Handbook of Operating Procedures
Chapter 9 – General Provisions
Previous Publication Date: February 15, 2019
Publication Date: June 6, 2024
Policy Reviewed Date: June 6, 2024
Policy Owner: President

9.37 Peaceful Public Assembly

I. Scope

This policy protects and regulates speech, expression, and assembly of students, faculty members, staff members, and members of the public that are not part of the teaching, research, or other official functions of The University of Texas at San Antonio (UTSA or University), not otherwise sponsored by the University or any of its academic or administrative units, and not submitted for academic credit.

II. General Statement

The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the University. Students, faculty and staff, when not operating in their official capacity, and members of the public, have the right to assemble in University Common Outdoor Areas, to speak, and the 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 is committed to these freedoms and has adopted the free speech policy statement produced by the Committee on Freedom of Expression at the University of Chicago. A link to the University's statement can be found here: http://www.utsa.edu/president/campusandcommunity/cde/commitment.html.

However, these activities are subject to the well-established right of colleges and universities to regulate time, place, and manner so that the activities do not intrude upon or interfere with the academic programs, administrative processes or other authorized activities of the University. The University shall not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person. Further, no expression or assembly may be conducted in a way that damages or defaces property of the University or of any person who has not authorized the person engaging in expression or assembly to damage or deface his or her property.

In furtherance of the University's educational mission, the University buildings including their outside surfaces, surfaces associated with or connected to a University building, or a University structure are limited public forums open only to the expressive activities of faculty, staff, and students as set forth in this policy. Members of the public may engage in expressive activities in the Common Outdoor Areas at the University in accordance with the time, place, and manner rules contained in this policy. Student, faculty, and staff organizations may not invite the public at large to events in University buildings, facilities, or locations that are not a Common Outdoor Area.

University staff, faculty and students may peaceably assemble and engage in expressive activity anywhere on the UTSA campuses that they are otherwise permitted to be without advanced permission, subject to the time, place and manner rules necessary to preserve the equal rights of others and the other functions of the University, and so long as they do not disrupt University business or operations. In keeping with the University's mission, any program or event sponsored by an academic or administrative unit of the University 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. Members of the public are able to engage in expressive activities only in Common Outdoor Areas of UTSA campuses, subject to the time, place, and manner rules in this policy necessary to preserve the functions of the University.

No person, including a student or University employee, shall distribute any petition, handbill, object, or piece of literature; post or carry any sign, placard, or banner; or engage in speech or conduct on property or in buildings or facilities owned or controlled by UTSA if it is obscene, unlawfully defamatory, or directed to inciting or producing imminent lawless action and is likely to incite or produce such action. Further, no person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication or

persist in 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. Persons or organizations who are planning a public assembly are strongly encouraged to notify and consult with Events Management and Conference Services (EMCS) as soon as practicable. EMCS has experience in helping student organizations structure events in ways that both comply with the University's rules and achieve the organization's goals for the event. EMCS can help identify appropriate space and potentially conflicting events, as well as help the planners avoid unintended disruption or other violations.

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; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways; classroom speech may be confined to the subject matter of the class; and individual professors may have rules of decorum in their classroom. Such rules must be viewpoint neutral and should not restrict speech more than is reasonably necessary to serve their purpose.

III. Disruption

A. Except as expressly authorized elsewhere in this policy, no speech, expression, or assembly may be conducted in a way that disrupts or interferes with any

1. teaching, research, administration, or other authorized activities on any UTSA campus;
2. free and unimpeded flow of pedestrian and vehicular traffic on any UTSA campus; or
3. signs, tables, exhibits, public assemblies, distribution of literature, guest speakers, or use of amplified sound by another person or organization acting under the rules in this policy.

B. The term "disruption" and its variants, as used in this policy, are distinct from and broader than the phrase "disruptive activities," as used in the *Rules and Regulations* of The University of Texas System Board of Regents (Series 30103 and Series 40502). This policy is concerned not only with deliberate disruption, but also with scheduling and coordinating events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity.

C. 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.

IV. Unlawful Discrimination Prohibited

A. UTSA prohibits unlawful discrimination regardless of where it occurs if it impacts the educational or employment environment for any member of the university community.

B. Incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violations of state or federal law or university policy that was committed because of antisemitism or the offender’s bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference will be subject to discipline, up to and including possible termination/expulsion.

C. Any registered student group 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 because of antisemitism or bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, is subject to discipline, up to an including possible loss of recognized status for the registered student group.

V. Prohibited Items or Actions

A. 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, UTSA PD officer, 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 but not limited to sticks, poles, clubs, swords, shields, or rigid signs that can be used as a shield, without written permission from the dean of students, unless authorized by federal, State or local laws.

C. Body-armor or make shift 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 dean of students.

D. Open flame, unless approved in advance by The University of Texas at San Antonio Fire Marshal.

VI. Amplified Sound

Advanced permission is required (see Section B. for details) for any amplified sound on campus. University organizations and individuals may use amplified sound (i.e., when sound volume is increased by any electric, electronic, mechanical, or motor-powered means) on any UTSA campus at designated times and locations, subject to the rules in this policy and other applicable laws and University policies. However, any event or activity determined to be disruptive to any authorized University activity may be stopped or modified, notwithstanding the amplified sound provisions listed herein. Non-University organizations/entities/individuals will also need advanced permission for amplified sound.

A. Location of Amplified Sound Areas (Advanced permission is required to ensure there is no disruption to other activities.)

1. Sombrilla
2. Student Union
3. East Convocation Lawn
4. Bill Miller Plaza
5. Outdoor Common Areas
6. Dean of Students/designee may designate additional areas for use of amplified sound. If the Dean of Students/designee concludes that it is unworkable to schedule two or more simultaneous events using amplified sound in different spaces at the same campus, the Dean of Students/designee may refuse to schedule simultaneous events in those areas.

B. Regulating and Scheduling of Amplified Sound

1. The Dean of Students/designee may prescribe content neutral rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of amplified sound areas, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact.
2. Organizations/individuals wishing to use an amplified sound area must reserve a particular area for a particular time. Reservations must be made with EMCS on a form prescribed by that office.

   EMCS shall make a reasonable effort to advise each applicant how to correct, if possible, any conditions that preclude approval of its application. Even if an applicant is entitled to have their application approved as submitted, EMCS may give advice about other possible locations, or about modifications to the proposed event, that would avoid potential problems or make the proposed event more workable.

   The Dean of Students/designee shall approve a properly completed form to reserve an amplified sound area, unless the application must be disapproved under the below listed criteria (V.B.2.a.) or under rules established by the Dean of Students/designee under the authority of this policy.

   a. Space requests for the use of amplified sound or for exhibits will be denied if any of the following criteria apply:
   i. The proposed use of the space would violate applicable law, the Regents' *Rules and Regulations*, or University or UT System policy;

   ii. Another event or exhibit has been scheduled for the proposed time and location, or in sufficiently close proximity that there is a practical conflict;

   iii. The space requested is inadequate to accommodate the proposed use;

   iv. The proposed use of the space would violate reasonable and nondiscriminatory fire, health, or safety standards;

   v. The proposed use of the space would constitute an immediate and actual danger to students, faculty members, or staff members or to the peace or security of the University that available law enforcement officials could not control with reasonable effort;

   vi. The requesting person/organization is under a disciplinary penalty prohibiting reserving the use of a university space, or prohibiting the proposed use of the space; or

   vii. The requesting person/organization owes a monetary debt to the university and the debt is considered delinquent.

b. The Dean of Students/designee may limit the number or frequency of reservations for each person or organization to ensure reasonable access for all persons and organizations desiring to use amplified sound.

c. The Dean of Students/designee may reserve some time slots each week for emergency reservations by persons or organizations responding to events that have occurred, or issues that have arisen since the preceding week.

3. Organizations using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area.
4. Any designations of additional areas, any additional rules regulating the designated areas, and the rules and procedures for reserving the right to use a designated area, shall be stated on a website, flyer, or pamphlet available at the EMCS Office.

C. Amplified Sound Indoors/Use of University Buildings

Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the Dean of Students/designee may limit or prohibit sound that would be disruptive outside the room. Reservations are required. Rules concerning reservations and general use of University buildings may be found in Chapter 8 (Facilities and University Services) of the UTSA Handbook of Operating Procedures.

VII. Guest Speakers

Subject to the rules in this policy, University persons, University organizations, and members of the public may present guest speakers in Common Outdoor Areas of the campuses.

