

# Manual of Policies and Procedures for Student Affairs

## Chapter 6. Speech, Expression, and Assembly

### Subchapter 6-100. Governing Principles

#### Sec. 6-101. General Definitions--Categories of Speakers

As used in this chapter,

1. "Academic or administrative unit" means any office or department of the University.
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. "Event" means something that occurs in a certain place during a particular interval of time; events include but are not limited to guest speakers, exhibits, tables, distribution of literature, signs, and public assemblies.
4. "Faculty member and staff member" includes any person who is employed by the University.
5. "Off-campus person or organization" and "member of the public" means any person, organization, or business that is not an academic or administrative unit, a registered student, faculty, or staff organization, or a student, faculty member, or staff member.
6. "Registered student, faculty, or staff organization" includes a registered student organization under chapter 2, subchapter 2.7 of the manual of policies and procedures (MOPP), a faculty or staff organization under the Regents' Rules and Regulations (Rule 40201), and Student Government and any unit or subdivision thereof;
7. "Student" means a person who is currently enrolled in residence at the University, or who is accepted for admission or readmission to the University, or who has been enrolled at the University in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows, or who is attending an educational program sponsored by the University while that person is on campus.
8. "University person or organization" includes academic and administrative units, registered 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; all persons and organizations of any kind are either an "off-campus person or organization" or a "University person or organization."

#### Sec. 6-102. Other General Definitions

As used in this chapter:

1. "Amplified sound" means sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting and group chanting are not amplified sound and are not subject to the special rules on amplified sound, but are subject to general rules on disruption.
2. "Braithwaite Gardens" includes the paved areas adjacent to the Cowan Center.
3. "Chief student success officer" means the Chief Student Success Officer or his/her designee and "director" refers to the Director of Student Engagement or his/her designee.
4. "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.
5. "Day" means calendar day.
6. "Harvey Deck" includes the patio near Harvey Lake
7. "Limited public forum" means the University property, both indoors and outdoors, that is not part of the common outdoor area. This includes the outside surfaces of a University building, surfaces associated with or connected to a University building, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, residential outdoor spaces managed by University Housing and Dining including but not limited to Soules College of Business, Fisch College of Pharmacy.
8. "Patriot Plaza" includes the grass and paved area outside the main entrance to the

University Center and next to Riter Plaza.

9. "Riter Plaza" includes the Carillon/Bell Tower, surrounding landscaped and paved sidewalk areas.
10. "Room or space" includes any room or space, indoors or outdoors, owned or controlled by the University.
11. "Spence Plaza" includes the paved area outside the main entrance to the Cowan Center and areas surrounding the fountain.
12. "University" means The University of Texas at Tyler.
13. "Weekday" means Monday through Friday except for official University holidays, skeleton crew days, or any days the university must close due to events that interfere with the ability of the university to continue normal operations, including but not limited to natural disasters, epidemics, attacks on infrastructure, etc.

### **Sec. 6-103. Freedom of Speech, Expression, and Assembly**

a. 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 have the right to assemble, to speak, and to attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen.

b. Students, faculty, and staff 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 the University. Teaching, research, and other official functions of the University shall have priority in allocating the use of space on campus. Members of the public are able to engage in expressive activities only in common outdoor areas of the campus, subject to the time, place and manner rules in this chapter necessary to preserve the operations of the University.

c. In furtherance of the University's educational mission, the University buildings including their outside surface, surfaces associate 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 chapter. Members of the public may engage in expressive activities at the University in accordance with the time, place, and manner rules contained in this chapter. 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.

d. Except as expressly authorized by subchapter 6-200, the University shall not discriminate on the basis of, including but not limited to, race, color, religion, national origin, gender, age, disability, citizenship, veteran status, political, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise.

e. The University of Texas at Tyler Police Department (UTTPD) may immediately enforce these rules if a violation of these rules constitutes a breach of the peace or compromises public safety. Any registered student group that engages in 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 and including possible loss of recognized status for the registered student group.

