

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

FELLOWSHIP OF CHRISTIAN  
UNIVERSITY STUDENTS AT THE  
UNIVERSITY OF TEXAS AT DALLAS, THE  
RETROGRADE NEWSPAPER, YOUNG  
AMERICANS FOR LIBERTY, INC., ZALL  
ARVANDI, TEXAS SOCIETY OF  
UNCONVENTIONAL DRUMMERS, AND  
STRINGS ATTACHED.

Plaintiffs,

v.

KEVIN P. ELTIFE, JANIECE LONGORIA,  
JAMES C. “RAD” WEAVER, NOLAN  
PEREZ, M.D., STUART W. STEDMAN,  
ROBERT P. GAUNTT, CHRISTINA  
MELTON CRAIN, JODIE LEE JILES, and  
KELCY L. WARREN, in their official  
capacities as members of the Board of Regents  
of The University of Texas System,

JOHN M. ZERWAS, M.D., in his official  
capacity as Chancellor of The University of  
Texas System,

JAMES E. DAVIS, in his official capacity as  
President of The University of Texas at Austin,  
and

DR. PRABHAS V. MOGHE, in his official  
capacity as President of The University of Texas  
at Dallas,

Defendants.

CASE NO. 1:25-cv-01411

**VERIFIED COMPLAINT FOR CIVIL  
RIGHTS VIOLATIONS**

## **INTRODUCTION**

1. Texas has made a stunning—and blatantly unconstitutional—about-face on its stance toward protecting free expression and upholding the First Amendment at its public universities and colleges.

2. Just six years ago, Texas passed a law fortifying broad protections for free speech at its public institutions of higher learning, because at the time, in Governor Abbott’s words, “some colleges are banning free speech on college campuses.” In passing the law, the Legislature declared, “it is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right.” Those words echoed the Supreme Court’s from decades earlier: “the vigilant protection of constitutional freedoms is nowhere more vital” than at our state colleges and universities. *Healy v. James*, 408 U.S. 169, 180 (1972) (quoting *Shelton v. Tucker*, 364 U.S. 479, 487 (1960)).

3. Yet the campus protests of Spring 2024 led the Texas Legislature and Governor Abbott to change their tune this year. In June, they enacted Senate Bill 2972, the “Campus Protection Act,” which bans “any speech or expressive conduct protected by the First Amendment to the United States Constitution” on Texas’s public university and college campuses for 10 hours every day, between 10 P.M. and 8 A.M. And it bans an array of protected expression—at all hours, anywhere on campus—during the end of any academic term, periods that exceed 90 days a year.

4. It would be unconstitutional enough if in passing the Act, Texas targeted only peaceful protest. But the Act casts a long censorial shadow. Early morning prayer meetings on campus, for example, are now prohibited by law. Students best beware of donning a political t-shirt during the wrong hours. And they must think twice before inviting a pre-graduation speaker,

holding a campus open-mic night to unwind before finals, or even discussing the wrong topic—or discussing almost anything—in their dorms after dark.

5. Plaintiffs are among the countless whom the Act threatens to stifle. At The University of Texas at Dallas, the Act looms over the Fellowship of University Christian Students, a student ministry that invites off-campus ministers year-round to carry out its mission—and must now contend with lawmakers dictating when its members can discuss their faith. The Act also threatens *The Retrograde*, a student-run newspaper at UT Dallas that publishes and gathers news across campus at all hours, keeping alive a long tradition of spirited student journalism. The Act menaces student performance groups, too, like the Texas Society of Unconventional Drummers and Strings Attached, whose members simply want to rehearse and perform on campus without fear of punishment. The Act does not spare even core political speech. It threatens Young Americans for Liberty, an Austin-based organization with student members across The University of Texas System, including University of Texas at Austin student Zall Arvandi, who advocate on campus for principles of freedom.

6. Simply put, the Act transforms Texas’s public universities and colleges into expression-free zones after dark and at the end of academic terms. And the danger to freedom of expression does not end there. The Act’s unbounded speech restrictions give campus officials a potent tool to cudgel most any speech—or speaker—they dislike into silence.

7. But the First Amendment does not go to bed when the sun goes down. Nor does it take days off. Instead, the First Amendment protects free speech at public universities and colleges 24 hours a day, 365 days a year.

8. The Act’s several sweeping prohibitions on protected speech violate the First and Fourteenth Amendments on their face and as applied to Plaintiffs’ expression. Plaintiffs bring this

action for prospective relief to stop the Act from chilling a staggering amount of protected expression across The University of Texas System, and to vindicate the First Amendment rights of those who speak at Texas's institutions of higher education.

### **JURISDICTION AND VENUE**

9. This action raises federal questions under the First and Fourteenth Amendments of the United States Constitution. Plaintiffs bring this action under 42 U.S.C. §§ 1983 and 1988, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201–02.

10. This Court has subject matter jurisdiction over Plaintiffs' claims under 28 U.S.C. §§ 1331 and 1343.

11. Venue in this court is proper under 28 U.S.C. § 1391(b)(1) because some of the Defendants reside in this district and all Defendants are residents of Texas. Venue in this court is also proper under 28 U.S.C. § 1391(b)(2) because Plaintiffs' claims arise out of actions that occurred in this district.

### **PARTIES**

#### **Plaintiff UTD FOCUS**

12. Fellowship of Christian University Students (FOCUS) is an interdenominational campus ministry at several campuses in the Dallas-Fort Worth area. At UT Dallas, FOCUS has a chapter, UTD FOCUS, that is a registered student organization. Plaintiff UTD FOCUS serves to provide an interdenominational Christian ministry and community at UT Dallas.

13. UTD FOCUS's students regularly use spaces on campus to host events involving worship, outreach, discussion, music, and other expressive activities furthering its mission. Its students also worship, pray, read, and engage in other religious expression, alone and collectively, in dorm rooms, campus apartments, and similar private spaces on campus.

**Plaintiff *The Retrograde***

14. *The Retrograde* is UT Dallas’s independently-run student newspaper, providing year-round news coverage and editorials over matters important to the UT Dallas community.

15. Students established *The Retrograde* in 2024, under the Texas non-profit corporation The Retrograde Newspaper. They started the newspaper when UT Dallas administrators took actions against *The Mercury*, another student newspaper at UT Dallas and former home for much of *The Retrograde*’s staff, after *The Mercury* published its May 20, 2024, print issue about campus protests involving the Gaza-Israel conflict and their aftermath.

16. *The Retrograde* counts local journalists, UT Dallas professors, and outside journalism experts among its board members. The UT Dallas student government recognizes *The Retrograde* as the university’s official student newspaper.

**Plaintiffs Young Americans for Liberty and Zall Arvandi**

17. Plaintiff Young Americans for Liberty, Inc. (“YAL”) is a grassroots organization based in Austin, Texas. It has a mission of recruiting, training, educating, and mobilizing college students on the ideals of liberty and the Constitution, including through advocacy for and against legislation and policy consistent with its conception of liberty. YAL has thousands of student members at campuses across the country, including several members at UT Austin, UT Dallas, and other UT System institutions. YAL staff and representatives have visited and intend to continue visiting UT System campuses to help members and student chapters petition university administrators, speak to students about legislation and policy, and guide recruiting efforts.

18. YAL’s student members at UT System institutions, including UT Austin and UT Dallas, often express ideas and views germane to YAL’s mission on campus and desire to continue doing so.

19. For example, Plaintiff Zall Arvandi is a newly enrolled student at UT Austin and a YAL member. Arvandi intends to staff recruiting tables on campus, visit other student organizations and discuss YAL's mission with them, and establish a YAL chapter as a registered student organization. He also desires to invite YAL staff to campus to speak with him and other students. Before he enrolled at UT Austin in Fall 2025, Arvandi was a student at the University of South Florida, where he was involved with YAL's student chapter and actively shared YAL's messaging and ideas with his fellow students.

#### **Plaintiff Texas Society of Unconventional Drummers**

20. Plaintiff Texas Society of Unconventional Drummers (SOUNd) is a registered student organization at UT Austin. To carry out its mission of spreading love for music at UT Austin, SOUNd puts on several musical performances throughout the year on UT Austin's campus. They also perform at sites off-campus, like elementary schools and retirement homes. SOUNd's performances focus on exploring alternative percussion techniques, like drumming paint buckets and using utensils to play cafeteria trays.

#### **Plaintiff Strings Attached**

21. Plaintiff Strings Attached is a registered student organization at UT Dallas. To carry out its mission of enhancing the UT Dallas campus culture and experience through musical performances, Strings Attached regularly puts on themed concerts at locations across the UT Dallas campus. Its concerts and on-campus rehearsals feature a range of instruments including electric guitars, drums, piano, and horns.

#### **The Defendants**

22. The Board of Regents of The University of Texas System is a governmental entity under the laws of the State of Texas, and is the governing body for The University of Texas System

and its member institutions, including UT Austin and UT Dallas. The Board is based in Austin, Texas, and regularly convenes there to discuss UT System business.

23. Defendant Kevin P. Eltife, sued in his official capacity, is a member of and serves as Chairman of the Board of Regents of The University of Texas System.

24. Defendant Janiece Longoria, sued in her official capacity, is a member of and serves as Vice Chairman of the Board of Regents of The University of Texas System.

25. Defendant James C. “Rad” Weaver, sued in his official capacity, is a member of and serves as Vice Chairman of the Board of Regents of The University of Texas System.

26. Defendants Nolan Perez, M.D., Stuart W. Stedman, Robert P. Gauntt, Christina Melton Crain, Jodie Lee Jiles, and Kelcy L. Warren are members of the Board of Regents of The University of Texas System.<sup>1</sup> They are sued in their official capacities.

27. Defendants Eltife, Longoria, Weaver, Perez, Stedman, Gauntt, Crain, Jiles, and Warren are collectively referred to as the “UT System Board Defendants.”

28. Texas law authorizes the UT System Board Defendants “to govern, operate, support, and maintain each of the component institutions that are now or may hereafter be included in a part of The University of Texas System,” which includes UT Austin and UT Dallas. Tex. Educ. Code § 65.31(a).

29. Texas law also authorizes the UT System Board Defendants “to promulgate and enforce such other rules and regulations for the operation, control, and management of the university system and the component institutions thereof as the board may deem either necessary or desirable.” Tex. Educ. Code § 65.31(c).

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<sup>1</sup> Luke Schwartz is a student regent for the UT System, but lacks voting power and “is not a member of the board of regents of the system for which the student is appointed.” Tex. Educ. Code § 51.355(e). Thus, he is not named as a Board of Regents defendant.

30. Defendant John M. Zerwas, M.D., is Chancellor of The University of Texas System. Chancellor Zerwas is the chief executive officer of the UT System and reports to the UT System Board of Regents. He has direct line responsibility for all aspects of the UT System's operations. Univ. of Tex. Sys. Bd. of Regents R. 20101.

31. The UT System Board Defendants exercise their powers and authorities through Chancellor Zerwas. As part of his duties, Chancellor Zerwas is responsible for implementing UT System Board of Regents' policies, purposes, and goals. He also directs the management and administration of all UT System institutions, including UT Austin and UT Dallas.

32. Defendant James E. Davis, sued in his official capacity, is the president of UT Austin, a member institution of the UT System. President Davis is the chief executive officer of UT Austin with "general authority and responsibility for the administration of that institution." Univ. of Tex. Sys. Bd. of Regents R. 20201 § 4. This includes developing and administering policies "for the program, organization, and operation of the institution," "policies relating to students," and "rules and regulations for the governance of the institution." *Id.* §§ 4.1, 4.3, and 4.9.

33. Defendant Dr. Prabhas V. Moghe, sued in his official capacity, is the president of UT Dallas, a member institution of The University of Texas System. President Moghe is the chief executive officer of UT Dallas with "general authority and responsibility for the administration of that institution." Univ. of Tex. Sys. Bd. of Regents R. 20201 § 4. This includes developing and administering policies "for the program, organization, and operation of the institution," "policies relating to students," and "rules and regulations for the governance of the institution." *Id.* §§ 4.1, 4.3, and 4.9.

34. At all relevant times, each Defendant acted under color of state law.



### **FACTUAL ALLEGATIONS**

**UT System institutions have long accommodated free expression for students, faculty and staff, and the public.**

35. Students, faculty and staff, and the public alike have engaged, and continue to engage, in a wide range of speech and expressive conduct at UT System institutions, including UT Austin and UT Dallas.

36. Students and others have long used common outdoor spaces for expressive activities at UT Austin, UT Dallas, and other UT System campuses. A few examples from recent years include students, staff, and the public engaging in prayer walks, peaceful protests and counterprotests, celebrating athletic victories, handing out literature, and putting on artistic performances, all in common outdoor spaces on the UT Austin and UT Dallas campuses.

37. UT Austin, UT Dallas, and their sister institutions have also opened many facilities on campus to students, staff, and even the public for expressive activities, from hosting student organization meetings and guest lectures to putting on theatrical performances.

38. At UT Austin, for example, registered student organizations can access general classroom spaces, a variety of meeting rooms, auditoriums and theatres, and other event spaces on campus that the university has made available for student expression.

39. The same is true at UT Dallas. Even the public has been able to reserve certain indoor facilities at UT Dallas for expressive activities during non-peak periods.

40. Students at UT System institutions have traditionally engaged in protected expression elsewhere on campus, too, including in the privacy of their dorm rooms.

41. UT System institutions also provide access to campus networks for internet access for expressive activities. Students, staff, and the public all use campus networks at UT System

institutions, including UT Austin and UT Dallas, to speak online, publish and gather news, and access information.

42. Political speech is alive and well at UT System institutions. For example, a search of UT Austin’s “HornsLink” website shows 81 registered student organizations involved in “Ideology and Politics.”

43. Many students at these institutions belong to off-campus political and issue advocacy groups, and express support on campus for their groups and the issues they advocate.

44. For example, Plaintiff Arvandi wants to express YAL’s views to his fellow students and the staff at UT Austin. This year, he intends to put on tabling events in outdoor spaces at UT Austin, where he and other students will staff a table featuring YAL logos and engage curious visitors about YAL’s mission and issues. He also intends to spearhead a petition drive concerning student freedom at UT Austin, recruit students for YAL membership, and start the process of obtaining registered status for a YAL chapter on campus.

