

08.99.99.R1

Expressive Activity on Campus

Approved May 14, 2020

Revised June 25, 2024

Next Scheduled Review: June 25, 2029



Rule Summary

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.

East Texas A&M University (the University), 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. The University 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 has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

Procedures and Responsibilities

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 law enforcement and/or 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, other relevant rules, and/or risk assessment(s).
 - 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.

1.3.1 The University may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment. Sanctions that may be imposed including all those enumerated in the Student Code of Conduct.

1.3.2 Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.

1.3.3 Conduct described in 1.3.2 may be reviewed and adjudicated under The Texas A&M University System (A&M System) Regulation *08.01.01 Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law. Additionally, said conduct may also be reviewed and adjudicated by Student Rights and Responsibilities using the Student Code of Conduct when the conduct does not rise to the level of a civil rights violation.

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 forums. 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 forums.

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 Rights and Responsibilities 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 Code of Conduct which is 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.

Related Statutes, Policies, or Requirements

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

[Texas Government Code § 448.001](#)

[Executive Order GA-44 \(March 27, 2024\)](#)

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

Definitions

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

Antisemitism means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule can be sanctioned by the University.

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.

Illegal Harassment means expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.

Inciting or producing imminent lawless action means speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.

Limited public forum 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

True Threats means communication of a serious expression of an intent to harm a specific person or group of people.

Appendix

Security Fee Protocol

Revision History

Revised November 7, 2024 (University Name Update)

Contact Office

University Ethics & Compliance Office
903.886.5996

SECURITY COST PROTOCOL

The University may only require security costs (including a pre-event security deposit) to be paid by the event sponsor when a proposed event presents a specific, substantial, and objectively identifiable risk to the health and safety of the applicant, the university community, or the public. In determining whether such costs will be imposed, the Chief of Police, with input from campus stakeholders, will objectively consider, *in consultation with the event sponsor*, the following factors:

- The facility or outdoor space to be used for the event.
- The number of anticipated participants.
- Any anticipated need for campus law enforcement and/or security.
- Any necessary accommodations.
- Compliance history of the requesting party with university rules and/or risk assessment(s).
- Maximum occupancy of the location.
- Whether the event is open to the entire university community or restricted to a guest list of the event sponsor.
- The time of day during which the event will occur.
- Whether the proposed event involves activity that poses an inherent risk of personal injury or property damage.
- Whether alcoholic beverages will be served.
- Duration of the event.
- Presence of mechanical devices or vehicles at the event.
- Whether sales or cash transaction are conducted on site.

In determining whether security costs will be imposed, and the amount of any such costs, the University may not consider the content or viewpoint of the speech expressed or intended to be expressed by the event sponsor, speakers, guests, or attendees. **Costs associated with or incurred as a result of anticipated or actual reactions to the event by non-participants must not be imposed on the event sponsor.**

The university will notify the event sponsor of any decision to impose security costs for an event in writing. The notification must clearly state and explain the reasons that such costs have been imposed.