### **Sec. 6-104. Scope of this Chapter and Related Provisions**

a. This chapter 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, not otherwise sponsored by the University or any academic or administrative unit, and not submitted for academic credit.

b. This chapter also regulates certain speech that is part of the teaching, research, or other official functions of the University:

1. Section 6-204 on harassment applies to all speech on campus or otherwise actionable by the university.
2. This chapter applies to speech by University persons and University organizations in the common outdoor areas and the limited public forums. This chapter also applies to members of the public in common outdoor areas. It also applies to speech that is submitted for academic credit, and speech made using the University's resources as determined by the director. The director and/or designee approves reservations for the use of the temporary exhibit and banner spaces, and use of University tables, for all University persons and organizations because scheduling through a single office is necessary to avoid conflicts. The director also administers and schedules reservations in the common outdoor areas and the use of the amplified sound for all University persons, University organizations and members of the public.

c. 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, except that programs or events sponsored by an academic or administrative unit shall not have priority in the use of weekday amplified sound areas defined in section 6-802. This chapter does not limit other existing authority of University officials to authorize programs and events sponsored by an academic or administrative unit and not provided for in this chapter.

d. Additional rules concerning free speech and academic freedom of faculty are found in the Regents' Rules and Regulations (Rule 40501).

e. Underlying rules concerning free speech of students are found in the Regents' Rules and Regulations (Rule 40501). This chapter implements those provisions and applies them to the University.

f. Rules restricting access to the campus and restricting speech on the campus by persons who are not students, faculty, or staff are found in the Regents' Rules and Regulations (Rule 40501).

g. Rules protecting and regulating speech on University computer networks are promulgated by Information Resources and are currently found in IR Policies, Information Resources Acceptable Use Policy.

h. Rules requiring University employees to make clear that controversial statements are in their personal capacity are found in the Regents' Rules and Regulations (Rule 30103). Rules restricting use of University equipment, supplies, services, and working hours for political activities are found in the Regents' Rules and Regulations (Rule 30103).

## **Subchapter 6-200. Prohibited Expression**

### **Sec. 6-201. Obscenity**

a. No person or organization 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 Texas Penal Code, Section 43.21 or successor provisions and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

### **Sec. 6-202. Defamation**

a. No person shall make, distribute, or display on the campus any statement that unlawfully defames any other person.

b. A statement unlawfully defames another person if it is false, if the false portion of the statement injures the reputation of the other person, or otherwise defamatory under applicable law.

### **Sec. 6-203. Incitement to Imminent Violations of Law**

a. No person shall make, distribute, or display on the campus any statements directed to 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. Any 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 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.

#### **Sec. 6-204. Harassment**

a. No person shall make, distribute, or display on the campus any statement that constitutes verbal harassment of any other person. This section applies to all speech on the campus or otherwise actionable by the university, including speech that is part of teaching, research, or other official functions of the University.

b. "Verbal harassment" means hostile or offensive speech, oral, written, or symbolic, that

1. personally describes or is personally directed to one or more specific individuals; and
2. 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 the University; and
3. is not necessary to the expression of any idea described in item c. of this subsection.

c. To make an argument for or against the substance of 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 Series 200 of the Handbook of Operating Procedures are rarely, if ever, necessary to argue for or against the substance of any political, religious, philosophical, ideological, or academic idea.

d. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in Series 200 of the Handbook of Operating Procedures, 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, ideology, political views, or political affiliation.

e. 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 sections 2.4.1, and 2.4.3, of the Handbook of Operating Procedures, and in the Regents' Rules and Regulations (Rule 30105). For enhanced penalties for disciplinary offenses motivated by the race, color, or national origin of a student harmed by the offense, see MOPP chapter 8, section 8-501(b). To the extent of any conflict in the definition of verbal harassment, the more detailed definition in this section controls. For enhanced penalties for disciplinary offenses related to hazing, see MOPP chapter 8, section 8-804(a).

f. The harassment that this section prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a 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 population within the University and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules.

g. Verbal harassment has been interpreted very narrowly by the federal courts. Many university policies on verbal harassment or hate speech 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 its constitutionality. Members of the University community are required to report harassment.