45. Students at UT System institutions also engage with national, state, and local elections. For instance, the UT Dallas Student Government Legislative Affairs Committee hosted a slate of local political candidates on campus last fall to discuss local issues and answer audience questions. And at UT Austin, the registered student organization Texas Political Consulting provides pro bono political consulting for political figures and groups.

46. Religious speech is a staple at UT System campuses, too. At UT Austin, 93 registered student organizations identify as “Faith and Religious.”

47. Likewise, UT Dallas has several registered student organizations with a faith-based mission, like Plaintiff UTD FOCUS.

48. Non-university religious clergy, advisors, and organizations are vital to religious expression at these institutions. For example, UTD FOCUS relies on ministers who are not students or university employees to visit campus and lead worship, offer spiritual guidance, and participate in events that advance the student group's mission.

49. And at UT Austin, the Nueces Mosque, just across the street from campus, provides a spiritual and social home for the university's sizable Muslim student community.

50. Student media is also part of the free expression ecosystem across the UT System, where students—like those at Plaintiff *The Retrograde*—run newspapers, radio, and television broadcasts to deliver news and entertainment to the campus communities at UT Austin, UT Dallas, and other system institutions.

51. Guest speakers play a significant role at UT System institutions. Registered students groups often invite speakers for panels, debates, lectures, and stage performances, or simply to talk with the student groups and help them carry out their missions. And fellow students, staff, and even members of the public attend and listen to these speakers.

52. These guest speakers do not stop at the end of semesters. For instance, during the last two weeks of the 2025 spring semester at UT Austin, student groups hosted speakers including a Supreme Court of Texas Justice and an Emmy-winning cinematographer.

53. Using amplified sound and percussion is also a meaningful part of free expression at UT System institutions. From Plaintiff SOUnD using drums on the performance stage, to Plaintiff YAL and its members using megaphones to garner support for a petition, amplified sound provides students, staff, and the public an effective and time-honored way to communicate.

**Texas passes a law in 2019 providing broad protections for expression at its public universities and colleges.**

54. In 2019, the Texas Legislature passed a bill fortifying protections for free expression at the state’s public universities and colleges. Tex. S.B. 18, 86th Leg., R.S. (2019).

55. In part, the bill was a response to some Texas public universities and colleges censoring controversial guests that students invited to speak on campus.

56. When Governor Abbott signed the 2019 bill into law, he remarked “some colleges are banning free speech on college campuses,” and lamented that he “shouldn’t have to [sign the bill], [the] First Amendment guarantees it.”<sup>2</sup>

57. The 2019 law declared, “it is the policy of this state ... to protect the expressive rights ... guaranteed by the constitutions of the United States and of this state by recognizing freedom of speech and assembly as central to the mission of institutions of higher education; and ensuring that all persons may assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.” Tex. Educ. Code § 51.9315(b); *see also* Tex. S.B. 18, 86th Leg., R.S.

58. In carrying out that goal, the 2019 law defined “expressive activities,” as “*any speech or expressive conduct protected by the First Amendment to the United States Constitution* or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions.” *Id.*; *see also* Tex. Educ. Code § 51.9315(a)(2) (emphasis added).

59. The 2019 law required Texas public universities and colleges to treat common outdoor areas as traditional public forums, guaranteeing that “any person” could engage in

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<sup>2</sup> @GregabbottTX, “Governor Abbott signs law protecting free speech,” YouTube.com (June 27, 2019), <https://www.youtube.com/shorts/61hlfR-mzgs>.

expressive activities on campus. Tex. S.B. 18, 86th Leg., R.S. It also required them to allow “any person to, subject to reasonable restrictions ... engage in expressive activities on campus, including by responding to the expressive activities of others” and to allow “student organizations and faculty to ... invite speakers to speak on campus.” *Id.*

60. The 2019 law also prohibited campus officials from acting against or denying benefits to student groups based on a group’s viewpoint or their expressive activities, as the law broadly defined those activities. And it prohibited institutions from denying guest speakers access to campus based on any anticipated controversy over the speaker’s event.

61. The 2019 law required each institution to adopt its free expression protections within the institution’s policies, which UT Austin and UT Dallas both did.

62. Those policies placed some limits on amplified sound in common outdoor spaces and performance spaces, but they did not impose any blanket prohibitions on amplified sound.<sup>3</sup>

63. Likewise, while those policies placed some limits on invited speakers (like following reservation guidelines for limited public forums), they did not impose any blanket prohibitions on invited speakers.<sup>4</sup>

**Campus demonstrations test the UT System’s commitment to the First Amendment and free expression.**

64. Free expression has not gone untested at UT System institutions.

65. In April 2024, UT Austin officials attempted to cancel a daytime protest over the Gaza-Israel conflict. The officials cited concerns over policy violations and campus disruptions.

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<sup>3</sup> Ex. B, Former UT Dallas Policy No. UTDSP5001, Speech Expression and Assembly at § H; (amended and superseded Aug. 21, 2025). Ex. C, Former UT Austin Institutional Rules on Student Services and Activities, Speech, Expression, and Assembly at Subchapter 13-800 (amended and superseded Aug. 21, 2025).

<sup>4</sup> *E.g.*, Ex. B at § J; Ex. C at Subchapter 13-1000.

Yet they could specify only a single policy against wearing face masks as the reason for trying to impose a prior restraint on political protest.<sup>5</sup>

66. When the protest went forward, state and local law enforcement confronted the protesters with horses and riot gear, ultimately leading to several trespass arrests. The county prosecutor rejected all criminal trespass charges against the arrestees.

67. As another example from spring 2024, when UT Dallas student newspaper *The Mercury* published criticism of how the university administration handled a Gaza-Israel conflict protest at that campus, the administration quickly demoted the paper's student media advisor, and ultimately removed the paper's editor-in-chief.

68. Student expression at other UT System institutions faced similar tests in spring 2024. As one example, Governor Abbott signed an executive order targeting pro-Palestinian student demonstrations.

69. Still, on August 24, 2024, the UT System Board of Regents published "The University of Texas Commitment to Freedom of Speech and Expression," meeting both the letter and the spirit of the 2019 law. The commitment publicly makes a broad pledge to uphold free expression, and recognizes the UT System's and its institutions' authority to regulate speech "are narrow exceptions to the general principle of freedom of speech and expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the UT System commitment to a completely free and open discussion of ideas."<sup>6</sup>

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<sup>5</sup> Dr. Aaron Voyles & Melissa Jones-Wommack, Apr. 23, 2024, Letter to Palestine Solidarity Committee Regarding Notice Cancelling Planned Event, <https://www.documentcloud.org/documents/24628398-ut-dean-of-students-letter-to-psc-about-protest-42324>.

<sup>6</sup> *The Univ. of Tex. Sys. Commitment to Freedom of Speech & Expression*, <https://www.utsystem.edu/free-speech>.

70. The Texas Legislature did not reiterate a commitment to protect freedom of speech on the state’s public university and college campuses. Nor did it stand firm on its 2019 law.

**Texas mandates sweeping restrictions on protected speech at its public universities and colleges.**

71. On June 2, 2025, the Legislature passed S.B. 2972, the “Campus Protection Act,” adding several mandatory bans on expressive activities at Texas’s public universities and colleges. Exhibit A, Tex. S.B. 2972, 89th Leg., R.S. (2025).

72. Governor Abbott signed the Act into law on June 20, 2025.

73. The Act went into effect on September 1, 2025, amending the 2019 law at Section 51.9315 of the Texas Education Code.

74. The Act mandates that each public institution of higher education in Texas adopt and enforce several restrictions on protected speech, which the governing board for each institution must approve. Tex. Educ. Code § 51.9315(f).

75. Because of the Act’s mandates, the UT System Board Defendants and Chancellor Zerwas must implement parts of the Act in the UT System Board of Regents’ Rules and Regulations. Tex. Educ. Code § 51.9315(d-1), (f); *see also* Tex. S.B. 2972 [Ex. A] at §§ 2(d-1) and (f).

76. Because of the Act’s mandates, the UT System Board Defendants, Chancellor Zerwas, and President Davis must implement and administer the Act, including its prohibitions on speech, through UT Austin’s policies, rules, and regulations. Tex. Educ. Code § 51.9315(f); *see also* Tex. S.B. 2972 [Ex. A] at §§ 2(f).

77. Because of the Act’s mandates, the UT System Board Defendants, Chancellor Zerwas, and President Moghe must implement and administer the Act, including its prohibitions on speech, through UT Dallas’s policies, rules, and regulations. *Id.*

78. The UT System Board Defendants have final approval authority over how UT Austin and UT Dallas implement the Act’s mandatory speech prohibitions. Tex. Educ. Code § 51.9315(f)(6).

**The Act covers a staggering amount of protected speech, and makes a content-based distinction in doing so.**

79. The Act’s chief sponsor, Senator Brandon Creighton, told *The Washington Post* that the Act was a response to “campuses across the country taken hostage by pro-terrorist mobs last year.” Other lawmakers expressed similar sentiments, tying the Act to the “pro-Palestinian demonstrations” from Spring 2024.

80. A Texas House Committee on Higher Education report indicated the Act was a response to the 2024 protests on campuses across the nation, and “seeks to guarantee the rights of students and university employees to engage in expressive activities while setting clear boundaries to prevent disruption and ensure community safety.”

81. But the Act does not target only conduct that is disruptive or threatens community safety. Nor does it target only unprotected speech.

82. Rather, the Act takes the 2019 law’s broad definition of “expressive activities”—“any speech or expressive conduct protected by the First Amendment to the United States Constitution”—and transforms it from a tool for protecting free expression into one for sweeping censorship, as the Act *prohibits* “engaging in expressive activities” in an overwhelming array of applications.

83. The definition of “expressive activities” expressly excludes “commercial speech” from its scope.

84. As a result, several of the Act’s prohibitions on expressive activities bar noncommercial speech, but not commercial speech.



**The Act mandates a blanket ban on “expressive activities” between 10 P.M. and 8 A.M.**

85. The Act requires that each institution’s policies “prohibit ... engaging in expressive activities on campus between the hours of 10 p.m. and 8 a.m.” Tex. Educ. Code § 51.9315(f)(2)(F) (“Overnight Expression Ban”).

86. The Overnight Expression Ban thus prohibits “engaging in expressive activities”—meaning all protected speech other than commercial speech—for 10 hours each day.

87. The Overnight Expression Ban makes no exceptions or distinctions based on expression in campus forums, including outdoor common areas, other designated public forums, and limited public forums. At the same time, it covers dorm rooms, libraries, athletic facilities, media studios, and a host of other spaces on campus where students, staff, and faculty engage in expressive activities every day.

88. To that end, the Overnight Expression Ban prohibits a staggering amount of protected speech at UT Austin, UT Dallas, and the rest of Texas’s public universities and colleges.

89. **The Overnight Expression Ban covers UTD FOCUS’s expressive activities.** UTD FOCUS routinely hosts evening gatherings on campus for students to engage in fellowship and worship, and to discuss issues of faith. UTD FOCUS obtains standing authorization from UT Dallas every semester to use a campus meeting space for these events.

90. While UTD FOCUS sets these events to end at 10 P.M., students regularly stay in and around the meeting space afterward to discuss issues of faith, continue fellowship, and talk with FOCUS’s ministers. These events sometimes involve UTD FOCUS fundraising for its members to attend leadership conferences, which also lead to students staying in the meeting space afterward for discussion and fellowship. Prior to the Act becoming law, UT Dallas staff never cited UTD FOCUS for using these spaces after 10 P.M. for expressive activities.

91. UTD FOCUS also offers morning one-on-one meetings on campus with UT Dallas students and staff to discuss issues of faith. In the past, these meetings sometimes have started before 8 A.M.

92. **The Overnight Expression Ban covers YAL's and Arvandi's expressive activities.** Arvandi has used online recruiting as a tool to spread his pro-liberty beliefs and advocate for YAL's mission. For instance, he has messaged a classmate on social media and emailed like-minded students about those beliefs, and done so after 10 P.M.

93. Arvandi also researches and reads material related to the issues he seeks to advocate, toward his goal of establishing a YAL chapter and increasing YAL's student membership at UT Austin. Like many college students, he often researches and reads after 10 P.M.

94. Arvandi intends to engage in these expressive activities, including on campus after 10 P.M. and before 8 A.M. by using the UT Austin computer network, as part of his mission to establish a YAL chapter at UT Austin and advocate on campus for YAL's mission.

95. YAL also engages in expressive activities directed toward UT System campuses. For example, YAL staff will sometimes help YAL student members collect petition signatures in high-traffic areas of campus before 8 A.M., while students are heading to early classes. YAL staff also sends and receives emails and other electronic communications to and from YAL student members on UT System campuses, including Arvandi and its members at UT Dallas. On occasion, these communications will occur between 10 P.M. and 8 A.M.

96. As its footprint with student members continues to increase on UT System campuses, YAL intends to continue these expressive activities at those institutions, including UT Austin and UT Dallas.

97. **The Overnight Expression Ban covers *The Retrograde*'s expressive activities.**

From locations on the UT Dallas campus and using the UT Dallas computer network, the newspaper's editors and reporters (a) write, edit, and publish articles after 10 P.M., and (b) assemble, format, and produce *The Retrograde*'s digital and print editions after 10 P.M., often to meet late-night publishing deadlines. As one recent example, *The Retrograde* reported well into the night when a destructive storm on March 4, 2025, knocked out power to campus, publishing updates at 10:30 P.M. and 12:59 A.M.<sup>7</sup>

98. *The Retrograde* staff also gathers news on campus between the hours of 10 P.M. and 8 A.M. For instance, staff will meet sources at the student union and other public on-campus locations for late-night interviews and fact-gathering. As another example, staff will travel to areas of campus after 10 P.M. to cover and gather information about breaking news and campus events.

99. *The Retrograde* and its staff, many of whom live on campus, intend to continue engaging in news publishing and newsgathering activities on campus between 10 P.M. and 8 A.M. Working during those hours is necessary for *The Retrograde* to accurately and timely fulfill its journalistic mission, as its students are often busy during the day with classes, labs, and other commitments.

100. **The Overnight Expression Ban covers SOUNd's expressive activities.** SOUNd members regularly communicate through an online chat group about the organization's business. This includes sending and receiving messages on campus after 10 P.M., and doing so over UT Austin's wireless network.

