THE UNIVERSITY OF TEXAS AT ARLINGTON

GA-PA-PO-01
University Policy on Free Speech, Expression, and Assembly

I. Policy Statement

1. The University of Texas at Arlington (UTA or University) is committed to providing an educational and work climate that is conducive to the personal and professional development of each individual. The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the University. The University will protect the rights of Students, Faculty Members, Staff Members, and members of the public to assemble, to speak, and to attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen. The University maintains its right to regulate reasonable time, place and manner restrictions concerning acts of expression and dissent.

2. Thos 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 allowed. Faculty, Staff, and Students engaging in a disruptive activity or other violation of this policy may be subject to disciplinary action up to and including termination or expulsion. Any participant in a disruptive activity may face criminal charges.

3. Ideas or expressions put forth in expressive activities are not necessarily the views of UTA, its officers, administrators, or leaders, unless otherwise noted.

II. Application of Policy

1. This policy protects and regulates speech, expression, and assembly of Students, Faculty Members, Staff Members, and members of the public on campus or participating in University sponsored activities. This policy applies to speech regardless of where it occurs if it potentially affects a member of the University Community's education or employment with the University or potentially affects the University Community. This policy regulates speech that is part of the teaching, research, or other official functions of the University and also applies to speech that is submitted for academic credit, and speech made using the University's information resources as defined in its Acceptable Use Policy. The Director of Involvement and Engagement (I&E in reference to the department or Director in reference to the person), administers and schedules reservations for the use of the temporary exhibit and banner spaces, and use of University tables, for all members of the University Community and

Organizations. Scheduling through a single office is necessary to avoid conflicts. The Director also administers and schedules reservations in the Common Outdoor Areas and the use of the Amplified Sound for all University persons, University Organizations, and members of the public.

2. This policy details individuals and Organizations' rights and responsibilities regarding expressive activities at UTA. It does not limit other existing authority of University officials to authorize programs and Events sponsored by an Academic or Administrative Unit and not provided for in this policy.

3. Rules requiring University employees to make clear that controversial statements are made in their personal capacity are found in the UT System Rules and Regulations of the Board of Regents Rule 10403 *Board Meeting Accessibility and Public Participation*. Rules restricting use of University equipment, supplies, services, and working hours for political activities are found in the UT System Rules and Regulations of the Board of Regents Rule 30103 *Standards of Conduct.*

III. Definitions

Academic or Administrative Unit: Means any office or department of the University.

Amplified Sound: Means sound whose volume is increased by any artificial, 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.

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.

Common Outdoor Area: Means outdoor space that is not used for dedicated University business or an Event, an educational function, or a research function on either a permanent or temporary basis. It does not include the outside surfaces of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, or any other space with the University's limited public forum. Common Outdoor Areas are designated by state law as traditional public forums.

Event: Means something that occurs in a certain place during a particular interval of time. Events include; but are not limited to; guest speakers, exhibits, tables, distribution of Literature, signs, and public assemblies.

Faculty Member and Staff Member: Includes any person who is employed by the university.

Harassment: Means hostile or threatening conduct or speech, whether oral, written, or symbolic, that is not necessary to the expression of any idea described in section IV.C.4. is sufficiently severe, pervasive, and objectively offensive to create an objectively hostile or threatening environment that interferes with or diminishes the victim's ability to participate in or benefit from the services, activities, or privileges proved by the university; and personally describes or is personally directed to one or more specific individuals.

Islamophobia: Means a fear, prejudice and hatred of Muslims that leads to provocation, hostility, and intolerance by means of unlawful threatening, Harassment, abuse, incitement, and intimidation of Muslims and non-Muslims. Motivated by institutional, ideological, political and religious hostility that transcends into structural and cultural racism, which targets the symbols and markers of being a Muslim.

Limited Public Forum: Means the university property, both indoors and outdoors, that is not part of the Common Outdoor Area. This includes the outside surfaces of a university building, surfaces associated with or connected to a university building, a university structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, residential outdoor spaces managed by university housing.

Literature: Means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informal matter, that is produced in multiple copies of distribution to potential readers.

Off-Campus Person or Organization / Member of the Public: Mean any person, Organization, or business that is not an Academic or Administrative Unit, a registered Student, Faculty, or Staff Organization, or a Student, Faculty Member, or Staff Member.

