

## Handbook of Operating Procedures

### SPEECH, EXPRESSION, AND ASSEMBLY

---

#### **A. Purpose**

The purpose of this policy is to protect and regulate speech, expression, and assembly of students and employees of The University of Texas Rio Grande Valley (UTRGV) and, to the extent applicable, members of the public in a manner that encourages and facilitates speech, expression, and peaceable assembly, while at the same time ensuring that these activities do not intrude upon or interfere with academic programs, administrative processes, or other authorized activities of UTRGV.

#### **B. Persons Affected**

This policy applies to all individuals associated with or on the property of UTRGV, including without limitation employees, students, visitors, volunteers, contractors, or vendors.

#### **C. Policy**

##### *1. Governing Principles*

- a. The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of UTRGV. In accordance with this policy and its appendices, students, employees, and members of the public (only in the specifically designated areas described in Appendix I – Designated Public Forums) have the right to assemble, speak, and attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and ignore the speech of others when they choose not to listen.
- b. The grounds and buildings owned or controlled by UTRGV or The University of Texas System (UT System) are not open for assembly, expressive activities, or other activities like the public streets, sidewalks, or parks. In furtherance of UTRGV's educational mission, UTRGV campuses, facilities, and property are limited public forums open only to the expressive activities of students and employees. Unaffiliated groups or individuals may not engage in expressive activities at UTRGV except in accordance with this policy or as otherwise authorized by applicable UTRGV or UT System rules or policies.
- c. Students and employees are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, in all parts of the campus, subject only to rules necessary to preserve the equal rights of others and the other functions of UTRGV. Students and employees may engage in expressive activities in common outdoor areas, as long as the expressive activity is not unlawful, does not materially and substantially disrupt the function of UTRGV, and the activity is otherwise consistent with this policy and its appendices.
- d. Teaching, research, and other official functions of UTRGV will have priority in allocating the use of space on campus. UTRGV-affiliated individuals or organizations may not invite

the public at large to events in UTRGV buildings, facilities, or locations unless expressly authorized by this policy or as otherwise authorized by UTRGV or The UT System.

- e. Members of the public may engage in expressive activities only in the specifically designated speech area(s) of the campus as identified in Appendix I – Designated Public Forums, subject to the time, place, and manner rules of this policy and its appendices necessary to preserve the functions of UTRGV.
  - f. UTRGV recognizes the importance of free inquiry, open intellectual and scientific debate, and unfettered criticism of the accepted body of knowledge that are essential to academic freedom and UTRGV's mission, and this policy should be interpreted with these tenets in mind. To facilitate an atmosphere conducive to scholarly inquiry, faculty members have the authority to maintain order in their classes and classrooms. Consistent with [ADM 06-106 Faculty Rights and Responsibilities](#), scholarly debate and discussion in classes or classrooms should be germane to the subject(s) being taught. Expressive activities of students, employees, or guests may not interfere with or disrupt any teaching activities in classes or the classroom.
  - g. UTRGV and The University of Texas System each recognize the right of employees to participate in political activities, provided such activities are not conducted during work hours unless the employee uses accrued compensatory or vacation leave; are in compliance with the Constitution and laws of the State of Texas; do not interfere with the discharge and performance of an employee's duties or responsibilities; do not involve the use of equipment, supplies, or services of UTRGV or the UT System; do not involve the impermissible use of UTRGV facilities, do not involve the attempt to coerce students, faculty, or staff to participate in or support the political activity; and do not involve UTRGV or The UT System in partisan politics.
  - h. Every employee must protect UTRGV and The UT System against unauthorized use of opinions for advertising purposes.
  - i. Except as expressly authorized by federal or state law or Section C.3 below, UTRGV will not discriminate on the basis of political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise.
  - j. The UTRGV Police Department may immediately enforce these rules if a violation of these rules constitutes a breach of the peace or compromises public safety.
  - k. UTRGV will develop and administer training periodically to employees and faculty members responsible for educating or disciplining students, employees, or faculty under this policy. Employees and faculty members must timely complete any assigned training.
2. *Scope*
- a. This policy applies to speech, expression, and assembly of students, employees, or (as applicable) members of the public that are not part of the teaching, research, or other official functions of UTRGV, not otherwise sponsored by UTRGV or any academic or administrative unit, and not submitted for academic credit, with the following exceptions:

- i. This policy applies to speech by academic and administrative units, and to speech submitted for academic credit occurring in outdoor locations on campus.
- ii. The provisions in Section C.3 on harassment apply to all speech regardless of where it occurs, including off UTRGV property, if it potentially affects an individual's education at or employment with UTRGV or potentially affects the UTRGV community.

The presentation of a speaker by a faculty member as part of an individual class, or the presentation of speaker(s) in an educational program or workshop sponsored by an academic or administrative unit, are examples of activities that are part of the teaching, research, or other functions of UTRGV. By contrast, an extended lecture, debate, or discussion designed to raise awareness of a specific topic or issue that is not otherwise part of an individual class, educational program, or workshop offered by UTRGV would not be part of the teaching, research, or other functions of UTRGV.

- b. Any program or event sponsored by an academic or administrative unit of UTRGV shall have priority in the use of space and facilities over any speech, expression, and assembly that is not sponsored by an academic or administrative unit.
  - c. Specific time, place, and manner rules applying to various means of expression are found in the following appendices to this policy:
    - i. [Appendix A – Distribution of Literature](#);
    - ii. [Appendix B – Signs and Banners](#);
    - iii. [Appendix C – Chalking](#);
    - iv. [Appendix D – Tables](#);
    - v. [Appendix E – Exhibits](#);
    - vi. [Appendix F – Use of Amplified Sound](#);
    - vii. [Appendix G – Guest Speakers](#);
    - viii. [Appendix H – Public Assemblies](#); and
    - ix. [Appendix I – Designated Public Forums](#)
3. *Prohibited Expression, Items, or Actions*
- a. As defined in Section 51.9315, *Texas Education Code*, expressive activities include a broad range of speech or expressive conduct, including speech or conduct that may be controversial, hurtful, or repugnant. Even so, there are types of speech or expressive conduct that lose constitutional protections and are not acceptable under this policy, or do not fall within the statutory definition of expressive activities. These types of speech or expressive conduct are discussed in Sections C.3.b-C.3.g below.
  - b. Obscenity -- No persons or organizations shall distribute or display on the campus any writing or visual image, or engage in any public performance that is obscene. A writing, image, or performance is obscene if it is obscene as defined in Section 43.21, *Texas Penal*

*Code* (or successor provisions), and is within the constitutional definition of obscenity as set forth in the decisions of the United States Supreme Court.

- c. Defamation -- No person shall publish to a third party any statement that defames another person. It is difficult to state in a comprehensive way the elements of defamation, because there are many variables depending on the status of the persons and issue(s) involved; that said, the elements of defamation generally include the following:
- i. publication of a false statement of fact to a third party;
  - ii. referring to a person;
  - iii. the statement holds the person up to hatred, contempt, ridicule, or financial injury;
  - iv. the statement is made negligently (if the person is a private figure) or with knowledge of falsity or reckless disregard of the truth (if the person is a public official or public figure); and
  - v. the person suffers damages.

Defamation is further defined in Chapter 73, *Texas Civil Practice & Remedies Code*, or other successor provisions, and cases interpreting.

- d. Incitement to Imminent Violations of Law -- No person shall make, distribute, or display any statements directed at inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law.
- e. Harassment – No person will make, distribute, or display any statement that constitutes harassment (as defined in Section E) of any other person. This subsection applies to all speech at UTRGV (including speech that is part of teaching, research, or other official functions of UTRGV) whether in person or not, and whether oral, written, or symbolic.
- i. The harassment that this Section C.3.e prohibits does not exhaust the category of speech that is unnecessary and inappropriate to 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 UTRGV and larger society. These are community norms, even though they cannot be enforced by disciplinary rules.
  - ii. Verbal harassment has been interpreted very narrowly by the federal courts. Policies on verbal harassment or hate speech at many universities have been held unconstitutional, either because they prohibited harassment only when it was based on race, sex, and similar categories, or because they failed to protect the expression of potentially offensive ideas. This policy should be interpreted as narrowly as need be to preserve constitutionality.
  - iii. Members of the UTRGV community are strongly encouraged to report harassment, as discussed in Section D.1 below.