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<sup>7</sup> Maria Shaikh, *Storm knocks out power across University Village*, *The Retrograde* (updated Mar. 5, 2025, 12:59 a.m.), <https://retrogradenews.com/2025/03/04/storm-knocks-out-power-across-university-village>.

101. **The Overnight Expression Ban covers Strings Attached's expressive activities.**

Once a week, Strings Attached and its members rehearse for their upcoming concerts. They typically rehearse at the Science Pavilion, an outdoor covered pavilion which buildings surround on three sides. The group obtains authorization from UT Dallas to use the space to rehearse.

102. Strings Attached generally reserves the space from early evening until 10 P.M. But its rehearsals often extend beyond 10 P.M., which is often necessary to polish their sound before upcoming concerts, and because students have little time during the day to rehearse.

103. Strings Attached has also performed at "Finals Scream," an annual event the UT Dallas student government holds on campus during the last two weeks of spring semester, and which often ends after 10 P.M. Strings Attached intends to perform at "Finals Scream" in the future.

104. Prior to the Act becoming law, UT Dallas staff never cited Strings Attached for using campus spaces after 10 P.M. for expressive activities.

105. **Other Protected Expression.** The Overnight Expression Ban covers an extensive number of other expressive activities. For example, and without limitation, the Overnight Expression Ban covers these expressive activities which occur or are likely to occur on campus between 10 P.M. and 8 A.M.:

- a. Wearing a t-shirt with a candidate's name while heading to an early morning class on election day;
- b. An Easter sunrise service, a Passover seder, or a Ramadan night prayer;
- c. Celebrating the football team's 10:30 P.M. victory on the sidewalk outside the stadium;
- d. Setting up a table at a common outdoor area on election morning to provide students with voter awareness and assistance;
- e. A quiet late-night political discussion in the dorms or at the library;

- f. Screening a film or album at midnight;
- g. Late-night political posting on social media from a dorm room or using the campus network;
- h. Wearing a Halloween costume after 10 P.M.;
- i. Photographing the sunrise;
- j. Practicing an instrument before morning classes start; and
- k. Saying goodnight or good morning while walking on campus.

**The Act mandates a blanket ban on invited speakers the last two weeks of any academic term.**

106. Wholly apart from the Overnight Expression Ban, the Act requires that each institution’s policies “prohibit ... during the last two weeks of a semester or term, engaging in expressive activities ... by inviting speakers to speak on campus.” Tex. Educ. Code § 51.9315(f)(2)(B)(ii) (“End-of-Term Invited Speaker Ban”).

107. The End-of-Term Invited Speaker Ban restricts protected speech at Texas’s public universities and colleges for a significant part of the year.

108. For example, for the 2025–2026 academic calendar, UT Austin has seven academic terms scheduled over three semesters: Fall Term and Winter Term (comprising fall semester); Spring Term and May Term (comprising spring semester); and First Term, Second Term, and Nine-Week Term (comprising summer semester).

109. Based on UT Austin’s academic calendar, the ban on “inviting speakers to speak on campus” “during the last two weeks of a semester or term” will apply for 98 days of the academic year.

110. For the 2025-2026 academic calendar at UT Dallas, which has multiple academic terms during each of the fall, spring, and summer semesters, the End-of-Term Invited Speaker Ban will apply over 90 days.

111. The End-of-Term Invited Speaker Ban applies to all locations on campus, even those that the Legislature or an institution has opened to or made available for expressive activities, as UT Austin and UT Dallas both have done.

112. To those ends, the End-of-Term Invited Speaker Ban prohibits a substantial amount of protected speech at UT Austin, UT Dallas, and the rest of Texas's public universities and colleges.

113. **The End-of-Term Invited Speaker Ban covers UTD FOCUS's expressive activities.** Every week school is in session, including during the last two weeks of academic terms, UTD FOCUS invites ministers from the main FOCUS organization to campus. These ministers are not students or UT Dallas employees, although several are UT Dallas alumni.

114. The ministers are indispensable for UTD FOCUS to carry out its expressive activities and fulfill its mission. For example, they are the main speakers during Friday meetings, lead worship, and lead discussion and speak on topics related to UTD FOCUS's ministry. UTD FOCUS intends to keep inviting the ministers to campus during the end of academic terms to engage in those expressive activities.

115. **The End-of-Term Invited Speaker Ban covers *The Retrograde's* expressive activities.** The student newspaper's staff occasionally invite an off-campus source to campus to provide an interview, and they intend to continue that practice as part of their year-round news reporting. Because of their year-round newsgathering, *The Retrograde* will likely need to invite off-campus sources to meet and speak with them on campus during the last two weeks of an academic term.

116. Because *The Retrograde's* board includes local journalists and a staff member from the Society of Professional Journalists (SPJ), the newspaper will need to meet and speak with these

board members. *The Retrograde* also intends to invite SPJ staff to campus, along with staff from the Student Press Law Center and local journalists, to speak to the student newspaper's staff starting in fall semester 2025.

117. **The End-of-Term Invited Speaker Ban covers YAL and Arvandi's expressive activities.** As part of its mission, YAL staff and representatives regularly visit campuses at the invitation of student members and YAL campus chapters, including UT Austin and UT Dallas. This includes visiting campuses during the last two weeks of academic terms.

118. It is often particularly necessary for YAL staff to visit campus at the ends of academic terms to help its student members petition administrators for change, because it often takes the entire term for those members to collect signatures to present to campus administrators.

119. Likewise, because the biennial Texas Legislative session often overlaps with the end of Spring semester at UT System schools, YAL staff are uniquely positioned to visit campus and discuss pending higher education bills and policy with YAL student members and other interested students, faculty, and staff.

120. Plaintiff Arvandi intends to invite YAL staff to assist with petitioning, advocacy, and recruiting activity, including during the end of semesters at UT Austin. For Arvandi, who is trying to establish a registered YAL chapter at UT Austin, having YAL staff talk with students on campus to further those efforts is invaluable.

121. YAL staff and representatives will often speak to dozens of students during an invited visit to campus.

122. **Other Protected Expression.** The End-of-Term Invited Speaker Ban covers an extensive number of other expressive activities. For example, and without limitation, the End-of-

Term Invited Speaker Ban also covers these expressive activities which occur or are likely to occur during the last two weeks of an academic term:

- a. Invited lawmakers and other participants in the Texas legislative session, which traditionally overlaps with spring semester, visiting campus to speak and answer questions about the legislative session or a pending bill;
- b. Invited guest performers visiting campus to participate in a winter or late-spring theatre or musical production;
- c. An invited celebrity or politician visiting campus to address a pre-graduation honor society ceremony;
- d. Invited professionals visiting campus to participate in a career Q&A for soon-to-be graduates; and
- e. An invited political candidate visiting campus to discuss the upcoming primary or general election.

**The Act mandates a blanket ban on using amplified sound during the last two weeks of any term.**

123. The Act requires that each institution’s policies “prohibit ... during the last two weeks of a semester or term, engaging in expressive activities ... by using a device to amplify sound.” Tex. Educ. Code § 51.9315(f)(2)(B)(iii) (“End-of-Term Amplified Sound Ban”).

124. While the Act does not define “amplified sound,” both UT Austin and UT Dallas policies define “amplified sound” as “sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means.” Ex. E, Univ. of Tex. at Austin Institutional Rules on Student Servs. and Activities (adopted Aug. 21, 2025) (“UT Austin Revised Policy”), § 13-104; Ex. D, Univ. of Tex. at Dallas Gen. Admin. Policies, UTDSP5001 (adopted Aug. 21, 2025) (“UT Dallas Revised Policy”), § A.

125. As with the End-of-Term Invited Speaker Ban, the End-of-Term Amplified Sound Ban applies during the same periods and thus restricts protected speech at UT Austin and UT Dallas for over 90 days a year.



126. The End-of-Term Amplified Sound Ban applies to all locations on campus, even those the Legislature or an institution has opened to or made available for expressive activities, including those explicitly opened for amplified sound, as UT Austin and UT Dallas both have done.

127. To that end, the End-of-Term Amplified Sound Ban prohibits a substantial amount of protected speech at UT Austin, UT Dallas, and the rest of Texas's public universities and colleges.

128. **The End-of-Term Amplified Sound Ban covers UTD FOCUS's expressive activities.** Throughout the year, UTD FOCUS will host worship and similar events spaces on the UT Dallas campus, like the Science Courtyard and Pavillion and The Plinth, during which it will use audiovisual equipment like speakers to amplify worship music and other sound.

129. Some of these events occur during the last two weeks of an academic term. For example, UTD FOCUS often puts on a Christmas-related event using amplified sound in a classroom at Karl Hoblitzelle Hall at UT Dallas, which typically falls within the last two weeks of the fall semester. Prior to the Act becoming law, UT Dallas staff never cited UTD FOCUS for being disruptive or using amplified sound to engage in expressive activities.

130. **The End-of-Term Amplified Sound Ban covers YAL's and Arvandi's expressive activities.** YAL staff, representatives, and student members engage in "Student Rights Campaigns," which are semester- or year-long petitioning campaigns aimed at enhancing student freedom on university campuses. As part of these campaigns, YAL staff and representatives often visit campus, at the invitation of YAL student members, to speak with groups of students. These student members and staff will use megaphones to advocate for the petition.

131. For example, in 2024, YAL members at Texas State University spearheaded a petitioning campaign to end a freshman on-campus housing mandate. The campaign culminated in YAL members delivering a petition to Texas State administrators, before which the YAL members used megaphones to rally fellow students to YAL's message.

132. Because gathering signatures for YAL petitions can take nearly all semester, YAL members and invited YAL staff sometimes must hold rallies and deliver petitions during the last two weeks of academic terms.

133. Plaintiff and YAL student member Arvandi, as part of his efforts to spread YAL's message at UT Austin and maintain a registered YAL chapter, intends to conduct YAL Student Rights Campaigns. To carry those out, he intends to invite YAL staff to talk with students on campus, including during the last two weeks of a semester if needed.

134. **The End-of-Term Amplified Sound Ban covers SOUnD's expressive activities.** At the end of every semester, SOUnD puts on a stage show at UT Austin using an array of percussive instruments at UT Austin. For its 2025 spring semester show, SOUnD performed on April 25, which was within the last two weeks of the term. And for fall semester, SOUnD performed on December 7, just nine days from the last day of the term.

135. SOUnD uses amplified sound during these stage performances. These performances typically take place in Texas Union Theater, an indoor theatre facility with an elevated stage, microphones, and other sound functionalities.

136. **The End-of-Term Amplified Sound Ban covers Strings Attached's expressive activities.** Strings Attached and its members have performed using amplified sound during the last two weeks of a term several times, and they intend to do so again. For example, they use amplified sound during the finals week "Finals Scream" event at UT Dallas.

137. Strings Attached has also put on concerts and held rehearsals during the last two weeks of a term. For instance, on May 9, 2025, it put on a jazz concert using amplified sound as part of its year-end banquet at Artemis Hall on the UT Dallas campus. The last day of the spring semester was May 16.

138. As another example, Strings Attached held a rehearsal using amplified sound on October 10, 2024, just two days before the end of the first 8-week Fall 2024 session at UT Dallas. Strings Attached intends to put on similar concerts and rehearsals during the last two weeks of academic terms going forward.

139. **Other Protected Expression.** The End-of-Term Amplified Sound Ban covers an extensive number of other expressive activities. For example, and without limitation, the End-of-Term Amplified Sound Ban also covers these expressive activities which occur or are likely to occur during the last two weeks of a term:

- a. Playing music, a podcast, or a video, whether showing a news clip to fellow students on a smartphone or using a speaker to screen a film for an event;
- b. Using a microphone or megaphone in an outdoor area on campus designated for amplified sound to peacefully protest a breaking event or a pending bill at the Texas Legislature;
- c. Using a megaphone while celebrating a team's victory on a campus sidewalk after a late-season game;
- d. Using a small microphone or small speaker at a student organization's recruiting table; and
- e. Using an amplifier during a small musical performance to celebrate the end of the semester.

**The Act mandates a blanket ban on drums and other percussive instruments the last two weeks of any term.**

140. The Act requires that each institution's policies "prohibit ... during the last two weeks of a semester or term, engaging in expressive activities ... by using drums or other percussive instruments." Tex. Educ. Code § 51.9315(f)(2)(B)(iv) ("End-of-Term Drum Ban").

141. The End-of-Term Drum Ban applies to all locations on campus, even those that the Legislature or an institution has opened to or made available for expressive activities, including those opened specifically for musical performance, as UT Austin and UT Dallas both have done.

142. The Act does not restrict any other types of musical instruments.

143. **The End-of-Term Drum Ban covers Plaintiff SOUnD's expressive activities.** SOUnD uses a variety of percussive instruments during its campus performances, including the show and rehearsals it holds during the last two weeks of a semester.

144. To promote its end-of-semester show, SOUnD stages pop-up performances in common outdoor spaces around UT Austin, including on Speedway Mall, a spacious walkway through campus that students and student groups routinely use for tabling, advocacy, playing music, and all kinds of other expression. During these performances, SOUnD does not use amplified sound, but instead uses alternative percussive instruments like large plastic paint buckets.

145. Because SOUnD stages these pop-up performances mostly in the week or so leading up to the main show, some have fallen within the last two weeks of an academic term. Prior to the Act becoming law, UT Austin staff never cited SOUnD for using drums and other percussive instruments during the last two weeks of a term or in outdoor common areas.

146. SOUnD intends to continue putting on its end-of-semester shows and promotional performances across campus.

147. **The End-of-Term Drum Ban covers Plaintiff Strings Attached’s expressive activities.** In its performances during the last two weeks of academic terms, Strings Attached has used drums. The student group intends to continue using drums during performances it puts on during the last two weeks of academic terms at UT Dallas.

**The Act mandates even more restrictions on speech, including that institutions need allow only “members of the university community” to speak on campus.**

148. The Act changes the 2019 law’s guarantee that “any person” could engage in expressive activities at public universities and colleges, subject to permissible time, place, and manner restrictions, by requiring that institutions need only allow “members of the university community” to engage in expressive activities at public colleges and universities. Tex. Educ. Code § 51.9315(f)(1)(A) (“Community Members Provision”); *see also* Tex. S.B. 2972 [Ex. A].