Registered Student, Sponsored Student, Faculty, or Staff Organization: Includes a registered Student Organization or a sponsored Student Organization under UTA Policy Series SL-SO-PO, or a Faculty or Staff Organization under the UT System Rules and Regulations of the Board of Regents Rule 40201 *Registered Organizations*.

Room or Space: Includes any room or space, indoors or outdoors, owned or controlled by the university.

Student: Means a person who is currently enrolled at the university or has been enrolled at the university in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.

Temporary Banner Space: Means designated outdoor or indoor display area reserved for university persons and university Organizations' use, as managed by I&E or the head unit where a university person or Organization's temporary banner may be affixed for multiple days as permitted by this policy. These areas are part of the university's limited public forum and not open to members of the public.

Temporary Exhibit Space: Means designated indoor or outdoor display area reserved for university persons and university Organizations use, as managed by the dean of Students, where a university person or Organization may erect a temporary exhibit as permitted by section IV.G. These areas are part of the university's limited public forum and not open to members of the public.

University Holiday / Skeleton Crew Days: Means days identified in the holiday schedule published by the Office of Human Resources. If a deadline defined in this policy falls on a Saturday, Sunday, University Holiday, or Skeleton Crew Day that deadline will be moved to the next day.

University Person or Organization: Includes Academic and Administrative Units, registered Students, sponsored Students, Faculty, and Staff Organizations, and individual Students, Faculty Members, and Staff Members

IV. Policy

A. Freedom of Speech, Expression and Assembly

1. To further the University's educational mission, the University provides forums for the expression of ideas and opinions. These include:

   a. **Traditional Public Forums**

   Traditional public forums include the University's Library Mall and the Green at College Park. These areas are generally available, subject to the University's time, place, and manner restrictions, for expressive activity by members of the public without the need for reservation or prior approval when the area is not reserved and promoted in advance for an Event. Traditional Public Forums are the only locations for non-members of the University Community to engage in expressive activity except as set forth herein.

   b. **Designated Forums**

   Designated forums include the University's streets, sidewalks, parks, and similar Common Outdoor Areas. These areas are generally available, subject to the University's time, place, and manner restrictions, for expressive activity by members of the University Community at any time without the need for reservation or prior approval when the area is not reserved and promoted in advance for an Event.

   c. **Limited Forums**

   Limited forums have limited open access for expression, and include the University buildings including their outside surfaces, surfaces associated with or connected to a University building, or a University

structure. Limited forums generally require a reservation or prior approval.

d. **Closed Forums**

Closed forums are areas that are not traditional public forums or designated public forums or Limited Forums. These forums will be restricted to use for their intended purpose and are not available for 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, and research and computer laboratories.

2. There are areas such as utility buildings, research labs, etc. that may have distance requirements, crowd placement restrictions, and security concerns that may vary depending on security needs, terror alerts, and other factors. Furthermore, security needs, terror alerts, local and national Events may affect the availability of spaces that would otherwise be routinely available.

3. Members of the University Community are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, subject only to this policy and any rules necessary to preserve the equal rights of others and the other functions of the University. Teaching, research, and other official functions of the University will have priority in allocating the use of space on campus.

4. Except as expressly authorized by the section herein on prohibited expression and state and federal law, the University will not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of this policy or otherwise.

5. The University of Texas at Arlington Police Department (UTA PD) may immediately enforce this policy if a violation of this policy constitutes a breach of the peace, compromises public safety, or otherwise violates applicable laws.

B. Prohibited Items or Actions

The following restrictions are intended to protect the health and safety of all persons on campus, to maintain the free flow of pedestrian traffic in and out of University buildings, and to protect the educational mission of the University.

1. A mask, facial covering, or disguise that conceals the identity of the wearer that is calculated to obstruct the enforcement of these rules or the law, or to intimidate, hinder or interrupt a University official, UTA PD Officer, or other person in the lawful performance of their duties. This restriction does not apply to facial coverings worn for religious or health reasons.

2. The possession, use, or display of firearms, facsimile firearms, ammunitions, explosives, or any other items that could be used as weapons, including but not limited to sticks, poles, blubs, swords, shields, or rigid signs that can be used as a shield, without written permission from the UTA PD Chief or designee, unless authorized by federal, state, or local laws.

3. Body-armor or makeshift body-armor, helmets, and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body-armor, without written permission from the UTA PD Chief or designee.

4. Open flame, unless approved in advance by UTA Environmental Health and Safety in accordance with applicable policy.

5. No person or Organization may engage in expressive activity within a twenty-five-foot clearance around points of entry, and if not a point of entry, then within ten feet of the perimeter, of all University buildings.

