit E – Report of Tarleton State University

Exhibit F – Report of Texas A&M International University

Exhibit G – Report of Texas A&M University-Corpus Christi

Exhibit H – Report of Texas A&M University-Kingsville

Exhibit I – Report of West Texas A&M University

Exhibit J – Report of Texas A&M University-Commerce

Exhibit K – Report of Texas A&M University-Texarkana

Exhibit L – Report of Texas A&M University-Central Texas

Exhibit M – Report of Texas A&M University-San Antonio

# Exhibit A

## 08.02.01.\_\_\_\_ Expressive Activity on Campus

Approved XXX XX, 20XX  
Revised XXX XX, 20XX  
Next Scheduled Review: XXX XX, 20XX



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### Rule Summary

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In 2019, the 86<sup>th</sup> Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.935, 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.

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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:

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.
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. **Employee** means an individual employed by the university.
5. **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.
6. **Faculty** means any full or part-time employee of the university holding an academic appointment.

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

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

9. **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.

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

11. **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.

12. **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.

13. **Third-party** means an individual who or entity that is not a student, student organization, or employee of the university.

14. **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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## Rule

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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. 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.

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

## 2. GRIEVANCE PROCEDURE

2.1. 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.

2.2 Grievances should be filed with the University Compliance Office.

2.3 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. The University Compliance Office will investigate the grievance and draft a report summarizing its findings. 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/Dean of Faculties; (b) student will be referred to the Student Conduct Office; and (c) complaints concerning staff and third-parties will be referred to Human Resources.

### **OR USE THIS APPROACH**

2.2. Students may file a grievance with \_\_\_\_. Faculty may file a grievance with \_\_\_\_. Staff may file a grievance with \_\_\_\_. Third parties may file a grievance with \_\_\_\_\_.

2.3 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. The office listed in section 2.2 of this rule are responsible for the complaint according to its normal procedures.

## 3. IMPLEMENTATION

3.1. A copy of this rule shall be included in any university published student handbook and personnel handbook.

3.2. A copy of this rule shall be provided to students during the university's new student orientation program.

3.3. A copy of this rule shall be posted to the university's website.

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

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Texas Education Code § 51.9315.  
OAG Guide to First Amendment Issues on Campus

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## **Appendix**

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Security Fee Protocol (Sample)

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## **Contact Office**

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Compliance Office

# Exhibit B

## AGENDA ITEM BRIEFING

**Submitted by:** Ray Bonilla, General Counsel  
The Texas A&M University System

**Subject:** Approval of New Expressive Activity on Campus Rules from Member Academic Institutions

### **Proposed Board Action:**

Approve new expressive activity on campus rules from member academic institutions, effective immediately.

### **Background Information:**

On June 10, 2019, the Governor signed SB 18, which added Section 51.9315, *Protected Expression on Campus*, to the Texas Education Code. This new law requires public institutions of higher education to adopt a “policy” (in system nomenclature, SB 18 requires members to adopt a rule) detailing students’ rights and responsibilities regarding expressive activity on campus. Each institution’s policy must be approved by the Board of Regents.

The law is intended to insure that all persons may peaceably assemble on campuses of institutions of higher education for expressive activities. September 1, 2019 was the effective date of this new law with a deadline of August 1, 2020 to implement the expressive activity policy required by the law.

Member academic institution chief executive officers (CEO) consulted with their provosts, deans of faculties, vice presidents of student affairs, deans of students, student conduct offices, directors of student activities, compliance offices, university police departments, and others as deemed necessary to prepare a rule for CEO approval and submission to the Office of General Counsel for legal sufficiency review.

The key features of the new law can be summarized as follows: (a) institutions are required to designate outdoor areas on campus as traditional public forums, (b) institutions may continue to impose reasonable time, place and manner restrictions (e.g., no events with loudspeakers outside academic buildings during classroom hours) for the common outdoor areas, (c) institutions must adopt expressive activity rules, including a grievance procedure that allows students who believe their free speech rights have been improperly infringed to seek recourse, (d) the institutional rules require board approval, (e) institutions must make the rules available to students and train key employees responsible for implementation; and (f) institutions must submit a report to the Governor and Legislature describing our implementation of the new law.

For system universities, only minor changes were needed to our rules to achieve compliance with SB 18. Our campuses already treated outdoor areas as traditional public forums, and our time, place and manner restrictions complied with the new law. We did have to revise our grievance procedures to conform to the new law, but otherwise the changes to the university rules can be fairly described as minor.

Agenda Item No.  
Agenda Item Briefing

In compliance with this directive, the system submits its 11 academic institutions' new expressive activity on campus rules to the Board of Regents for approval.

**A&M System Funding or Other Financial Implications:**

None.

**Strategic Plan Imperative(s) this Item Advances:**

The item advances Strategic Imperative 3, which provides: "Our students will leave the A&M System as responsible and engaged citizens prepared for successful careers in an increasingly global economy."

**THE TEXAS A&M UNIVERSITY SYSTEM**

Office of General Counsel

March 2, 2020

Members, Board of Regents  
The Texas A&M University System

Subject: Approval of New Expressive Activity on Campus Rules from Member Academic Institutions

I recommend adoption of the following minute order:

**“The new expressive activity on campus rules for all member academic institutions of The Texas A&M University System, as shown in the attached exhibits, are approved, effective immediately.”**

Respectfully submitted,

Ray Bonilla  
General Counsel

**Approval Recommended:**

**Approved for Legal Sufficiency:**

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John Sharp  
Chancellor

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Ray Bonilla  
General Counsel

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Billy Hamilton  
Deputy Chancellor and  
Chief Financial Officer

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Mark J. Rudin, President  
Texas A&M University-Commerce

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Pablo Arenaz, President  
Texas A&M International University

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Kelly M. Miller, President  
Texas A&M University-Corpus Christi

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Cynthia Teniente-Matson, President  
Texas A&M University-San Antonio

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Marc A. Nigliazzo, Ph.D., President  
Texas A&M University-Central Texas

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Emily F. Cutrer, President  
Texas A&M University-Texarkana

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Walter V. Wendler, President  
West Texas A&M University

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Mark A. Hussey, President  
Texas A&M University-Kingsville

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Ruth J. Simmons, President  
Prairie View A&M University

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Michael K. Young, President  
Texas A&M University

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Dr. James Hurley, President  
Tarleton State University

PRAIRIE VIEW A&M UNIVERSITY  
UNIVERSITY RULE



08.99.99.P1 Expressive Activity on Campus  
Approved May 14, 2020  
Next Scheduled Review: May 14, 2025

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Rule Summary

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As stated in the Preamble to Senate Bill 18, "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."

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Rule Statement

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Prairie View A&M University (PVAMU) is committed to providing an environment where issues can be openly discussed and explored. The university expects that persons engaging in expressive activities will demonstrate civility, concern for the safety of persons and property, respect for university activities, and compliance with university policies and applicable local, state, and federal laws.

This rule will detail the policies and procedures that will govern all expressive activities on campus.

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Official Procedures and Responsibilities

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1. GENERAL POLICY

- 1.1 The First Amendment to the United States Constitution protects students' rights to engage in all sorts of expressive conduct on college campuses – including oral speech, leaflets, signs, displays, concerts, visual performing arts, and even silence. PVAMU, a Texas public university, has set forth the following policies and procedures to protect the freedom of speech for all students, employees, or any persons, and to provide the safest environment for expressive activities to take place.
- 1.2 This rule is in place to provide a community environment in which open discussion can occur without disrupting the academic mission or daily university functions, and without unconstitutionally interfering with the rights of others.

