

Expressive Activities Policy

UPPS No. 07.04.01

Issue No. 2

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Next Review Date: 9/01/2030 (E5Y)

**Sr. Reviewer: Associate Vice President
and Dean of Students**

POLICY STATEMENT

Texas State University is committed to upholding the First Amendment of the United States Constitution and respects individuals' rights to express their views through all forms of legally protected speech, press, religion, petition, and assembly.

01. SCOPE

- 01.01 Texas State University is a public institution and supports the free exchange of ideas which includes freedom of speech, freedom of inquiry, and freedom of dissent.
- 01.02 This policy relates to expressive activities on university-owned or leased property and provides reasonable time, place, and manner restrictions.
- 01.03 Only students enrolled at, and employees of, Texas State have the right to peacefully assemble in the common outdoor areas of Texas State campuses for expressive activities, including listening or observing the expressive activities of others if the expressive activity is not unlawful and does not materially and substantially disrupt the functioning of the institution.
- 01.04 Individuals not affiliated with Texas State may only assemble peacefully in areas designated as traditional public forums by Texas State unless invited, sponsored, and approved by the university. The [Freedom of Expression website](#) lists all designated location on the San Marcos and Round Rock campuses.
- 01.05 All persons who choose to engage in expressive activities and participants who observe activities must follow this policy.
- 01.06 In accordance with state and federal law, as well as [Chapter VII, Paragraph 3 of the Texas State University System \(TSUS\) Rules and Regulations](#), Texas State has established this policy with reasonable time, place and manner restrictions. Any restriction listed in this policy applies equally to individuals and groups, regardless of viewpoint. In the event of conflict between this policy and the TSUS Rules and Regulations, the TSUS Rules and Regulations will prevail.

02. DEFINITIONS

- 02.01 Amplified Sound – sound volume that is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on amplified sound but are subject to general rules on disruption/noise violation.
- 02.02 Antisemitism – 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.
- 02.03 Camping – establishing, or attempting to establish, temporary or permanent living quarters, including erecting a tent, on Texas State property other than residence halls, apartments, or other Texas State-owned or sponsored housing; and sleeping in or under any parked vehicle.
- 02.04 Campus – all Texas State-owned property.

- 02.05 Commercial Speech – speech or writing on behalf of a business with the intent of earning revenue or a profit.
- 02.06 Common Outdoor Areas – outdoor grounds that are owned or leased by Texas State where enrolled students and employees may engage in expressive activity, subject to reasonable restriction, including to listen to or observe the expressive activities of others, that is not unlawful and does not materially and substantially disrupt the functioning of the university.
- 02.07 Designated Areas – areas where amplified sound, exhibits, and temporary structures may be used or displayed within the time, place, and manner specified by the university. The [Amplified Sound](#) and [Exhibits and Temporary Structures](#) webpages lists all designated areas.
- 02.08 Exhibit – a display that is intended to convey a particular message, which may include posters and signs, or furniture and furnishings, such as desks, tables, boxes, and other objects.
- 02.09 Expressive Activity – any speech or expressive conduct on Texas State Campuses 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, signage both fixed and portable, and the circulation of petitions. The term does not include commercial speech, defamation, unlawful harassment, incitement of imminent unlawful activity, obscenity, or threats to engage in unlawful activity.
- 02.10 External Speaker – an individual who is not a current student, faculty, or staff member at Texas State.
- 02.11 Forums – types of Texas State property that dictate the kinds of control Texas State might exercise over speech-related activities.
- a. Limited Public Forum – all common outdoor areas of Texas State are limited public forums. Only students enrolled at, and employees of, Texas State may assemble and engage in expressive activities in these areas subject to reasonable time, place, and manner restrictions as outlined in this policy and consistent with applicable federal and state law, including the [First Amendment to the U.S. Constitution](#) and [Section 8, Article I. of the Texas Constitution](#). Access to these locations by external individuals or groups for expressive activity purposes is not permitted without formal university sponsorship and approval.
 - b. Traditional Public Forum – a certain designated area on campus where all persons (including individuals not affiliated or invited by Texas State) may engage in expressive activity with respect to reasonable time, place, and manner restrictions, as outlined in this policy. The [Freedom of Expression website](#) provides more information on the designated locations on the San Marcos and Round Rock campuses.
 - c. Non-Public Forum – includes the inside of buildings or outdoor classrooms, field-based research sites, educational teaching areas, and outdoor space that is used for dedicated Texas State business or an event. These places may not be used for expressive activity.
- 02.12 Significant University Interest – these include: maintaining the privacy, security,

health, and safety for persons on both campuses including the protection from deception, fraud, and commercial exploitation; preserving an academic atmosphere (classes meeting in their settings should not be disrupted; quiet is necessary in areas assigned for study; university programs and activities should not be disrupted); ensuring the unimpeded flow of pedestrian and vehicular movement through university facilities, roads, and walkways; preventing unlawful activities on campus; or preventing the destruction and preserving the integrity of university property.