6. During the last two weeks of a semester, no members of the University Community may invite speakers to speak, use a device to amplify sound, or use drums or other percussive instruments in the Common Outdoor Areas of campus in a manner that materially and substantially disrupts the functioning of the University.

7. Taking into consideration the University's location in a major metropolitan area, to ensure the safety of the University Community, no member of the University Community may engage in expressive activities on campus between the hours of 10 P.M. and 8 A.M.

C. Prohibited Expression

1. Obscenity

No person or Organization will distribute or display on the campus any writing or visual image, or engage in any public performance, that is obscene. Obscene is defined in Texas Penal Code, Section 43.21 or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

2. Defamation

No person or Organization shall publish to a third party any statement that defames any other person. A statement defames another person if it is: (i) published to a third party other than the subject of the statement or their legal representative; (ii) of and concerning that person; (iii) is a false statement of fact; (iv) that holds the person up to hatred, ridicule, or contempt; (v) is made negligently, if the person is a private figure or, with

knowledge of falsity or reckless disregard for the truth, if the person is a public official or public figure; (vi) which proximately causes damages; and (vii) is not privileged.

3. Incitement to Imminent Unlawful Activity and Threats to Engage in Unlawful Activity

a. Any incitement or threat of violence, incitement or threat of imminent violation of law, Harassment, property damage, disruption of a university activity, or any other violation of state or federal law or UTA policy, including those activities committed because of the offender's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, including Antisemitism or Islamophobia, or for any other unlawful reason will be subject to discipline, up to and including possible termination of employment or expulsion from the University.

b. **Student Groups**

Any Student Organization that engages in incitement of violence, incitement of imminent violation of law, Harassment, property damage, disruption of a University activity, or any other violation of state or federal law or University policy, including those activities committed because of a bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, including Antisemitism and Islamophobia, is subject to discipline, up to and including possible loss of recognized status for the registered Student Organization.

4. Harassment

a. No person or Organization may engage in conduct that constitutes Harassment of another person. No person will make, distribute, or display any statement that constitutes Harassment of another person on campus or through University information resources. This section applies to speech regardless of where it occurs, including off University property, if it potentially affects a University person’s education or employment with the University or potentially affects the University Community, and includes, all speech made using University resources, including speech that is part of teaching, research, or other official functions of the University whether in person or not, and whether oral, written, or symbolic.

b. To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not Harassment, even if some listeners are offended by the argument or

idea. The categories of sexually harassing speech set forth in UTA Policy EI-PO-08 *Sexual Misconduct* are rarely, if ever, necessary to argue for or against the substance of any political, religious, philosophical, ideological, or academic idea.

c. In general, Harassment, including verbal Harassment as defined herein, will not be tolerated. Verbal Harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in UTA Policy EI-PO-08 *Sexual Misconduct*. Verbal Harassment is often based on the individual's appearance, personal characteristics, or group membership, including but not limited to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity or gender expression, ideology, political views, or political affiliation. Verbal Harassment has been interpreted very narrowly by the federal courts. This policy will be interpreted as narrowly as need be to preserve its constitutionality.

d. The Harassment that this section prohibits does not include speech that is necessary and appropriate to support a vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense, and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within the University and in the larger society.

e. Members of the University Community are strongly encouraged to report Harassment to the Office of Title IX and Discrimination Complaints (TDC). Any University official, administrator, or supervisor who receives a report of alleged Harassment will promptly refer that report and the complainant to the TDC. A complainant whose report is not forwarded to the Office of TDC has not initiated proceedings for providing a remedy to the complainant or for imposing discipline on the alleged harasser.

D. Solicitation and Commercial Speech

No member of the University Community, including University Organizations may make, distribute, or display on the campus any statement that promotes, offers, or advertises any product or service for sale or lease that includes commercial identifiers, such as for-profit logos, trademarks, and service marks, or that requests any gift or contribution, except as authorized by UTA Policy CO-UF-PO-02 *Solicitations* or by the Regents' Rules and Regulations.

E. General Rules on Means of Expression

Rules regarding disruption of speech, damage to property, coercing attention, and incidental effects on speech are addressed in the Free Speech, Expression, and Assembly Procedure implementing this policy.