- 1.3 The university does not impose any restrictions to control the point of view expressed by speakers or others engaged in expressive activities.
  - 1.4 The contents of expressive activities allowed on campus should not be interpreted as any shared opinion, endorsement, or concurrence by the university
  - 1.5 Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.
2. EXPRESSIVE ACTIVITY RIGHTS
- 2.1 Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities in the common outdoor areas on the PVAMU campus, including by responding to the expressive activities of others.
  - 2.2 Student organizations and employees are allowed to invite speakers to speak on campus.
  - 2.3 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 policies and procedures. The university may not consider any anticipated controversy related to the event.
  - 2.4 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 based on a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
  - 2.5 **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.
  - 2.6 Students may distribute written material in common outdoor areas as long as they are not substantially disrupting classes, forcing people to take material, or obstructing passageways. Permission is not needed from the institution to distribute materials.
  - 2.7 Spontaneous Expressive Activity
    - 2.7.1 PVAMU understands that many forms of assembly, protest, and demonstrations may occur spontaneously. Proper decorum and good behavior are expected in indoor areas and are meant to permit a respectful exchange of ideas and opinions during expressive activities. For outdoor campus facilities and areas, students, student organizations, employees, and their sponsored guests may freely engage in

spontaneous expressive activities. Traditional public forums include the university's public streets, sidewalks, parks, and similar common areas. These areas are generally available for expressive activity, planned or spontaneous, for the individual or small groups (where an event is not promoted in advance and/or when a student organization does not sponsor an event) at any time without the need for reservation, or prior approval. Spontaneous expressive activities may not: block access to campus buildings; obstruct vehicular or pedestrian traffic; substantially disrupt previously scheduled campus events; substantially disrupt college operations; constitute unlawful activity; or, create a clear and present threat to public safety.

2.7.2 PVAMU personnel may not impose restrictions on an individual or group who are engaging in spontaneous expressive activities due to the content or viewpoint of their expression or the possible reaction to that expression.

### 3. REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS

3.1 Activities that are unlawful or that materially and substantially disrupt the normal operations of the university's campus are prohibited. Expressive activities on university grounds do not imply endorsement by the university.

3.2 The following is a list of parameters for the time, place, and manner restrictions of activities that apply to all expressive activities on campus:

3.2.1 The activity may not violate local ordinances or state or federal laws.

3.2.2 The activity may not unduly disrupt traffic, either vehicular or pedestrian, or interfere with the ingress or egress to or from any building.

3.2.3 The activity may not create unreasonable safety risks.

3.2.4 Weapons are prohibited unless in accordance with the university's established guidelines for the carrying of concealed handguns by a holder of a license to carry a handgun on PVAMU owned or leased premises. For additional information, please reference University rule 34.06.02.P1 Carrying Concealed Handguns on Campus and University Administrative Procedure 34.06.02.P0.01 Concealed Carry Prohibition.

### 4. EXPRESSIVE ACTIVITY RESERVATIONS

4.1 Requests for reserving an area for expressive activity should be submitted to the Office of Student Engagement.

4.1.1 In an effort to ensure safety and to promote an environment conducive to study, advanced reservation for expressive activity is required 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. Requests for reservations should be made through the Office of Student Engagement.

- 4.1.2 The outside street area adjacent to the Willie A. Tempton, Sr. Memorial Student Center, located at L.W. Minor Street, is the primary area to reserve for expressive activity (designated public forum) and will be reserved at the request of students and non-students for expressive activity. Other locations are available upon request. The act of confirming a reservation will ensure the availability of space. A reservation is not required, except as described in the reservation procedures.
  - 4.2 University employees, students, and student organizations have the right to invite speakers to university forums to speak. When reviewing speakers, PVAMU will not consider any anticipated controversy related to the event.
5. SECURITY COST PROTOCOL FOR EXPRESSIVE ACTIVITY
  - 5.1 All events requiring police or security services must complete and submit security requests to the University Police Department no less than two weeks before the scheduled event to allow for sufficient planning. Requests made with less than two weeks' notice are not guaranteed police or security services. Fees for event security services vary. Visit the University Police Department's website at [www.pvamu.edu/upd](http://www.pvamu.edu/upd) for the most updated information.
6. DISCIPLINARY SANCTIONS
  - 6.1 Students, student organizations, employees, or any persons who unduly interfere with the expressive activities of others on campus will be subject to the disciplinary policies and procedures outlined in the applicable Student Code of Conduct, University Catalog, Faculty Handbook, or university policies and procedures.
  - 6.2 Violation of this rule may also constitute a breach of applicable criminal law. In such circumstances, Texas Penal Codes and Texas Code of Criminal Procedures will apply.
7. GRIEVANCE PROCEDURE
  - 7.1 Prairie View A&M University ensures the right of any person, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus. PVAMU will directly address any violation of this premise. Individuals or groups wishing to make their concerns or potential violations known should utilize the *Expressive Activity on Campus Complaint Form* located on the [Complaints & Appeals](#) website. The appropriate campus entity will promptly address the inquiry/concern/complaint.
  - 7.2 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.
  - 7.3 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 under the university's applicable rules and administrative procedures. The Office of University Compliance will investigate

the grievance and draft a report summarizing its findings. If a violation of this rule is found to have occurred, the report will be referred to the appropriate office for further action. The status of the offending individual will determine the referral office. Complaints concerning: (a) faculty will be referred to the Office of the Provost; (b) students will be referred to the Office of Student Conduct, and; (c) staff and third parties will be referred to the Office of Human Resources.

8. IMPLEMENTATION

- 8.1 A copy of this rule shall be included in university published handbooks.
- 8.2 A copy of this rule shall be provided to students during the university's new student and transfer student orientation programs.
- 8.3 A copy of this rule shall be posted in the university's Policy Library.
- 8.4 Continuous training will take place on campus to educate students and employees about this rule.

9. 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, Regulations, and Rules

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[Texas Education Code § 51.9315](#)

[Senate Bill No. 18](#)

[System Regulation 07.03.01 Political Campaign Events on Property under the Control of The Texas A&M University System](#)

[University Rule 07.03.01.P1 Political Campaign Events on Property under the Control of Prairie View A&M University](#)

[System Regulation 08.01.01 Civil Rights Compliance](#)

[University Rule 08.01.01.P1 Civil Rights Compliance](#)

[System Policy 12.01 Academic Freedom, Responsibility and Tenure](#)

[University Administrative Procedure 12.01.99.P0.01 Academic Freedom, Responsibility and Tenure](#)

[System Policy 13.02 Student Rights and Obligations](#)

[System Regulation 32.01.01 Complaint and Appeal Procedures for Faculty Members](#)

[University Administrative Procedure 32.01.01.P0.01 Complaint and Appeal Procedures for Faculty Members](#)

[System Regulation 32.02.02 Discipline and Dismissal of Nonfaculty Employees](#)

[University Administrative Procedure 32.02.02.P0.01 Compliant and Appeal Process for Nonfaculty Members](#)

[System Regulation 34.06.02 Weapons](#)

[University Rule 34.06.02.P1 Carrying Concealed Handguns on Campus](#)

[University Administrative Procedure 34.06.02.P0.01 Concealed Carry Prohibition](#)

[University Administrative Procedure 41.01.01.P0.01 Use of Facilities](#)

[University Administrative Procedure 61.99.99.P0.03 Freedom of Expression](#)

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## Definitions

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The definition includes both the singular and plural version of the term:

**Benefit** - 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** - all land and buildings owned or leased by the university.

