

## **Texas Woman's University University Regulation and Procedure**

**Regulation and Procedure Name: Speech, Expression, and Assembly**

**Regulation and Procedure  
Number: URP: 01.200**

**Policy Owner: Academic Affairs, Finance and  
Administration, and Student Life**

### **POLICY STATEMENT**

Texas Woman's University ("TWU") recognizes freedom of speech and expression as fundamental rights, and is committed to ensuring free, robust, and uninhibited debate and deliberations by TWU Students, Faculty Members, Staff Members, and members of the public. This policy is intended to protect the expressive rights of persons guaranteed by the constitutions and laws of the United States and the State of Texas, by recognizing freedom of speech and assembly as central to the mission of TWU, and by ensuring that all persons may assemble peaceably on TWU campuses for Expressive Activities, including to listen to or observe the Expressive Activities of others.

It is the responsibility of TWU to operate and maintain an effective and efficient institution of higher education. At times, this requires the regulation of the time, place, and manner of speech, assembly, and other Expressive Activities on TWU's campus. Students, Faculty Members, Staff Members, and members of the public are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, on TWU campus, subject only to the rules necessary to preserve the equal rights of others and the other functions of TWU. TWU will not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise.

Teaching, research, and other official functions of TWU will have priority in allocating the use of space on campus. This policy does not apply to official academic and administrative activities and functions of TWU.

The TWU Department of Public Safety ("DPS") may immediately enforce these rules if a violation constitutes a breach of the peace or compromises public safety.

### **APPLICABILITY**

This policy is applicable to TWU Students, Faculty, Staff, and Guests.

## DEFINITIONS

1. "A-Frame Exhibit" means a movable and self-supported sign board designed to stand on the ground and remain overnight in a temporary outdoor exhibit space. A-Frame exhibits may not exceed five feet in height or width. Structures that do not meet this criterion will be considered General Exhibits and will be subject to the rules in this policy on General Exhibits.
2. "Academic or Administrative Unit" means an office or department of TWU.
3. "Amplified Sound" means a volume that is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on Amplified Sound but are subject to general rules on Disruption.
4. "Banner" means an affixed, stationary sign between poles or affixed to a stake in ground.
5. "Commercial Speech" means a speech or writing on behalf of a business with the intent of earning revenue or a profit or promoting the business. Words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle, are not Commercial Speech within this definition. Unadorned acknowledgments or thanks to donors are not Commercial Speech within this definition.
6. "Day" means an 8:00 a.m. to 5:00 p.m. calendar day; this excludes weekends, TWU holidays, skeleton crew days, and days on which regularly scheduled classes are suspended due to emergent situations. "TWU holiday" and "skeleton crew days" mean days identified in the holiday schedule published by the Office of Human Resource Services. If a deadline defined in this policy falls on a Saturday, Sunday, TWU holiday, or skeleton crew day, that deadline will be moved to the next day.
7. "Disruption" means a speech, expression, or assembly conducted in a way that intentionally or unintentionally disrupts or interferes with: any teaching, research, administration, or other function of TWU; the flow of pedestrian and vehicular traffic on the TWU campus; or the Expressive Activities of others under the rules in this policy. Except in the most extreme cases, interference and disruption are unavoidably contextual. We cannot escape relying on the judgment and fairness of TWU 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. 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.

8. “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, as those terms are defined in this policy.
9. “Expressive Activities” means a speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution. This includes assemblies, protests, speeches, the distribution of written material, the carrying of Signs, and the circulation of petitions. For purposes of this policy, Expressive Activities do not include Commercial Speech.
10. “Faculty Member and Staff Member” means any person who is employed by TWU.
11. “General Exhibit” means an object or collection of related objects, which is: designed to stand on the ground or on a raised surface, which is not a table; is designed for temporary display; and, not permanently attached to the ground. For the purposes of this policy, chalking may be considered a form of a General Exhibit.
12. “Guest Speaker” means a speaker or performer who is a guest or visitor at TWU.
13. “Limited Public Forum” means a TWU property, both indoors and outdoors, that is not part of the outdoor common area. This includes spaces dedicated to temporary outdoor Banners, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, residential outdoor spaces managed by TWU Housing and Dining.
14. “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.
15. “Off-Campus person or Organization” means any person, organization, or business that is not:
  - a. An Academic or Administrative Unit.
  - b. A Registered Student, Faculty, or Staff Organization.

c. A Student, Faculty Member, or Staff Member.