1. A student who believes he or she has been harassed should report the alleged violation to the chief student success officer.
2. A faculty member or staff member who believes he or she has been harassed should report the alleged violation to the complainant's supervisor or to the Office of Human Resources.
3. Alternatively, any person who believes he or she has been harassed may report the alleged violation to the Office of Human Resources or to any University official, administrator, or supervisor. A faculty member is not an "official, administrator, or supervisor" for this purpose

- unless that faculty member holds an administrative position.
4. Any University official, administrator, or supervisor who receives a report of alleged harassment shall promptly refer that report and the complainant to the Office of Human Resources, or to the chief student success officer, as appropriate. A complainant, whose report is not forwarded to the Office of Human Resources, or to the chief student success officer, has not initiated proceedings for providing a remedy to the complainant or for imposing discipline on the alleged harasser.
  5. Investigation of the information provided, and any remedial or disciplinary proceedings, shall proceed under the procedures set out in the harassment policies cross referenced in section 6-204(e).

**Sec. 6-205. Solicitation**

- a. No person shall make, distribute, or display on the campus any statement that offers or advertises any product or service for sale or lease, or requests any gift or contribution, except as authorized in paragraph (b), by section 6-403, or by the Regents' Rules and Regulations.
1. 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.
  2. Unadorned acknowledgments or thanks to donors are not solicitation within this definition.
- b. A registered student, faculty, or staff organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions, for the benefit of the organization, for the benefit of another registered student, faculty, or staff organization, or for the benefit of an organization that is tax-exempt under Section 501(c)(3) of the Internal Revenue Code. No organization may sell items obtained on consignment. No organization may request contributions for an off-campus tax-exempt organization for more than fourteen days in any fiscal year.
- c. Registered student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature that contains advertising, subject to the limits in section 6-403. Individual students, faculty members, and staff members may distribute or display such literature, but may not sell it.
- d. Individual students, faculty members, and staff members may post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used, but only on a bulletin board or other location designated for that purpose by an academic or administrative unit in space that the unit occupies or controls. Any unit that designates a bulletin board or other location for this purpose may regulate that bulletin board or other location under the procedures set forth in section 6-506.
1. A resident of a University residence hall or apartment building may occasionally invite one or more salespersons to come to the resident's room or apartment and in that room or apartment, the salesperson may offer products or services for sale to other residents of that residence hall or apartment building.
- e. A registered student, faculty, or staff organization may collect admission fees for programs scheduled in advance under MOPP chapter 7; provided, that neither University persons nor organizations may collect admissions fees for the exhibition of movies on the campus.
- f. A registered student, faculty, or staff organization may collect membership fees or dues at meetings of the organization scheduled in advance under MOPP chapter 7.
- g. Registered student, faculty, or staff organization may sell charitable raffle tickets on behalf of an organization that is authorized to conduct a charitable raffle under the Texas Charitable Raffle Enabling Act, Texas Occupations Code, chapter 2002, or successor provisions.
- h. A registered student organization that receives funds from solicitations under this section shall deposit and account for such funds under the rules in MOPP chapter 2, subchapter 2.7. More detailed regulation of solicitation appears in the Regents' Rules and Regulations (Rule 80103). The provisions most relevant to students, faculty, and staff have been incorporated here.

## Subchapter 6-300. General Rules on Means of Expression

### Sec. 6-301. Disruption

a. Except as expressly authorized in section 6-802, or by an authorized University 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 disrupts or 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, guest speakers, or use of amplified sound by another person or organization acting under the rules in this chapter.

b. The term "disruption" and its variants, as used in this rule, are distinct from and broader than the phrase "disruptive activities," as used in the Regents' Rules and Regulations (Rule 40502). This rule is concerned not only with deliberate disruption, but also with scheduling and coordination of events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity.

1. Except in the most extreme cases, interference and disruption are unavoidably contextual. Intentional physical interference with other persons 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 a 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. We cannot escape relying on the judgment and fairness of University authorities in particular cases. 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.

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.

### Sec. 6-302. Damage to Property

a. No speech, 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 speaker to damage or deface his or her property.

b. No person may damage, deface, or interfere with any sign, table, or exhibit posted or displayed by another person or organization acting under the rules in this chapter.

### Sec. 6-303. Coercing Attention

a. No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication.

b. 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.