149. The Act does not define “members of the university community.”

150. “Members of the university community” or “university community” is not defined elsewhere in the Texas code. *E.g.*, Tex. Educ. Code § 51.9315(c).

151. Thus, the Act requires students, staff, and the public to guess whether “members of the university community” includes:

- a. University alumni, including those who routinely participate in a student organization’s expressive activities, like the FOCUS ministers;
- b. Non-student advisors to student members of a political advocacy group like YAL, whose members rely on guidance from staff and representatives of the national organization;
- c. Clergy members from churches, mosques, and other religious institutions adjacent to campus and which routinely serve students; and
- d. Outside professionals who serve on the boards of student organizations or advise those organizations, like some of *The Retrograde*’s board members.

152. The Act also removes the 2019 law’s requirement that institutions treat common outdoor spaces as traditional public forums, and instructs the governing board of each institution

to permit only students and employees of the institution to engage in “expressive activities” in those common outdoor spaces. Tex. Educ. Code 51.9315(d-1); *see also* Tex. S.B. 2972 [Ex. A].

**The University of Texas System and its member institutions implement the Act’s requirements.**

153. On August 21, 2025, the UT System Board Defendants convened in Austin to consider for approval each UT System institution’s “revised institutional policies regarding speech, expression, and public assembly and designations of public forums, as required by” the Act, including revised policies from UT Austin and UT Dallas.

154. UT Dallas’s revised policy includes the Act’s Overnight Expression Ban, End-of-Term Invited Speaker Ban, End-of-Term Amplified Sound Ban, and End-of-Term Drumming Ban (collectively, “Challenged Prohibitions”), nearly verbatim. The only difference is UT Dallas adds “horns” to its of prohibited instruments under the End-of-Term Drum Ban. UT Dallas Revised Policy [Ex. D], § L.9.6.iv.

155. UT Dallas’s revised policy also bars “members of the public” from engaging in expressive activities on campus, despite its past practice of allowing the public to speak on campus and reserve campus facilities for expression during non-peak times. *Id.* at § A.1.3

156. UT Austin’s revised policy includes the End-of-Term Speaker Ban, End-of-Term Amplified Sound Ban, and End-of-Term Drum Ban nearly verbatim. UT Austin’s policy specifies that the “last two weeks of a semester or term” means “the week of final exams and the week immediately preceding final exams.” UT Austin Revised Policy [Ex. E], § 13-301(b)(3).

157. In addition, UT Austin’s policy states, “the use of Amplified Sound, drums or other musical or percussive instruments (including makeshift instruments), Guest Speakers, and Assembly for the purpose of expressive activity in the Common Outdoor Areas during the period

of final exams and the week immediately preceding final exams is in fact disruptive of University students' ability to prepare for and take their final exams." *Id.*

158. On August 21, 2025, the UT System Board Defendants, after due deliberation and with Chancellor Zerwas's recommendation, voted to approve both UT Austin's revised policy and UT Dallas's revised policy.

159. Defendants have given no indication they will disobey the Act's mandates. UT System policy mandates that "U.T. System officers and employees" comply with state laws. Univ. of Tex. Sys. Bd. of Regents R. 109.01, § 2.

160. There is an ongoing and substantial threat that Defendants will enforce the Challenged Prohibitions that the Act mandates, and the policies Defendants have adopted or may adopt to implement those Prohibitions.

**Because of the Act, those who engage in expressive activities on campus face a range of penalties.**

161. The Act requires Texas public universities to "establish disciplinary sanctions for students, student organizations, or employees who ... violate an institution policy or state law." Tex. Educ. Code § 51.9315(f)(3).

162. Students and student organizations who violate the Act's prohibitions, including the Challenged Prohibitions, risk discipline ranging from written warnings, probation, suspension, or even denial of a degree. UT Dallas Revised Policy [Ex. D] at § L.49, and UT Dallas Pol'y No. UTDSP5003 Student Code of Conduct at § F (rev. June 1, 2020);<sup>8</sup> UT Austin Gen. Info. 2025-

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<sup>8</sup> UT Dallas Pol'y No. UTDSP5003 is available at <https://policy.utdallas.edu/utdsp5003/makepdf> [perma.cc/L4RS-52LV].

2026 Catalog, App’x C: Institutional Rules on Student Servs. and Activities, at § 11-701;<sup>9</sup> and UT Austin Revised Policy [Ex. E] at § 13-1202.

163. Because of the Act’s various prohibitions on invited speakers and non-members “of the university community,” anyone who is not a student or employee who engages in expressive activities on campus—even if a student group or employee invites them to do so—risks criminal trespass charges. *See* Tex. Penal Code § 30.05; UT Dallas Revised Policy [Ex. D] at § L.49; Revised UT Austin Policy [Ex. E] at § 13-1202.

### **PLAINTIFFS’ INJURIES**

164. As detailed in this Complaint, each Plaintiff engages in protected expression, and intends to engage in protected expression, that one or more of the Challenged Prohibitions and the Community Members Provision threatens.

165. Each of the Challenged Prohibitions, and their implementation in the UT Austin and UT Dallas rules and policies, are causing immediate, practical, and irreparable harm to the Plaintiffs’ First Amendment rights.

166. The Act’s Community Members Provision, and its implementation in the UT Austin and UT Dallas rules and policies, is also causing immediate, practical, and irreparable harm to UTD FOCUS, YAL, Arvandi, and *The Retrograde*’s First Amendment rights.

167. Because the Challenged Prohibitions lack any limiting criteria for Defendants and other campus officials, there is a significant risk Defendants and other campus officials will

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<sup>9</sup> UT Austin Gen. Info. 2025-2026 Catalog, App’x C: Institutional Rules on Student Servs. and Activities, § 11-701 is *available at* <https://catalog.utexas.edu/general-information/appendices/appendix-c/student-conduct-and-academic-integrity/#text> [perma.cc/P3CE-TDCG].



enforce these restrictions in arbitrary and viewpoint-based ways, substantially chilling Plaintiffs, students, staff, and the public from expressing unpopular or contentious views on campus.

168. Because the Challenged Prohibitions restrict and punish *only* protected speech, they are *per se* causing, and will cause, irreparable harm to Plaintiffs' First Amendment freedoms. *See Roman Cath. Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 19 (2020) ("The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion))).

169. If not enjoined, the Challenged Prohibitions and Community Members Provision will chill a substantial amount of protected speech, including Plaintiffs' expression.

**Plaintiff UTD FOCUS's injuries.**

170. The Overnight Expression Ban, the End-of-Term Speaker Ban, and the End-of-Term Amplified Sound Ban cover UTD FOCUS's expressive activities. So do the UT Dallas policies that implement those prohibitions.

171. UTD FOCUS and its student members fear sanction or discipline from UT Dallas if they (a) engage in fellowship, discussions of faith, and similar expressive activities between 10 P.M. and 8 A.M., (b) invite and associate with FOCUS's outside ministers, many of whom are alumni, to participate in and help with UTD FOCUS's expressive activities during the last two weeks of a semester or academic term, or (c) use amplified sound with its expressive activities during the last two weeks of a semester or term.

172. Because the Act prohibits UTD FOCUS from inviting outside ministers to campus to speak during UTD expressive activities, including worship and similar events during the last two weeks of any term, the Act will substantially impede UTD FOCUS from carrying out its ministry and its mission. That's especially true during the end of semesters, when UTD FOCUS's

students are studying for finals and require even more assistance from FOCUS's ministers to help carry out the student group's expressive activities.

173. The Community Members Provision underscores the chill on UTD FOCUS's ability to invite ministers to help carry out the group's mission, as UTD members must guess at whether its ministers are "members of the university community" permitted to speak at UT Dallas.

174. If UTD FOCUS and its student members continue these expressive activities, as they desire to, they open themselves to discipline from UT Dallas.

175. And if UTD FOCUS's invited ministers continue coming to campus to help UTD FOCUS with expressive activities as they desire to, they risk trespass citations or arrest.

176. The resulting chill has caused UTD FOCUS and its members to strongly consider ceasing their expressive activities on campus between 10 P.M. and 8 A.M. and during the last two weeks of academic terms, imperiling UTD FOCUS's mission.

**Plaintiff *The Retrograde*'s injuries.**

177. The Overnight Expression Ban and the End-of-Term Speaker Ban cover *The Retrograde*'s expressive activities. So do the UT Dallas policies that implement those prohibitions.

178. The newspaper and its staff fear discipline from UT Dallas if they (a) continue news publishing and news gathering between 10 P.M. and 8 A.M., (b) invite and associate with speakers who are not students or UT Dallas employees, or (c) invite sources and other speakers to campus during the last two weeks of a term.

179. Because the Act bars *The Retrograde* from gathering and publishing news between 10 P.M. and 8 A.M., it will severely harm the newspaper's mission and its right to gather and publish the news, let alone in an accurate, timely, and effective way.

180. Because of the Act’s prohibitions on protected expression, *The Retrograde* will face a reduced capacity to report the news due to limited publishing and newsgathering hours, be chilled from inviting sources to campus, and will lose opportunities to invite its board members and advisers to campus for expressive activities.

181. If *The Retrograde* and its staff continue their expressive activities, as they desire to, the Act and UT Dallas policies open them to discipline.

182. The Act and UT Dallas policies also open any guest speakers the newspaper invites to campus to possible trespass citations or arrest.

183. The Community Members Provision underscores the chill on *The Retrograde*’s ability to invite its board and advisers to help carry out the newspaper’s mission, as the paper’s staff must guess at whether its board members and advisers are “members of the university community” permitted to speak at UT Dallas.

184. The chilling effect on *The Retrograde* and the risk of UT Dallas administrators selectively enforcing the Act against the newspaper is heightened, given that (a) UT Dallas administrators just last year disciplined *The Mercury*’s leaders for its reporting about campus protests, and (b) UT Dallas administrators in Spring 2024 removed *The Mercury*’s newspapers from campus kiosks and tried to restrict its reporting after the paper reported on the administration’s removal of “Spirit Rocks” from campus. For that reason, *The Retrograde* fears UT Dallas administrators are especially likely to enforce UT Dallas policies implementing the Act against the newspaper, its student staff, and its faculty board members and advisers, should they publish unfavorable coverage of the university or its administration.

**Injuries to Plaintiff YAL and its members, including Plaintiff Arvandi.**

185. The Overnight Expression Ban, the End-of-Term Speaker Ban, and the End-of-Term Amplified Sound Ban cover YAL's expressive activities and that of its student members at UT Austin and UT Dallas, including Arvandi. So do the UT Austin policies that implement those prohibitions.

186. Arvandi fears discipline if he (a) invites YAL staff to talk to students at UT Austin during the last two weeks of a semester; or (b) uses amplified sound during the last two weeks of a semester, including for peaceful rallies and petitioning activity.

187. If Arvandi is unable to engage in these expressive activities during the last two weeks of a semester, it will hamper his right to advocate for YAL's views and mission, his right to listen to and receive information from invited speakers, his ability to recruit YAL members, and his ability to register a YAL chapter at UT Austin.

188. If Arvandi goes forward with his intended expressive activities, he opens himself to discipline from UT Austin, and he also fears UT Austin will not grant a YAL chapter registered student organization status.

189. As a result, the Act will force Arvandi to abstain from inviting YAL staff or using amplified sound for peaceful rallies and petitioning during the last two weeks of any semester.

190. YAL fears its other members in the UT System face similar chilling effects.

191. Similarly, YAL fears punishment for its staff, including possible trespass citations or arrests, if it sends staff to UT Austin or UT Dallas after YAL student members invite them to speak on campus, including during the last two weeks of a semester.

192. If YAL is prohibited from sending invited speakers to campus under threat of arrest or other punishment, it will hinder YAL's ability to (a) meet its mission, (b) convey its message to

interested students, and (c) assist its student members with political advocacy, recruitment, and petitioning.

193. The Community Members Provision underscores the chill on YAL and its student members' expressive activities. YAL must guess whether its staff and representatives are "members of the university community" permitted to speak at UT System institutions, even though YAL has student members across the system who want to invite YAL speakers to campus.

194. For that reason, YAL will likely not send invited staff speakers to UT System campuses while the End-of-Term Invited Speaker Ban and Community Members Provision remain in effect.

195. YAL's and Arvandi's fears are heightened because UT Austin policy deems hosting guest speakers or using amplified sound in outdoor common areas during the last two weeks of a semester per se disruptive.

**Plaintiff SOUnD's injuries.**

196. The Overnight Expression Ban and the End-of-Term Drum Ban covers SOUnD's expressive activities. So do the UT Austin policies that implement those prohibitions.

197. SOUnD and its members fear discipline from UT Austin if they play drums or other percussive instruments during the last two weeks of a term in indoor and outdoor campus spaces—expression they have often engaged in and desire to continue.

198. SOUnD's fear is heightened because UT Austin policy deems any drumming or percussion in outdoor common areas during the last two weeks of a semester per se disruptive.

199. If SOUnD and its members continue their expressive activities during the last two weeks of the semester, as they desire to, the Act and UT Austin policies open them to discipline.

200. Should the Act and its implementation in UT Austin rules stand, SOUnD will likely stop promoting its year-end shows with pop-up performances during the last two weeks of the semester. Because those shows are SOUnD's primary source of income, its inability to promote the shows effectively will harm its mission and its right to engage in musical performances.

**Plaintiff Strings Attached's injuries.**

201. The Overnight Expression Ban, the End-of-Term Amplified Sound Ban, and the End-of-Term Drum Ban cover Strings Attached's expressive activities. So do the UT Dallas policies that implement those prohibitions.

202. Strings Attached and its members fear discipline from UT Dallas if they (a) rehearse or perform on campus after 10 P.M. or (b) rehearse or perform—including doing so using the drums or other percussive instruments they've used in the past—during the last two weeks of any academic term.

203. Because the Act bars Strings Attached members from even rehearsing after 10 P.M. or during the end of certain terms, it will severely harm the musical group's mission and its right to engage in musical performance on campus.

204. If Strings Attached and its staff continue their expressive activities, as they desire to, the Act and UT Dallas policies open them to discipline.

205. Should the Act and its implementation in UT Dallas rules stand, Strings Attached will likely have to curtail rehearsal and its performance schedule, harming its mission and its right to engage in musical performances.