Registered student, faculty, and staff organizations and University academic and administrative units may present guest speakers (i.e., speakers or performers who are not students, faculty members, or staff members) in the limited public forums of the campus. In the case of registered student organizations, advanced permission from EMCS is required. Individuals may not present a guest speaker in the limited public forums of the campus. Any determination regarding the approval of or the fee for the use of the facility for presenting a Guest Speaker must comply with Texas Education Code Section 51.9315(h).

A. Location and Form of Presentation

1. A guest speaker may present a speech or performance, or lead a discussion of specified duration, at a time announced in advance, in a fixed indoor location reserved through EMCS. A guest speaker may distribute literature only immediately before, during, and immediately after the normal course of his or her speech, presentation, or performance, and only to persons in attendance. Only literature that complies with Section VIII of this policy may be distributed.
2. A guest speaker may not:
   a. acost potential listeners who have not chosen to attend the speech, performance, or discussion; or
   b. distribute literature to persons who have not chosen to attend the speech, performance, or discussion; or
   c. help staff a table or exhibit.

B. Scheduling Guest Speakers

1. A registered student organization that wishes to present a guest speaker shall submit to EMCS s a completed form prescribed by the Dean of Students/designee. It is recommended that the form be submitted at least five (5) business days but no later than 48 hours prior to the event.
2. The Dean of Students/designee shall approve an application properly made under subsection 1. unless it must be disapproved under the criteria in V.B.2.a.

C. Obligations of Presenting Organization

A student, faculty, or staff organization that presents a guest speaker must make clear that:

1. the organization, and not the university, invited the speaker; and
2. the views expressed by the speaker are his or her own and do not necessarily represent the views of the University, the University of Texas System, or any institution of the System.

D. No Guest Speaker who is to be paid from State funds as consideration for his or her speech shall be permitted to speak on any of the University's campuses unless the University facility in which the speech is to be delivered will be open to the public, including members of the news media, who will be entitled to record, videotape, or telecast live portions of the speech. This does not apply to classes, seminars, symposia, and conferences intended for the use and benefit of students, faculty, staff, and invited guests. No person may in any way

obstruct or lessen in any way the opportunity for the audience to take the fullest advantage of the speech, including the opportunity to see and hear the speaker during the entire speech.

E. With the exception of the activities that fall under Section D above, all activities held within the limited public forum portions of University property and sponsored by staff, student or faculty organizations are open to the university community only.

VIII. Signs

A. Students, faculty, staff and members of the public who are in Common Outside Areas may display a sign by holding or carrying it by hand or otherwise attaching it to their person. No advanced permission is required. Signs on sticks or poles or otherwise attached to any device are prohibited.

1. Any person holding or carrying a sign shall exercise due care to avoid bumping, hitting, or injuring any other person.
2. Any person holding or carrying a sign at a speech, performance, or other event shall exercise due care to avoid blocking the view of any other person observing the speech, performance, or event. Depending on the venue, this may mean that signs may be displayed only around the perimeter of a room or an audience.
3. Hand-held signs constructed of materials that create a hazard to other people are not permitted. Signs constructed of rigid materials, including sticks, poles, wood, metal, hard plastic, or other materials that could be construed as a hazard are not permitted.
4. A law enforcement officer or the dean of students, or an usher or other University employee if authorized by officials responsible for managing the venue, may warn any person that his or her sign is being handled in violation of subsections HOP 9.37 VII.A. If the violation persists after a clear warning, the law enforcement officer, dean of students, authorized usher, or other authorized employee may confiscate the sign. A law enforcement officer may take any action necessary to keep the peace, including but not limited to, issuing a criminal trespass warning to the violator.

B. Except as provided for herein or in the UTSA Handbook of Operating Procedures, nothing may be written or posted on any building, statute, fountain, walkway surface, road surface, tree, or natural feature of the campus.

C. General policies related to posting signage/displaying banners may be found in the UTSA Handbook for Operating Procedures (Policy 9.09).

IX. Distribution of Literature

A. General Rule on Distribution of Literature

1. Subject to the Regents' *Rules and Regulations* and University policies, including those regarding co-sponsorships, solicitation and prohibited expression, registered student, faculty, and staff organizations, and University academic and administrative units may sell, distribute, or display literature on campus. Individual students, faculty members, and staff members may distribute or display literature, but may not sell it. Members of the public may distribute or display literature in the Common Outside Areas. In either case, no advanced permission is required.
2. "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 for distribution to potential readers.