16. "Outdoor Common Areas" means TWU's public streets, sidewalks, green space, and similar outdoor areas that are freely accessible to the TWU community and the public. These areas are not used for dedicated TWU business or an Event, an educational function, or a research function on a permanent basis. They do not include the outside surfaces of a TWU building, surfaces associated with or connected to a TWU building, a TWU structure, spaces dedicated to temporary outdoor Banners, spaces dedicated to temporary outdoor exhibits, or any other space within TWU's Limited Public Forums. Outdoor Common Areas are designated by state law as Traditional Public Forums.
17. "Publicly Assemble and Public Assembly" means any gathering of persons, including discussions, rallies and demonstrations.
18. "Registered Student, Faculty, or Staff Organization" means a registered student organization (sponsored or chartered) under URP 06.400: Student Organizations and any faculty and/or staff organization recognized by the Chancellor's Office.
19. "Room or Space" means any room or space, indoors or outdoors, owned or controlled by TWU.
20. "Sign" means any method of visually displaying a message to others.
21. "Student" means any individual who, at the time of the Expressive Activity, has accepted an offer of admission to TWU; has an open academic program; is taking courses at TWU, either full-time or part-time and pursuing undergraduate, graduate, or professional studies; is auditing a class; or has any other continuing relationship with TWU. This includes new students at orientation, individuals not currently enrolled but who are still seeking a degree from TWU, dual credit students, non-degree seeking students, individuals who have completed coursework but are awaiting conferral of a degree, and any other individual enrolled in a course offered by TWU. For the purposes of this Policy, an individual who allegedly provided false information or omitted information on an application shall be considered a student. Generally speaking, academic programs undergraduate students close after one year of non-enrollment and academic programs for graduate students close after two years of non-enrollment.
22. "Temporary Banner Space" means a designated outdoor or indoor display area reserved for Students, Faculty Members, Staff Members, and Registered Student, Faculty, or Staff Organizations' use, as managed by TWU, where a TWU-affiliated person's or organization's temporary Banner may be affixed for multiple days under this policy. These areas are part of TWU's Limited Public Forum, as that term is defined in this policy.

23. "Temporary Exhibit Space" means a designated indoor or outdoor display area reserved for TWU-affiliated persons' and organizations' use, as managed by TWU, where a TWU person or organization may erect a temporary exhibit. These areas are part of TWU's Limited Public Forum, as that term is defined in this policy.
24. "Temporary Public Forums" means areas that are generally available for Expressive Activity at any time without the need for reservation, or prior approval. Traditional Public Forums include Outdoor Common Areas, as defined in this policy.
25. "Vice President of Student Life" means TWU's Vice President of Student Life, or his or her delegate or representative.

## **REGULATION AND PROCEDURE**

### **I. Time, Place, and Manner Restrictions**

- A. TWU reserves the right to implement and enforce reasonable "time, place, and manner restrictions" regarding Expressive Activities including those set forth in this policy:
  1. TWU's Outdoor Common Areas are deemed Traditional Public Forums. Individuals may engage in Expressive Activities in TWU's Outdoor Common Areas without prior reservation, registration, or approval, provided such activities are conducted in compliance with applicable law as well as TWU policy.
  2. Members of the public are able to engage in Expressive Activities only in Outdoor Common Areas of the TWU campus, subject to the time, place, and manner restrictions which are necessary to preserve the teaching, research, and other official functions of TWU.
  3. Any program or Event sponsored by an Academic or Administrative Unit of TWU will 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.
  4. TWU's Division of Student Life may adopt operating policies and procedures regarding the reservation of Outdoor Common Areas by individuals or groups for the purpose of engaging in Expressive Activities. Such operating policies and procedures must be consistent with this policy and must be sent to the Office of General Counsel for review. If any area of TWU's Outdoor Common Areas has been reserved, the individual or group with a reservation shall be given priority for use of such area.

5. Activities that are unlawful or that materially and substantially disrupt the normal operations of TWU are prohibited. Groups or individuals engaging in materially and substantially disruptive activities, or those failing to comply with the applicable laws or TWU policy, may face immediate removal from TWU premises and/or other appropriate actions by TWU officials, including TWU DPS.
6. Activities that materially and substantially prevent other individuals or groups from carrying out an Expressive Activity on campus are prohibited.
7. Activities that substantially interfere with vehicular or pedestrian traffic, including the ingress or egress of TWU facilities are prohibited.
8. Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services are prohibited.
9. Activities that threaten or endanger the health or safety of any person on TWU grounds are prohibited.
10. Activities that result in damage or destruction of TWU property are prohibited. Nothing may be affixed to or written on TWU property or grounds, unless expressly permitted under this policy. No speech, expression, or assembly may be conducted in a way that damages, defaces, marks, discolors, or alters in any way property of TWU or of any person who has not authorized the speaker to damage or deface his or her property. No person may damage, deface, mark, discolor, alter, or interfere with any Sign, table, or General Exhibit posted or displayed by another person or organization acting under the rules in this policy.
11. Activities that are not protected by the First Amendment (e.g., defamatory statements, Commercial Speech, true threats/fighting words, obscenity, as defined by law) are prohibited.
12. Amplified Sound shall not interfere or disrupt TWU activities. Any amplification device must be hand-held.
13. Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and satisfy such codes and ordinances.
14. Expressive Activities on TWU's grounds do not imply endorsement by TWU.
15. For purposes of this policy, Expressive Activities do not include Commercial Speech. As such, Commercial Speech is