**FIRST CAUSE OF ACTION**

**Overnight Expression Ban**

**First Amendment Violation — Freedom of Speech, Freedom of the Press, and Freedom of Association**

**(42 U.S.C. § 1983)**

**(Facial and As-Applied Against all Defendants in their official capacities)**

206. Plaintiffs re-allege and re-incorporate paragraphs 1–205 as though fully set forth herein.

207. By imposing sweeping prohibitions on protected expression at Texas’s public universities and colleges, including UT Austin and UT Dallas, the Overnight Expression Ban is unconstitutional on its face and unconstitutional as applied to each Plaintiff.

208. The First Amendment broadly protects expression at public universities and colleges, where the “vigilant protection of constitutional freedoms is nowhere more vital.” *Healy*, 408 U.S. at 180 (citation omitted). That protection applies 24 hours a day.

209. Yet the Overnight Expression Ban prohibits *all* protected expression (except commercial speech) for 10 hours every day in all areas of campus, even in places like dorm rooms, campus libraries, and campus walkways.

210. The Ban covers a near-infinite range of protected expression across UT System campuses, including, for example and without limitation: core political speech and other expression on matters of public concern; religious expression; news reporting and news gathering; and artistic expression and musical performance. It also covers expressive association involving those matters. And it covers listening to speakers, reading and looking for information, and watching performances.

211. No matter Texas’s interest in passing the Act, the Overnight Expression Ban’s staggering restriction of protected expression fails any level of First Amendment scrutiny.

212. **The Overnight Expression Ban is Content-Based and Fails Strict Scrutiny.** The Overnight Expression Ban makes a content-based distinction based on the commercial content of an on-campus expressive activity.

213. The Act incorporates the Texas Education Code’s definition of “expressive activities,” which includes all protected speech except commercial speech. And so the Overnight Expression Ban’s prohibition on “engaging in expressive activities on campus” between 10 P.M. and 8 A.M. covers protected non-commercial speech, but does not cover protected commercial speech.

214. The First Amendment protects commercial speech. Both UT Austin and UT Dallas policy recognizes the right of registered organizations and individuals to engage in a range of commercial speech. Revised UT Dallas Policy No. UTDSP5001, Speech Expression and Assembly [Ex. D] at § B.8; Revised UT Austin Institutional Rules on Student Servs. and Activities [Ex. E] Subchapter 13-205.2.

215. Defendants, other campus officials, students, and campus staff must look at the content of campus expression to determine if it is commercial or non-commercial, and thus whether the expression falls within “expressive activities” the Overnight Expression Ban prohibits.

216. Thus, the Overnight Expression Ban restricts speech based on its content.

217. For instance, the Overnight Expression Ban prohibits peacefully holding a sign on campus at 7:00 A.M. protesting world hunger, but does not prohibit holding a sign at 7:00 A.M. promoting a student organization’s bake sale. Likewise, it does not bar a student group from selling Bibles on campus at 10:30 P.M., but it does bar that group from discussing their favorite Bible verses at 10:30 P.M.



218. Because it is content-based, the Overnight Expression Ban is presumptively unconstitutional on its face and as applied to each Plaintiff, and must satisfy strict scrutiny.

219. But there is no compelling government interest in prohibiting nearly all protected speech at a public university for 10 hours a day, let alone imposing that prohibition based on a content-based distinction between commercial and non-commercial speech.

220. Whatever Texas's interest in passing the Act, the sweeping Overnight Expression Ban is not the least restrictive means of meeting that interest, let alone narrowly tailored to address that interest.

221. Even if Texas's interest is ensuring "community safety" or preventing "disruption" on its public university campuses, banning nearly all expression between 10 P.M. and 8 A.M. falls well short of meeting that interest. The Overnight Expression Ban is not limited to expressive activities that pose an imminent risk to campus safety or expressive activities causing substantial disruptions to academic activities, student residences, or campus operations.

222. On the other hand, the Overnight Expression Ban chills expressive activities like late-night study groups or early-morning research, underscoring why the sweeping Ban not only fails to meet any purported government interest in preventing disruption, but harms the very expressive activity that interest purports to foster.

223. **The Overnight Expression Ban Fails Other Levels of Scrutiny.** Alternatively, even if the Overnight Expression Ban is content-neutral, it still fails First Amendment scrutiny.

224. There is no significant government interest in prohibiting nearly all protected speech at a public university for 10 hours a day, nor is the unbounded Overnight Expressive Ban narrowly tailored to meet any significant government interest.

225. The Overnight Expression Ban fails to leave open alternative channels for communicating a speaker’s message. Instead, it effectively denies Plaintiffs and other speakers the ability to speak for 10 hours a day at all, on a public university campus where many students live, through *any* channel of communication.

226. Nor is it reasonable to ban all protected speech (except commercial speech) between 10 P.M. and 8 A.M. at a public university, in light of (i) the purpose for which UT Austin and UT Dallas make many areas of campus available for or open to expressive activities, and (ii) the mission of these institutions generally, including the importance of free expression to furthering that mission.

227. In sum, the Overnight Expression Ban fails First Amendment scrutiny in every or almost every application to “expressive activities,” rendering it facially unconstitutional.

228. Because the Ban fails First Amendment scrutiny as applied to Plaintiffs’ protected First Amendment activities, it also violates the First Amendment as applied to each Plaintiff.

229. Because the Overnight Expression Ban (and any university policies implementing the Ban) infringes a staggering amount of protected speech and cannot satisfy First Amendment scrutiny, Plaintiffs require preliminary and permanent injunctive relief to protect their fundamental expressive rights from immediate, ongoing, and irreparable harm.

**SECOND CAUSE OF ACTION**

**End-of-Term Invited Speaker Ban**

**First Amendment Violation — Freedom of Speech, Freedom of the Press, and Freedom of Association**

**(42 U.S.C. § 1983)**

**(Facial and As-Applied Against all Defendants in their official capacities)**

230. Plaintiffs re-allege and re-incorporate paragraphs 1–229 as though fully set forth herein.

231. By banning “engaging in expressive activities” by inviting speakers to Texas’s public universities and colleges during the last two weeks of any academic term, the End-of-Term Invited Speaker Ban is unconstitutional on its face and unconstitutional as applied to Plaintiffs UTD FOCUS, YAL, Arvandi, and *The Retrograde*’s protected expression.

232. The First Amendment protects students and student groups inviting outside speakers to campus, associating with those speakers, and hosting on-campus events presenting those speakers.

233. The First Amendment also protects speakers invited to speak at public universities and colleges.

234. Yet the End-of-Term Invited Speaker Ban prohibits that protected expression for over 90 days a year at UT Austin and UT Dallas, if not also all other UT System institutions.

235. The Ban covers, for example and without limitation: political advocates; clergy; lawmakers; sources of news and information for student journalists; guest musicians and actors; student group advisors and board members; career advisors; and other speakers that students, faculty, or staff invite to campus. It also covers students, faculty, and staff expressively associating themselves with invited speakers. And it impacts students, staff, and faculty who want to listen to and receive information from invited speakers.

236. No matter Texas’s interest in passing the Act, the End-of-Term Invited Speaker Ban’s unbounded restriction of protected expression fails any level of First Amendment scrutiny.

237. **The End-of-Term Invited Speaker Ban is Content-Based and Fails Strict Scrutiny.** Because the End-of-Term Invited Speaker Ban prohibits “engaging in expressive activities,” it requires reference to the expressive activity’s content to determine whether it is commercial or non-commercial, and thus an “expressive activity” subject to the Ban.

238. For instance, the End-of-Term Invited Speaker Ban prohibits a student group advocating for an issue from inviting an expert to campus in May to talk about a pending bill at the Texas legislature impacting that issue, but it would not prohibit the group from inviting vendors to campus in May to help sell the group's t-shirts advocating the issue.

239. The End-of-Term Invited Speaker Ban is also content-based because it draws distinctions (i) between speakers who are and are not engaged in commercial speech, and (ii) between speakers invited for expressive activities with content relevant to the end-of-terms and those who are not, thus depriving students, faculty, and staff “the right and privilege to determine for [themselves] what speech and speakers are worthy of consideration.” *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310, 340 (2010). To that end, it burdens the expressive freedom of invited speakers, like YAL staff and FOCUS's ministers, whose participation in expressive activities on campus during the end of academic terms is essential for students and student groups intending to share a message on campus.

240. Because it is content-based, the End-of-Term Invited Speaker Ban is presumptively unconstitutional on its face and as applied to Plaintiffs UTD FOCUS, YAL, Arvandi, and *The Retrograde*. Thus, the Ban must satisfy strict scrutiny.

241. But there is no compelling government interest in prohibiting all expressive activities involving an invited speaker at a public university for the last two weeks of an academic term—amounting to over 90 days a year at both UT Austin and UT Dallas—let alone imposing that prohibition based on a content-based distinction.

242. Whatever Texas's interest in passing the Act, the sweeping End-of-Term Invited Speaker Ban is not the least restrictive means of meeting that interest, let alone narrowly tailored to address that interest.

243. The End-of-Term Invited Speaker Ban is not limited, for example, to end-of-term invited speaker events that substantially disrupt academic activities, graduation preparations, or other end-of-term events.

244. UT Austin's "Speech, Expression, and Assembly" policy deems presenting a guest speaker in the campus's outdoor common areas during the last two weeks of a semester as *per se* disruptive, even in outdoor common areas far removed from academic and residential buildings, or those areas which students and employees use for expressive activity throughout the day.

245. **The End-of-Term Invited Speaker Ban Fails Other Levels of Scrutiny.** Alternatively, even if the End-of-Term Invited Speaker Ban is content-neutral, it still fails First Amendment scrutiny.

246. There is no significant government interest in barring expressive activities involving invited speakers at a public university for over 90 days a year, nor is the unbounded End-of-Term Invited Speaker Ban narrowly tailored to meet any significant government interest.

247. The End-of-Term Invited Speaker Ban fails to leave open alternative channels for communicating a speaker's message. Instead, it effectively denies Plaintiffs, other student groups, and other speakers the ability to share their message with their intended audience.

248. Nor is it reasonable to ban all expressive activities involving invited speakers (except commercial ones) for over 90 days a year at a public university, in light of (i) the purpose for which UT Austin and UT Dallas make many areas of campus available for or open to expressive activities, and (ii) the mission of these institutions generally, including the importance of free expression to furthering that mission.

249. In sum, the End-of-Term Invited Speaker Ban fails First Amendment scrutiny in every or almost every application to inviting speakers “to engage in expressive activities,” rendering it facially unconstitutional.

250. Because it fails First Amendment scrutiny as applied to Plaintiffs’ protected First Amendment activities, it also violates the First Amendment as applied to Plaintiffs UTD FOCUS, YAL, Arvandi, and *The Retrograde*.

251. Because the End-of-Term Invited Speaker Ban (and any university policies implementing the Ban) infringe a range of protected speech and cannot satisfy First Amendment scrutiny, Plaintiffs require preliminary and permanent injunctive relief to protect their fundamental expressive rights from immediate, ongoing, and irreparable harm.

**THIRD CAUSE OF ACTION**  
**End-of-Term Amplified Sound Ban**  
**First Amendment Violation — Freedom of Speech**  
**(42 U.S.C. § 1983)**  
**(Facial and As-Applied Against all Defendants in their official capacities)**

252. Plaintiffs re-allege and re-incorporate paragraphs 1–251 as though fully set forth herein.

253. By banning “engaging in expressive activities” using amplified sound at Texas’s public universities and colleges during the last two weeks of any term, the End-of-Term Amplified Sound Ban is unconstitutional on its face and unconstitutional as applied to Plaintiffs UTD FOCUS, YAL, Arvandi, SOUnD, and Strings Attached’s protected expression.

254. The First Amendment protects using amplified sound to speak, perform music and theatre, and engage in other expressive conduct at public universities and colleges.

255. Yet the End-of-Term Amplified Sound Ban prohibits that protected expression for over 90 days a year at UT Austin and UT Dallas, if not also all other UT System institutions.

256. No matter Texas’s interest in passing the Act, the End-of-Term Amplified Sound Ban’s unbounded restriction of protected expression fails any level of First Amendment scrutiny.

257. **The End-of-Term Amplified Sound Ban is Content-Based and Fails Strict Scrutiny.** Because the End-of-Term Amplified Sound Ban prohibits “engaging in expressive activities” using amplified sound, it requires reference to the speech’s content to determine whether it is commercial or non-commercial, and thus “expressive activity” within the Ban.

258. For instance, the End-of-Term Amplified Sound Ban prohibits a student group from using a microphone during a rally on a breaking political issue during the last two weeks of a term, but it would not prohibit the group using the microphone to peddle tickets for a year-end party.

259. Because it is content-based, the End-of-Term Amplified Sound Ban is presumptively unconstitutional on its face and as applied to Plaintiffs UTD FOCUS, YAL, Arvandi, SOUnD, and Strings Attached. Thus, the Ban must satisfy strict scrutiny.

260. But there is no compelling government interest in prohibiting all expressive activities using amplified sound at a public university for the last two weeks of an academic term—amounting to over 90 days a year at both UT Austin and UT Dallas—let alone imposing that prohibition based on a content-based distinction and without any reference to location or noise level.

261. Whatever Texas’s interest in passing the Act, the sweeping End-of-Term Amplified Sound Ban is not the least restrictive means of meeting that interest, let alone narrowly tailored to address that interest.

262. For example, the End-of-Term Amplified Sound Ban is not limited to expressive activities using amplified sound that exceed a reasonable decibel level or any other objective measure of volume. Nor is it limited to uses of amplified sound within certain proximities to

academic activities, campus residential areas, graduation preparations, or other areas or activities that excessive amplified sound might substantially disrupt during the last two weeks of a term.

263. The Ban prohibits using amplified sound for end-of-term expressive activities even in campus spaces UT System institutions have designated for expressive activities using amplified sound.

264. As one example of its lack of narrow tailoring, the End-of-Term Amplified Sound Ban would prohibit a small Cinco de Mayo concert in a campus auditorium featuring an electronic keyboard, but not a louder, horns-only Cinco de Mayo concert in an outdoor performance space. It would likewise bar students from using a small, hand-held microphone to conduct a Christmas season worship service, but not bar those students from hosting a holiday carol sing-a-long for dozens of participants.

265. UT Austin's "Speech, Expression, and Assembly" policy deems using amplified sound for expressive activities in the campus's outdoor common areas during the last two weeks of a semester as *per se* disruptive, even if below a disruptive decibel level, or if in outdoor common areas far removed from academic and residential buildings.