**Common Outdoor Areas** - 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** - an individual employed by the university.

**Expressive Activity** - 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** - any full or part-time employee of the university holding an academic appointment.

**Materially and Substantially Disrupt** - interrupting a program or activity in a significant and consequential manner.

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

**Reasonable Time, Place, and Manner Restrictions** - 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 - an employee of the university that is not a faculty member.

Student - 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 - 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**) - an individual or entity that is not a student, student organization, or employee of the university.

Traditional Public Forum - 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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Office of University Compliance      936-261-2144



## 08.99.99.T1 Expressive Activity on Campus

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

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### Rule Summary

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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.

**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.

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**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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## Rule

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### 1. EXPRESSIVE ACTIVITY RIGHTS

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

## 2. GRIEVANCE PROCEDURE

- 2.1. 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.
- 2.2. Grievances should be filed in writing with the Department of Risk Management and Compliance (RMC) by filing an [online report](https://www.tarleton.edu/sassy/judicial/expressive-activities.html) on the webpage at <https://www.tarleton.edu/sassy/judicial/expressive-activities.html> or in person at RMC offices located in the Administration Annex I Building, Room 106.
- 2.3. 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. RMC will investigate the grievance and draft a report summarizing its findings. 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 will be referred to the Dean of Students Administrative Office; and (c) complaints concerning staff and third-parties will be referred to Employee Services.

## 3. IMPLEMENTATION

- 3.1. A copy of this rule shall be included in any university published student handbook and personnel handbook.

- 3.2. A copy of this rule shall be provided to students during the university's new student orientation program.
- 3.3. A copy of this rule shall be posted to the university's website.

#### 4. 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](#)

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### **Contact Office**

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Office of the Vice President for Student Affairs  
254.968.9081  
Risk Management and Compliance  
254.968.9415



# Rule

## 08.99.99.L1 Expressive Activity on Campus

First Approved: May 14, 2020

Next Scheduled Review: May 14, 2025

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### Rule Statement and Reason for Rule

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In 2019, the 86<sup>th</sup> Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code, Section 51.935, 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 (students, student organizations, employees, and third-parties) should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including listening to or observing the expressive activities of others.

The purpose of this Rule is to establish guidelines and responsibilities for exercising the right to expressive activity on the Texas A&M International University (TAMIU) campus.

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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 as determined by TAMIU, to engage in expressive activities on the TAMIU campus, including responding to the expressive activities of others. In general, TAMIU defines **reasonable time** as normal operating business hours as published on the TAMIU website and **reasonable place** as common outdoor areas. **Manner** restrictions include a prohibition on the use of amplification equipment or noise-generating devices in the academic quad



## Rule

or within 50 feet of classroom buildings outside of the quad any time classes are in session. **Manner** restrictions also encompass setting up any type of personal furnishings on TAMIU property including, but not limited to, tables, chairs, booths, canopies, etc. Tables and chairs are available to rent (which includes set up and tear down) from the Office of Community Relations and Special Events.

- 1.2 Students, student organizations, and employees are allowed to invite speakers to speak on campus. Third-parties are allowed to rent spaces through the Office of Community Relations and Special Events.
- 1.3 In determining the fee amount to be charged for the use of TAMIU facilities for purposes of engaging in expressive activities, TAMIU 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 non-compliance by the requesting student, student organization, employee, or third-party with this Rule and other relevant rules. TAMIU may not consider any anticipated controversy related to the event, except as required by Section 2.2 below.
- 1.4 TAMIU may not take action against a student, student organization, or employee or deny them any benefit generally available to other students, student organizations, and employees at TAMIU on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed or expressive activity.
- 1.5 The **common outdoor areas** of the TAMIU 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 function and operations of TAMIU. Members of the TAMIU community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from TAMIU.
  - 1.5.1 In an effort to ensure safety and to promote an environment conducive to study, advanced reservation for expressive activity is required for events or activities that are promoted in advance, sponsored by student organizations, and/or expected to draw a crowd of more than 25 people. Advanced reservation requests are made to the Office of Community Relations and Special Events.
- 1.6 Nothing in this Rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

## 2. GRIEVANCE PROCEDURE



## Rule

- 2.1 Any person who believes 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. 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 applicable System policies/regulations and TAMIU rules and procedures.
- 2.2 Students or student organizations file grievances with the Office of Student Conduct and Community Engagement. Employees (faculty or staff) file grievances with the Office of Compliance.
- 2.3 The Office of Student Conduct and Community Engagement or the Office of Compliance, whichever is applicable, will investigate the grievance and render an investigation report summarizing the findings. The investigation report will be referred to the appropriate VP for adjudication. The appropriate VP will be determined by the status of the offending individual.
  1. Grievances concerning a student or student organization will be referred to the Office of the VP for Student Success.
  2. Grievances concerning a faculty member will be referred to the Office of the Provost & VPAA.
  3. Grievances concerning staff or on-campus vendor employees will be referred to the Office of the VP for Finance and Administration.

### **3. DISSEMINATION**

- 3.1 A copy of this Rule shall be included in the TAMIU Student Handbook.
- 3.2 A copy of this Rule shall be provided to new TAMIU students during new student orientation.
- 3.3 A copy of this Rule shall be posted to TAMIU webpage.

### **4. THIRD-PARTY (EXTERNAL CLIENT) EVENTS**

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



# Rule

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## Related Statutes, Policies, Regulations, or SAP's

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[Texas Education Code § 51.935](#)

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## Definitions

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The following are definitions of terms used in this Rule. The definitions includes both the singular and plural version of the term.

**Benefit** – recognized by or registered with TAMIU, the use of TAMIU facilities for meetings or speaking purposes, the use of channels of communication controlled by TAMIU, and funding sources made generally available to student organizations at TAMIU

**Campus** - all land and buildings owned or leased by TAMIU

**Common Outdoor Areas** – places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by TAMIU for a special event or circumstance (e.g., construction). This term does not include areas immediately adjacent to a private residence, including dormitories and on-campus apartments.

**Disruptive Activity** (TAMIU *Student Handbook* definition) – disruption or obstruction of teaching, research, administration, student conduct proceedings, or other University mission, process, or function including public service functions or other authorized non-University activities when conduct occurs on University premises. Such activities may include, but are not limited to:

- (1) Leading or inciting others to disrupt scheduled and/or normal activities on University premises.
- (2) Classroom behavior that seriously interferes with either the faculty member's ability to conduct the class or the ability of other students to profit from the instructional program.
- (3) Any behavior in class or out of class, which for any reason improperly interferes with class work of others, involves disorder, or otherwise disrupts the regular and essential operation of the University.