prohibited on TWU grounds without a prior written agreement with TWU.

16. Groups or individuals are responsible for any damage and harm to persons and property that arise from Expressive Activities.

17. Registered Student, Faculty, and Staff Organizations may not invite the public-at-large to Events in TWU buildings, facilities, or locations that are not Outdoor Common Areas without prior TWU approval.

18. Banners placed under this policy will be done at the expense of the faculty, staff or student or student organization.

B. The above list of reasonable time, place, and manner restrictions is not intended to be all-inclusive. TWU reserves the right, as necessary, to impose additional reasonable time, place, and manner restrictions as circumstances arise. TWU reserves the right to relocate, limit, or prohibit individuals or groups engaged in Expressive Activities based on the reasonable time, place, and manner restrictions outlined in this policy. The actions of TWU officials in implementing this policy cannot regulate speech more restrictively than they regulate other activities that cause Disruption to official TWU activities and/or functions. Additionally, such actions should not restrict speech more than is reasonably necessary to serve the purpose of this policy and should not ban unobtrusive forms of communication with no potential for Disruption.

C. TWU decisions shall be viewpoint-neutral and not based on political, religious, philosophical, ideological, or academic viewpoints.

## II. Additional Prohibited Actions or Expression

### A. Prohibited Actions

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

#### 1. Masks

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 TWU official, TWU officer, or other person in the lawful performance of their duty.

#### 2. Weapons

The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including sticks, poles, clubs, swords, shields, or rigid Signs that can be used as a shield, without written permission from the Vice President of Student Life or his or her designee, unless authorized by federal, state, or local laws, or TWU policy.

3. Body Armor

Body armor or makeshift body armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body armor, without prior written permission from the Vice President of Student Life or his or her designee.

4. Open Flames

No open flames are permitted on the TWU campus without the prior written permission of the Vice President of Student Life or his or her designee.

5. Points of Entry

No Person or organization may engage in an Expressive Activity within a ten-foot clearance around points of entry and the perimeter of all TWU buildings.

B. Prohibited Expression

1. Obscenity

A writing, image, or performance is obscene if it falls within the definition of obscene as defined in section 43.21 of the Texas Penal Code or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

2. Incitement to Imminent Violations of Law

No person will make, distribute, or display on the TWU 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.

3. Coercing Attention

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

4. Defamation

- a. No person shall publish to a third party any statement that defames any other person.
- b. A statement defames another person if it is:
  - i. Published to a third party other than the subject of the statement or their legal representative
  - ii. Of and concerning that person
  - iii. A false statement of fact
  - iv. Holding that person up to hatred, ridicule, or contempt
  - v. Made negligently, if the person is a private figure or, if the person is a public official or public figure, with knowledge of falsity or reckless disregard of the truth
  - vi. The proximate cause of damages
  - vii. Not privileged.

5. Harassment

No person will engage in conduct that constitutes harassment of another person or make, distribute, or display on the TWU campus or through TWU information resources any statement that constitutes harassment of any other person. This prohibition applies to all speech at TWU, all speech made using TWU resources, including speech that is part of teaching, research, or other official functions of TWU whether in person or not, and whether oral, written, or symbolic.

III. Commercial Speech

- A. No person or organization will make, distribute, or display on the TWU campus any statement that promotes, offers, or advertises any product or service for sale or lease that includes commercial identifiers, such as for-

profit logos, trademarks, and service marks, or that requests any gift or contribution, except as expressly authorized in this policy.

B. Commercial Speech is permitted by Students, Faculty Members, Staff Members, and Registered Student, Faculty, and Staff Organizations for the following purposes:

1. Non-Profit Organization

A Recognized Student, Faculty, or Staff Organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions, for the following purposes: for the benefit of the Recognized Student, Faculty, or Staff Organization; for the benefit of another Recognized 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.

