

Expressive Activities Policy

UPPS No. 07.04.01

Issue No. 1

Effective Date: 6/20/2024

Next Review Date: 9/01/2027 (E3Y)

**Sr. Reviewer: Assistant Vice President
for Student Success and Executive
Director of Student Involvement**

POLICY STATEMENT

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

01. SCOPE

- 01.01 Texas State University is a public institution and supports the free exchange of ideas which includes freedom of speech, freedom of inquiry, and freedom of dissent. Texas State is committed to upholding the First Amendment of the United States' Constitution and respects the right of individuals to express their views through all forms of legally protected speech, press, religion, petition, and assembly.
- 01.02 This policy relates to expressive activities on university-owned or leased property and provides reasonable time, place, and manner restrictions.
- 01.03 All Texas State community members and affiliates share responsibility to maintain an atmosphere conducive to scholarly, creative, and educational pursuits; to preserve the dignity and seriousness of university ceremonies; and to respect the rights of all individuals. Persons who choose to engage in expressive activities and participants who observe activities must follow this policy.

02. DEFINITIONS

- 02.01 Antisemitism – a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.
- 02.02 Camping is defined as any of the following:
 - a. sleeping outdoors, any time between the hours of 10:00 p.m. and 8:00 a.m., with or without camp paraphernalia;
 - b. establishing or maintaining outdoors, anytime between the hours of 10:00 pm and 8:00 a.m., a temporary structure or exhibit for sleeping or cooking;
 - c. establishing, or attempting to establish, temporary or permanent living quarters on Texas State property other than residence halls, apartments, or other Texas State-owned or sponsored housing; and
 - d. sleeping in or under any parked vehicle.
- 02.03 Commercial Speech – speech or writing on behalf of a business with the intent of earning revenue or a profit.
- 02.04 Common Outdoor Areas – public forums that include the streets, sidewalks, or other common outdoor property owned or leased by Texas State.
- 02.05 Designated Areas – areas where amplified sound, exhibits, and temporary structures may be used or displayed within the time, place, and manner specified by the university. Reference the [Amplified Sound](#) on Campus, and [Exhibits and Temporary Structures](#) webpages to view a list of designated areas.
- 02.06 Exhibit – a display that is intended to convey a particular message, which may

include posters and signs, or furniture and furnishings, such as desks, tables, boxes, and other objects.

- 02.07 Expressive Activity – any speech or expressive conduct protected by the First Amendment to the United States Constitution or by [Section 8, Article I, Texas Constitution](#), and includes assemblies, protests, speeches, the distribution of written material, signage both fixed and portable, and the circulation of petitions.
- 02.08 External Speaker – an individual who is not a current student, faculty, or staff member at Texas State.
- 02.09 Limited Public Forum – exists where a government has intentionally reserved a forum only for certain groups or for the discussion of certain topics.
- 02.10 Non-Public Forums – includes the inside of buildings or outdoor classrooms, field-based research sites, educational teaching areas, and outdoor space that is used for dedicated Texas State business or an event.
- 02.11 Significant University Interest – These include:
- a. maintaining the privacy, security, health, and safety for persons on both campuses including the protection from deception, fraud, and commercial exploitation;
 - b. preserving an academic atmosphere (classes meeting in their settings should not be disrupted; quiet is necessary in areas assigned for study; university programs and activities should not be disrupted);
 - c. ensuring the unimpeded flow of pedestrian and vehicular movement through university facilities, roads, and walkways;
 - d. preventing unlawful activities on campus; or
 - e. preventing the destruction and preserving the integrity of university property.
- 02.12 Student, Faculty, and Staff Employees – registered student, currently employed faculty, and currently employed staff.
- 02.13 Temporary Structure – a physical object that is intended to convey a particular message. Temporary structures may be props and displays, such as coffins, crates, crosses, cages, and statues; furniture and furnishings, such as desks, tables, bookcases, and cabinets; shelters, such as tents, boxes, shanties, and other enclosures; and other objects. Persons may not inhabit, sleep in, camp in, or use a temporary structure as a shelter, unless prior approval is given.
- 02.14 Time, Place, Manner – public institutions may impose restrictions on expressive activity related to the time, place, and manner. Such restrictions must satisfy a three-prong test outlined by the United States Supreme Court:
- a. be content-neutral and viewpoint-neutral;
 - b. be narrowly tailored to serve a significant governmental interest; and
 - c. leave open ample alternative channels for communicating the speaker's message.
- 02.15 Traditional Public Forum – includes the common outdoor areas owned or leased by the university that are available without the need for reservation or prior

approval for an expressive activity, planned or spontaneous.

- 02.16 University Official – an employee who has responsibility for making judgments and decisions on behalf of the university.

03. DEMONSTRATIONS

- 03.01 Expressive activities must not infringe upon the rights of others to engage in peaceful assembly, orderly protest, free exchange of ideas, or otherwise unreasonably interfere with the rights of others to make use of university outdoor grounds.
- 03.02 Failure to follow directives from university officials, or from University Police Department officers, may result in verbal warning, student conduct referral, or criminal charges. Examples of activities that are not allowed are covered in the Texas State [Code of Student Conduct](#).
- 03.03 Persons may assemble lawfully to demonstrate at Texas State in common spaces. While this policy is content-neutral and viewpoint-neutral in the regulation of speech, the university reserves the right to limit, disallow, or disband an expressive activity that:
- incites violent action;
 - represents a clear and present danger or health and safety risk to the university community in the judgment of designated university officials;
 - fails to meet reasonable time, place, and manner restrictions;
 - disrupts class or other university business;
 - substantially disrupts routes of entry or egress to class or work; or
 - involves substantial disorder.
- 03.04 Signs with stakes are not permitted during demonstrations. Signs may be confiscated by a university official or law enforcement officer if they are used to bump, hit, or injure a person or damage property.
- 03.05 Pursuant to [Texas Penal Code 48.05](#), camping is prohibited in a public place without appropriate consent. As such, camping and overnight stays are not permitted at Texas State without prior approval from the department of Student Involvement & Engagement (SI&E).
- 03.06 At the conclusion of the demonstration, organizers are expected to return the area to the condition it was in before the demonstration.