**Employee** – an individual employed by TAMIU



## Rule

**Expressive Activity** – 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** – any full or part-time employee of TAMIU holding an academic appointment

**Materially and Substantially Disrupt** – interrupting a program or activity in a significant and consequential manner (e.g., using amplification equipment or noise-generating devices in the academic quad or within 50 feet of classroom buildings outside of the quad any time classes are in session)

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

**Reasonable Time, Place, and Manner Restrictions** – limitations that (1) are narrowly tailored to serve a significant TAMIU interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; and (3) provide for ample alternative means of expression

**Staff** – an employee of TAMIU that is not a faculty member

**Student** – an individual currently enrolled at TAMIU, 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** – any TAMIU-recognized organization that is composed of students enrolled at TAMIU and that receives a benefit from TAMIU

**Third-Party (External Client)** – an individual or entity that is not a student, student organization, or employee of TAMIU

**Traditional Public Forum** – 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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Office of Compliance, 956-326-2855



## 08.99.99.M1 Expressive Activity on Campus

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

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### Rule Summary

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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 86<sup>th</sup> 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.

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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:

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.)

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## Rule

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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. 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.

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## Related Statutes, Policies, or Requirements

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[Texas Education Code § 51.9315.](#)

[University Standard Administrative Procedure 24.99.99.M0.02 – External Client Events](#)

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## Contact Office

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Office of Risk, Ethics, & Compliance

## 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 51.9135.

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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



## 08.99.99.C1 Expressive Activity on Campus

Approved May 14, 2020

Next Scheduled Review: May 14, 2025

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### Rule Summary

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Texas A&M University-Corpus Christi recognizes the constitutional rights and privileges of freedom of speech in expressive activities by individuals and groups on campus.

In 2019, the 86<sup>th</sup> 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.

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### Definitions

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The definitions of terms used in the rule include 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.

**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 any full or part-time employee or recognized volunteer 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 are 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 & Contracted Partners (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. 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.

**Designated public forum** means a part 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.

**Limited public forum** means a place that has limited open access for public expression or may be limited to particular groups or to particular topics. Creation of, and access to, limited public forums for student publications may be requested through the office of University Center and Student Activities. Creation of, and access to, limited public forums for non-university publications may be requested through the office of University Services. The material distributed and the form of distribution may not violate state and federal law. The university will maintain its obligation to place reasonable limits on the times during which its limited public forums may be used by any particular individual or group.

**Non-public forum** means a place that is not a traditional public forum or designated public forum. This includes 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, Health Center facilities, library, research and computer laboratories, and research facilities. The university will maintain its obligation to place reasonable limits on the times during which its non-public forums may be used by any particular individual or group.

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## Rule

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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 responses to the expressive activities of others.
- 1.2. Student organizations and university groups can 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, the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant institutional history of compliance or noncompliance by the requesting student organization or university group with this rule and other relevant system policies or regulations or university rules or procedures. 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.
- 1.5. Members of the university community can assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.
- 1.6. The contents of expressive activities allowed on campus should not be interpreted as any shared opinion, endorsement, or concurrence by the university.
- 1.7. Nothing in this rule should be interpreted as prohibiting faculty members from employing appropriate classroom management techniques to maintain order in class.

## 2. DISRUPTION OF UNIVERSITY OPERATIONS

- 2.1. In the event of disruption of the normal academic or operational functions of the university, including interference with the free use of corridors and entrances to rooms and buildings, the university maintains its right to move to restore order and open operation of the university. Every attempt will be made to discuss issues rationally and to avoid violence or the use of force.
- 2.2. In the event discussions fail, the issues are determined to be non-negotiable, and/or disruption continues, the University Police Chief or designee will issue legal notice to the individual or group to disperse.
- 2.3. If individuals refuse to comply with lawful directives of university officials, they may be subject to disciplinary actions and criminal sanctions.

## 3. GRIEVANCE 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, university group, or university employee has the right to file a grievance.
- 3.2. Grievances should be filed with or referred to the Employee Development and Compliance Services department (EDCS). EDCS will investigate the grievance and prepare a report summarizing its findings.
- 3.3. A student, student organization, university group, or university 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 including those referenced in the Related Statutes, Policies, or Requirements section below. If a violation of this rule was found to have occurred, 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. The investigative report will be handled by the appropriate university entity as follows: (a) the President, appropriate vice president, or designee for faculty and staff; (b) the Student Conduct & Advocacy Office for students and student organizations; and (c) the respective authority over the individual/group for third-parties and contracted partners where applicable.

#### 4. IMPLEMENTATION

- 4.1. A copy of this rule shall be included in the university published student code of conduct.
- 4.2. A copy of this rule shall be provided to students during the university's new student orientation programs.
- 4.3. A copy of this rule shall be posted to the University Handbook of Rules and Procedures 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](#)

University Rule [07.03.01.C1, Political Campaign Events on Property Under the Control of Texas A&M University-Corpus Christi](#)

University Procedure [08.01.02.C0.02, Accommodations at University Facilities and Events](#)

University Procedure [08.01.02.C0.03, Service and Emotional Support Animals](#)

University Procedure [11.99.99.C0.02, Co-Curricular Services to Minors](#)

University Procedure [21.99.09.C0.01, Access to University Property for Soliciting Donations and for Sales and Rentals](#)

University Procedure [32.01.01.C0.01, Complaint and Appeal Process for Faculty Members](#)

University Procedure [32.01.02.C0.01, Complaint and Appeal Process for Non-Faculty Employees](#)

University Procedure [33.04.99.C0.01, Non-Research Animals on University Campus and in Facilities](#)

University Procedure [41.01.01.C0.01 Use of University Facilities](#)

University Procedure [41.01.01.C0.04, Facility Use Rental and Recovery of Charges](#)

This rule supersedes:

- 07.03.01.C0.01, *Freedom of Speech, Assembly, and Demonstration*

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## **Appendix**

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[University Student Code of Conduct](#)

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## **Contact Office**

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Contact for clarification and interpretation: Employee Development & Compliance Services  
(361) 825-5826



## 08.99.99.D1 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 86<sup>th</sup> Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.935, 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.

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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:

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.
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. **Employee** means an individual employed by the university.
5. **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.
6. **Faculty** means any full or part-time employee of the university holding an academic appointment.

7. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
  8. **Person** means students, faculty, staff, student organizations, and third-parties.
  9. **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.
  10. **Staff** means an employee of the university that is not a faculty member.
  11. **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.
  12. **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.
  13. **Third-party (External Client)** means an individual or entity that is not a student, student organization, or employee of the university.
  14. **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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## Rule

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

## 2. GRIEVANCE PROCEDURE

- 2.1. 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.
- 2.2. Grievances should be filed with the Office of Institutional Compliance.
- 2.3. 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. The University Compliance Office will investigate the grievance and draft a report summarizing its findings. 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, staff and third-parties will be referred to the Office of Human Resources; (b) student will be referred to the Associate Dean of Student Affairs.

## 3. IMPLEMENTATION

- 3.1. A copy of this rule shall be included in any university published student handbook and personnel handbook.
- 3.2. A copy of this rule shall be provided to students during the university's new student orientation program.
- 3.3. A copy of this rule shall be posted to the university's website.

## 4. 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.](#)

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## Contact Office

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Office of Institutional Compliance  
254-519-5763



## 08.99.99.K1 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 86<sup>th</sup> 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.

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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 – 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 – all land and buildings owned or leased by the university.

Common outdoor areas – 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 special circumstances. This term does not include areas immediately adjacent to a private residence.