2. Raffle Tickets

A Registered Student Organization that is a qualified organization as that term is defined in the Texas Charitable Raffle Enabling Act, Chapter 2002 of the Texas Occupations Code, or successor provisions, may sell charitable raffle tickets in accordance with that Act.

3. Admission Fees

A Registered Student, Faculty, or Staff Organization may collect admission fees for programs scheduled in accordance with TWU policy.

4. Personal Advertisements

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 designated for that purpose by an Academic or Administrative Unit in a space that the unit occupies or controls. Any Academic or Administrative Unit that designates a bulletin board for this purpose may regulate the use of that bulletin board under the guidelines in this policy.

5. Film

A registered Student, Faculty, or Staff Organization may host a public performance of a film scheduled in advance in accordance with TWU policy. All Registered Student, Faculty, or Staff Organizations that exhibit films on campus must obtain a Public Performance License for the individual film(s) from a licensing agent. This license is required even if the exhibition of the film is offered to the public for free and is educational in nature. Registered Student, Faculty, or Staff Organizations will be required to follow the process proscribed by the film distributor to obtain approval to exhibit the film. Federal Copyright Laws protect all films viewed in public areas regardless of format. There are a few exceptions. Registered Student, Faculty, or Staff Organizations may exhibit a film publicly if:

- a. The film is in the Public Domain
- b. The Registered Student, Faculty, or Staff Organization has written permission from the film's producer or other holder of the right to grant such permission; or
- c. The film is obtained from a company that provides a Public Performance License with the purchase or rental of the film

#### IV. Literature

##### A. General Rule on Distribution of Literature

Registered Student, Faculty, and Staff Organizations and Academic or Administrative Units may sell, distribute, or display Literature on campus, subject to the guidelines in this policy. Students, Faculty Members, and Staff Members may distribute or display Literature, subject to the guidelines in this policy, but may not sell it. In either case, no advance permission is required. Members of the public may distribute Literature in the Outdoor Common Areas, subject to guidelines in this policy, but may not sell Literature.

##### B. Not-for-Profit Literature Only

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, the guidelines in this policy and URP 06.400: Student Organizations Fundraising. Otherwise, except as expressly authorized by TWU Regent policy or by contract with TWU, no person or organization may sell, distribute, or display on campus any publication operated for profit. 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.

### C. Limits on Advertising Literature

1. Registered Student, Faculty, and Staff Organizations, and Academic or Administrative Units, may sell, distribute, or display Literature that contains advertising, subject to the limits below. Individual Students, Faculty Members, and Staff Members may distribute or display such Literature, but may not sell it.
2. Literature distributed on campus may contain the following advertising:
  - a. Advertising for a Registered Student, Faculty, or Staff Organization, or an 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.
3. All other advertising in Literature distributed on campus is prohibited.

### D. Clean up of Abandoned Literature

Any person or organization distributing Literature on campus will be responsible for picking up all copies dropped on the ground in the area where the Literature was distributed. Literature left behind after a reasonable amount of time may be disposed of by TWU staff.

## V. Signs and Banners

### A. General Rule on Signs

Subject to the guidelines in this policy, a TWU-affiliated person or organization may display a Sign by holding or carrying it, or by displaying it at a table or by posting it on a bulletin board, or other designated location.

### B. Hand-Held Signs

1. Individuals or organizations may display a Sign on campus by holding or carrying it by hand or otherwise attaching it to their person. Any person holding or carrying a Sign will exercise due care to avoid bumping, hitting, or injuring any other person.
2. 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.

3. Any person holding or carrying a Sign at a speech, performance, or other Event will 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.
4. A law enforcement officer or other authorized TWU employee, may take reasonable steps to ensure compliance with this policy, including warning any person that his or her Sign is being handled in violation of this policy. If the violation persists after a clear warning, the law enforcement officer or other authorized TWU employee may confiscate the Sign. A law enforcement officer may take any action necessary to keep the peace including issuing a criminal trespass warning to the violator.

### C. Banners

1. Hand-Held Banners

Individuals and organizations are permitted to display a hand-held Banner carried by two or more individuals without poles in the Outdoor Common Areas. Banners on poles are not permitted.

2. Temporary Banner Space Designations

The Division of Student Life will designate Temporary Banner Spaces where banners may be placed. These spaces will be in outdoor locations not occupied or controlled by any other Academic or Administrative Unit.

3. Space Priority

Academic or Administrative Units and Registered Student, Faculty, or Staff Organizations may hang Banners in locations designated by TWU. Advance permission is required from the Academic or Administrative Unit responsible for the location, and advance reservations are usually required. Academic or Administrative Units advertising official TWU Events or programs may be given priority. In locations administered by Academic or Administrative Units other than the Division of Student Life, organizations affiliated with the Academic or Administrative Unit administering the location may be given priority.