B. Not-for-Profit Literature Only

1. Except as expressly authorized by Section VIII.B.2., or by contract with the University, no person or organization may sell, distribute, or display on campus any publication operated for profit. A registered student, faculty, or staff organization may sell publications operated for profit as part of a fund-raiser authorized by, and subject to the limits of University solicitation policies.
2. Newspapers, magazines, or other publications may be distributed, or offered for sale by means of an unattended rack or vending machine in area(s) designated in advance by the president of the University or his or her delegate for the direction of such activity.
3. A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, benefits any private shareholder or individual.

C. Limits on Advertising

1. Literature distributed on campus may contain the following advertising:
   a. Advertising for a registered student, faculty, or staff organization, or a University academic or administrative unit;

b. Advertising for an organization that is tax exempt under Section 501(c) (3) of the Internal Revenue Code;
c. Paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising; and
d. Other advertising expressly authorized by the *Rules and Regulations* of the Board of Regents (Series 80103) or by contract with the University

2. All other advertising in literature distributed on any UTSA campus is prohibited.

D. Clean Up of Abandoned Literature

Any person or organization distributing literature on any UTSA campus shall pick up all copies dropped on the ground in the area where the literature was distributed.

X. Joint Sponsorship

A. No registered student, faculty, or staff organizations; or individual students, faculty, or staff, may jointly sponsor any event on campus with an off-campus person or organization. Only University academic or administrative units with authority delegated from the president of the University may jointly sponsor events with an off-campus person or organization. All joint sponsorships must be consistent with Series 80105 of the *Rules and Regulations* of the Board of Regents.

B. An event is a prohibited joint sponsorship if an individual or a student, faculty, or staff organization:

1. Relies on an off-campus person or organization for planning, staffing, advertising or managing the event; or
2. Advertises the event as jointly sponsored by an off-campus person or organization; or
3. Operates the event as an agent of, or for the material benefit of, an off-campus person or organization, except for solicitation of charitable contributions in accordance with applicable University policies; or
4. Distributes any proceeds of the event to an off-campus person or organization, except for:
   a. The proceeds of charitable contributions solicited in accordance with applicable University policies; or
   b. Payment of a fair market price for goods or services provided to the University person or organization; or
5. Reserves a room or space for the use of an off-campus person or organization.

C. The following facts do not, in and of themselves, indicate a prohibited joint sponsorship:

1. That a University person or organization endorses an off-campus person or organization or its message;
2. That a University person or organization sells, distributes, or displays literature prepared by an off-campus person or organization or containing contact information for an off-campus person or organization;
3. That a University person or organization has purchased goods or services from an off-campus provider;
4. That a registered student, faculty, or staff organization has invited a guest speaker under Section V;
5. That a registered student, faculty, or staff organization has received financial contributions to support the event from an off-campus donor.

D. The purpose of this rule is to preserve the limited space on campus for the use of students, faculty members, and staff members, and the rule will be interpreted to serve that purpose.

XI. Tables

University persons or organizations may set up tables from which to display literature and disseminate information and opinions, subject to the rules of this policy and other applicable University rules and regulations. No advanced permission is required.

A. Locations

1. Subject to the restrictions in paragraph 2. and subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic, University persons and organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location.
2. Tables may not be set up inside any library, classroom, laboratory, performance hall, stadium, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time.
3. A University academic or administrative unit may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. University academic and administrative units are encouraged to clearly state any such rules in writing, and to publish those rules on a website or on a flyer or pamphlet conveniently available at the chief administrative office of the unit.

4. If any table is set up in a prohibited or disruptive location, any University employee pointing out the violation shall also point out other locations, as nearby as is reasonably possible, where the table is permitted.

B. Identification

Each table must have a sign or literature that identifies the University person or organization sponsoring the table.

C. Cleanup around Tables

Any person or organization sponsoring a table shall remove litter from the area around the table at the end of each day.