- f. Commercial Speech and Solicitation – Commercial speech is less protected than other forms of expressive activity, and is not considered expressive activity under Section 51.9315, *Texas Education Code*. No UTRGV-affiliated individual or organization and no member of the public will make, distribute, or display on the campus any statement that 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 this policy, ADM 10-104 Solicitation on Campus, or Rule [80103 of the Regents' Rules](#).
- g. Threat to Engage in Unlawful Activity – Any statement or action of a person (whether verbal, electronic, written, or physical) leading a reasonable person to believe the person making the statement or taking the action may engage in an activity made unlawful under state or federal law is prohibited. Examples of unlawful activity include (without limitation) assault by threat, attempted assault, unlawful disclosure of residence address or telephone number, terroristic activity, obstruction or retaliation, or disorderly conduct.
- h. Prohibited Items or Actions
  - i. The restrictions discussed in this Section C.3.h 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 UTRGV buildings, and to protect the educational mission of UTRGV. The following items are prohibited:
    - A. Masks, facial coverings, or disguises that both conceal the identity of the wearer and are calculated to obstruct the enforcement of this policy or law; intimidate others; or are calculated to hinder, disrupt, or otherwise interfere a UTRGV official, officer of the UTRGV Police Department, or other person in the lawful performance of their duty.
    - B. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons (including without limitation sticks, poles, clubs, swords, shields, or rigid signs that can be used as a shield), unless expressly authorized by [ADM 02-400 Concealed Handguns and Other Weapons on Campus](#), an appropriate UTRGV administrator (after consultation with the Chief of Police or designee), or other federal, state, or local laws or ordinances.
    - C. Body armor or make-shift body armor, helmets and other garments (e.g., sporting protective gear, etc.) that alone or in combination could reasonably be construed as weapons or body armor, unless expressly authorized by an appropriate UTRGV administrator (after consultation with the Chief of Police or designee), or other federal, state, or local laws or ordinances.
    - D. Open flame, unless approved in advance by the Director of Environmental Health, Safety, and Risk Management, or designee.
  - ii. No person or organization may engage in expressive activity within a ten-foot clearance around points of entry and the perimeter of all UTRGV buildings.

- iii. During class hours, no person or organization may use a device to amplify sound while engaging in expressive activities that intimidate others; interfere with campus operations; or interfere with a UTRGV official, officer of the UTRGV Police Department, or other person in the lawful performance of their duty.
- iv. During the last two (2) weeks of a semester or term, no person or organization may engage in expressive activities in the common outdoor areas of UTRGV in a manner that materially and substantially disrupts the functioning of UTRGV; by inviting speaker(s) to speak on campus; by using a device to amplify sound; or by using drums, percussive instruments, or horns.
- v. No person or organization may camp or may erect a tent or shelter for the purpose of camping on property owned or controlled by UTRGV or the UT System.
- vi. No person may lower a flag of the United States or the State of Texas that is owned or controlled by UTRGV with the intent to raise the flag of another nation or a flag representing an organization or group of people.
- vii. Generally, no person or organization may engage in expressive activities on campus between the hours of 10:00 p.m. and 8:00 a.m.; however, consistent with the intent of Section 51.9315(l), *Texas Education Code*, UTRGV may permit electioneering or requests to support or to vote for or against a candidate for an elective position or office or for or against a proposition on a ballot for a public election held pursuant to federal, state, or local laws, during all hours a county polling location is open on campus for voting during the early voting period or voting period.