4. Time Limits

In locations administered by the Division of Student Life, each Banner may be hung for one week. The Banner may be renewed from week to week if space is available. Other Academic or Administrative Units administering a location for Banners may limit the time each Banner may hang. Any such time limit will be applied without discrimination to all organizations, except that Academic or Administrative Units may be given preference. The Academic or Administrative Unit responsible for a Banner location may require that the physical work of hanging the Banners be performed only by Department of Facilities Services employees or other appropriate TWU personnel.

5. Members of Public Prohibited from Hanging Banners

Temporary Banner Space designations are not open to members of the public.

VI. Signs in Other Designated Locations (Including Departmental Bulletin Boards)

Each Academic or Administrative Unit may establish rules regarding the posting of Signs in spaces that Academic or Administrative Unit occupies and controls, subject to the following requirements:

A. 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 designed to facilitate fair and equal opportunities to post Signs, including limitations on the size of Signs, limitations on how long they may be posted, requirements that each Sign show the date it was posted and the name of the person or organization who posted it.
3. Confined to official statements or business of the Academic or Administrative Unit, or to certain subject matters of interest within the Academic or Administrative Unit, or to Signs posted by persons or organizations affiliated with the Academic or Administrative Unit.

B. Each Academic or Administrative Unit will 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 internet website where the rules applicable to that bulletin board or location may 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.
- C. Within the scope of the subject matters permitted on a particular bulletin board or other designated location, no Academic or Administrative Unit will discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed on a Sign.
- D. This Section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official TWU business.

## VII. Tables

- A. Subject to the restrictions outlined in this Policy, individuals and organizations may set up tables in the Outdoor Common Areas on the TWU campus.
- B. TWU-affiliated persons and organizations may reserve tables for use within TWU buildings or other limited forum venues from which to display Literature, disseminate information and opinions, and raise funds, subject to the guidelines in this policy.
- C. Individuals and entities sponsoring a table will be responsible for removing litter from the area around the table before vacating the space.

## VIII. Exhibits

- A. Academic or Administrative Units, Students, Faculty Members, Staff Members, or Registered Student, Faculty, and Staff Organizations may erect General Exhibits and A-Frame Exhibits, subject to the guidelines in this policy. Advance permission is required from the Division of Student Life, except that an Academic or Administrative Units may authorize indoor exhibits in a space that it occupies and controls. Members of the public may not erect exhibits.
- B. Any Academic or Administrative Unit, Student, Faculty Member, Staff Member, or Registered Student, Faculty, or Staff Organization sponsoring an exhibit will be responsible for removing litter from the area around the exhibit before vacating the space.

### C. Application Process

An Academic or Administrative Unit, Student, Faculty Member, Staff Member, or Registered Student, Faculty, or Staff Organization desiring to display an outdoor General Exhibit or A-Frame Exhibit will apply on a form prescribed by the Student Union and Conference Services Office and will abide by the expectations indicated on the application.

#### D. Liability

Any Student, Faculty Member, Staff Member, or Registered Student, Faculty, or Staff Organization sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. TWU will not be liable for any damage that may occur to the exhibit, and any Registered Student, Faculty, or Staff Organization sponsoring the exhibit will indemnify TWU for any claims arising from the exhibit's presence on campus.

### IX. Amplified Sound

#### A. General Rule on Amplified Sound

Individuals and organizations may use Amplified Sound on campus at designated times and locations, subject to the rules in this policy, with advance permission from TWU. This section creates limited exceptions to the general rule on Disruption.

#### B. Regulation and Scheduling of Amplified Sound

1. The Division of Student Life may prescribe rules concerning scheduling, sound levels, the location of speakers and the direction in which they are pointed, and other rules to facilitate the use of weekday Amplified Sound areas, to mediate any conflict with TWU functions and other nearby activities, and to manage environmental impact. All such rules will be reasonable and nondiscriminatory.

##### a. Reservations

- i. Individuals and organizations wishing to use a weekday Amplified Sound area must reserve the area. Reservations by TWU-affiliated persons and organizations must be made with the Division of Student Life on a form prescribed by the Division of Student Life. The Division of Student Life will approve a properly completed application or email request to reserve an Amplified Sound area, unless the application or request must be disapproved under the criteria listed in this policy. Reservations by members of the public must be submitted to the following email address: [conferenceservices@twu.edu](mailto:conferenceservices@twu.edu).
- ii. The Division of Student Life may limit the number, frequency, or duration of reservations for each applicant to ensure reasonable access for all persons and organizations desiring to use Amplified Sound on weekdays.