- 02.13 Temporary Structure – a physical object that is intended to convey a particular message. Temporary structures may be props and displays, such as coffins, crates, crosses, cages, and statues; furniture and furnishings, such as desks, tables, bookcases, and cabinets; shelters, such as tents, boxes, shanties, and other enclosures; and other objects. Persons may not inhabit, sleep in, camp in, or use a temporary structure as a shelter, unless prior approval is given.
- 02.14 Time, Place, Manner – Public institutions may impose restrictions on expressive activity related to the time, place, and manner. Such restrictions must satisfy a three-prong test outlined by the United States Supreme Court:
- a. be content-neutral and viewpoint-neutral;
 - b. be narrowly tailored to serve a significant governmental interest; and
 - c. leave open ample alternative channels for communicating the speaker's message.
- 02.15 University Official – an employee who has responsibility for making judgments and decisions on behalf of the university.

03. RIGHTS AND RESPONSIBILITIES

- 03.01 Identification Requirement – Persons engaging in expressive activity must present valid identification and proof of status at the university upon request by a university official engaging in an official duty.
- 03.02 Expressive activities must not infringe upon the rights of others to engage in peaceful assembly, orderly protest, free exchange of ideas, or otherwise unreasonably interfere with the rights of others.
- 03.03 Failure to follow directives from university officials, or from University Police Department officers, may result in verbal warning, student conduct referral, or criminal charges. Examples of activities that are not allowed are covered in the Texas State [Code of Student Conduct](#).
- 03.04 The university will use clear, content-neutral, and viewpoint-neutral criteria to evaluate in the regulation of speech, ensuring that the restrictions are narrowly tailored to serve a significant university interest.
- 03.05 The university reserves the right to limit, disallow, or disband an expressive activity that: incites violent action; represents a clear and present danger or health and safety risk to the university community in the judgment of designated university officials; fails to meet reasonable time, place, and manner restrictions; disrupts class or other university business; substantially disrupts routes of entry or egress to class or work; or involves substantial disorder.

- 03.06 At the conclusion of the expressive activity, it is the responsibility of the organizers to return the area to the condition it was in before the expressive activity.
- 03.07 Signs may be confiscated by university officials or law enforcement officers if they are used to bump, hit, or injure a person or damage property.

04. PROHIBITED BEHAVIOR

- 04.01 Time Restriction – Engaging in expressive activities on campus between the hours of 10 p.m. and 8 a.m. is prohibited.
- * 04.02 Date Restrictions – During the last two weeks of a semester or term, any person engaging in expressive activities, as defined in this policy, is not permitted to materially and substantially disrupt the functioning of the institution by inviting speakers to speak on campus, by using a device to amplify sound, or by using drums or other percussive instruments.
- 04.03 Amplified Sound – The use of amplified sound is restricted to certain times and designated areas. The use of amplified sound outside of approved hours must be approved by the appropriate department. The [Amplified Sound webpage](#) provides more information.
 - a. Amplified sound may not be used to intimidate others, interfere with campus operations, or interfere with a university employee’s or a peace officer’s lawful performance of a duty.
- * 04.04 Camping is prohibited pursuant to [Texas Penal Code, Section 48.05](#) and this policy.
- * 04.05 A person engaged in expressive activities, as defined in this policy, must present valid identification to law enforcement or authorized Texas State personnel and may not obstruct the enforcement of Texas State rules, policies, or applicable laws by avoiding identification, by intimidating others, or by interfering with Texas State employees or peace officer’s lawful performance of a duty.
- * 04.06 University Property – Destruction, alteration, or appropriation of university property is strictly prohibited. For example, a person may not lower the United States or state flag and raise another flag in its place, as doing so would constitute the unauthorized appropriation of university property.

05. EXHIBITS AND TEMPORARY STRUCTURES

- 05.01 Persons desiring to build and/or maintain a temporary structure or display an exhibit must obtain approval through Student Involvement and Engagement. The [Exhibits and Temporary Structures webpage](#) provides more information.
- 05.02 Persons who erect a temporary structure or display an exhibit assume full responsibility for the structure or exhibit, including all injuries or hazards that may arise from the structure or exhibit. The university shall not be liable for any damage that may occur to the structure or exhibit, and any person or organization sponsoring the structure or exhibit shall indemnify the university for any claims arising from their presence on campus.