### Sec. 6-304. Co-sponsorship

a. Academic or administrative units with authority delegated from the president of the University may co-sponsor events with an off-campus person or organization.

b. Student Organizations with approval from the director may co-sponsor events with an off-campus person or organization.

c. An event is a prohibited co-sponsorship if an individual or a student, faculty, or staff organization

1. Depends on an off-campus person or organization for planning, staffing, or management of the event; or
2. Advertises the event as co-sponsored by an off-campus person or organization; or
3. Operates the event as agent of, or for the benefit of, an off-campus person or organization, except for solicitation of charitable contributions under the authority of section 6-205(b); or
4. Distributes any proceeds of the event to an off-campus person or organization, except for
  - a. the proceeds of charitable contributions solicited under the authority of section 6-205(b); 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; or
6. Engages in any other behavior that persuades the director that an off-campus person or organization is in fact responsible for the event, in full or in substantial part.

d. The following facts do not, in and of themselves, indicate a prohibited co-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 subchapter 6-1000;
5. That a registered student, faculty, or staff organization has received financial contributions to support the event from an off-campus donor.

e. The purpose of this rule is to preserve the limited space on campus for the use of students, faculty, and staff, and the rule shall be interpreted to serve that purpose. It is not the purpose of this rule to prevent students, faculty, staff, or members of the public from exercising their right to associate with other persons or organizations holding views similar to their own.

### **Sec. 6-305. Other Rules with Incidental Effects on Speech**

a. 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 here. For example, libraries typically have highly restrictive rules concerning noise; laboratories and rooms containing the electrical and mechanical infrastructure of the University 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. Speech within classrooms is generally confined to the subject matter of the class; 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 classroom. These kinds of rules limit the right of students, faculty, and staff to enter and speak in the places to which these rules apply.

b. Reasonable and nondiscriminatory rules of this kind generally control the rights of free speech guaranteed in this chapter. 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.

## **Subchapter 6-400. Distribution of Literature**

### **Sec. 6-401. General Rule on Distribution of Literature**

a. Registered student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature on campus, subject to the rules in this subchapter and to the general rules in subchapters 6-200 and 6-300. Individual students, faculty members, and staff members may distribute or display literature but may not sell it. In either case, no advance permission is required. Members of the public may distribute literature in the common outdoor areas, subject to the rules outlined in this chapter but may not sell literature.

b. "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.

### **Sec. 6-402. Not-for-Profit Literature Only**

a. Except as expressly authorized by the Regents' Rules and Regulations 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, section 6-205(b)(1).

b. A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, inures to the benefit of any private shareholder or individual.

### **Sec. 6-403. Limits on Advertising**

a. Literature distributed on campus may contain the following advertising:

1. advertising for a registered student, faculty, or staff organization, or an academic or administrative unit;
2. advertising for an organization that is tax exempt under Section 501(c)(3) of the Internal Revenue Code;
3. 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
4. other advertising expressly authorized by the Regents' Rules and Regulations or by contract with the University.

b. All other advertising in literature distributed on campus is prohibited.

### **Sec. 6-405. Clean-up of Abandoned Literature**

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

## **Subchapter 6-500. Signs and Banners**

### **Sec. 6-501. General Rule on Signs**

a. "Sign" means any method of displaying a visual message to others except that transferring possession of a copy of the message is distribution of literature and not a sign.

b. Subject to the rules in this subchapter and to the general rules in subchapters 6-200 and 6-300, a University person or organization may display a sign by holding or carrying it, by displaying it at a table (see subchapter 6-600), or by posting it on a kiosk, bulletin board, or other designated location. Signs may not be posted in any other location.

### **Sec. 6-502. Signs & Demonstrative Materials**

a. Students, faculty, and staff may display a sign on campus by holding or carrying it by hand or otherwise attaching it to their person. Members of the public may display a sign in common outdoor areas by holding or carrying it by hand or otherwise attaching it to their person. No advance permission is required. Signs on sticks or poles or otherwise attached to any device are prohibited.



b. Hand-held signs, hazard materials, and exhibits 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.

c. Any person holding or carrying a sign shall exercise due care to avoid bumping, hitting, or injuring any other person.

d. 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.

e. A law enforcement officer or the chief student success officer, 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 paragraphs (b) -(d). If the violation persists after a clear warning, the law enforcement officer, chief student success officer, 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.