- b. When Amplified Sound areas are not reserved for use for an assembly including Amplified Sound, they are available for use, for permitted Expressive Activity, without reservation as part of the Outdoor Common Areas. Any person or organization using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of its reserved time.
- c. Individuals and 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. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.

#### C. Amplified Sound Indoors

Students, Faculty Members, Staff Members, or Registered Student, Faculty, and Staff Organizations may use Amplified Sound indoors. Amplified Sound sufficient to be heard throughout the room may be used in any room in any building, but the Vice President for Student Life or designee may limit or prohibit sound that would be disruptive outside the room. Reservations may be required.

### X. Public Assemblies

#### A. General Rules on Public Assemblies

Individuals and organizations may Publicly Assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this policy and to the rules on use of TWU property. No advance permission is required in the Outdoor Common Areas.

#### B. Reservations of Space

- 1. Outdoor Common Areas reservations:
  - a. Individuals and organizations may reserve a space to assemble in the Outdoor Common Areas, as defined by this policy.
  - b. Reservations by Students, Faculty Members, Staff Members, or Registered Student, Faculty, and Staff Organizations must be made with the Division of Student Life on a form prescribed

by the Division of Student Life. Members of the public may reserve space by making a request to [conferenceservices@twu.edu](mailto:conferenceservices@twu.edu).

- c. Requests for a reservation for such assemblies will be approved in accordance with this policy.
  - d. If the expected attendance at an assembly is twenty-five or more people, advance notice of no less than two weeks is recommended to ensure the requested space may be reserved. Persons and organizations are encouraged to seek a reservation of a space that is suited to their assembly's anticipated size.
2. Limited Public Forum Areas Reservations:
- a. Registered Student, Faculty, or Staff Organizations and Academic or Administrative Units may reserve a space to assemble in the Limited Public Forum areas, as defined by this policy.
  - b. The Division of Student Life will receive applications for reservations of a space within the Limited Public Forum areas. Applications for a reservation for such assemblies will be processed under the provisions of this policy.
  - c. If the expected attendance at an Event with a Guest Speaker is twenty-five or more people, advance notice of no less than two weeks is required.
3. Any person or 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 user with a reservation to begin using the Room or Space promptly at the beginning of its reserved time.
4. Should the size of any assembly exceed the maximum number of participants that is safe for a given location, including a reserved space, assembly participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly to the extent relocation is practicable.
5. While reservations are not always required, they are strongly encouraged. Without a reservation, a person or organization may find the facility locked or the space in use by another person or organization.

### C. Notices and Consultation

1. Persons or organizations may Publicly Assemble on TWU campus in any place where, at the time of the assembly, the persons assembling are permitted to be.
2. Persons or organizations that are planning a Public Assembly in an Outdoor Common Area with or without a Guest Speaker and expected attendance of more than twenty-five participants, including potential counter-demonstrators, are encouraged to provide advance notice of no less than two weeks to the Division of Student Life to help TWU improve the safety and success of the Expressive Activity. Members of the public may provide this notice by emailing [specialeventscommittee@twu.edu](mailto:specialeventscommittee@twu.edu).
  - a. If there is uncertainty about applicable TWU rules, the appropriateness of the planned location, or possible conflict with other Events, persons and organizations are encouraged to consult the Division of Student Life.
  - b. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly, or the assembly may be rescheduled for another time and location.
3. TWU persons or organizations planning an Event in the Limited Public Forum areas with or without a Guest Speaker and an expected attendance of more than twenty-five participants, are required to provide advanced notice of no less than two weeks to the Division of Student Life to help TWU improve the safety and success of the Expressive Activity. Notice will be provided on a form prescribed by the Division of Student Life. If there is uncertainty about applicable TWU rules, the appropriateness of the planned location, or possible conflict with other Events, persons and organizations are encouraged to consult the Division of Student Life. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly, or the assembly may be rescheduled for another time and location.
4. The notice and consultation requirements of this section do not apply to assemblies planned by Academic or Administrative Units.

5. The notice and consultation requirements of this section applicable to TWU Students, faculty, staff and organizations may be waived by the Vice President of Student Life or his or her designee.
6. Registered Student, Faculty, and Staff Organizations are afforded privileges not available to individual faculty, staff, and Students. Individuals may not reserve indoor space on campus.

