

# Texas Tech University System

## Regulation 07.04

### Freedom of Expression

Approved: August 9, 2019

Modified: November 05, 2025

Next Scheduled Review: August 2026

#### 1. Purpose

- a. The Texas Tech University System (“System”) and its component universities (referred to herein collectively as the “University”) recognize freedom of speech and expression as a fundamental right and seek to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the University and employees of the University (collectively, “University Members”). This regulation is intended to protect the expressive rights of University Members guaranteed by the constitutions of the United States and the State of Texas by recognizing freedom of speech and assembly as central to the mission of the University and ensuring that University Members may assemble peaceably on University campuses for expressive activities. For purposes of this regulation, “expressive activities” means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, of the Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions.

#### 2. Outdoor Common Areas

- a. For purposes of this regulation, Outdoor Common Areas are the generally accessible, open, outdoor spaces on a University campus such as:
  - Grassy areas and open fields;
  - Sidewalks and pedestrian walkways.

#### 3. Limited Public Forum

- a. In accordance with Texas Education Code, Section 51.9315, the Texas Tech University System Board of Regents has designated each Outdoor Common Area (operated and either owned or leased by the University) as a limited public forum where only University Members are permitted to engage in expressive activities, subject to the provisions of this Regulation. The University reserves the right to implement and enforce reasonable time, place, and manner restrictions regarding expressive activities including, but not limited to, those set forth in this regulation. Further, 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 necessarily imply endorsement by the University.

#### 4. General Guidelines and Policy Regarding Expressive Activities

- a. *Applicability.* This regulation applies to all expressive activities of University Members in the University’s Outdoor Common Areas. This regulation does not apply to the activities of the University itself. University Members may engage in expressive activities without prior

reservation, registration, or approval, provided such activities are conducted pursuant to applicable law as well as System and University policy.

Access to Outdoor Common Areas for expressive activity by individuals or groups who are not University Members is restricted. Such individuals may not engage in public discourse, demonstrations, or distribution of materials on University grounds. Except as stated otherwise herein, this policy does not restrict recognized University student organizations and their ability to invite guest speakers for events (e.g. talks, performances, etc.) at designated University venues, provided such actions are done in accordance with this regulation as well as System and University policies.

- b. *Prohibited Commercial Activities.* For purposes of this regulation, expressive activities do not include commercial speech. As such, commercial activities are prohibited on University grounds without a prior written agreement with the University.
- c. *Other Prohibited Activities.* For purposes of this regulation, expressive activities do not include activities which lose legal protection under the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, including commercial speech, defamation, unlawful harassment, incitement to unlawful activity, obscenity, or threats to engage in unlawful activity. Groups or individuals engaging in materially and substantially disruptive activities, or those failing to comply with applicable laws or System or University policy, may face immediate removal from University premises and/or other appropriate actions by University officials, including University police.
- d. *Reservation of Outdoor Common Areas.* Each University may adopt operating policies and procedures regarding the reservation of Outdoor Common Areas by University Members for the purpose of engaging in expressive activities. If any area of the University's Outdoor Common Areas has been reserved, the reserving individual or group shall be given priority for use of such area.
- e. *Statutory Prohibitions.* For purposes of this regulation and in accordance with the Texas Education Code, University Members are legally prohibited from the following:
  - i. Use of a device to amplify sound on University property during class hours that intimidates others, interferes with University campus operations, or interferes with a University employee's or peace officer's lawful performance of duty;
  - ii. During the last two weeks of an academic semester or academic term (unless otherwise specified by University in its respective operating policies to accommodate schools with different academic calendars), engaging in expressive activities, including the invitation of guest speakers to speak on campus, the use of a device to amplify sound, or the use of drums or other percussive instruments in a manner that materially and substantially disrupts University campus functioning;
  - iii. Camping or erecting tents or other living accommodations on University's campus;
  - iv. Wearing a disguise or other means of concealing the wearer's identity with an intent to obstruct the enforcement of University rules or law by avoiding identification, intimidate others, or interfere with a University employee's or peace officer's lawful performance of duties;