266. While the Act also prohibits amplified sound "while engaging in expressive activities on campus during class hours" that "(i) intimidate others; (ii) interfere with campus operations; or (iii) interfere with an institution employee's or a peace officer's lawful performance of a duty," Tex. Educ. Code § 51.9315(f)(2)(A), those criteria only underscore that the End-of-Term Amplified Sound Ban could be substantially more narrowly tailored, and thus lacks such tailoring. For instance, those criteria still lack any consideration for volume level. They offer no guidance on what constitutes "interference," and fail to pair "intimidate others" with an intent requirement.



**267. The End-of-Term Amplified Sound Ban Fails Other Levels of Scrutiny.**

Alternatively, even if the End-of-Term Amplified Sound Ban is content-neutral, it still fails First Amendment scrutiny.

268. There is no significant government interest in barring all expressive activities involving amplified sound at a public university for over 90 days a year, nor is the unbounded Amplified Sound Invited Speaker Ban narrowly tailored to meet any significant government interest.

269. The End-of-Term Amplified Sound Ban also fails to leave open alternative channels for communicating a speaker's message, as it applies to amplified sound across the entire campus. For students who put on year-end concerts, worship services, and other end-of-term expressive events on campus that require amplified sound, the Ban denies their right to share their message with their intended audience.

270. Nor is it reasonable to ban all expressive activities involving amplified sound (except commercial ones) for over 90 days a year at a public university, in light of (i) the purpose for which UT Austin and UT Dallas make many areas of campus available for or open to expressive activities, and (ii) the mission of these institutions generally, including the importance of free expression to furthering that mission.

271. In sum, the End-of-Term Amplified Sound Ban fails First Amendment scrutiny in almost every application of using amplified sound "to engage in expressive activities," rendering it facially unconstitutional.

272. Because it fails First Amendment scrutiny as applied to Plaintiffs' protected First Amendment activities, it also violates the First Amendment as applied to Plaintiffs UTD FOCUS, YAL, Arvandi, SOUnD, and Strings Attached.

273. Because the End-of-Term Amplified Sound Ban (and any university policies implementing the ban) infringe a range of protected speech and cannot satisfy First Amendment scrutiny, Plaintiffs require preliminary and permanent injunctive relief to protect their fundamental expressive rights from immediate, ongoing, and irreparable harm.

**FOURTH CAUSE OF ACTION**  
**End-of-Term Drum Ban**  
**First Amendment Violation — Freedom of Speech**  
**(42 U.S.C. § 1983)**  
**(Facial and As-Applied Against all Defendants in their official capacities)**

274. Plaintiffs re-allege and re-incorporate paragraphs 1–273 as though fully set forth herein.

275. By banning “engaging in expressive activities” using drums or other percussive instruments at Texas’s public universities and colleges during the last two weeks of any term, the End-of-Term Drum Ban is unconstitutional on its face and unconstitutional as applied to Plaintiffs SOUnD and Strings Attached’s protected expression.

276. The First Amendment protects musical and stage performance, including using drums and other percussive instruments, at public universities and colleges.

277. Yet the End-of-Term Drum Ban prohibits that protected expression for over 90 days a year at UT Austin and UT Dallas, if not also all other UT System institutions.

278. No matter Texas’s interest in passing the Act, the End-of-Term Drum Ban’s unbounded restriction of protected expression fails any level of First Amendment scrutiny.

279. **The End-of-Term Drum Ban is Content-Based and Fails Strict Scrutiny.** Because the End-of-Term Drum Ban prohibits “engaging in expressive activities” using drums or other percussion, it requires reference to the speech’s content to determine whether it is commercial or non-commercial, and thus “expressive activity” within the Ban.

280. For instance, the End-of-Term Drum Ban prohibits a student group from putting on an interactive drum show for their peers to blow off steam during finals, but it would not prohibit the group from using the drums to attract buyers to a booth selling finals study guides.

281. The End-of-Term Drum Ban is also content-based because it distinguishes expression based on its musical or performative content. For instance, under the Ban, students can perform a song during the last two weeks of a term if it includes an acoustic guitar or a tuba, but not a snare drum or triangle.

282. Because it is content-based, the End-of-Term Drum Ban is presumptively unconstitutional on its face and as applied to Plaintiffs SOUNd and Strings Attached. Thus, the Ban must satisfy strict scrutiny.

283. But there is no compelling government interest in prohibiting all expressive activities using drums or other percussive instruments at a public university for the last two weeks of an academic term—amounting to over 90 days a year at both UT Austin and UT Dallas—let alone imposing that prohibition based on a content-based distinction.

284. Whatever Texas’s interest in passing the Act, the sweeping End-of-Term Drum Ban is not the least restrictive means of meeting that interest, let alone narrowly tailored to address that interest.

285. For example, the End-of-Term Drum Ban is not limited to expressive activities using percussive instruments that exceed a reasonable decibel level or any other objective measure of volume. Nor is it limited to uses of percussive instruments within certain proximities to academic activities, campus residential areas, graduation preparations, or other areas or activities that excessive amplified sound might substantially disrupt during the last two weeks of a term.

286. As one example of its lack of narrow tailoring, the End-of-Term Drum Ban would prohibit a student group from putting on an authentic performance of The Little Drummer Boy on a campus stage in early December, but it would not prohibit the student choir from singing the eponymous song on that stage.

287. UT Austin’s “Speech, Expression, and Assembly” policy deems using drums and other percussion in the campus’s outdoor common areas during the last two weeks of a semester as *per se* disruptive, even if below a disruptive decibel level, or if in outdoor common areas far removed from academic and residential buildings.

288. **The End-of-Term Drum Ban Fails Other Levels of Scrutiny.** Alternatively, even if the End-of-Term Drum Ban is content-neutral, it still fails First Amendment scrutiny.

289. There is no significant government interest in barring all expressive activities involving drums or other percussion at a public university for over 90 days a year, nor is the unbounded End-of-Term Drum Ban narrowly tailored to meet any significant government interest.

290. The End-of-Term Drum Ban also fails to leave open alternative channels for communicating a speaker’s message, as it applies to expressive activities using drumming and percussion across the entire campus. For students who put on year-end concerts or hold rehearsals on campus that require percussion, the Ban denies their right to share their message with their intended audience.

291. Nor is it reasonable to ban all expressive activities involving drums or other percussive instruments (except commercial ones) for over 90 days a year at a public university, in light of (i) the purpose for which UT Austin and UT Dallas make many areas of campus available for or open to expressive activities, and (ii) the mission of these institutions generally, including the importance of free expression to furthering that mission.

292. In sum, the End-of-Term Drum Ban fails First Amendment scrutiny in almost every application of using drums “to engage in expressive activities,” rendering it facially unconstitutional.

293. Because it fails First Amendment scrutiny as applied to Plaintiffs’ protected First Amendment activities, it also violates the First Amendment as applied to Plaintiffs SOUNd and Strings Attached.

294. Because the End-of-Term Drum Ban (and any university policies implementing the Ban) infringe a range of protected speech and cannot satisfy First Amendment scrutiny, Plaintiffs require preliminary and permanent injunctive relief to protect their fundamental expressive rights from immediate, ongoing, and irreparable harm.

**FIFTH CAUSE OF ACTION**  
**Overnight Expression Ban**  
**First Amendment Violation — Facial Overbreadth**  
**(42 U.S.C. § 1983)**  
**(Against all Defendants in their official capacities)**

295. Plaintiffs re-allege and re-incorporate paragraphs 1–294 as though fully set forth herein.

296. The Overnight Expression Ban prohibits engaging in all protected expression (except commercial speech) on campus between 10 P.M. and 8 A.M. at UT Austin, UT Dallas, and every other UT System institution.

297. Thus, the Overnight Expression Ban prohibits an overwhelming amount of protected expression at UT Austin, UT Dallas, and the other UT System institutions, under the threat of discipline or even arrest.

298. The Overnight Expression Ban’s restrictions on expressive activities are so unbounded that they prohibit, for example, saying “good morning” on campus before 8 A.M. or saying “goodnight” after 10 P.M.; posting on social media late at night from one’s dorm room;

and discussing yesterday's news with a classmate while walking across campus to an early morning class.

299. Because the Act incorporates the Texas Education Code's definition of "expressive activities," which excludes the narrow categories of unprotected speech from its scope, the Act in turn excludes several potentially constitutional applications from the Overnight Expression Ban's sweep.

300. Because the Overnight Expression Ban sweeps in a near-infinite range of protected speech—and only protected speech—the Ban has little, if any, plainly legitimate sweep.

301. If the Overnight Expression Ban has any legitimate sweep, it is very narrow. It might permissibly apply to expressive activities that substantially disrupt sleeping campus residents or studying students, substantially interfere with routine maintenance of campus facilities, or pose imminent safety hazards to persons in the immediate campus area. UT Austin and UT Dallas policies largely prohibited these activities before Texas passed the Act.

302. In all cases, the overwhelming number of the Ban's unconstitutional applications vastly outweigh the exceedingly narrow sweep of the Ban's lawful applications.

303. The Overnight Expression Ban threatens not only to chill Plaintiffs' protected speech, but also to chill an extensive range of protected speech that any student, faculty, staff, or member of the public may wish to engage in while on a UT System institution's campus, where the "vigilant protection of constitutional freedoms is nowhere more vital." *Healy*, 408 U.S. at 180 (citation omitted).

304. Because of the Overnight Expression Ban's unconstitutional overbreadth (and the corresponding unconstitutional overbreadth of university policies implementing the Ban),

Plaintiffs require preliminary and permanent injunctive relief to protect their fundamental expressive rights from immediate, ongoing, and irreparable harm.

**SIXTH CAUSE OF ACTION**

**End-of-Term Invited Speaker, Amplified Sound, and Drum Bans  
First Amendment Violation — Facial Overbreadth  
(42 U.S.C. § 1983)  
(Against all Defendants in their official capacities)**

305. Plaintiffs re-allege and re-incorporate paragraphs 1–304 as though fully set forth herein.

306. The End-of-Term Invited Speaker Ban, End-of-Term Amplified Sound Ban, and End-of-Term Drum Ban each prohibits engaging in an extensive range of protected expression (except commercial speech) the last two weeks of any term, which amounts to over 90 days per year at UT Austin, UT Dallas, and other UT System institutions.

307. Thus, the End-of-Term Bans prohibit a vast amount of protected expression at UT Austin, UT Dallas, and other UT System institutions, under the threat of discipline or even arrest.

308. The End-of-Term restrictions on expressive activities are so unbounded that they prohibit, for example, inviting a minister to lead a pre-finals prayer group, hosting a holiday movie night with the volume on during the end of fall semester, or a staging a brief drumming ceremony for students to commemorate their last final exam.

309. If any of the End-of-Term Bans have a legitimate sweep, it is very narrow. They might permissibly apply to expressive activities that exceed a reasonable and generally applicable decibel level; substantially disrupt sleeping campus residents, classes, or students studying for or taking finals; or interfere with campus spaces the university has reserved for graduation events and ceremonies. In all cases, the overwhelming number of each Ban’s unconstitutional applications vastly outweigh the exceedingly narrow sweep of the Ban’s lawful applications.

310. The End-of-Term Bans threaten not only to chill Plaintiffs’ protected speech, but to chill an extensive range of protected speech that any student, faculty, staff, or member of the public may wish to engage in while on a UT System institution’s campus, where the “vigilant protection of constitutional freedoms is nowhere more vital.” *Healy*, 408 U.S. at 180 (citation omitted).

311. Because of each End-of-Term Bans’ unconstitutional overbreadth (and the corresponding unconstitutional overbreadth of university policies implementing the Bans), Plaintiffs require preliminary injunctive relief and permanent injunctive relief to protect their fundamental expressive rights from immediate, ongoing, and irreparable harm.

**SEVENTH CAUSE OF ACTION**  
**First and Fourteenth Amendment Violation—Void for Vagueness**  
**(42 U.S.C. § 1983)**  
**(Against all Defendants in their official capacities)**

312. Plaintiffs re-allege and re-incorporate paragraphs 1–311 as though fully set forth herein.

313. The Act mandates that governing boards adopt a policy allowing only “members of the university community to ... engage in expressive activities on campus,” but it fails to provide ordinary persons with fair notice of what “members of the university community” means. Tex. Educ. Code § 51.9315(f)(1)(A).

314. Thus, the Act requires students, staff, and the public to guess who is a “member[] of the university community.”

315. To that end, there is a substantial risk that students and faculty will be chilled from associating with, listening to, and expressing themselves with and to those individuals and institutions, and others who are integral to campus free expression.



316. So too is there a substantial risk those individuals and institutions will be chilled from expressive activity on campus, including when the student-group Plaintiffs, and others like them, invite individuals to campus to speak or engage in other protected expression.

317. What's more, the vagueness of "members of the university community" invites Defendants and other campus officials to wield it in arbitrary and discriminatory ways.

318. In their vagueness, the Act's provision at Texas Education Code §§ 51.9315(f)(1)(A) and violates the First Amendment and the Due Process Clause of the Fourteenth Amendment.

319. Because that provision targets expression, and only expression, its vagueness heightens its chilling effects on protected expression at Texas's public universities and colleges, including Plaintiffs' expression.

320. In all cases, the chill on protected speech from the statute's vagueness, and the arbitrary discretion it gives Defendants and other campus officials, is substantial and ongoing.

321. Because of the Act's unconstitutional vagueness, Plaintiffs require preliminary and permanent injunctive relief to protect their fundamental expressive rights from immediate, ongoing, and irreparable harm.

