

Demonstrations on University Property

UPPS No. 07.04.07

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**Sr. Reviewer: Associate Vice President
for Student Affairs and Dean of Students**

01. POLICY STATEMENTS

- 01.01 Texas State University is a public institution and supports the free exchange of ideas which includes freedom of speech, freedom of inquiry, and freedom of dissent. Texas State respects the right of individuals to express their social and political views through all forms of legally protected speech, press, and assembly. Texas State upholds the First Amendment to the United States' Constitution.
- 01.02 The purpose of this policy is to set parameters related to the engagement of free expression and lawful demonstration on university-owned or leased property.
- 01.03 The common outdoor areas of the university are traditional public forums, subject to such reasonable restrictions on the time, place, and manner of individual expression as the president, or designee, may impose.
- 01.04 Time, place, and manner restrictions are content-neutral limitations imposed by the government on expressive activity and have been well defined by federal courts. Such restrictions must satisfy a three-prong test outlined by the United States Supreme Court:
- a. be content-neutral and viewpoint-neutral;
 - b. be narrowly tailored to serve a significant governmental interest; and
 - c. leave open ample alternative channels for communicating the speaker's message.

* 02. DEFINITIONS

- 02.01 Common Outdoor Areas – include the streets, sidewalks, or other common outdoor property owned or leased by Texas State. It does not include the inside of buildings or outdoor classrooms, field-based research sites, and educational teaching areas.
- 02.02 Demonstration – a meeting or march, in public, presenting a supporting or protesting view on an issue.
- 02.03 Traditional Public Forum – includes the outdoor property owned or leased by the university that is available without the need for reservation or prior approval for expressive activity or demonstration, planned or spontaneous.
- 02.04 University Official – an employee who has responsibility for making judgments

University community. An employee who has responsibility for making judgments and decisions on behalf of the university.

03. RESPONSIBILITIES

- 03.01 Members of the university community have a responsibility to welcome and promote freedom of speech for all, even when in disagreement or opposition. All Texas State community members and affiliates share responsibility to maintain an atmosphere conducive to scholarly, creative, and educational pursuits; to preserve the dignity and seriousness of university ceremonies; and to respect the rights of all individuals.
- 03.02 Members of the university community who choose to observe and listen to a demonstration must recognize the free speech rights of the demonstrators.
- 03.03 Persons who choose to demonstrate or protest must follow the rules in Section 04. of this policy.

* 04. DEMONSTRATION GUIDELINES AND POLICIES

- 04.01 Demonstrations must not infringe upon the rights of others to engage in peaceful assembly, orderly protest, free exchange of ideas, or otherwise unreasonably interfere with the rights of others to make use of university outdoor grounds. This includes, but is not limited to, damaging, defacing, marking, interfering with signs, tables, exhibits or other items posted or displayed by others.
- 04.02 Clear and unimpeded passageways must be maintained at all times to ensure accessible routes of entry and egress. Corridors, stairways, breezeways, doorways, and building entrances may not be blocked or obstructed.
- 04.03 Teaching, research, and official functions of the university have priority in allocating the use of space. Further, an approved reservation takes priority over spontaneous activities including, but not limited to, public assemblies, demonstrations, and protests.
- * 04.04 To ensure the safety of all participants in a demonstration, organizers planning to host a demonstration should include the Student Involvement Office in the LBJ Student Center early in the planning process. This step allows potential safety issues to be addressed with organizers. Student Involvement and members of a demonstration response team may be present during a demonstration to monitor activity and address safety concerns, and adherence to time, place, and manner restrictions. Failure to follow directives from university officials, or from University Police Department officers, may result in a verbal warning, student conduct referral, or criminal charges. Examples of activities that are not allowed are covered in the [Code of Student Conduct](#), which may be found in the Student Handbook.
- * 04.05 All persons may assemble lawfully to demonstrate on the common outdoor areas of the university. While this policy is content-neutral and viewpoint-neutral in the regulation of speech, the university reserves the right to limit, disallow, or disband a demonstration that:
 - a. incites violent action;
 - b. represents a clear and present danger to the university community in the judgment of the designated university official;

- c. fails to meet time, place, and manner restrictions on expressive activities;
 - d. materially disrupts class, work, or other university business;
 - e. substantially disrupts routes of entry or egress to class or work;
 - f. involves substantial disorder; or
 - g. poses a health and safety risk.
- * 04.06 The indoor areas of the university are not considered traditional public forums and are subject to time, place, and manner restrictions. Organizers should be aware that some participants may have disabilities impacting access and require accommodations. The Office of Disability Services can provide advice on accommodating participants with disabilities.
- 04.07 Participants may display a sign at the university by holding or carrying it by hand or otherwise attaching it to their person. For safety reasons, signs with stakes are not permitted.
- 04.08 Any person holding or carrying a sign without handles should exercise due care to avoid bumping, hitting, or injuring any other person. Signs may be confiscated by a university official or law enforcement officer if they are used to bump, hit, or injure a person or damage property. Additional information regarding posting and distribution of literature must meet guidelines in [UPPS No. 07.04.02, Posting/Distribution of Literature, Informational Booths & Banners on Campus](#).
- 04.09 Employees must follow university policies if planning to actively participate in a demonstration on campus. For example, employees should adhere to appropriate leave policies if participating in a demonstration.
- 04.10 Whether demonstrations are scheduled or occur spontaneously, organizers should expect university officials, typically Student Affairs staff, University Police Department officers, news service staff, and others to be present for all or part of the demonstration.
- 04.11 The demonstration may be relocated due to time, place, and manner restrictions.
- 04.12 At the conclusion of the demonstration, organizers are expected to return the area to the condition it was in before the demonstration. This includes properly disposing of all garbage.

05. PROCEDURES FOR COUNTER DEMONSTRATIONS

- 05.01 A demonstration may result in a counter demonstration. All parties have a right to expression that must not be obstructed.
- 05.02 University officials will monitor the demonstration area for counter protesters to ensure community safety and protection of rights.
- 05.03 Counter demonstrations must follow the same guidelines as outlined in Section 04. of this policy.

*** 06. PROCEDURES FOR VIOLATIONS OF POLICY**

- 06.01 A student who violates this policy or the [Code of Student Conduct](#) may be subject to disciplinary action through Student Conduct in the Dean of Students Office

- 06.02 Staff who engage in violation of this policy may be subject to disciplinary in accordance with [UPPS No. 04.04.01, General Workplace Policy](#).
- 06.03 Faculty who engage in violation of this policy may be subject to disciplinary in accordance with [The Faculty Handbook](#).
- 06.04 Non-university individuals engaging in behavior that violates university policy or the law may be removed from campus.
- 06.05 Any property damage as a result of a demonstration may result in the assessment of fees for cleaning, repairs, and replacement of property to the organization and individuals involved by the appropriate university office that is authorized to issue a charge.

07. REVIEWERS OF THIS UPPS

07.01 Reviewers of this UPPS include the following:

Position	Date
Associate Vice President for Student Affairs and Dean of Students	September 1 E3Y
Director, University Police Department	September 1 E3Y
Associate Director, Student Involvement	September 1 E3Y

08. CERTIFICATION STATEMENT

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

Associate Vice President for Student Affairs and Dean of Students; senior reviewer of this UPPS

Vice President for Student Affairs

President