Employee – an individual employed by the university.

Expressive activity – 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 – any full or part-time employee of the university holding an academic appointment.

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

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

Reasonable time, place, and manner restrictions – 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 – an employee of the university that is not a faculty member.

Student – 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 – 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) – an individual or entity that is not a student, student organization, or employee of the university.

Traditional public forum – 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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## **Rule**

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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. 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 In an effort to ensure safety and to promote an environment conducive to study, advanced reservation for expressive activity is required 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. Requests for reservations should be made through Event Planning's [reservation page](#).

1.4.2 The Pavilion on the north side of the Memorial Student Union Building is the primary area to reserve for expressive activity (designated public forum) and will be reserved at the request of students and non-students for expressive activity. Other locations are available upon request. The act of confirming a reservation will ensure the availability of space. A reservation is not required, except as described in the reservation procedures.

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

## 2. GRIEVANCE PROCEDURE

2.1. 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.

2.2. Grievances should be filed with the Office of Compliance and Risk Management.

2.3. 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. The Office of Compliance and Risk Management will investigate the grievance and draft

a report summarizing its findings. 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 will be referred to the Office of the Dean of Students; and (c) complaints concerning staff and third-parties will be referred to Human Resources.

### 3. IMPLEMENTATION

- 3.1. A copy of this rule shall be included in any university published student handbook and faculty handbook.
- 3.2. A copy of this rule shall be provided to students during the university's new student orientation program.
- 3.3. A copy of this rule shall be posted to the university's website.

### 4. 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](#)

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## Appendix

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Appendix A: Prohibited Locations  
Appendix B: Reservation Procedure

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## Contact Office

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Office of Compliance and Risk Management  
(361) 593-4758

**Appendix A:**  
**PROHIBITED LOCATIONS**

Texas A&M University-Kingsville designates the following locations as prohibited for expressive activity, as they are non-public forums:

- 1) Mark Cisneros Center for Young Children, and the surrounding property
- 2) Academy High School/Poteet Building, and the surrounding property.

## Appendix B: RESERVATION PROCEDURES

Individuals or groups who wish or that are required (08.02.01.K1, 1.4.1) to make advance reservation shall request use of the space through the Event Planning Office on the second floor of the Memorial Student Union Building. If advance reservation is required, requests must be made at least three days in advance of the event. Additional collaboration and coordination may be required from a building/space manager/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.**

The decision to confirm a request for space will be based on proper and timely completion of the Event Planning reservation process, 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 Senior Student Affairs Officer, or their designee.

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

- Name and contact 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.

### 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. Noise–Making sustained or repeated noise in a manner that substantially interferes with a speaker’s ability to communicate his/her message is not permitted. Noise levels should not interfere with classes, meetings or activities in progress or the privacy of residence hall students.
4. 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. 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 him/herself to a university official in response to a request. For the purpose of these rules a person identifies him/herself by presenting student or faculty/staff ID card or state or government issued ID card.

6. **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.
7. **Other University Rules**—All applicable university rules should be followed whenever engaging in activities on campus. Consult the Student Handbook and/or the University website for further information.

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



## 08.99.99.01 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 86<sup>th</sup> Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.935, 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.

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### DEFINITIONS

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This section defines the terms used in this rule. The definitions 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.
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. **Employee** means an individual employed by the university.
5. **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.

6. **Faculty** means any full or part-time employee of the university holding an academic appointment.
7. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
8. **Person** means students, faculty, staff, student organizations, and third-parties.
9. **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.
10. **Staff** means an employee of the university that is not a faculty member.
11. **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.
12. **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.
13. **Third-party (External Client)** means an individual or entity that is not a student, student organization, or employee of the university.
14. **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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## **RULE**

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

## 2. GRIEVANCE PROCEDURE

- 2.1. 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.
- 2.2. Grievances should be filed with the University Compliance Office.
- 2.3. 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. The University Compliance Office will investigate the grievance and draft a report summarizing its findings. If a violation of this rule was found to occur the report will be referred to the appropriate office for further action.
- 2.4. 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) students will be referred to the Student Conduct Office; and
  - (c) complaints concerning staff and third-parties will be referred to Human Resources.

## 3. IMPLEMENTATION

- 3.1. A copy of this rule shall be included in any university published student handbook and personnel handbook.
- 3.2. A copy of this rule shall be provided to students during the university's new student orientation program.
- 3.3. A copy of this rule shall be posted to the university's website.

#### **4. 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](#)

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#### **Contact OFFICE**

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University Compliance Office, (201) 784-2003



## UR 08.99.99.H1 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 86<sup>th</sup> Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.935, 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.

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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:

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.
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. **Employee** means an individual employed by the university.
5. **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.

6. **Faculty** means any full or part-time employee of the university holding an academic appointment.
7. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
8. **Person** means students, faculty, staff, student organizations, and third-parties.
9. **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.
10. **Staff** means an employee of the university that is not a faculty member.
11. **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.
12. **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.
13. **Third-party (External Client)** means an individual or entity that is not a student, student organization, or employee of the university.
14. **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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## Rule

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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. 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. See more details in University Rule 41.99.99.H0.02 *Use of University Facilities by University Groups*.

- 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. Impromptu, public forums (without prior approval and scheduling as a campus event) may not use voice amplification. 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.
- 1.5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

## 2. GRIEVANCE PROCEDURE

- 2.1 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.
- 2.2 Grievances should be filed with the University Compliance Office.
- 2.3 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. The University Compliance Office will investigate the grievance and draft a report summarizing its findings. 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/Dean of Faculties; (b) student will be referred to the Student Conduct Office; and (c) complaints concerning staff and third-parties will be referred to Human Resources.

## 3. IMPLEMENTATION

- 3.1 A copy of this rule shall be included in any university published student handbook and personnel handbook.
- 3.2 A copy of this rule shall be provided to students during the university's new student orientation program.
- 3.3 A copy of this rule shall be posted to the university's website.

#### 4. 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.](#)

[University Procedure 41.99.99.H0.02 \*Use of University Facilities by University Groups\*](#)

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### **Contact Office**

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Director of Risk and Compliance  
903-334-6755



## 08.99.99.W1 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 86<sup>th</sup> Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.935, 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.

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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:

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.
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. **Employee** means an individual employed by the university.
5. **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.
6. **Faculty** means any full or part-time employee of the university holding an academic appointment.

7. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
  8. **Person** means students, faculty, staff, student organizations, and third-parties.
  9. **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.
  10. **Staff** means an employee of the university that is not a faculty member.
  11. **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.
  12. **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.
  13. **Third-party (External Client)** means an individual or entity that is not a student, student organization, or employee of the university.
  14. **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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## Rule

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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. 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.

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

## 2. COMPLAINT PROCEDURE

- 2.1. 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.
- 2.2. Complaints should be filed on the university's online complaint form, found at [www.wtamu.edu/complaint](http://www.wtamu.edu/complaint).
- 2.3. 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 complaint process found on the complaint website: [www.wtamu.edu/complaint](http://www.wtamu.edu/complaint). 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 will be referred to the Student Conduct Office; and (c) complaints concerning staff and third-parties will be referred to Human Resources.

## 3. IMPLEMENTATION

- 3.1. A copy of this rule will be included in any university published Code of Student Life.
- 3.2. A copy of this rule will be distributed each semester when the Code of Student Life is normally distributed electronically.
- 3.3. A copy of this rule will be posted to the university's website.