04. AMPLIFIED SOUND

- 04.01 To preserve the academic and core business of the university, the use of amplified sound is restricted to certain times and designated areas.
- 04.02 The use of amplified sound on campus must be approved by the appropriate department. See the [Amplified Sound on Campus](#) webpage for more information.

05. EXHIBITS AND TEMPORARY STRUCTURES

- 05.01 Persons desiring to build and/or maintain a temporary structure or display an exhibit must obtain approval through SI&E. See the [Exhibits and Temporary](#)

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exhibit must obtain approval through SI&E. See the [Exhibits and Temporary Structures](#) webpage for more information.

- 05.02 Persons who erect a temporary structure or display an exhibit assume full responsibility for the structure or exhibit, including all injuries or hazards that may arise from the structure or exhibit. The university shall not be liable for any damage that may occur to the structure or exhibit, and any person or organization sponsoring the structure or exhibit shall indemnify the university for any claims arising from their presence on campus.

06. DISTRIBUTING LITERATURE, HOSTING INFORMATIONAL BOOTHS, AND HANGING BANNERS

- 06.01 Persons wishing to distribute literature, host informational booths, and hang banners at Texas State must register these activities with SI&E. For more information and procedures related to literature distribution, hosting informational booths, and hanging banners on the Texas State campus, see the [Literature, Booths, and Banners](#) webpage.
- 06.02 Media on literature, distributed at informational booths, and included on banners must not:
- a. interfere with academic or other institutional programs that are being conducted in campus facilities;
 - b. interfere with the free and unimpeded flow of vehicular or pedestrian traffic on sidewalks and streets and at places of ingress and egress to and from campus buildings;
 - c. harass individuals;
 - d. promote the violation of local, state, or federal law or published university policy or [Texas State University System \(TSUS\) Rules and Regulations](#);
 - e. constitute disorderly conduct, disrupt classroom discussion, impede maintenance of public order, or constitute a danger to the person distributing or receiving literature;
 - f. litter or deface the campus grounds, such as chalking, graffiti, flyers in unapproved locations, etc.; or
 - g. be placed on vehicles.
- 06.03 Window clings, yard signs, indoor and outdoor floor stickers, and other marketing materials may be used in designated areas to promote special events as approved by SI&E.

07. EVENTS WITH EXTERNAL SPEAKERS

- 07.01 Individual members of the Texas State community (faculty, staff, and students) and Registered Student Organizations may invite and host external speakers.
- 07.02 To assess the impact on university operations, all organizers of events or activities with external speakers should notify SI&E. For more information on notification processes, please see the [External Speaker Notification](#) webpage. This section does not apply to events hosted in locations designed as open public forums; however, the university encourages groups hosting events with external speakers

in open public forums to notify SI&E prior to the event.

- 07.03 If a sponsoring organization is presenting an external speaker, the organization has the responsibility to advertise that they invited the speaker and that the views of the guest speaker do not necessarily represent the views of Texas State or TSUS.
- 07.04 An event with an external speaker that constitutes a clear and present danger to the university's orderly operation may be subject to restriction.
- 07.05 Students, faculty, staff, and registered student organizations campaigning on behalf of candidates for public office must abide by procedures noted in Section 06. of this policy and [UPPS No. 06.02.10, Elections, Voting, and Civic Engagement On-Campus](#).
- 07.06 Any person who chooses to protest an external speaker shall not impair the ability of any other person to participate in the event. Refer to Section 03. of this policy for information about demonstrations.

08. EXCEPTIONS, APPEALS, AND VIOLATIONS

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

09. RELATED STATUTES, POLICIES, OR REQUIREMENTS

- 09.01 [Texas Constitution, Section 8, Article I](#)
- 09.02 [Texas Education Code § 51.9315 - Protected Expression on Campus](#)

09.03 [Texas Penal Code 48.05](#)

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09.04 [Texas State University Code of Student Conduct](#)

09.05 [Texas State University Faculty Handbook](#)

09.06 [TSUS Rules and Regulations, Chapter VII, section 3.1](#)

09.07 [UPPS No. 04.04.01, General Workplace Policy](#)

09.08 [UPPS No. 06.02.10, Elections, Voting, and Civic Engagement On-Campus](#)

09.09 [UPPS No. 07.04.03, Solicitation on Campus](#)

10. REVIEWERS OF THIS UPPS

10.01 Reviewers of this UPPS include the following:

Position	Date
Assistant Vice President for Student Success and Executive Director of Student Involvement and Engagement	September 1 E3Y
Program Director, Student Involvement	September 1 E3Y
Director, University Police	September 1 E3Y
Director, Environmental, Health, Safety, Risk, and Emergency Management	September 1 E3Y
Director, Student Success at Round Rock	September 1 E3Y
Assistant Vice President and Executive Director of Housing and Residential Life	September 1 E3Y
Director, LBJ Student Center	September 1 E3Y

11. CERTIFICATION STATEMENT

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

Assistant Vice President for Student Success and Executive Director of Student Involvement and Engagement; senior reviewer of this UPPS

Vice President for Student Success

President