### **PRAYER FOR RELIEF**

For these reasons, Plaintiffs respectfully ask this Court to:

a) Enter a judgment declaring that each Challenged Prohibition violates the First Amendment to the United States Constitution, facially and as applied to Plaintiffs;

b) Enter a judgment declaring the Community Members Provision is void for vagueness under the First Amendment and Fourteenth Amendment to the United States Constitution;

c) Enter a preliminary and permanent injunction prohibiting Defendants and their agents, officials, servants, employees, and persons acting in concert with them, from enforcing any of the Challenged Prohibitions, or any policy or rule implementing any of the Challenged Prohibitions, as applied to Plaintiffs' expression;

d) Enter a preliminary and permanent injunction prohibiting Defendants and their agents, officials, servants, employees, and persons acting in concert with them, from enforcing any of the Challenged Prohibitions, or any policy or rule implementing any of the Challenged Prohibitions, against any "expressive activities" (as defined in Texas Education Code Section 51.9315(a)(2)) at UT Austin and at UT Dallas;

e) Enter a preliminary and permanent injunction prohibiting the UT System Board Defendants and Chancellor Zerwas, and their agents, officials, servants, employees, and persons acting in concert with them, from enforcing any of the Challenged Prohibitions, or any policy or rule implementing any of the Challenged Prohibitions, against any "expressive activities" (as defined in Texas Education Code Section 51.9315(a)(2)) at any other UT System Institution;

f) Enter a permanent injunction prohibiting Defendants and their agents, officials, servants, employees, and persons acting in concert with them, from enforcing the Community Members Provision, or any policy or rule implementing the Provision, against Plaintiffs UTD FOCUS, YAL, Arvandi, and *The Retrograde*;

g) Award attorneys' fees, statutory fees, and costs under 42 U.S.C. § 1988;

h) Grant such other and further relief as the Court may deem just and proper.

Dated: September 3, 2025

Respectfully submitted,

/s/ JT Morris  
JT Morris (Tex. Bar No. 24094444)  
FOUNDATION FOR INDIVIDUAL RIGHTS  
AND EXPRESSION (FIRE)  
(215) 717-3473  
700 Pennsylvania Ave., Suite 340  
Washington, DC 20003  
jt.morris@thefire.org

Adam Steinbaugh (Cal. Bar No. 304829)\*  
Sara Berinhout (Mass. Bar No. 703217)\*  
Hannah Abbott (Pa. Bar No. 337123)\*  
FOUNDATION FOR INDIVIDUAL RIGHTS  
AND EXPRESSION (FIRE)  
510 Walnut St., Suite 900  
Philadelphia, PA 19106  
adam@thefire.org  
sara.berinhout@thefire.org  
hannah.abbott@thefire.org

*\* Pro hac vice motion forthcoming*

**Attorneys for Plaintiffs**

**VERIFICATION OF MARK MATTHEWS**

Pursuant to 28 U.S.C. § 1746, I, MARK MATTHEWS, declare as follows:

1. I am a member and committee chair of Fellowship of University Christian Students at University of Texas at Dallas, a plaintiff in the present case.
2. I have read the foregoing Verified Complaint for Civil Rights Violations.
3. I have personal knowledge of the factual allegations in paragraphs 12–13, 47–48, 89–91, 113–114, 128–129, 171–174, and 176 of the Verified Complaint and know them to be true.
4. I verify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on 09/01/25

*Mark Matthews Jr.*  
\_\_\_\_\_  
Mark Matthews

**VERIFICATION OF GREGORIO OLIVARES GUTIERREZ**

Pursuant to 28 U.S.C. § 1746, I, GREGORIO OLIVARES GUTIERREZ, declare as follows:

1. I am the Editor-in-Chief of The Retrograde Newspaper, a plaintiff in the present case.
2. I have read the foregoing Verified Complaint for Civil Rights Violations.
3. I have personal knowledge of the factual allegations in paragraphs 14–16, 50, 97–99, 115–116, 178–181, and 183–184 of the Verified Complaint and know them to be true.
4. I verify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on 9/1/2025

Gregorio Olivares Gutierrez G.  
Gregorio Olivares Gutierrez

**VERIFICATION OF DANIEL GONZALEZ-ALLENDE**

Pursuant to 28 U.S.C. § 1746, I, DANIEL GONZALEZ-ALLENDE, declare as follows:

1. I am the Director of Student Rights at Young Americans for Liberty, Inc., plaintiff in the present case.
2. I have read the foregoing Verified Complaint for Civil Rights Violations.
3. I have personal knowledge of the factual allegations in paragraphs 17–18, 95–96, 117–119, 121, 130–132, 151(b), and 190–195 of the Verified Complaint and know them to be true.
4. I verify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on 9/1/2025

  
Daniel Gonazlez-Allende

**VERIFICATION OF ZALL ARVANDI**

Pursuant to 28 U.S.C. § 1746, I, ZALL ARVANDI, declare as follows:

1. I am a plaintiff in the present case.
2. I have read the foregoing Verified Complaint for Civil Rights Violations.
3. I have personal knowledge of the factual allegations in paragraphs 19, 44, 92–94, 120, 133, 186–189, and 195 of the Verified Complaint and know them to be true.
4. I verify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on 09/02/2025

  
\_\_\_\_\_  
Zall Arvandi

**VERIFICATION OF LINCOLN SCHULER**

Pursuant to 28 U.S.C. § 1746, I, LINCOLN SCHULER, declare as follows:

1. I am the President of Texas Society of Unconventional Drummers, a plaintiff in the present case.
2. I have read the foregoing Verified Complaint for Civil Rights Violations.
3. I have personal knowledge of the factual allegations in paragraphs 20, 100, 134–135, 143–146, and 197–200 of the Verified Complaint and know them to be true.
4. I verify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on 9/1/2025

  
\_\_\_\_\_  
Lincoln Schuler




**VERIFICATION OF JAMES MCKINNEY**

Pursuant to 28 U.S.C. § 1746, I, JAMES MCKINNEY, declare as follows:

1. I am the President of Strings Attached, a plaintiff in the present case.
2. I have read the foregoing Verified Complaint for Civil Rights Violations.
3. I have personal knowledge of the factual allegations in paragraphs 21, 101–104, 136–138, 147, and 202–205 of the Verified Complaint and know them to be true.
4. I verify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on 8/30/2025

Signed by:

  
James McKinney

E74E2R4C1B85480

S.B. No. 2972

AN ACT

relating to expressive activities at public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 51.9315(a)(2) and (3), Education Code, are amended to read as follows:

(2) "Expressive activities" means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include:

(A) commercial speech;

(B) defamation;

(C) unlawful harassment;

(D) incitement to imminent unlawful activity;

(E) obscenity; or

(F) threats to engage in unlawful activity.

(3) "Governing board" and "institution" ~~["Institution]~~ of higher education" have ~~[has]~~ the meanings ~~[meaning]~~ assigned by Section 61.003.

SECTION 2. Section 51.9315, Education Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections (d-1), (k), and (l) to read as follows:

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(b) It is the policy of this state and the purpose of this section to protect the expressive rights of persons guaranteed by the constitutions of the United States and of this state by:

(1) recognizing freedom of speech and assembly as central to the mission of institutions of higher education; and

(2) ensuring that students enrolled at and employees of an institution of higher education ~~[all persons]~~ may assemble peaceably on the campuses of the institution ~~[institutions of higher education]~~ for expressive activities, including to listen to or observe the expressive activities of others.

(c) An institution of higher education shall~~[-~~

~~[(1) ensure that the common outdoor areas of the institution's campus are deemed traditional public forums; and~~

~~[(2)]~~ permit students enrolled at and employees of the institution ~~[any person]~~ to engage in expressive activities in the common outdoor ~~[those]~~ areas of the institution's campus freely, as long as the expressive activity ~~[person's conduct]~~:

(1) ~~[(A)]~~ is not unlawful; and

(2) ~~[(B)]~~ does not materially and substantially disrupt the functioning of the institution.

(d) Notwithstanding Subsection (c), an institution of higher education may adopt a policy that imposes reasonable restrictions on the time, place, and manner of expressive activities of students enrolled at and employees of the institution in the common outdoor areas of the institution's campus if those restrictions:

(1) are narrowly tailored to serve a significant

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1 institutional interest;

2 (2) employ clear, published, content-neutral, and  
3 viewpoint-neutral criteria;

4 (3) provide for ample alternative means of expression;  
5 and

6 (4) allow members of the university community to  
7 assemble or distribute written material without a permit or other  
8 permission from the institution.

9 (d-1) The governing board of an institution of higher  
10 education shall designate the areas on the institution's campus  
11 that are public forums, consistent with the First Amendment to the  
12 United States Constitution and Section 8, Article I, Texas  
13 Constitution.

14 (f) Each institution of higher education shall adopt a  
15 policy detailing [~~students'~~] rights and responsibilities regarding  
16 expressive activities at the institution. The policy must:

17 (1) allow:

18 (A) members of the university community [~~any~~  
19 ~~person~~] to, subject to reasonable restrictions adopted under  
20 Subsection (d), engage in expressive activities on campus,  
21 including by responding to the expressive activities of others; and

22 (B) student organizations and faculty to,  
23 subject to Subdivision (2)(B)(ii) and Subsection (h), invite  
24 speakers to speak on campus;

25 (2) prohibit:

26 (A) using a device to amplify sound while  
27 engaging in expressive activities on campus during class hours

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1 that:

2 (i) intimidate others;

3 (ii) interfere with campus operations; or

4 (iii) interfere with an institution  
5 employee's or a peace officer's lawful performance of a duty;

6 (B) during the last two weeks of a semester or  
7 term, engaging in expressive activities:

8 (i) in the common outdoor areas of the  
9 institution's campus in a manner that materially and substantially  
10 disrupts the functioning of the institution;

11 (ii) by inviting speakers to speak on  
12 campus;

13 (iii) by using a device to amplify sound; or

14 (iv) by using drums or other percussive  
15 instruments;

16 (C) camping or erecting tents or other living  
17 accommodations on campus;

18 (D) wearing a disguise or other means of  
19 concealing a person's identity while engaging in expressive  
20 activities on campus with the intent to:

21 (i) obstruct the enforcement of the  
22 institution's rules or the law by avoiding identification;

23 (ii) intimidate others; or

24 (iii) interfere with an institution  
25 employee's or a peace officer's lawful performance of a duty;

26 (E) lowering the institution's flag of the United  
27 States or of this state with the intent to raise the flag of another

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1 nation or a flag representing an organization or group of people;  
 2 and

3 (F) engaging in expressive activities on campus  
 4 between the hours of 10 p.m. and 8 a.m.;

5 (3) [~~(2)~~] establish disciplinary sanctions for  
 6 students, student organizations, or employees [~~faculty~~] who unduly  
 7 interfere with the expressive activities of others on campus or  
 8 violate an institution policy or state law;

9 (4) [~~(3)~~] include a grievance procedure for  
 10 addressing complaints of a violation of this section;

11 (5) require students enrolled at or employees of the  
 12 institution to present proof of identity and status at the  
 13 institution on request by an institution official on the  
 14 institution's campus engaging in an official duty;

15 (6) [~~(4)~~] be approved by a majority vote of the  
 16 institution's governing board before final adoption; and

17 (7) [~~(5)~~] be posted on the institution's Internet  
 18 website.

19 (k) Nothing in this section limits the authority of an  
 20 institution of higher education to adopt rules differentiating  
 21 between the rights of students and employees to engage in  
 22 expressive activities on campus and those of persons not affiliated  
 23 with the institution.

24 (l) Nothing in this section may be construed to limit or  
 25 infringe on a person's right to freedom of speech or expression  
 26 protected by the First Amendment to the United States Constitution  
 27 or by Section 8, Article I, Texas Constitution.

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1           SECTION 3. Section 51.9315, Education Code, as amended by  
2 this Act, applies beginning with the 2025-2026 academic year.

3           SECTION 4. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2025.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 2972 passed the Senate on May 14, 2025, by the following vote: Yeas 21, Nays 10; May 29, 2025, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 2025, House granted request of the Senate; June 1, 2025, Senate adopted Conference Committee Report by the following vote: Yeas 22, Nays 9.

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Secretary of the Senate

I hereby certify that S.B. No. 2972 passed the House, with amendments, on May 28, 2025, by the following vote: Yeas 97, Nays 39, two present not voting; May 30, 2025, House granted request of the Senate for appointment of Conference Committee; June 1, 2025, House adopted Conference Committee Report by the following vote: Yeas 97, Nays 39, one present not voting.

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Chief Clerk of the House

Approved:

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Date

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Governor



**UTDSP5001**

# **Speech Expression and Assembly**

## **Policy Statement**

### **Section A: Governing Principles**

#### **Subsection 1: Freedom of Speech, Expression, and Assembly**

1. 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.
2. In furtherance of the University's educational mission, the University buildings, including their outside surfaces, surfaces associated with or connected to a University building, or a University structure are limited public forums open only to the expressive activities of faculty, staff, and students as set forth in this policy. Members of the public may engage in expressive activities at the University in accordance with time, place, and manner rules contained in this policy.
3. 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 policy necessary to preserve the functions of the University.
4. Except as expressly authorized by Section B or as identified in federal or state law, the University shall not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person, in the enforcement and administration of these rules or otherwise.

5. The University of Texas at Dallas Police Department (UTDPD) may immediately enforce these rules if a violation of these rules constitutes a breach of the peace or compromises public safety.

## **Subsection 2: Scope of this Policy and Related Provisions**

1. This policy protects and regulates the speech, expression, and assembly of students, faculty, staff, 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. Subsection 7 on Harassment applies to all speech regardless of where it occurs, including off University property, if it potentially affects a University person's education or employment with the University or potentially affects the University community.
2. This policy applies to speech by University persons and University organizations in the common outdoor areas, the limited public forums, and speech made using the University's information systems. This policy also applies to members of the public in common outdoor areas.
3. Any program or event sponsored by an academic or administrative unit of the University 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. Reservation process and available space for academic or administrative units are different and separate from those outlined in this policy. This policy does not limit other existing authority of University officials to authorize programs and events sponsored by an academic or administrative unit not provided for in this policy.
4. Additional rules concerning free speech and academic freedom of faculty members are found in the Regents' Rules and Regulations (Rule 31004, Number 2, Sections 1 and 2).
5. Underlying rules concerning free speech of students are found in the Regents' Rules and Regulations (Rule 40501, Rule 80103, and Rule 80104). This policy implements those provisions and applies them to UT Dallas.
6. Rules requiring University employees to make clear that controversial statements they make are in their personal capacity are found in the Regents' Rules and Regulations (Rule 10101, Section 6.2). Rules restricting use of University equipment, supplies, services, and working hours for political activities are found in the Regents' Rules and Regulations (Rule 30103).

## **Subsection 3: Definitions**

1. "Academic or administrative unit" means any office or department of the University.
2. "Faculty member and staff member" includes any person who is employed by the

University.