D. Sources of Tables

Persons and organizations may supply their own tables. In addition, the University Center Information Desk maintains a supply of tables that may be reserved and checked out for use on campus. The EMCS shall maintain, on a website or on a flyer or pamphlet conveniently available at the EMCS Office, a current description of the rules and procedures for reserving and checking out tables.

XII. Exhibits

University organizations may erect exhibits (i.e., an object or collection of related objects, designed to stand on the ground or on a raised surface, which is not a table, is designed for temporary display, and is not permanently attached to the ground) that are not inconsistent with applicable University policies. Advanced permission is required from EMCS, except that an academic or administrative unit may authorize indoor exhibits in a space that it occupies and controls. Exhibits may not be erected in areas that would impede vehicle or pedestrian traffic or otherwise adversely impact any authorized activity.

A. Authorization Process

An organization desiring to erect an exhibit shall apply on a form prescribed by EMCS.

B. Criteria for Approval

1. The Dean of Students/designee shall authorize an exhibit described in a properly completed application unless the Dean of Students/designee finds that use of the proposed space for the proposed exhibit must be disapproved under the criteria listed in Section V.B.2.a.
2. An exhibit may not be left unattended by the organization requesting it unless prior arrangements are made to pay for police protection in their absence pursuant to XI.C.2.
3. If approved pursuant to Section XI.B.1., the EMCS Office, in consultation with UTSA police and other appropriate offices, shall specify the location of each exhibit to reduce the hazard to pedestrians, including those who are visually impaired.
4. If the application is denied, the applicant may choose to consult with the EMCS Office regarding how to correct, if possible, any conditions that preclude approval of his or her application. Even if an application may be approved as submitted, the Dean of Students/designee or the EMCS Office staff may provide guidance about other possible locations, or about modifications to the exhibit, that would avoid potential problems or make the proposed exhibit more workable.

C. Time Limits

1. In locations administered by the Dean of Students/designee, each exhibit may be displayed for five (5) business days. The exhibit may be renewed for an additional five (5) business days if space is available.
2. The exhibit must be removed at the end of each day and may be re-erected each morning. However, the Dean of Students/designee may authorize overnight exhibits in designated locations, provided that the requesting entity agrees to pay for police protection.

D. Clean Up Around Exhibits

Any organization sponsoring an exhibit shall remove litter from the area around the exhibit at the end of each day.

E. Liability

Any organization displaying or sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. The University shall not be liable for any damage that may occur to the exhibit, and any organization sponsoring the exhibit shall indemnify the University for any claims arising from the exhibit's presence on campus.

XIII. Responding to Speech, Expression, and Assembly

University persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this and other applicable University policies. Responding to another's expression is simply another form

of expression, and all applicable rules herein, including rules regarding advanced permission or reservations, such as those related to banners, exhibits and amplified sound, must be followed. When feasible, the EMCS Office will make reasonable efforts to expedite approval of banners, exhibits and amplified sound.

XIV. Solicitation

No person shall make, distribute, or display on any UTSA campus any statement that offers or advertises any product or service for sale or lease, or requests any gift or contribution, except as authorized by the *Rules and Regulations* of the Board of Regents (Series 80103).

XV. Police Patrol

It is the responsibility of the University 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 areas that include speakers, public assemblies, persons staffing or viewing exhibits will be at the cost of the University. When the magnitude, timing, or nature of an event requires additional 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 subsections B. and C. below, charge the cost of additional or contract officers to the person or organization sponsoring the event or exhibit that requires additional police protection. The purpose of subsections B. and C. is to charge for additional police presence where reasonably necessary, but not to charge for additional police due to the content of speech at the event.

A. A reasonable and nondiscriminatory fee for the additional police work will be charged for events that require additional police presence, and
   1. charge a price for admission, or
   2. pay a speaker, band, or other off-campus person or organization for services at the event.

   Persons or organizations planning such events should budget for the cost of police presence.

B. The University shall have the sole power to decide, after reasonable consultation with the person or organization planning the event, whether and to what extent overtime police presence is required. All fees shall be based on the number of officers required for an event of the same size and kind, in the same place and at the same time of day. No fee shall be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event.

XVI. Undue Interference

A. Pursuant to Texas Education Code § 51.9315, students, student organizations, faculty and staff are prohibited from unduly interfering with expressive activities of others on campus.
B. Any violation of Section A is subject to disciplinary sanctions through the processes described on Section XVI.