## XI. Guest Speakers

### A. Location and Form of Presentation

1. Subject to the rules in this policy, individuals and organizations may present Guest Speakers in areas of the TWU campus in accordance with the procedures in this section. No reservation or prior approval is necessary in traditional public forums; but notice and reservations are encouraged for assemblies of twenty-five or more people.
2. Registered Student, Faculty, and Staff Organizations and Academic or Administrative Units may present Guest Speakers in the Limited Public Forums of the TWU campus. 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 approved by the Division of Student Life.
3. Individuals may not present a Guest Speaker in TWU buildings or TWU facilities.
4. When reviewing a request to reserve space to present a Guest Speaker in a traditional public forum or to present a Guest Speaker in a Limited Public Forum, TWU will not consider any anticipated controversy related to the Event in determining fees to be charged. TWU will consider content-neutral and viewpoint-neutral criteria when reviewing Guest Speakers, including the following:
  - a. Proposed venue and the size of the audience;
  - b. Anticipated needs for security;
  - c. Any other necessary accommodations TWU deems necessary for the Guest Speaker; and
  - d. Relevant history of compliance or noncompliance with TWU policies by the Guest Speaker or the requestor.

### B. Application for TWU Building or Facility Space for Presentation of guest Speakers

In accordance with this policy, all Registered Student, Faculty, and Staff Organizations that wish to present a Guest Speaker in a TWU building or facility space will apply through a prescribed process, at least two weeks before the scheduled Event or any planned advertising for the Event, whichever is earlier:

1. A Registered Student Organization that wishes to present a Guest Speaker will apply to the Division of Student Life at least two weeks before the scheduled Event or any planned advertising for the Event, whichever is earlier. The application will be combined with an application to reserve the use of a TWU Room or Space for the Event. The Vice President of Student Life or designee will approve an application properly made unless it must be disapproved under the criteria in this policy.
2. A Registered Faculty Organization that wishes to present a Guest Speaker will apply to the Office of the Executive Vice President for Academic Affairs and Provost and at least two weeks before the scheduled Event or any planned advertising for the Event, whichever is earlier. The application will be combined with an application to reserve the use of a TWU Room or Space for the Event. The provost will approve an application properly made in consultation with the Vice President of Student Life unless it must be disapproved under the criteria in this policy.
3. A Registered Staff Organization that wishes to present a Guest Speaker will apply to the TWU Chief Financial Officer at least two weeks before the scheduled Event or any planned advertising for the Event, whichever is earlier. The application will be combined with an application to reserve the use of a TWU Room or Space for the Event. The Chief Financial Officer will approve an application properly made in consultation with the Vice President of Student Life or designee unless it must be disapproved under the criteria in this policy.

#### C. Obligations of Presenting Organization

Registered Student, Faculty, and Staff Organizations that present a Guest Speaker in a TWU building or facility must make clear that:

1. The organization, and not TWU, invited the Guest Speaker;  
and
2. The views expressed by the Guest Speaker are his or her own and do not necessarily represent the views of TWU.

#### D. Prohibition on Guest Speakers

1. A Guest Speaker may not:
  - a. Accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
  - b. Help staff a table or exhibit set up outside the common outdoor areas or in TWU building or facilities.
2. No Registered Student, Faculty, or Staff Organization may present a Guest Speaker in violation of the prohibitions against Commercial Speech.

#### XII. Responding to Speech, Expression, and Assembly

##### A. General Rule on Responding

1. Individuals and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this section.
2. Responders may not damage or deface Signs or exhibits, disrupt Public Assemblies, block the view of participants, or prevent speakers from being heard.
3. Means of response that are permitted in many locations and without advance permission or reservation, such as Signs, distribution of Literature, and Public Assembly without Amplified Sound, may be used immediately and in any location authorized in this section.
4. Means of response that require advance permission or reservation, such as Temporary Banners, A-Frame Exhibits, General Exhibits, and Amplified Sound, may be used as soon as the needed permission or reservation may be arranged. Temporary Banner Space, Temporary Outdoor Exhibit space, and some Amplified Sound areas may be unavailable on short notice because of earlier reservations, but the Vice President of Student Life or designee will expedite approval of available Temporary Banner Spaces, available Temporary Outdoor Exhibit spaces, and Amplified Sound areas where necessary to permit appropriate response to other speech, assembly, or expression.
5. Means of response that are confined to authorized locations, such as Banners, Exhibits, and Amplified Sound, may be used only in those locations. It is not possible to respond to Amplified Sound with Amplified Sound in the same location; similarly, if an Exhibit or

Public Assembly is in a location where Amplified Sound is not permitted, it is not possible to respond with Amplified Sound in that location. In either case, it is possible to respond with Amplified Sound in another location and to use Signs or distribution of Literature to advertise the response at the other location.