### **Sec. 6-503. Signs on Kiosks**

a. A kiosk is an outdoor structure, attached to the ground in a fixed location, designed for the posting of signs.

b. University persons and organizations may post signs on kiosks. No advance permission is required. Individuals may not post on kiosks any sign advertising goods or services for sale (see section 6-205).

c.. Each sign posted on a kiosk must identify the University person or organization that posted the sign, and must state the date the sign was posted or the date of the event being advertised. No sign advertising an event may be posted on a kiosk more than fourteen days before the date of the event.

d. The person or organization that posts a sign on a kiosk must remove that sign not later than fourteen days after it was posted, or twenty-four hours after the event it advertised, whichever is earlier.

e. No sign may be posted on a kiosk on top of another properly posted sign.

f. No person or organization may post more than two signs on the same kiosk at the same time.

g. The director, or their designee, may remove any sign that violates any of the rules in this section.

### **Sec. 6-504. Banners**

a. "Banner" means a sign hung from a structure, or between two buildings, structures, or poles. Banners on sticks or poles or otherwise attached to any device are prohibited.

b. The chief student success officer shall designate places where banners may be hung in indoor/outdoor locations not occupied or controlled by any other academic or administrative unit. Other academic and administrative units may designate one or more places where banners may be hung in indoor or outdoor locations that the unit occupies or controls.

1. Academic and administrative units and registered student, faculty, and staff organizations may hang banners in locations designated by the chief student success officer. Individuals may not hang banners.
2. Advance permission is required from the unit administering the location, and usually, advance reservations are required. Academic and administrative units advertising official University events or programs may be given priority. In locations administered by academic or administrative units other than the chief student success officer, organizations affiliated with the unit administering the location may be given priority.

3. In locations administered by the chief student success officer, each banner may be hung for up to two weeks. The banner may be renewed for additional time if space is available, but usually, other organizations are waiting their turn and renewal is not possible.
  4. Other units administering a location for banners may limit the time each banner may hang. Any such time limit shall be applied without discrimination to all organizations, except that academic and administrative units may be given preference.
- e. The director shall maintain, on a Web site or on a flyer or pamphlet conveniently available at the Department of Student Engagement:
1. a list of locations where banners may be hung;
  2. the academic or administrative unit that administers banners at each outdoor location; and
  3. a current description of the rules and procedures for reserving the right to hang a banner in locations administered by the chief student success officer.
- f. The unit administering a banner location may require that the physical work of hanging the banners be performed only by employees of Physical Plant or other appropriate University personnel.
- g. Hand-held banners. University persons, university organization, and members of the public are permitted to display a hand-held banner carried by two or more individuals without poles, in accordance with this chapter, in the common outdoor areas.

**Sec. 6-505. Decal**

- a. "Decal" means a non-permanent object designed to adhere on the ground.
1. Decals may be placed only by academic or administrative units in locations approved by the chief student success officer and must comply with section 6-200.

**Sec. 6-506. Signs in Other Designated Locations (Including Departmental Bulletin Boards)**

- a. Each academic or administrative unit of the University may authorize the posting of signs in spaces that unit occupies and controls. Such authorization may be granted by general rule, by stamping or initialing individual signs, or by long-standing tradition.
- b. Signs in spaces occupied by academic or administrative units may be:
1. confined to bulletin boards or other designated locations;
  2. subject to viewpoint-neutral rules limiting the size of signs, limiting how long they may be posted, requiring each sign to show the date it was posted and the name of the person or organization who posted it, and similar rules designed to facilitate fair and equal opportunities to post signs;
  3. confined to official statements or business of the unit, or to certain subject matters of interest within the unit, or to signs posted by persons or organizations affiliated with the unit.
- c. Each academic or administrative unit shall post on or near each bulletin board or other designated location that it administers:
1. either the rules applicable to that bulletin board or location, or a particular office or Web site where the rules applicable to that bulletin board or location may conveniently be found; and
  2. if a stamp or initials are required on signs before they are posted on that bulletin board or location, the name and office location of the person whose stamp or initials are required.
- d. This notice shall be posted in the upper left corner of each bulletin board or other designated location for posting signs, or conspicuously in another nearby location. If no such notice is posted, or the bulletin board is in a general use area such as a hallway, the sign must be approved for posting by the Department of Student Engagement to verify that the sign complies with subchapter 6-200 and sections 6-301 to 6-304.
- e. Within the scope of the subject matters permitted on a particular bulletin board or other

designated location, no academic or administrative unit shall discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed on a sign.

f. This section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official University business.