#### 4. *General Rules on Means of Expression*

- a. Disruption – Except as expressly authorized under the rules related to amplified sound in this policy (including Appendix F) or by an authorized UTRGV official responsible for a program or event sponsored by an academic or administrative unit, no speech, expression, or assembly may be conducted in a way that interferes with any (1) teaching, research, administration, or other authorized activities on the campus; (2) free and unimpeded flow of pedestrian and vehicular traffic on the campus; or (3) signs, tables, exhibits, public assemblies, distribution of literature, or guest speakers acting under the rules of this policy and its appendices.
  - i. The term “disruption” (and its variants) as used in this Section C.4.a are distinct from and broader than the phrase “disruption of activities” as used in the Rule [30103 of the Regents’ Rules](#), the phrase “disruptive activities” as used in Rule [40502](#) of the *Regents’ Rules*, and “disruptive conduct” as used in [STU 02-100 Student Conduct and Discipline](#). This Section C.4.a is intended to address not only deliberate disruption, but also scheduling and coordination of events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity, and to preserve UTRGV’s ability to execute its functions.
  - ii. Except in the most extreme cases, interference and disruption are unavoidably contextual. Intentional physical interference with other individuals is nearly always disruptive in any context. Interfering with traffic depends on the relation between the volume of traffic and the size of the passageway left open. Disruptive noise is the

most contextual of all, because it depends on the activity disrupted. Any distracting sound may disrupt a memorial service. Any sound sufficiently loud or persistent to make concentration difficult may disrupt a class or library. Occasional heckling in the speaker's pauses may not disrupt political speech, but persistent heckling that prevents listeners from hearing the speaker does disrupt a political speech. These illustrations may be helpful, but none of them includes enough context to be taken as a rule. UTRGV administrators are expected to act in good faith and within the scope of their authority when exercising their discretion or judgment in particular situations. In this context where difficult enforcement judgments are unavoidable, it is especially important to remind administrators and law enforcement officials that their judgments should not be influenced by the viewpoint of those claiming disruption or of those allegedly disrupting.

- iii. Potentially disruptive events can often proceed without disruption if participants, administrators, and law enforcement officials cooperate to avoid disruption without stopping the event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the event or resorting to disciplinary charges or arrest.
- b. Coercing Attention
  - i. No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication.
  - ii. No person may persist in requesting or demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication.
- c. Damage to Property
  - i. No speech, expression, or assembly may be conducted in a way that damages, defaces, marks, discolors, or alters in any way property of UTRGV, or of any individual or organization who has not authorized the speaker to damage or deface their property.
  - ii. No person may damage, deface, mark, discolor, alter, or interfere with any sign, table, or exhibit posted or displayed by another person or organization acting under the rules of this policy or its appendices.
- d. Prohibited Actions or Conduct Undertaken Because of Bias or Prejudice
  - i. Any incitement of violence, incitement of imminent violation of law, threat to engage in unlawful activity, harassment, property damage, disruption of an activity at UTRGV, or any other violation of state or federal law or UTRGV or UT System policy that was committed because of antisemitism or 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 orientation may be subject to discipline, up to and including termination of employment or appointment or expulsion from the institution.

- ii. Any registered student group that engages in incitement of violence, incitement of imminent violation of law, threat to engage in unlawful activity, harassment, property damage, disruption of an activity at UTRGV, or other violation of state or federal law or UTRGV or UT System policy because of antisemitism or because of bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual orientation, may be subject to discipline up to and including possible loss of recognized status for the registered student group.
- e. Other Rules with Incidental Effects on Speech
- i. Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to compile or cross-reference in this policy. For example, libraries typically have highly restrictive rules concerning noise; laboratories and rooms containing electrical and mechanical infrastructure of UTRGV typically have safety rules and rules excluding persons without specific business there; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways. Campus housing (apartments or residence halls) may have “quiet hours” or other rules addressing noise or access. Scholarly debate and discussion in class or the classroom is expected to be germane to the subject(s) being taught; the right to attend a class at all is subject to registration and payment of tuition; individual professors may have rules of decorum in their classrooms. These kinds of rules limit the rights of students, faculty members, and staff members to enter and speak in the places to which these rules apply.
  - ii. Reasonable and nondiscriminatory rules of this kind generally control over the rights of free speech guaranteed under this policy. But even these kinds of rules are subject to the constitutional right of free speech. Such rules must be viewpoint neutral. Such rules cannot regulate speech more restrictively than they regulate other activities that cause the problems to be avoided by the rule. Such rules should not restrict speech more than is reasonably necessary to serve their purpose. Such rules cannot ban unobtrusive forms of communication with no potential for disruption even in the specialized environment subject to the localized rule. Thus, for example, means of silent expression or protest confined to the speaker’s immediate person, such as armbands, buttons, and t-shirts, are nearly always protected because they are rarely disruptive in any environment.
- f. Responding to Expressive Activity
- i. UTRGV-affiliated individuals and organizations and members of the public may respond to the speech, expression, or assembly of others, subject to all the rules in this policy and its appendices.
  - ii. Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.
  - iii. 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 by this policy and its appendices.