## B. Police Protection

1. It is the responsibility of TWU 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 in the area of such Events will be at the cost of TWU. When the magnitude, timing, or nature of an Event in a TWU building, TWU facility, or other areas of TWU's Limited Public Forum requires overtime hours from police officers (including contract hours for officers hired from other departments or private security agencies), TWU will 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 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.
  - a. TWU persons or organizations planning such Events should budget for the cost of police protection. A reasonable and nondiscriminatory fee for overtime police work will be charged to the Registered Student, Faculty, or Staff Organization for Events in a TWU building, TWU facility, or other area of TWU's Limited Public Forum that require overtime police protection; and
  - b. Charge a price for admission; or
  - c. Have a paid speaker, band, or other Off-Campus Person or Organization for services at the Event.
2. TWU will have the sole power to decide, after reasonable consultation with the person or organization planning the Event, whether and to what extent overtime police protection is required. No fee will be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the Event. All fees will be based on the number of officers required for an uncontroversial Event of the same size and kind, in the same place and at the same time of day, handling the same amount of cash.

3. Nothing in this Section applies to any interdepartmental charge or transfer among units or accounts funded by TWU.

### C. Enforcement

1. Section 51.9315 of the Texas Education Code (“Section 51.9315”) prohibits Students, Registered Student Organizations, and Faculty from unduly interfering with the Expressive Activities of others on campus.
2. Students wishing to make a grievance regarding a violation of Section 51.9315 may report it via [TWU's Ethics & Compliance Hotline](#).
3. A Student who violates a prohibition in this policy may be disciplined under the procedures in the URP 06.200: Student Code of Conduct. A Registered Student Organization that violates a prohibition in this policy may also be disciplined under the procedures in the Student Code of Conduct.
4. A Faculty Member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules, including URP 02.330: Faculty Responsibilities, Standards of Conduct, and Disciplinary Processes. If no such procedures exist, violations by Faculty Members will be referred to the Office of the Executive Vice President for Academic Affairs and Provost.
5. A Staff Member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules, including URP 05.600: Staff Standards of Conduct and Disciplinary Process. If no such procedures exist, violations by Staff Members will be referred to the Office of Human Resources.
6. Authorized TWU employees may prevent imminently threatened violations, or end ongoing violations, of a prohibition of 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. Discretion regarding the means and necessity of enforcement will be vested in the chief of police, or in TWU employees designated by the Chancellor and President, as appropriate, but such discretion will be exercised without regard to the viewpoint of any speaker.
7. TWU Students, Faculty Members, Staff Members, and Registered Student, Faculty, and Staff Organizations on the TWU campus will comply with instructions from TWU administrators and law enforcement officials at the scene. A TWU-affiliated person or

organization that complies with instructions limiting speech, expression, or assembly may test the propriety of that order in an appeal.

8. Members of the public or organizations not affiliated with TWU that are on the TWU campus and violate a prohibition in this policy may be subject to criminal trespass charges, arrest, or other lawful measures.

#### D. Appeals

1. A TWU-affiliated person or organization that is denied permission for an activity requiring advance permission under this policy may appeal the denial of permission under the policies identified below.
2. A TWU-affiliated person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth business day 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 will be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.
3. An appeal authorized by this policy will be filed and heard under the procedures and in the manner set forth in either the URP 06.200: Student Code of Conduct, URP 05.600: Staff Standards of Conduct and Disciplinary Process, and URP 02.330: Faculty Responsibilities, Standards of Conduct, and Disciplinary Processes, whichever applies to the appellant.

#### XIII. Retaliation

- A. Retaliation against a person who reports a potential violation under this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to an individual's employment or education.
- B. TWU will take appropriate steps to assure a person who in good faith reports, complains about, or participates in an investigation under this policy will not be subjected to retaliation. Individuals who believe they are

experiencing retaliation are strongly encouraged to lodge a complaint with TWU's Ethics & Compliance Hotline.

#### Ethics & Compliance Hotline Contact Information

1. Online: [Lighthouse TWU Website](#)
2. English: 844-406-0004
3. Spanish: 800-216-1288
4. Email: [reports@lighthouse-services.com](mailto:reports@lighthouse-services.com) (must include TWU in report)
5. Fax: 215-689-3885 (must include TWU in report)

#### REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

#### REFERENCES

[URP 06.400: Student Organizations](#)

[URP 06.200: Student Code of Conduct](#)

[URP 02.330: Faculty Responsibilities, Standards of Conduct, and Disciplinary Processes](#)

[URP 05.600: Staff Standards of Conduct and Disciplinary Process](#)

#### FORMS AND TOOLS

None

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