## 4. 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](#)

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## Contact Office

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WTAMU Compliance Office

# Exhibit C

## Exhibit C

### TEXAS A&M UNIVERSITY

#### A. Provision of Speech Rule to Employees and Students

Texas A&M University has made its speech rule available to employees by publishing to the official university rules website.

Texas A&M University has made its speech rule available to students by publishing it to the official student rules website and distributing to students during orientation.

#### B. Materials, Programs, and Procedures

To ensure that the university's employees responsible for educating or disciplining students understand the requirements of the new university speech, the university has taken the following actions:

1. Created a one-stop shop university website dedicated to the First Amendment ([firstamendment.tamu.edu](http://firstamendment.tamu.edu)). Highlights include:
  - a. links to detailed information on each of the five First Amendment freedoms.
  - b. information on Texas Senate Bill 18, including a full text of the bill, which addresses the importance of free expression on campus.
  - c. a link to the new university rule on campus expressive activity.
  - d. grievance procedures related to the First Amendment on campus.
  - e. resources related to the First Amendment and expressive activity on campus (e.g. power point training presentation, educational activities).
  - f. a series of free speech orientation videos.
2. The Expressive Activity Committee is comprised of University employees representing multiple divisions across the institution. The Expressive Activity Committee's work involves staying abreast of first amendment activities and news across the local community, state, and nation that may impact our campus community to ensure employees understand the requirements of expressive activity on campus.
3. Division of Student Affairs employees, whose daily responsibilities involve working with students and student organizations, receive education during their orientation which includes training on free speech rules as they impact higher education. Texas A&M University at Galveston Division of Student Affairs employees received training in their leadership and division meetings.
4. The Activity Resource and Response Team (ARRT) provides assistance before, during, and after expressive activity events at Texas A&M University, while balancing the need for campus safety and security and minimizing disruptions to normal campus operations. In this role, ARRT's primary goal is to support campus event staff, building proctors, Student Affairs departments, and student organizations with communication and coordination with invited speakers, protesters, and community stakeholders visiting campus. In addition, ARRT personnel work with and provided training to Student Affairs Division employees located at Texas A&M University at Galveston.

The ARRT staff receive training regarding the First Amendment, Senate Bill 18, and the Texas A&M University rule regarding expressive activity each semester and weekly discussions regarding upcoming expressive activity events.

5. Texas A&M University at Galveston added a session on freedom of expression into their howdy week in August required for every incoming student. Half of the students were able to complete it before changes were implemented due to Covid-19.

# Exhibit D

## Exhibit D

### PRAIRIE VIEW A&M UNIVERSITY

#### A. Provision of Speech Rule to Employees and Students

On May 18, 2020, an email was sent to selected employees of Prairie View A&M University (PVAMU), notifying them of the new rule on “Expressive Activity on Campus” and requesting them to share the documents with their respective areas. During that month, this rule was published in PVAMU’s policy library (located online at <https://www.pvamu.edu/policies/>), and made available to all employees and students. The Office of University Compliance included the new rule in its August 2020 *Compliance Matters* newsletter which was distributed to the campus community via campus announcements on August 24, 2020. The rule will be added to the Code of Student Conduct handbook in section M. Expressive Activity. The section will state “Any action that unduly interferes with a student, student organization, or any individual's right to engage in expressive activities as outlined in PVAMU Rule 08.99.99.P1 is prohibited.”

#### B. Materials, Programs, and Procedures

The following measures are being taken to ensure compliance with the new university rule:

- The Office of Human Resources is developing a training course on “Protected Expression on Campus” in alignment with the new rule.
- The Office of Human Resources is incorporating the new rule in its New Employee Orientation held weekly for all new employees including student workers.
- The Office of Human Resources is including the new rule in its “Annual Notification” communication sent to all employees at the start of each fall semester.
- The Division of Student Affairs has incorporated the requirements of the new rule in its new student orientation process via insertion of the information in the PV Essentials On-line Module and placement in an “Important PVAMU Documents” section on the New Student Orientation website.
- *Expressive Activity on Campus Complaint Form* is located on the Student Complaints and Appeals website and is available for those who want to make their concerns or potential violations known concerning expressive activity on campus.
- The Office of Student Engagement is incorporating the requirements of the new rule in their mandatory, annual Student Organization trainings. Additionally, information has been placed on the Office of Student Engagement website.
- The Division of Student Affairs shared the new policy via email with the entire division. Additionally, a guided discussion on the topic of “freedom of speech” was held during a division-wide staff meeting on June 24, 2020.

# Exhibit E

## **Exhibit E**

### **TARLETON STATE UNIVERSITY**

#### **A. Provision of Speech Rule to Employees and Students**

Tarleton State University has made its speech rule available to employees by publishing it on the official rules and procedures inventory on the university's website.

Tarleton State University has made its speech rule available to students by publishing it in the student handbook, publishing it on the official student rules website, and distributing it to students during orientation.

#### **B. Materials, Programs, and Procedures**

To ensure university employees responsible for educating or disciplining students understand the requirements of the new university speech, the university has taken the following actions:

1. Following approval at the May 14, 2020 Board of Regents meeting, notification of the new speech rule and related information was emailed on May 19, 2020 to Tarleton administrators for dissemination to faculty and staff under their purview.
2. Information regarding the rule is being added to new employee training materials for calendar year 2021.
3. Tarleton developed an Expressive Activity Procedure for complaint reporting, intake and review of all complaints regarding the protections provided under the applicable rule.
4. Information regarding the new rule was provided to the student community during the Fall 2020 semester through a number of different methods including; new student orientation, university email, an article placed in the university newspaper, and through a post on social media.
5. Tarleton has created a new "Expressive Activities" website <https://www.tarleton.edu/judicial/expressive-activities.html> containing a listing of resources, contact information, procedures, and a link to the complaint form.
6. This report to the governor and the members of the legislature will be posted to the university's "Expressive Activities" website following submission of the report.

# Exhibit F

## **Exhibit F**

### **TEXAS A&M INTERNATIONAL UNIVERSITY**

#### **A. Provision of Speech Rule to Employees and Students**

Texas A&M International University has made its speech rule available to employees by publishing it on the University's official rules website and announcing it to all employees on *Uconnect*, the University's communication portal.

Texas A&M International University has made its speech rule available to students by placing it in the University student handbook, distributing to students during orientation, publishing it on the University's official rules website, and announcing it to all students on *Uconnect*, the University's communication portal.

#### **B. Materials, Programs, and Procedures**

To ensure that University employees responsible for educating or disciplining students understand the requirements of the new speech rule, the University has taken the following actions:

1. The rule is published on the University's official rules website.
2. The rule is announced to all employees (and all students as well) on *Uconnect*, the University's communication portal.

# Exhibit G

## Exhibit G

### TEXAS A&M UNIVERSITY-CORPUS CHRISTI

#### **Requirements**

On June 10, 2019, the Governor signed SB 18, which added Section 51.9315, *Protected Expression on Campus*, to the Texas Education Code. This new law requires public institutions of higher education to adopt a new policy detailing students' rights and responsibilities regarding expressive activity on campus. Each institution's policy must be approved by the Board of Regents.