06. DISTRIBUTING LITERATURE, HOSTING INFORMATIONAL

BOOTHS, AND HANGING BANNERS

- 06.01 The distribution of literature, hosting informational booths, and hanging banners are all subject to the time, place, and manner restrictions listed in this policy.
- 06.02 Persons wishing to distribute literature, host informational booths, and hang banners at Texas State must register these activities with Student Involvement and Engagement. Additional information and procedures pertaining to literature distribution, hosting informational booths, and hanging banners on the Texas State campus can be found in the [Literature, Booths, and Banners webpage](#).
- 06.03 Media or literature distributed at informational booths and included on banners must not: interfere with academic or other institutional programs that are being conducted in campus facilities; interfere with the free and unimpeded flow of vehicular or pedestrian traffic on sidewalks and streets and at places of ingress and egress to and from campus buildings; harass individuals; promote the violation of local, state, or federal law or published university policy or TSUS Rules and Regulations; constitute disorderly conduct, disrupt classroom discussion, impede maintenance of public order, or constitute a danger to the person distributing or receiving literature; litter or deface the campus grounds, such as chalking, graffiti, flyers in unapproved locations; or be placed on vehicles.
- 06.04 Window clings, yard signs, indoor and outdoor floor stickers, and other marketing materials may be used in designated areas to promote special events as approved by Student Involvement and Engagement.

07. EVENTS WITH EXTERNAL SPEAKERS

- 07.01 Events with external speakers are all subject to the time, place, and manner restrictions listed in Section 04. of this policy.
- 07.02 University units, faculty, and registered student organizations may invite and host external speakers.
- 07.03 To assess the impact on university operations, all organizers of events or activities with external speakers should notify Student Involvement and Engagement. Additional information can be found in the [External Speaker Notification webpage](#).
- 07.04 Advertising for a speaker must contain the name of the sponsoring Texas State unit or student organization and must state that the views of the speaker do not necessarily reflect the views of Texas State nor those of TSUS.
- 07.05 An event with an external speaker that constitutes a clear and present danger to the university's orderly operation may be subject to restriction.
- 07.06 Students, faculty, staff, and registered student organizations campaigning on behalf of candidates for public office must also abide by [UPPS No. 06.02.10, Elections, Voting, and Civic Engagement On-Campus](#).
- 07.07 Any person who chooses to engage in expressive activity to protest an external speaker shall not impair the ability of any other person to participate in the event.
- 07.08 Texas State does not authorize invitations to outside speakers to speak on campus during the last two weeks of a semester or term,

08. EXCEPTIONS, APPEALS, AND VIOLATIONS

- 08.01 Texas State has the right to grant exceptions or variances to the provisions in this policy.
- 08.02 Individuals engaging in conduct that violates university policy or the law, as determined by university officials, may be removed from campus.
- 08.03 Procedures for addressing violations:
- a. Individuals who engage in conduct that violates state and/or federal law may be addressed by law enforcement.
 - b. Students who engage in conduct that may violate this policy or the [Code of Student Conduct](#) may be subject to disciplinary action through the Dean of Students Office.
 - c. Staff who engage in violation of this policy may be subject to disciplinary actions in accordance with [UPPS No. 04.04.01, General Workplace Policy](#).
 - d. Faculty who engage in violation of this policy may be subject to disciplinary actions in accordance with the [Faculty Handbook](#) and under [Chapter V, Paragraph 4 of the TSUS Rules and Regulations](#).
- 08.04 Any property damage caused by conduct related to expressive activity may result in the assessment of fees for cleaning, repairs, and replacement of property to the organization and/or persons involved.
- 08.05 Appeal of a decision to deny or approve an event or expressive activity or requests for exception under this policy should be directed to the Dean of Students office at least three business days prior to the start of the activity or event. Appeals and exceptions may be submitted via the [Expressive Activity Appeal/Exception Form](#).
- 08.06 Persons wishing to submit a complaint regarding a violation of their freedom of expression rights should contact the Office of the Vice President for Student Success.

09. RELATED STATUTES, POLICIES, OR REQUIREMENTS

- 09.01 [Texas Constitution, Section 8, Article I](#)
- 09.02 [Texas Education Code § 51.9315 – Protected Expression on Campus](#)
- 09.03 [Texas Education Code § 37.0095 – Antisemitism](#)
- 09.04 [Texas Penal Code 48.05](#)
- 09.05 [Texas State University Code of Student Conduct](#)
- 09.06 [Texas State University Faculty Handbook](#)
- 09.07 [TSUS Rules and Regulations, Chapter VII, Section 3.1](#)
- 09.08 [UPPS No. 04.04.01, General Workplace Policy](#)
- 09.09 [UPPS No. 06.02.10, Elections, Voting, and Civic Engagement On-Campus](#)
- 09.10 [UPPS No. 07.04.03, Solicitation on Campus](#)

10. REVIEWERS OF THIS UPPS

- 10.01 Reviewers of this UPPS include the following:

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Position	Date
Associate Vice President for Student Success and Dean of Students	September 1 E5Y
Executive Director, Student Involvement & Engagement	September 1 E5Y
Assistant Vice President of Public Safety and Chief of University Police	September 1 E5Y
Director, Environmental, Health, Safety, Risk and Emergency Management	September 1 E5Y
Director, Student Success and Academic Services at Round Rock	September 1 E5Y
Director, LBJ Student Center	September 1 E5Y

11. CERTIFICATION STATEMENT

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Associate Vice President for Student Success and Dean of Students; senior reviewer of this UPPS

Vice President for Student Success

President