- iv. Means of response that require advance permission or reservation, such as banners, exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Banner space, exhibit space, or amplified sound may be unavailable on short notice because of earlier reservations, but approval will be expedited where possible and necessary to permit appropriate response to other speech, assembly, or expression.
- v. 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.

#### 5. *Police Protection*

- a. It is the responsibility of UTRGV to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty in the area of such events will be at the cost of UTRGV. When the magnitude, timing, or nature of an event in a UTRGV building, UTRGV facility, or other area in UTRGV's limited public forum requires overtime hours from police officers (including contract hours for officers hired from other departments), UTRGV will, to the extent specified in Sections C.5.b and C.5.c below, charge the cost of overtime or contract officers to the individual or organization sponsoring the event or exhibit that requires overtime police protection. The purpose of Sections C.5.b and C.5.c is to charge for police overtime when reasonable, but not to charge for police overtime made necessary by the content of speech at the event or controversy associated with any event.
- b. UTRGV-affiliated individuals or organizations planning such events should budget for the cost of police protection. A reasonable and nondiscriminatory fee for overtime police work will be charged to UTRGV-affiliated organizations for events in a UTRGV building, UTRGV facility, or other area in UTRGV's limited public forum that require overtime police protection, and:
  - i. Charge a price for admission; or
  - ii. Pay a speaker, band, or other off-campus person or organization for services at the event.
- c. UTRGV will have the sole power to decide, after reasonable consultation with the individual or organization planning the event, whether and to what extent overtime police protection is required. No fee will be charged for officers assigned on the basis 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.

- d. Nothing in this Section C.5 applies to any interdepartmental charge or transfer among units or accounts funded by UTRGV.

6. *Identification Required*

- a. Under the authority conferred upon the UT System Board of Regents by Section 51.209, *Texas Education Code*, to protect the safety and welfare of students, employees, patients, and other participants in UTRGV or UT System programs and activities and to protect UTRGV or UT System property or buildings, it shall be unlawful for any person (including, without limitation, UTRGV students and employees) who is on any property or in a building owned or controlled by UTRGV or The UT System to refuse to identify themselves in response to a request from an authorized representative. For the purposes of this Section C.6, a person identifies themselves by:

- i. Giving the person's name and complete address substantiated by a driver's license, voter registration card, or other official documentation; and
- ii. Stating truthfully the person's legitimate business on UTRGV property.

Students or employees of UTRGV must truthfully identify themselves as a student or employee.

- b. An authorized representative may refuse to allow a person who does not identify themselves or who has no legitimate business to enter or remain on UTRGV or UT System property, and the representative may eject such person from UTRGV or UT System property on the person's refusal to leave peaceably upon request.
- c. A person who does not identify themselves as required under this Section C.6 may be subject to criminal prosecution. In addition, students and employees who refuse to identify themselves as required under this section may be subject to disciplinary action.
- d. For purposes of this Section C.6, an authorized representative means any:
  - i. Executive or administrative officer of UTRGV;
  - ii. Attorney of UTRGV or the UT System;
  - iii. Commissioned or noncommissioned officer of the UTRGV Police Department or The University of Texas System Police acting pursuant to authority of state law;
  - iv. Member of the UT System Board of Regents; or
  - v. Executive or administrative officer of The UT System.