F. Distribution of Literature

Distribution and display of Literature on campus, is permitted subject to the rules in this policy, the Free Speech, Expression, and Assembly Procedure and to the general rules in UTA Policy CO-UF-PO-01 *University Facilities Use.*

G. Signs, Banners, and A-Frames

Use of signs, banners and A-Frames is subject to the rules in this policy, the Free Speech, Expression, and Assembly Procedure and to the general rules in UTA Policy CO-UF-PO-01 *University Facilities Use.*

H. Tables, Exhibits, and Amplified Sound

Members of the University Community and University Organizations may set up tables and exhibits from which to display Literature, disseminate information and opinion, and raise funds, and make use of Amplified Sound, all subject to the rules in this policy, the Free Speech, Expression, and Assembly Procedure and to the general rules in UTA Policy CO-UF-PO-01 *University Facilities Use.*

I. Public Assemblies

"Publicly assemble" and "public assembly" include any gathering of non-University Community persons, and include such activities as discussions, rallies, and demonstrations. Rules regarding Amplified Sound apply to any use of Amplified Sound at a public assembly. Persons and Organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this policy, the Free Speech, Expression, and Assembly Procedure, and the rules on use of University property contained in UTA Policy series CO-UF. No advance permission is required in the Common Outdoor Areas.

J. Guest Speakers

1. "Guest speaker" means a speaker or performer who is not a member of the University Community.

2. Subject to the rules in this policy and the Free Speech, Expression, and Assembly Procedure, members of the University Community, and University Organizations, may present guest speakers in Traditional Public Forums or Common Outdoor Areas of the campus.

K. Responding to Speech, Expression, and Assembly

1. The University Community and Organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this policy. Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard. Means of response that are permitted in many locations and without advance permission or reservation, such as signs, distribution of Literature, and public assembly without Amplified Sound, may be used immediately and in any location authorized in this policy.

2. Means of response that require advance permission or reservation, such as temporary banners, A-frames exhibits, general exhibits, and Amplified Sound, may be used as soon as the needed permission or reservation may be arranged. Temporary Banner Space, temporary outdoor exhibit space, and some Amplified Sound areas may be unavailable on short notice because of earlier reservations, but I&E will reasonably expedite approval of available Temporary Banner Spaces, available temporary outdoor exhibit spaces, and Amplified Sound areas where necessary to permit appropriate response to other speech, assembly, or expression.

3. Means of response that are confined to authorized locations, such as banners, exhibits, and Amplified Sound, may be used only in those locations. It is not possible to respond to Amplified Sound with Amplified Sound in the same location; similarly, if an exhibit or public assembly is in a location where Amplified Sound is not permitted, it Is not possible to respond with Amplified Sound in that location. In either case, it is possible to respond with Amplified Sound in another location and to use signs or distribution of Literature to advertise the response at the other location.

L. Camping

Camping or erecting tents or other living accommodations on University property is prohibited except as allowed by UTA Policy CO-CE-PO-05 *Prohibition of Camping on University Property.*

M. Enforcement and Appeals

1. Police Protection and Additional Administrative Support

a. It is the responsibility of the University to protect the safety of all persons on campus and when necessary to provide police protection for speakers, persons staffing or viewing exhibits, and other Events. The normal patrolling of officers during regular duty areas in the area of such Events will be at the cost of the University. When the magnitude, timing, or nature of an Event in a University building, University facility, or other area of the University's limited forum that requires additional or overtime hours from police officers (including

contract hours for officers hired from other departments or private security agencies), the University will, to the extent specified in this section, charge the cost of overtime or contract officers to the member of the University Community or Organization sponsoring the Event or exhibit that requires overtime police protection. The University will charge for additional police and overtime hours where reasonably possible, but not for additional police and overtime hours made necessary by the content of speech at the Event or by the controversy associated with any Event. Members of the University Community or Organizations planning such Events should budget for the cost of police protection.

b. A reasonable and nondiscriminatory fee for overtime police work will be charged to the University Community member or Organization sponsoring an Event in a University building, University facility, or other area of the University's limited forum that requires overtime police protection.

c. The University will have the sole power to decide, after reasonable consultation with the person or Organization planning the Event, whether and to what extent overtime police protection is required. No fee will be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the Event. All fees will be based on the number of officers required for an uncontroversial Event of the same size and kind, in the same place and at the same time of day, handling the same amount of cash. Nothing in this section applies to any interdepartmental charge or transfer among units or accounts funded by the University.

d. If an Event requires additional assistance from I&E or other units beyond normal work responsibilities or that require employee overtime, a reasonable and nondiscriminatory fee may be charged to the individual or Organization sponsoring the Event.