### **Subchapter 6-600. Tables**

#### **Sec. 6-601. General Rule on Tables**

University persons or organizations may set up tables from which to display literature and disseminate information and opinions, subject to the rules in this subchapter and to the general rules in subchapters 6-200 and 6-300. No advance permission is required for groups providing their own tables; however, reservations are required for on-campus groups wishing to use University-supplied tables.

a. Subject to the restrictions in paragraph (b) and subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic (see section 6-301), University persons and organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location.

b. Restrictions on table placement:

1. Tables may not be set up on the Riter Plaza, Spence Plaza, and Braithwaite Gardens.
2. Tables may not be set up inside any library, classroom, laboratory, performance hall, 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. Academic or administrative units may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. Academic and administrative units are encouraged to clearly state any such rules in writing, and to publish those rules on a Web site or on a flyer or pamphlet conveniently available at the chief administrative office of the unit.

c. 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.

#### **Sec. 6-602. Identification**

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

#### **Sec. 6-603. Clean-up around Tables**

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

#### **Sec. 6-604. Sources of Tables**

a. Persons and organizations may supply their own tables. In addition, the university maintains a supply of tables that may be reserved and checked out for use on campus. The director shall maintain, on a Web site or on a flyer or pamphlet conveniently available at the Department of Student Engagement, a current description of the rules and procedures for reserving and checking out tables.

### **Subchapter 6-700. Exhibits and A-Frames**

#### **Sec. 6-701. General Rule on Exhibits**

a. "Exhibit" means an object or collection of related objects, designed to stand on the ground or on a raised surface, that is not a table, and that is designed for temporary display and is not permanently attached to the ground.

b. "A-frame" means a movable and self-supporting sign board designated to stand on the ground, an A-frame is an exhibit

c. University person, organization or member of the public may erect exhibits, subject to the rules in this subchapter and to the general rules in subchapters 6-200 and 6-300. Advance permission is required from the director, except that an academic unit may authorize indoor exhibits in a space that it occupies and controls. Exhibits may not be erected on the Riter Plaza, Spence Plaza, and Braithwaite Gardens.

#### **Sec. 6-702. Application Process**

a. A person or organization desiring to erect an exhibit shall apply via means prescribed by the director.

#### **Sec. 6-703. Criteria for Approval**

a. The director shall authorize an exhibit described in a completed application under section 6-702 unless the director finds that use of the proposed space for the proposed exhibit must be disapproved under the criteria in section 7-203.

b. The director shall specify the location of each exhibit to reduce the hazard to visually impaired pedestrians.

c. The director shall advise each applicant how to correct, if possible, any conditions that preclude approval of his or her application. Even if an applicant is entitled to have their application approved as submitted, the director may give advice about other possible locations, or about modifications to the exhibit, that would avoid potential problems or make the proposed exhibit more workable.

#### **Sec. 6-704. Time Limits**

a. In locations administered by the director, each exhibit may be displayed for fourteen days. The exhibit may be renewed for an additional fourteen days if space is available.

b. The exhibit must be removed at the end of each day and may be re-erected each morning. However, the chief student success officer may authorize overnight exhibits in designated locations. Overnight exhibit locations shall be listed on a Web site, or on a flyer or pamphlet conveniently available in the Department of Student Engagement. A-frame signs and other small exhibits may be left overnight if the exhibit is relatively small in size and is placed in specified locations according to section 6-703(b).

#### **Sec. 6-705. Clean Up Around Exhibits**

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

#### **Sec. 6-706. Liability**

a. Any person or organization 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 person or organization sponsoring the exhibit shall indemnify the University for any claims arising from the exhibit's presence on campus.

### **Subchapter 6-800. Amplified Sound**

#### **Sec. 6-801. General Rule on Amplified Sound**

a. All individuals may use amplified sound on campus at designated times and locations, subject to the rules in this subchapter and to the general rules in subchapters 6-200 and 6-300. Advance permission is required. This subchapter creates limited exceptions to the general rule on disruption in section 6-301.

#### **Sec. 6-802. Location and Times of Weekday Amplified Sound Areas**

a. The University West Yard Amplified Sound Area is located adjacent to the University Center between the University Center and Stewart Hall.

1. All individuals may use amplified sound in this area from 11:00 a.m. to 1:00 p.m., and after 5:00

p.m. Monday through Friday.

b. The Deck Amplified Sound Area is located adjacent to Harvey Lake near Stewart Hall.