**D. Procedures**

1. *Reporting Harassment*

- a. A student who believes they have been harassed should report the alleged violation to Student Rights and Responsibilities via Vaqueros Report It ([www.utrgv.edu/reportit](http://www.utrgv.edu/reportit)).
- b. An employee who believes they have been harassed should report the alleged violation to the appropriate supervisor of the accused individual, the administrator at the next higher level, the Office of Title IX & Equal Opportunity, Institutional Compliance, or

Human Resources, as applicable. A faculty member is not an official supervisor or administrator for purposes of this section unless that faculty member holds an administrative title.

- c. Alternatively, any member of the UTRGV community who believes they have been harassed may report the alleged violation to the Office of Title IX & Equal Opportunity, Institutional Compliance, or to Human Resources, as applicable.
- d. Any UTRGV official, administrator, or supervisor who receives a report of alleged harassment shall promptly refer that report and the complainant to the Office of Title IX & Equal Opportunity, Institutional Compliance, Human Resources, or to Student Rights and Responsibilities, as appropriate.
- e. Investigation of the information provided and any remedial or disciplinary proceedings shall proceed under procedures set out in applicable UTRGV policies, such as [ADM 03-100 Non-Discrimination and Complaint Procedure](#), [ADM 03-300 Sexual Misconduct](#), [STU 02-100 Student Conduct and Discipline](#), or other appropriate policies.

## 2. *Reporting Alleged Violations and Responses to Violations*

- a. Students or employees wishing to grieve an alleged violation of [Section 51.9315, Texas Education Code](#), may report the alleged violation online at Vaqueros Report It ([www.utrgv.edu/reportit](http://www.utrgv.edu/reportit)), to Institutional Compliance, or by calling the Compliance Hotline (<https://www.utrgv.edu/compliance/hotline/index.htm>), as appropriate. Members of the public who have concerns about compliance with Section 51.9315, *Texas Education Code*, may express their concerns by calling the Compliance Hotline.
- b. A student who violates a prohibition in this policy may be disciplined under the procedures in [STU 02-100 Student Conduct and Discipline](#).
- c. Employees who violate a prohibition in this policy may be disciplined under applicable procedures provided by UTRGV or UT System rules and policies. If no such procedures exist, violations will be referred to the appropriate vice president (for faculty) or Human Resources (for staff) as appropriate.
- d. UTRGV administrators and law-enforcement personnel may prevent imminently threatening 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, UTRGV administrators may initiate disciplinary proceedings under applicable UTRGV policies. Discretion regarding the means and necessity of enforcement shall be vested in the Chief of Police, or in UTRGV personnel designated by the President, as appropriate, but such discretion shall be exercised without regard to the viewpoint of any speaker.
- e. UTRGV-affiliated individuals and organizations on campus will comply with instructions from UTRGV administrators and law enforcement officials at the scene. An individual or 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 Section D.3 below.
- f. Members of the public on campus who violate a prohibition in this policy may be subject to criminal trespass charges, arrest, or other lawful measures.