2. Responses to Violations

a. Members of the University Community or Organizations wishing to make a grievance regarding a violation of this policy may report it via the University Compliance Services email at compliance@uta.edu. A Student who violates this policy may be disciplined under this policy or UTA Policy SL-SC-PO-01 *Student Conduct and Discipline*. A Student Organization who violates a provision of this policy may be disciplined under this policy or UTA Policy SL-SO-PO-07 *Discipline of Student Organizations*. Staff or Faculty who violate this policy may be disciplined under applicable procedures provided by other University

policies. If no such procedures exist, violations will be referred to the Office of the Provost or Talent, Culture and Engagement as applicable.

b. Authorized University personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this policy, by explanation and persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively, or additionally, they may initiate disciplinary proceedings under this policy. Discretion regarding the means and necessity of enforcement will be vested in the UTA Chief of Police, or in University personnel designated by the president, as appropriate, but such discretion will be exercised without regard to the viewpoint of any speaker.

c. The University Community persons and University Organizations on the campus must comply with all reasonable instructions from University administrators and law enforcement officials at the scene. A member of the University Community or University Organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under the appeal section below.

d. Non-University Community individuals on the campus who violate a prohibition in this policy may be subject to criminal trespass charges, arrest, or other lawful measures.

3. Appeals

A member of the University Community or Organization that is denied permission for an activity requiring advance permission under this policy may appeal the denial of permission. A member of the University Community that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth weekday after complying with the order, file a written appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal will be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order. An appeal authorized by this section must be submitted to I&E within five business days of the action being appealed. The appeal will be forwarded by I&E to the president's designee who will issue a written decision, which will include any corrective action, if necessary, to the appellant within five business days. A copy will be provided to the head of the applicable unit which took the action under appeal.

4. Notice

A link to this policy will be included in any official Student or personnel handbooks, posted on UTA's website, and may be provided to Students during freshman and transfer Student orientations.

N. Identification

1. Any person is required to identify themselves when requested by a University Representative while on any property or in any building owned or controlled by the University. A person can identify themselves by:

   a. Giving their name and complete address substantiated by a current driver's license, voter registration card, or other official documentation; and

   b. Stating truthfully whether they are a Student or employee of the University.

2. A "University Representative" is any Regent, Executive Officer, Administrative Officer, Attorney, Peace Officer, Security Officer, or Parking and Transportation Representative of the University.

3. Any person who refuses to identify himself or herself in accordance with this section may be convicted of a misdemeanor punishable by a fine in accordance with applicable law. Any Student, Faculty Member, or Staff Member who refuses to identify themselves in accordance with this section is subject to disciplinary action under applicable University policies.

V. Relevant Federal and State Statutes

Tex. Ed. Code § 51.9315 *Protected Expression on Campus*

Tex. Penal Code § 43.21 *Definitions*

VI. Relevant UT System and UTA Documents

UTA Policy CO-CE-PO-05 *Prohibition of Camping on University Property*

UTA Policy CO-UF-PO-01 *University Facilities Use*

UTA Policy CO-UF-PO-02 *Solicitations*

UTA Policy CO-UF-PO-03 *Joint Sponsorships for the Use of University Facilities*

UTA Policy CO-UF-PO-08 *Regulations Applicable to University Property*

UTA Policy CO-UF-PO-10 *University Space Resource Allocation*

UTA Policy EI-PO-08 *Sexual Misconduct*

UTA Procedure GA-PA-PR-01 *Free Speech, Expression, and Assembly*

UTA Policy SL-SC-PO-01 *Student Conduct and Discipline*

UTA Policy SL-SO-PO-03 *Student Organizations*

UT System Rules and Regulations of the Board of Regents Rule 10403 *Board Meeting Accessibility and Public Participation*

UT System Rules and Regulations of the Board of Regents Rule 30103 *Standards of Conduct*

UT System Rules and Regulations of the Board of Regents Rule 40201 *Registered Organizations*

UT System Rules and Regulations of the Board of Regents Rule 40501 *Speech and Assembly*

VII. UTA Office Responsible for Policy

Responsible Officer: Chief Legal Officer

Sponsoring Department: Office of Legal Affairs

VIII. Dates Approved or Amended

July 31, 2020

August 23, 2022

July 2, 2024

September 10, 2025

April 17, 2026