- v. Lowering a flag of the United States or flag of the State of Texas flown by the University with the intent to raise the flag of another nation or a flag representing an organization or group of people; and
  - vi. Engaging in expressive activities on campus between the hours of 10:00 p.m. and 8:00 a.m. in a manner that materially and substantially disrupts University campus functioning.
- f. *Antisemitic Speech and Acts.* The University is committed to upholding principles of free speech and academic freedom as fundamental components of its mission. However, the exercise of free speech must be conducted in a manner that respects the dignity and rights of all individuals within our community. By directive of the Governor’s Executive Order GA-44, the University prohibits antisemitism and adopts the following definition of antisemitism adopted by the State of Texas in Section 448.001 of the Texas Government Code: “*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. Examples of antisemitism are included with [the International Holocaust Remembrance Alliance’s “Working Definition of Antisemitism” adopted on May 26, 2016.](#)
- g. *Damage Caused by Expressive Activities.* Groups or individuals are responsible for any damage and harm to persons and property that arise from their expressive activities.
- h. *Identification.* University Members shall be required, upon request by a University official on University’s campus—including University law enforcement—engaging in an official duty, to present proof of identity and status at the University. Failure to present identification may result in appropriate action, including but not limited to cessation of engagement in expressive activity until such identification is sufficiently presented.

5. Reasonable Time, Place, and Manner Restrictions

- a. *Reasonable Time, Place, and Manner Restrictions.* Subject to section 4.e , the following reasonable time, place, and manner restrictions are applicable to expressive activities in University outdoor common areas:
- i. Activities that are unlawful or that materially and substantially disrupt the normal operations of the University are prohibited.
  - ii. Activities that materially and substantially prevent other University Members from carrying out an expressive activity are prohibited.
  - iii. Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of University facilities are prohibited.
  - iv. Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services are prohibited.
  - v. Activities that threaten or endanger the health or safety of any person on University grounds are prohibited.
  - vi. Activities that result in damage or destruction of University property are prohibited. Nothing may be affixed to or written on University property or grounds.

- vii. Activities that inherently lose First Amendment protection (e.g., defamatory statements, true threats/fighting words, obscenity [as defined by law]) are prohibited.
  - viii. Expressive signage, posters, displays, or structures (herein “displays”) must be hand-held. Displays, literature, and other items may not be left unattended.
  - ix. Amplified sound shall not exceed 80 decibel levels near University buildings, as measured at the outdoor edge of such buildings closest to the amplified sound. Any amplification device must be hand-held.
  - x. No open flames are permitted on the University campus without the express written permission of the University.
  - xi. Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and satisfy such codes and ordinances (e.g., serving food and beverages).
- b. *Additional Restrictions.* The above list of reasonable time, place, and manner restrictions is not intended to be all-inclusive. The University reserves the right, as necessary, to impose additional reasonable time, place, and manner restrictions as circumstances arise.
  - c. *Restrictions Are Viewpoint-Neutral.* The University’s decisions will not be based on political, religious, philosophical, ideological, or academic viewpoints.
  - d. *Relocation, Limitation, and Prohibition.* The University reserves the right to relocate, limit, or prohibit University Members engaged in expressive activities in University outdoor common areas based on reasonable time, place, and manner restrictions.

## 6. Speaker Fees and Approvals

- a. University faculty, staff, and student organizations have the right to invite speakers to University forums to speak. When reviewing speakers, the University will not consider any anticipated controversy related to the event. The University will consider content-neutral and viewpoint neutral criteria including, but not limited to, the following when reviewing speakers:
  - i. Proposed venue and the size of the expected crowd;
  - ii. Anticipated needs for security;
  - iii. Any other necessary accommodations the University deems necessary for the speaker; and
  - iv. Relevant history of compliance or noncompliance with University policies by the speaker or the requestor.

## 7. Disciplinary Sanctions

- a. Students, student organizations, faculty, or staff who unduly interfere with the expressive activities of other University Members on campus or who have been found to violate System or University policies and procedures, or other applicable laws, rules, and regulations, to include the requirements set forth in this System Regulation 07.04, may be subject to the disciplinary policies and procedures, to include possible expulsion or termination, as applicable, outlined in the applicable University Student Code of Conduct, Student Handbook, University Catalog, or University operating policies and

procedures.

- b. Violation of this regulation may also constitute a breach of applicable criminal law. In such circumstances, the Penal Code and Code of Criminal Procedure will apply.

8. Grievances

- a. University Members may file a grievance regarding an alleged violation of this regulation in the manner provided in the applicable University Student Code of Conduct, Student Handbook, University Catalog, Faculty Handbook, or employee/personnel manual.

9. Free Speech

- a. Nothing in this Regulation may be construed to limit or infringe on a person's right to freedom of speech or expression protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution.

Contact Office: System Office of General Counsel  
806-742-2155