### 3. Appeals

- a. A UTRGV-affiliated individual or organization that is denied permission for an activity requiring permission in advance under this policy may appeal the denial of permission.
- b. A UTRGV-affiliated individual or organization that complies with an on-the-scene order limiting speech, expression, or assembly may file an 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.
- c. An individual or organization denied permission or appealing an on-the-scene order must submit a written appeal to the appropriate division vice president within ten (10) calendar days. The notice may be informal, but shall contain the appellant's name and contact information, a contact person (if an organization), a concise description of the decision or order being challenged, the individual's or organization's reasons for disagreeing with the decision, the date the decision or order, and who made the decision. A written decision from the appropriate division vice president (or delegate) will be provided to the appellant within ten (10) business days. In deciding the appeal, the vice president (or delegate) is expected to consult with the Office of Legal Affairs and with other relevant subject-matter experts on campus as may be deemed reasonable or necessary.
- d. If the appeal is not resolved to the individual's or organization's satisfaction, the individual or organization may petition in writing to the President (or designee) to review the vice president's decision within seven (7) calendar days of the date of the decision. The President (or designee) may choose to decide the appeal, or solely at his or her discretion may choose to establish an ad hoc committee to review the appeal and make recommendations regarding the appeal. At least one representative of the faculty, staff, and student body should be included on any ad hoc committee that is appointed. In making a recommendation, an ad hoc committee is expected to consult with the Office of Legal Affairs and with other relevant subject-matter experts on campus as may be deemed reasonable or necessary.
- e. The President (or designee) shall communicate a decision to the individual or organization within thirty (30) calendar days after notice of the appeal and receipt of relevant documents or, in cases where an ad hoc committee is established, within thirty (30) calendar days after the receipt of the committee's written recommendation. The President's decision shall be final.

### E. Definitions

1. Academic or administrative unit – any office or department of UTRGV.
2. 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.
3. Business Day – weekdays during which normal UTRGV business is conducted. This excludes weekends, holidays, and days on which UTRGV is engaged in limited operations (e.g., skeleton crew days, closures for public health or epidemic response, etc.).
  4. Camp – means to reside temporarily in a place, with shelter.
  5. Commercial Speech – expression related solely to the economic interests of the speaker and the speaker’s audience. To be considered commercial speech, the expression must at least concern lawful activity and not be misleading.
  6. Common outdoor area – refers to outdoor space of UTRGV property that is not used on either a temporary or permanent basis for dedicated UTRGV business or events, an educational function, or a research function. The term also does not include outdoor surfaces of UTRGV buildings (e.g., walls, windows, facades), surfaces associated with or connected to UTRGV buildings (e.g., porticos, colonnades, electric or other utility boxes), UTRGV structures (e.g., fountains, statutes), spaces dedicated to temporary outdoor banners or exhibits, or residential outdoor spaces managed by Residence Life.
  7. Day – a calendar day.
  8. Employee – includes any individual appointed to the faculty or employed by UTRGV, regardless of whether the appointment is full- or part-time or whether the position is paid or unpaid.
  9. Event – something that occurs during a particular interval of time; events include (without limitation) guest speakers, exhibits, tables, distribution of literature, signs, and public assemblies.
  10. Expressive activity – has the meaning assigned in [Section 51.9315, Texas Education Code](#).
  11. Harassment – in this policy, means hostile or offensive speech (oral, written, or symbolic) that
    - (i) is not necessary to the expression of any idea described in Subsection a of this definition;
    - (ii) is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the victim’s ability to participate in or benefit from the services, activities, or privileges provided by UTRGV; and (iii) personally describes or is personally directed to one or more specific individuals.
      - a. To make an argument for or against the substance or any political, religious, philosophical, ideological, or academic idea is not verbal harassment, even if some listeners are offended by the argument or idea. The categories of sexually harassing speech set forth in HOP [ADM 03-300 Sexual Misconduct](#) are rarely, if ever, necessary to argue for or against the substance of any political, religious, philosophical, ideological, or academic idea.
      - b. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in HOP [ADM 03-100 Non-Discrimination and Complaint Procedure](#) and is often based on the victim’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.