1. All individuals may use amplified sound in this area from 11:00 a.m. to 1:00 p.m., and after 5:00 p.m. Monday through Friday.

c. The Patriot Plaza is located adjacent to the main entrance to the University Center, Alumni House and Riter Plaza.

1. All individuals may use amplified sound in this area from 11:00 a.m. to 1:00 p.m. and after 5:00 p.m. Monday through Friday.

d. The chief student success officer may designate additional areas for weekday use of amplified sound.

**Sec. 6-803. Regulation and Scheduling of Weekday Amplified Sound**

a. The Director may prescribe rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of weekday amplified sound areas, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact. All such rules shall be reasonable and nondiscriminatory.

b. Amplified sound in the Deck and University West Yard is in fact disruptive of teaching, administration, and research in the University Center and Stewart Hall. The disruption inherent in this use of amplified sound is expressly authorized, but no other disruption is authorized. Disruption is permitted to this extent because otherwise, it would be necessary to ban all use of amplified sound in and near the center of campus during working hours. The hours are limited because otherwise, work in these important buildings would be continuously disrupted.

c. Between 8:00 a.m. and 5:00 p.m. Monday through Friday, university persons must use sound equipment owned or controlled by the University.

d. All individuals using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area.

e. 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 clearly stated on a Web site or on a flyer or pamphlet conveniently available at the Department of Student Engagement.

**Sec. 6-804. Amplified Sound on Evenings and Weekends**

a. With advance permission from the director, all individuals may use amplified sound in any outdoor location on campus, including the weekday amplified sound areas designated in section 6-802, after 5:00 p.m. Monday through Friday, and after 8:00 a.m. Saturday and Sunday, except for the early morning hours excluded in paragraph (b).

b. If amplified sound is authorized for an event on a Sunday, Monday, Tuesday, Wednesday, or Thursday evening, the sound must be turned off by 1:00 a.m. on the following day. If amplified sound is authorized for an event on a Friday or Saturday evening, the sound must be turned off by 2:00 a.m. on the following day.

c. The director may prescribe reasonable and nondiscriminatory 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 on evenings and weekends, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact.

**Sec. 6-805. Amplified Sound Indoors**

a. Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the director may limit or prohibit sound that would be disruptive outside the room. Reservations may be required. Rules concerning use of University buildings are contained in MOPP chapter 7.

**Sec. 6-806. Noise Level**

- a. All amplified sound must comply with the City of Tyler noise ordinance.
  1. Monday through Thursday 7:00 a.m. to 10:00 p.m. the limit is 75 decibels.
  2. Monday through Thursday 10:00 p.m. to 6:59 a.m. the limit is 63 decibels.
  3. Friday through Sunday 7:00 a.m. to 11:00 p.m. the limit is 75 decibels.
  4. Friday through Sunday 11:00 p.m. to 6:59 a.m. the limit is 63 decibels.

**Subchapter 6-900. Public Assemblies****Sec. 6-901. General Rule on Public Assemblies**

- a. "Publicly assemble" and "public assembly" include any gathering of persons, including discussions, rallies, and demonstrations. The rules of subchapter 6-800 apply to any use of amplified sound at a public assembly.
- b. All individuals may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this subchapter, to the general rules in subchapters 6-200 and 6-300, and to the rules on use of University property in MOPP chapter 7. No advance permission is required.

**Sec. 6-902. Reservation of Space**

- a. University persons or organizations who wish to publicly assemble in a particular room or space at a particular time may reserve the room or space under the provisions in MOPP Chapter 7, subchapter 7-200.
- b. An organization with a reservation has the right to the reserved room or space for the time covered by the reservation. Any person or organization using or occupying the room or space without a reservation must yield control of the room or space in time to permit any organization with a reservation to begin using the room or space promptly at the beginning of its reserved time.

**Sec. 6-903. Notice and Consultation**

- a. Persons or organizations who are planning a public assembly with seventy-five or more participants are strongly encouraged to notify and consult with the director as soon as practicable after the point at which the planners anticipate or plan for seventy-five or more participants. Persons or organizations planning smaller assemblies are encouraged to consult the director if there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events. The director can help identify appropriate space and potentially conflicting events. Refer to the Student Organization Handbook for additional information, policies, and procedures related to student organizations reserving space for public assemblies with seventy-five or more participants.