#### **Summary of the Legislation**

Institutions shall deem common outdoor areas on campus as traditional public forums and permit any person to engage in expressive activities in those areas freely as long as the person's conduct is not unlawful and does not materially and substantially disrupt the function of the institution.

Institutions shall adopt a policy detailing students' rights and responsibilities regarding expressive activity. The policy must include allowing any person, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus; allowing student organizations and faculty to invite speakers on campus; establish disciplinary sanctions for students, student organizations, and faculty who unduly interfere with expressive activities; and establish grievance procedures for complaints concerning violations of this law. The policy must be approved by a majority vote of the Board of Regents before final adoption.

Institutions' policies must be available in the student and personnel handbooks, be distributed to students during orientation, and posted on its internal website.

Institutions shall develop and provide training for employees who will educate and/or discipline students under the policy.

#### **Certification of Compliance**

Texas A&M University-Corpus Christi (TAMU-CC) is in full compliance with Senate Bill 18 and Texas Education Code 51.9315. University Rule 08.99.99.C1 governs Expressive Activities on Campus and was established to comply with SB18 and Texas Education Code 51.9315 by the Texas A&M Board of Regents on May 14, 2020. This rule superseded University Procedure 07.03.01.C0.01, Freedom of Speech, Assembly, and Demonstration.

The following section demonstrates the university's compliance with each requirement individually:

#### **Recognize freedom of speech and assembly as central to the mission of institutions of higher education.**

TAMU-CC University Rule 08.99.99.C1 (Rule Summary) states, "Texas A&M University-Corpus Christi recognizes the constitutional rights and privileges of freedom of

speech in expressive activities by individuals and groups on campus.” In addition, the following statement, further in the rule summary, reaffirms the university’s commitment to freedom of speech and assembly: “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.”

**Ensure that all persons may assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.**

University Rule 08.99.99.C1 section 1.1 states: Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including responses to the expressive activities of others.

**Ensure that the common outdoor areas of the institution's campus are deemed traditional public forums.**

University Rule .08.99.99.C1 section 1.4 states: The common outdoor areas of the university’s campus are deemed traditional public forums.

**Permit any person to engage in expressive activities in those areas of the institution's campus freely, as long as the person's conduct is not unlawful and does not materially and substantially disrupt the functioning of the institution.**

University Rule 08.99.99.C1 section 1.4 further states: 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.

**Include policies in the institution's student handbook and personnel handbook.**

A link to University Rule 08.99.99.C1 can be found in the Student Code of Conduct under Article III 25c. The Student Code of Conduct is published on the University’s website at <https://studentconduct.tamucc.edu/studentcofc.html>.

TAMU-CC does not maintain a personnel handbook. However, the revised university rule was sent to all employees via email on May 19, 2020.

**Provide a copy of each policy to students during the institution's freshman or transfer student orientation.**

Summer 2020 orientation, for incoming fall 2020 students, was held virtually due to the COVID-19 pandemic. Students were given information regarding the Student Code of Conduct in a video format and the link to the Student Code of Conduct, was included in

video. As indicated previously the Student Code of Conduct references University Rule 08.99.99.C1, Expressive Activities on Campus in Article III 25c.

The Spring 2021 new student and transfer orientation is also being held virtually. The following statement regarding expressive activities on campus is available in the Student Engagement & Success module in Blackboard to inform students of expressive activities:

*EXPRESSIVE ACTIVITY ON CAMPUS: You may see individuals or groups not associated with TAMU-CC exercising their rights to freely assemble on campus. Senate Bill 18 regards a public university's common outdoor areas as public forums, which means anyone can engage in free speech on campus. Islanders can disagree with speakers and the opinions expressed but may not interfere with the freedom of others to express their views. More information about expressive activities is available in the Student Code of Conduct and in University Rule 08.99.99.C1.*

**Post the policies on the institution's Internet website.**

A digital copy of University Rule 08.99.99.C1 is available in the University Handbook of Rules and Procedures at [http://academicaffairs.tamucc.edu/rules\\_procedures/](http://academicaffairs.tamucc.edu/rules_procedures/)

**Each institution of higher education shall develop materials, programs, and procedures to ensure that the institution's employees responsible for educating or disciplining students understand the requirements of this section and all policies adopted by the institution in accordance with this section.**

To ensure that the university's employees responsible for educating or disciplining students understand the requirements of the new university speech, the university has taken the following actions:

1. The University's rule was sent to all faculty and staff via campus announcement on May 19, 2020. Below is a copy of the email that was sent.

May 19, 2020

**MEMORANDUM**

**TO:** Islander Faculty and Staff

**SUBJECT:** Notice of Published Rules: *08.99.99.C1, Expressive Activity on Campus* and *34.05.99.C1, Tobacco Use, Smoking, and E-Cigarettes/Vaping*

The Texas A&M University System approved university rules [08.99.99.C1, Expressive Activity on Campus](#) and [34.05.99.C1, Tobacco Use, Smoking, and E-Cigarettes/Vaping](#) (revision summaries below). The approved documents may be found at [https://academicaffairs.tamucc.edu/rules\\_procedures/index.html](https://academicaffairs.tamucc.edu/rules_procedures/index.html) along with all approved university rules and procedures.

Substantive Revision Summaries:

- *08.99.99.C1, Expressive Activity on Campus*
  - This new rule provides guidance on expressive activities and replaces university procedure *07.03.01.C0.01, Freedom of Speech, Assembly, and Demonstration*.
  - This rule contains the official definitions of public/non-public forums, and other procedures (e.g. *41.01.01.C0.01, Use of University Facilities*) will be revised to refer to this rule for these definitions.
  - *34.05.99.C1, Tobacco Use, Smoking, and E-Cigarettes/Vaping*
  - The system-required ban on e-cigarettes/vaping has been added.

If you have any questions regarding these rules, or any rule or procedure, please contact either the department listed at the bottom of the rule/procedure or Kevin Houlihan ([kevin.houlihan@tamucc.edu](mailto:kevin.houlihan@tamucc.edu)).

2. On September 8, 2020 an official notice was sent to all enrolled students regarding Constitution Day and included the following statement regarding expressive activities:

*To learn more about your rights and responsibilities and/or expressive activities on campus, please call the office of the Vice President for Student Engagement and Success at 361.825.2612 or email at [seas@tamucc.edu](mailto:seas@tamucc.edu).*

3. An information graphic entitled “Know Your Rights” was published in the student newspaper, Island Waves, Special Edition: Constitution Day on September 17, 2020.
4. Student Engagement and Success staff received training on "Navigating Free Speech on Campus” and University Rule 08.99.99.C1 Expressive Activities on Campus, during their monthly Staff Development Program on September 18, 2020.
5. The Expressive Activities Committee Chair shared the following educational videos series, “Free Speech Orientation Lessons” with the First Year Program in University College requesting they be shared with faculty and their students to engage in conversation in classes. In addition, the video series was shared with the Recreational Sports, Student Activities, University Center departments and the Expressive Activities Committee to share with their students, staff and constituents. The link to the video series can be located at [https://www.youtube.com/playlist?list=PLvLS\\_gTAOjyxkeRnDqiDDR7p-G9XnGkXj](https://www.youtube.com/playlist?list=PLvLS_gTAOjyxkeRnDqiDDR7p-G9XnGkXj).