XVII. Response to Violations

A. Any person wishing to make a grievance regarding a violation of Texas Education Code § 51.9315 or this policy may report it via the University compliance and ethics hotline by visiting compliance hotline form or calling (210) 458-5365.
B. A student who violates a prohibition in this policy may be disciplined under the procedures in the Student Code of Conduct.
C. A registered student or sponsored student organization that violates a prohibition in this policy may be disciplined under the procedures in HOP 5.02 and the Student Organization Handbook.
D. A faculty member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by faculty members shall be referred to the Office of the Provost and Vice President for Academic Affairs.
E. A staff member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by staff members shall be referred to the People Excellence Department.
F. 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 paragraph B., C., D., or E.. Discretion regarding the means and necessity of enforcement shall be vested in the Chief of Police, or in University personnel designated by the president, as appropriate, but such discretion shall be exercised without regard to the viewpoint of any speaker.

G. Persons and organizations on UTSA campuses shall comply with instructions from University administrators and law enforcement officials at the scene. A person 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 XVII-Appeals.

XVIII. Appeals

A. A person or organization that is denied permission for an activity requiring advanced permission under this policy may appeal the denial of permission.

B. A person or organization 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 an appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal shall 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. Any person or organization aggrieved by a decision under this policy is entitled to appeal to the Dean of Students/designee by providing a written appeal to the Dean of Students on or before the fifth weekday after the day the decision is announced. The written appeal shall contain the person's/organization's name and mailing address, a description of the decision complained of, the organization's reasons for disagreeing with the decision, and the date the decision was announced.

D. When a timely appeal is received, the Dean of Students/designee shall review the written appeal and may render a decision based on the documents provided, or, at his/her discretion, provide the person/organization with an opportunity for a face-to-face meeting at which both the aggrieved party and the person making the decision are present. The decision of the Dean of Students/designee concludes the appellate process.

XIX. Definitions

The following definitions are used for the purpose of this policy.

A. "Academic or administrative unit" means any office or department of the University.

B. “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.

C. "Faculty member and staff member" includes any person who is employed by the University, including student employees.

D. "Off-campus person or organization" means any person, organization, or business that is not an academic unit, an administrative unit, a registered organization (student, faculty, staff), or a student, faculty member, or staff member.

E. "University person or organization" includes academic and administrative units; registered student, faculty, and staff organizations; and individual students, faculty members, staff members, and other agents of the University serving in an official capacity.

F. "Registered student, faculty, or staff organization" includes a registered student organization under the Student Organization Relationship Statement, a faculty or staff organization under the *Rules and Regulations* of the Board of Regents (Series 40201), and Student Government and any unit or subdivision thereof.

G. "Student" means a person who is currently enrolled at UTSA, or attending an educational program sponsored by the University while that person is on campus.

H. "Amplified sound" means sound where volume is increased by any electric, electronic, mechanical, or motor-powered means. This includes but is not limited to, bullhorns, speakers, laptops, cell phones, microphones, and tablets.

I. "Dean of Students/designee" means the University’s Dean of Students or any delegate or representative thereof.

J. "Office of Student Activities" means the office that oversees all registered/sponsored student organizations; this office is under the Dean of Students.

K. "Room or space" includes any room or space, indoors or outdoors, owned or controlled by the University.

L. "University" means The University of Texas at San Antonio (UTSA).

M. "Weekday" means Monday through Friday except for official university holidays.

N. "Day" means calendar day.

O. “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 within the University's limited public forum. Common Outdoor Areas are designated by state law as traditional public forums.

P. Guest Speaker- an individual who is unaffiliated with UTSA and is presented as a speaker by a registered student, faculty, or staff organization on the UTSA campus.

XX. Dates Approved/Amended

A. 06-07-2024

02-15-2019

New, Revised and Deleted Policies
Policy Amendment Approval Process
UT System - Regents' Rules & Regulations
UT System - Policy Library

Our Location

Institutional Compliance and Risk Services
One UTSA Circle
San Antonio, Texas 78249
Phone (210) 458-4992
Directions: Google Map, UTSA Map

© The University of Texas at San Antonio | One UTSA Circle, San Antonio TX 78249 | Information: 210-458-4011 | UTSA Police: 210-458-4242