**Subchapter 6-1000. Guest Speakers****Sec. 6-1001. Definitions**

- a. "Guest speaker" means a speaker or performer who is not a student, faculty member, or staff member.

**Sec. 6-1002. Who May Present**

- a. Registered student, faculty, and staff organizations, and academic and administrative units, may present guest speakers on University property. In the case of registered student organizations, advance permission from the director is required through the proper form reservation system for events. Individuals may not present a guest speaker in University buildings or University facilities.

**Sec. 6-1003. Location and Form of Presentation**

- a. A guest speaker may present a speech or performance, or lead a discussion, at a time announced in advance, in a fixed indoor location, or in a fixed outdoor location approved by the chief student success officer. A guest speaker may distribute literature to persons who attend the speech, performance, or discussion.
- b. A guest speaker may not
  1. accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
  2. distribute literature to persons who have not chosen to attend the speech,

- performance, or discussion; or
3. help staff a table or exhibit set up under subchapter 6-600 or 6-700.

#### **Sec. 6-1004. Application**

a. A registered student organization that wishes to present a guest speaker shall apply to the director, on a form prescribed by the director, at least 14 days prior to the scheduled event or any planned advertising for the event, whichever is earlier. The application shall be combined with an application under section 7-202 to reserve the use of a University room or space for the event.

b. The director shall approve an application properly made under subsection (a) unless it must be disapproved under the criteria in section 7-203.

#### **Sec. 6-1005. 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 component institution.

### **Subchapter 6-1100. Responding to Speech, Expression, and Assembly**

#### **Sec. 6-1101. General Rule on Responding**

a. University persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this chapter.

#### **Sec. 6-1102. Applications of Section 6-1101**

a. Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.

b. Means of response that are permitted in many locations and without advance permission or reservation, such as signs, tables, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized in this policy.

c. Means of response that require advance permission or reservation, such as banners, A-frames, exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Banner space and some amplified sound areas may be unavailable on short notice but the director shall expedite approval of A-frames, exhibits, and available banner space and amplified sound areas where necessary to permit appropriate response to other speech, assembly, or expression.

d. Means of response that are confined to authorized locations, such as banners 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.

### **Subchapter 6-1200. Enforcement and Appeals**

#### **Sec. 6-1201. Police Protection**

a. 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 hours in the area of such events will be at the cost of the University. When the magnitude, timing, or nature of an event requires overtime hours from police officers (including contract hours for officers hired from other departments or private security agencies), the University will, to the extent specified in subsections

(b) and (c), charge the cost of overtime or contract officers to the person or organization sponsoring the event or exhibit that requires overtime police protection. The purpose of subsections (b) and (c) is to charge for police overtime where reasonably possible, but not to charge for police overtime made necessary by the content of speech at the event or by the controversy associated with any event.

b. A reasonable and nondiscriminatory fee for overtime police work will be charged for events that require overtime police protection, 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 protection.

c. 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 protection is required. In accordance with SB 18 section 2 subsection h No fee shall be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees shall be determined by the department providing the security service.

#### **Sec. 6-1202. Response to Violations**

a. Anyone wishing to make a grievance regarding a violation may report it via the Speech, Expression and Assembly Grievance Form.

b. A student or student organizations who violates a prohibition in this chapter may be disciplined under the procedures in MOPP chapter 8, including suspension and/or expulsion.

c. A faculty member who violates a prohibition in this chapter may be disciplined under applicable procedures provided by the Handbook of Operating Policies. If no such procedures exist, violations by faculty members shall be referred to their direct supervisor or the Office of Academic Affairs and Provost.

d. A staff member who violates a prohibition in this chapter may be disciplined under applicable procedures provided by the Handbook of Operating Policies. If no such procedures exist, violations by staff members shall be referred to their direct supervisor or the Office of Human Resources.

e. Authorized University personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this chapter, 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), or (d). 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.

f. Persons and organizations on the campus 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 6-1203.

#### **Sec. 6-1203. Appeals**

a. A person or organization that is denied permission for an activity requiring advance permission under this chapter 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. An appeal authorized by this section shall be heard under the procedures set out in MOPP chapter 7, Use of University Property, Rooms and Spaces, subchapter 7-400.