**Not later than December 1, 2020, each institution of higher education shall prepare, post on the institution's Internet website, and submit to the governor and the members of the legislature a report regarding the institution's implementation of the requirements under this section.**

This report completes TAMU-CC's compliance requirements related to SB-18 and TEC 51.9315.

# Exhibit H

## **Exhibit H**

### **TEXAS A&M UNIVERSITY - KINGSVILLE**

#### **A. Provision of Speech Rule to Employees and Students**

Texas A&M University – Kingsville has made its speech rule available to employees by placing it in the faculty handbook and by publishing to the official university rules website.

Texas A&M University – Kingsville has made its speech rule available to students by placing it in the student handbook, by publishing to the official university rules website, and by implementing distribution to students during orientation.

#### **B. Materials, Programs, and Procedures**

To ensure that the university's employees responsible for educating or disciplining students understand the requirements of the new university speech, the university has taken the following actions:

1. A copy of this rule shall be provided electronically to university employees and students on an annual basis.
2. A copy of this rule shall be included in any university published student handbook and faculty handbook.
3. A copy of this rule shall be provided to students during the university's new student orientation program.
4. A copy of this rule shall be posted to the university's website.

# Exhibit I

## **Exhibit I**

### **WEST TEXAS A&M UNIVERSITY**

#### **A. Provision of Speech Rule to Employees and Students**

West Texas A&M University has made its speech rule available to employees by publishing to the official university rules website - [www.wtamu.edu/rules](http://www.wtamu.edu/rules) on May 15, 2020 after approval from the Texas A&M University System Board of Regents.

West Texas A&M University has made its speech rule available to students by publishing and disseminated our free speech guidelines in the Code of Student Life. The Code is published online, and also disseminated via email to all students within the first 10 days of each semester (Fall, Spring and Summer). The University Code of Student Life is reviewed annually and updated by the Code of Student Life Committee, under the leadership of the Director of Student Conduct, and approved by the Vice President for SEES and President

#### **B. Materials, Programs, and Procedures**

To ensure that the university's employees responsible for educating or disciplining students understand the requirements of the new university speech, the university has taken the following actions:

1. All code violations (including speech code violations/complaints relative to this rule) would be investigated and adjudicated under the direction of the Director of Student Conduct. The position/office understands the rule and processes.
2. Complaints concerning faculty will be referred to the Office of the Provost. The position/office understands the rule and processes.
3. Complaints concerning staff and third-parties will be referred to Human Resources. The position/office understands the rule and processes.
4. All complaints will be administered by the university complaint process found on the complaint website: [www.wtamu.edu/complaint](http://www.wtamu.edu/complaint).

# Exhibit J

## Exhibit J

### TEXAS A&M UNIVERSITY – COMMERCE

#### A. Provision of Speech Rule to Employees and Students

Texas A&M University-Commerce has made its speech rule available to employees by placing it on the Texas A&M University-Commerce Rules and Procedures website 08.99.99.R1

<https://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/default.aspx>

Texas A&M University-Commerce has made its speech rule available to students by placing it in the 2020-2021 Student Guidebook pg. 14

[http://www.tamuc.edu/student\\_guidebook/Student\\_Guidebook.pdf](http://www.tamuc.edu/student_guidebook/Student_Guidebook.pdf) and in the 2020-2021 Student Organization Handbook pg. 41.

<https://www.tamuc.edu/CampusLife/studentCenter/studentorganizations/documents/Registered%20Student%20Organization%20Handbook-2020.pdf>

#### B. Materials, Programs, and Procedures

To ensure that the university's employees responsible for educating or disciplining students understand the requirements of the new university speech, the university has taken the following actions:

1. Creation of an Expressive Activity Committee that will annually meet to review policy and make updates as needed
2. Posted the Expressive Activity Policy on the university website in three different locations
3. Discussed with key university employees (student orgs, UPD, student rights and responsibilities, etc.) the rules and approval steps for expressive activities on campus
4. Email notification to Dean of Students, Chief of Staff, and Director of Human Resources to update targeted university leadership
5. Director of Student Organizations conducted meetings with all organization advisors on the Expressive Activity Policy at a Fall 2019 in person meeting (September 14 & 15 from 12:00-1:00pm) and Spring 2020 virtual meeting (June 10 from 2:30-3:30pm)

# Exhibit K

## EXHIBIT K - Report of Texas A&M University - Texarkana

Texas A&M University - Texarkana is in compliance with Texas Educational Code (TEC) 51.9315. University Rule 08.99.99.H1, *Expressive Activity on Campus* was approved by the Texas A&M University System Board of Regents and published on May 14, 2020. Within this University Rule, the university has established that the common outdoor areas of the university's campus are deemed traditional public forums and will permit any person to engage in expressive activities in those areas freely so as long as their conduct is not unlawful and does not materially and substantially disrupt the functioning of the university.

To further comply with the Code, the following steps have been taken.

### A. Provision of Speech Rule to Employees and Students

Texas A&M University - Texarkana has made its speech rule available to employees by publishing to the official university rules website as University Rule 08.99.99.H1, *Expressive Activity on Campus*.

Texas A&M University – Texarkana has made its speech rule available to students by publishing it to the official university rules website as University Rule 08.99.99.H1, *Expressive Activity on Campus* and distributing to students during orientation.

### B. Materials, Programs, and Procedures

To ensure that the university's employees responsible for educating or disciplining students understand the requirements of the new university speech, the university has taken the following actions:

1. Communicated the University Rule via the daily Need-to-Know newsletter to employees beginning May 15, 2020 and continuing for 5 business days thereafter.
2. Shared the University Rule with the Assistant VP of Student Affairs/Dean of Student for incorporation training and disciplinary considerations.

A copy of this report will have been posted to our Compliance web site by December 1, 2020.

# Exhibit L

## **Exhibit L**

### **TEXAS A&M UNIVERSITY – CENTRAL TEXAS**

#### **A. Provision of Speech Rule to Employees and Students**

Texas A&M University - Central Texas has made its speech rule available to employees by publishing to the official university rules website.

Texas A&M University - Central Texas has made its speech rule available to students by placing in the published student rules, publishing it to the official student rules website, and by placing aspects of the rule and where to locate information in new student orientation and sexual assault prevention training provided to all new incoming students during their first semester.

#### **B. Materials, Programs, and Procedures**

To ensure that the university's employees responsible for educating or disciplining students understand the requirements of the new university speech, the university has taken the following actions:

1. An overview of university rules and procedures is provided during new employee orientation.
2. University training on freedom of expression has been provided to faculty, staff, and students.
3. Informational pamphlets on expressive activity procedures displayed in commons areas.

# Exhibit M

## **Exhibit M**

### **TEXAS A&M UNIVERSITY-SAN ANTONIO**

#### **A. Provision of Speech Rule to Employees and Students**

Texas A&M University-San Antonio has made its speech rule available to employees by publishing it to the official university rules website.

Texas A&M University-San Antonio has made its speech rule available to students by placing in the online student handbook and student organization handbook and will be distributing it to students during orientation.

#### **B. Materials, Programs, and Procedures**

To ensure that the university's employees responsible for educating or disciplining students understand the requirements of the new university speech rule, the university has taken the following actions:

1. Student conduct officers participated in the development of the university rule.
2. Each student conduct officer has been provided a copy of the university rule.