- c. Harassment can also consist of nonverbal conduct, such as hazing, practical jokes, damage to property, and physical assault. In the case of sexual harassment and sexual misconduct, sexual conduct is often central to the offense. These forms of harassment are prohibited in HOP [ADM 03-300 Sexual Misconduct](#) and in Rule [30105 of the Regents' Rules](#).
12. Percussive instrument – for purposes of this policy, any item or combination of items that produce sound through striking, shaking, or scraping. The term includes (without limitation) musical instruments (e.g., tamborines, triangles, cymbals, xylophones, cowbells, maracas) as well as household or other items that can be used to produce sound (e.g., banging a pan or trashcan lid with a hammer or stick).
13. Regents' Rules – The *Rules and Regulations* of the Board of Regents of The University of Texas System.
14. Registered student, faculty, or staff organization – an organization established and currently registered under applicable UTRGV policies.
15. Room or space – includes any room or space, indoors or outdoors, owned or controlled by UTRGV.
16. Shelter – includes a tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of temporary, semipermanent, or permanent shelter, other than clothing or a handheld device, designed to protect a person from weather conditions that threaten personal health or safety.
17. Solicitation – the sale, lease, rental or offer for sale, lease, rental of any property, product, merchandise, publication, or service, whether for immediate or future delivery; an oral statement or the distribution or display of printed material, merchandise, or products that is designed to encourage the purchase, use or rental of any property, product, merchandise, publication, or service; the receipt of or request for any gift or contribution; or the request to support or oppose or to vote for or against a candidate, issue, or proposition appearing on the ballot at any election held pursuant to State or federal law or local ordinances.
  - a. Engaging in expressive activities as defined in Section 51.9315(a)(2) of the *Texas Education Code* in a common outdoor area of campus does not constitute solicitation within this definition.
  - b. Words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle are not solicitation within this definition.
  - c. Unadorned acknowledgments or thanks to donors are not solicitation within this definition.
18. Student -- The following individuals shall be considered a student for the purpose of this policy:
  - a. An individual currently enrolled at UTRGV.

- b. An individual who has been enrolled at UTRGV in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.
19. *UTRGV-affiliated individual or organization* – academic and administrative units; registered student, sponsored student, faculty, and staff organizations; and individual students, faculty members, and staff members. This phrase describes the most inclusive category of potential speakers on campus.
20. *Weekday* – means Monday through Friday, excluding any day that is an official holiday designated by UTRGV.

**F. Related Statutes or Regulations, Rules, Policies, or Standards**

Sections 51.201-.211, *Texas Education Code*  
Section 51.9315, *Texas Education Code*  
Texas Charitable Raffle Enabling Act, Chapter 2002, *Texas Occupations Code*  
Sections 28.03-.04 and 28.08 *Texas Penal Code*  
Sections 42.01-.05 and 42.13, *Texas Penal Code*  
Section 48.05, *Texas Penal Code*

Regents' Rules Rule 10701, Policy against Discrimination  
Regents' Rules Rule 30103, Standards of Conduct  
Regents' Rules Rule 30105, Sexual Harassment, Sexual Misconduct, and Consensual Relationships  
Regents' Rules Rule 31004, Rights and Responsibilities of Faculty Members  
Regents' Rules Rule 40201, Registered Organizations  
Regents' Rules Rule 40501, Speech and Assembly  
Regents' Rules Rule 50101, Student Conduct and Discipline  
Regents' Rules Rule 50202, Student Organizations  
Regents' Rules Rule 60306, Use of University Resources  
Regents' Rules Rule 80101, Categories of Facilities and Authorized Users  
Regents' Rules Rule 80103, Solicitation  
Regents' Rules Rule 80104, Use of Facilities  
Regents' Rules Rule 80105, Joint Sponsorship of the Use of Property or Buildings  
Regents' Rules Rule 80106, Special Use Facilities

ADM 03-100 Non-Discrimination and Complaint Procedure  
ADM 03-300 Sexual Harassment and Sexual Misconduct  
ADM 04-101 Standards of Conduct  
ADM 05-100 Faculty Senate Constitution  
ADM 05-200 Staff Senate Constitution  
ADM 06-106 Faculty Rights and Responsibilities  
ADM 06-304 Academic Committees and Councils  
ADM 10-104 Solicitation on Campus  
ADM 10-301 Facility Use  
STU 02-100 Student Conduct and Discipline

**G. Dates Reviewed or Amended**

Reviewed and amended (non-substantive: updated responsible executive) - May 2, 2022.

Reviewed and amended (non-substantive: conform to Executive Order No. GA-44; updates to related statutes; updated reporting form with link) - June 14, 2024.

Reviewed and amended substantively to conform with Senate Bill 2972 (89<sup>th</sup> R.S.), and non-substantive editorial changes – August 28, 2025.