3. "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.
4. "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."
5. "Registered student, faculty, or staff organization" includes a registered student organization (as defined in the UT Dallas Student Organization Manual, Chapter 2), a faculty or staff organization under the Regents' Rules and Regulations (Rule 40201), and Student Government and any unit or subdivision thereof.
6. "Student" means a person who is enrolled at the University.
7. "Amplified sound" means sound with volume that is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are not amplified sound and are not subject to the special rules on amplified sound, but are subject to general rules on disruption.
8. "Dean of Students" means the Dean of Students or any delegate or representative of the Dean of Students.
9. "Room or space" includes any room or space, indoors or outdoors, owned or controlled by the University.
10. "University" means The University of Texas at Dallas.
11. "day" means an 8:00 a.m. to 5:00 p.m. calendar day, and excludes weekends, University holidays, and days on which regularly scheduled classes are suspended due to emergency closure; "University holiday" means days identified in the holiday schedule published by the Office of Human Resources. If a deadline defined in this policy falls on a Saturday, Sunday, University holiday, or emergency closure, that deadline will be moved to the next business day.
12. "adviser" means a member of the university faculty or full-time staff who advises the members of an organization.
13. "Vice President for Student Affairs" means the Vice President for Student Affairs, their delegate, or their representative.
14. "University facility" means an auditorium, arena, residence hall, other building, room, public area, or any other area on the campus.
15. "University President" means the President of The University of Texas at Dallas, their delegate, or their representative.
16. "Limited public forum" means 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 (including the grounds around University Village), the Student Union Dining Hall Patio, the Student Union east awning, Dining Hall West outdoor area, Davison Gundy Alumni Center green space, and the courtyards of all academic buildings.

17. "Common outdoor area" means outdoor space that is not used solely for University business or an event, an educational function, or a research function on either a permanent or temporary basis. It does not include any space within the University's limited public forum. Common outdoor areas are designated by state law as traditional public forums.
18. "Temporary banner space" means designated outdoor or indoor display area reserved for use by University persons and University organizations, as managed by the Dean of Students, where a University person or organization's temporary banner may be affixed for multiple days as permitted by Subsection 22. These areas are part of the University's limited public forum and not open to use by members of the public.
19. "Temporary exhibit space" means designated outdoor or indoor display areas reserved for use by University persons and University organizations, as managed by the Dean of Students, where a University person or organization may erect a temporary exhibit as permitted by Section G. These areas are part of the University's limited public forum and not open to use by members of the public.
20. "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.

## **Section B: Prohibited Expression**

### **Subsection 4: Obscenity**

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, Subsection 43.21 or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

## **Subsection 5: Defamation**

1. No person shall make, distribute, or display on the campus any statement that unlawfully defames any other person.
2. 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) is a false statement of fact; (iv) that holds the person up to hatred, ridicule or contempt; (v) is 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) which proximately causes damages; and (vii) is not privileged.

## **Subsection 6: Incitement to Imminent Violations of Law**

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.

## **Subsection 7: Harassment**

1. No person will engage in conduct that constitutes harassment of another person or make, distribute, or display on the campus or through University information resources any statement that constitutes harassment of any other person. This Section applies to all speech regardless of where it occurs, including off University property, if it potentially affects a University person's education or employment with the University or potentially affects the University community, all speech made using University resources, including speech that is part of teaching, research, or other official functions of the University whether in person or not, and whether oral, written, or symbolic.
2. "Harassment" means hostile or threatening conduct or speech, whether oral, written, or symbolic, that:
  - a. is not necessary to the expression of any idea described in Subsection 7.3 of this policy;
  - b. is sufficiently severe, pervasive, and objectively offensive to create an objectively hostile or threatening 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
  - c. personally describes or is personally directed to one or more specific individuals.
3. To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not harassment, even if some listeners are

offended by the argument or idea. The categories of sexually harassing speech set forth in UTDBP3102 of the UT Dallas 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.

4. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in UTDBP3102 and UTDBP3090 of the UT Dallas Handbook of Operating Procedures. Verbal harassment 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 or gender expression, ideology, political views, or political affiliation.
5. 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 by UTDSP5003 and UTDBP3102 of the UT Dallas Handbook of Operating Procedures, and by the Regents' Rules and Regulations, Rule 30105. To the extent of any conflict in the definition of verbal harassment, the more detailed definition in this section controls.
6. The harassment that this section prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse 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 diverse population within the University and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules.
7. Verbal harassment has been interpreted very narrowly by the federal courts. Policies on verbal harassment or hate speech at many universities 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.
8. Members of the University community are strongly encouraged to report harassment.
  - a. A student who believes he or she has been harassed should report the alleged violation to the Dean of Students.
  - b. A faculty member or staff member who believes he or she has been harassed should report the alleged violation to Human Resources.
  - c. Alternatively, any person who believes he or she has been harassed may report the alleged violation to the Office of Institutional Compliance, 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.

- d. Any University official, administrator, or supervisor who receives a report of alleged harassment will promptly refer that report and the complaint to the Office of Institutional Compliance, Human Resources, or the Dean of Students as appropriate. A complainant whose report is not forwarded to the Office of Institutional Compliance, Human Resources or to the Dean of Students, has not initiated proceedings for providing a remedy to the complainant or for imposing discipline on the alleged harasser.
- e. Investigation of the information provided, and any remedial or disciplinary proceedings, will advance under the procedures set out in the harassment policies cross-referenced in this section.

## **Subsection 8: Solicitation & Commercial Speech**

### **1. General rules.**

- a. No University person, University organization, or member of the public 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 this Subsection, by the Regents’ Rules and Regulations, or by a contract.
- b. 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.
- c. Unadorned acknowledgments or thanks to donors are not solicitations within this definition.

### **2. Rules Specific to UT Dallas campus constituents:**

- a. 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 Subsection 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.
- b. 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 D. Individual students, faculty members, and staff members may distribute or display such literature, but may not sell it.

- c. 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 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 for this purpose may regulate that bulletin board under the procedures set forth by that unit.
  - d. 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. As per Regents' Rules and Regulations (Rule 80103, 2.2.9), registered student, faculty, or staff organizations may collect admission fees for programs scheduled in advance.
  - f. A 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 (Policy 2002), or successor provisions.
- 3. A registered student organization that receives funds from membership fees or solicitations under this Subsection shall deposit and account for such funds under the rules in the Student Organization Manual.
  - 4. More detailed regulation of solicitation appears in Regents' Rules and Regulations (Rule 80103). The provisions most relevant to students, faculty, and staff have been incorporated in this policy.

## **Subsection 9: Prohibited Items or Actions**

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

- 1. A mask, facial covering, or disguise that conceals the identity of the wearer that is calculated to obstruct the enforcement of these rules or the law, or to intimidate, hinder or interrupt a University official, UTDPD officer, or other person in the lawful performance of their duty.
- 2. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including but not limited to sticks, poles, clubs, swords, shields, or rigid signs that can be used as a shield, without permission from the Dean of Students, unless authorized by federal, State or local laws.
- 3. 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 worn for participation in potentially violent activities.

4. Open flame, unless approved in advance by UT Dallas Life Safety Manager or Dean of Students.
5. No person or organization may engage in expressive activity within a ten-foot clearance around points of entry and the perimeter of all University buildings.

## **Section C: General Rules on Means of Expression**

### **Subsection 10: Disruption**

1. Except as expressly authorized in Subsection 36 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:
  - a. teaching, research, administration, or other authorized activities on the campus;
  - b. free and unimpeded flow of pedestrian and vehicular traffic on the campus; or
  - c. signs, tables, exhibits, public assemblies, distribution of literature, guest speakers, or use of amplified sound by another person or organization acting under the rules in this policy.
2. Scope.
  - a. The term "disruption" and its variants, as used in this subsection, 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 and to preserve the University's ability to execute its functions.
  - b. 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.

3. 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.

### **Subsection 11: Damage to Property**

1. 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 their property.
2. 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 policy.

### **Subsection 12: Coercing Attention**

1. No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication.
2. 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.

### **Subsection 13: Other Rules with Incidental Effects on Speech**

1. 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.

2. Reasonable and nondiscriminatory rules of this kind generally control over the rights of free speech guaranteed in this policy. 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.
3. University persons, University organizations, and members of the public 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.

## **Section D: Distribution of Literature**

### **Subsection 14: General Rule on Distribution of Literature**

1. 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 policy. 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 in this policy, but may not sell literature.
2. "Literature" means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informational matter, that is produced in multiple copies for distribution to potential readers.

### **Subsection 15: Not-for-profit Literature Only**

1. 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 fundraiser authorized by, and subject to the limits of Subsection 8.
2. A publication is operated for profit if any part of the net earnings of the publication, or if its distribution, inures to the benefit of any private shareholder or individual.

### **Subsection 16: Limits on Advertising**

1. 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 Subsection 501 (c)(3) of the Internal Revenue Code;
  - c. paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising; and
  - d. other advertising expressly authorized by the Regents' Rules and Regulations by contract with the University.
2. All other advertising in literature distributed on campus is prohibited.

### **Subsection 17: Cleanup of Abandoned Literature**

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.

## **Section E: Signs and Banners**

### **Subsection 18: General Rules on Signs**

1. "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.

2. Subject to the rules in this section and to the general rules in Sections B and C, a University person or organization may display a sign by holding or carrying it, by displaying it at a table (see Section F), or by posting it on a bulletin board or other designated location. Signs may not be staked to the ground or posted in any other location except those areas allowed by long-standing tradition or otherwise permitted by this policy.

### **Subsection 19: Hand-held Signs**

1. 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 the 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.
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 shall exercise due care to avoid bumping, hitting, or injuring any other person.
4. 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.
5. A law enforcement officer, the Dean of Students, or an usher or any other university employee if authorized by officials responsible for managing the venue, may warn any person that their sign is being handled in violation of this section. If the violation persists after a clear warning, the law enforcement officer, dean, authorized usher, or other authorized employee may confiscate the sign or take other appropriate steps to respond to the violation. 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.

### **Subsection 20: Signs in Other Designated Locations (including on bulletin boards)**

1. Each academic or administrative unit may authorize the posting of signs in spaces that a unit occupies and controls. Such authorization may be granted by general rule, by stamping or initialing individual signs, or by long-standing tradition.

2. Signs in spaces occupied by academic or administrative units may be:
  - a. confined to bulletin boards or other designated locations;
  - b. subjected 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;
  - c. 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.
3. Each academic or administrative unit will post on or near each bulletin board or other designated location that it administers:
  - a. either the rules applicable to that bulletin board or location or a particular office or website where the rules applicable to that bulletin board or location may be found; and
  - b. 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. This notice will 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, then the only applicable rules are those contained in Section B and Subsections 10, 11, and 14.
4. 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.
5. This Section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official University business.

## **Subsection 21: Banners**

"Banner" means an affixed, stationary sign hung from a structure or building, or between two buildings, structures, or poles. Banners on poles may not be carried by individuals.

1. Hand-held banners. University persons, University organizations, and members of the public are permitted to display a hand-held banner carried by two or more individuals without poles, in accordance with Subsection 20, in the common outdoor areas.
2. Temporary banner space designations.
  - a. The Dean of Students shall designate places where banners may be hung in indoor and outdoor locations not occupied or controlled by any other academic

- or administrative unit. Temporary banner spaces are not open to the public.
- b. Other academic and administrative units may designate one or more temporary banner spaces where banners may be hung in indoor or outdoor locations that the unit occupies or controls. These temporary banner spaces are not open to members of the public.
  3. Academic and administrative units and registered student, faculty, and staff organizations may hang banners in locations designated under Subsection 22, 2(2). Individuals and members of the public may not hang banners.
  4. Advance permission is required for the hanging of banners. Each banner may be hung for one week. The banner may be renewed from week to week if space is available, but usually, other organizations are waiting their turn and renewal is not possible.
  5. The Dean of Students may require that the physical work of hanging the banners be performed only by employees of Facilities Management or other appropriate University personnel. Actual costs will be charged to the organization or unit making the request.

## **Section F: Tables**

### **Subsection 22: General Rule on Tables**

University persons and University organizations may set up tables from which to display literature, disseminate information and opinions, and raise funds, subject to the rules in this section and to the general rules in Sections B and C. No advance permission is required. Members of the public may also set up tables in common outdoor areas.

### **Subsection 23: Locations**

1. Subject to the restrictions in this section and subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic, University persons and University organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location.
2. Additional Restrictions.
  - a. Tables may not be set up inside any library, classroom, laboratory, performance hall, stadium, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time.
  - b. An academic or administrative unit 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 website or on a flyer or pamphlet available at the chief administrative office of the unit.

3. 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.

## **Subsection 24: Identification**

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

## **Subsection 25: Clean-up Around Tables**

Any person or organization sponsoring a table shall remove litter from the area around the table before vacating the space.

## **Subsection 26: Sources of Tables**

University persons and University organizations may supply their own tables. In addition, the Dean of Students maintains a supply of tables for registered student organizations that may be reserved and checked out for use in the Student Union Building and on-campus in designated areas.

# **Section G: General Exhibits and A-frame Exhibits**

## **Subsection 27: General Rules on Exhibits**

1. "General 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 not permanently attached to the ground.
2. "A-Frame Exhibit" means a movable and self-supported signboard designed to stand on the ground in a temporary outdoor exhibit space. A-frame exhibits may not exceed five feet in height or width. Structures that do not meet these criteria will be considered general exhibits and will be subject to the rules in Subsection 31.1.



3. Academic or administrative units and registered student organizations, faculty organizations or staff organizations may erect exhibits, subject to the rules in this section and to the general rules in Sections B and C. Advance permission is required from the Dean of Students, except that an academic unit may authorize indoor exhibits in a space that it occupies and controls. Members of the public may not erect exhibits.
4. The Dean of Students will maintain on a website, a current description of the rules and procedures for displaying a temporary outdoor exhibit space for A-frame exhibits on campus.

## **Subsection 28: Application Process**

An academic or administrative unit or a registered student, sponsored student, faculty, or staff organization desiring to display an outdoor general exhibit will apply on a form prescribed by the Dean of Students. An academic or administrative unit or a registered student, sponsored student, faculty, or staff organization desiring to display an outdoor A-frame exhibit must follow guidelines outlined on the Dean of Students 'General Exhibits and A-frame Exhibits' website.

## **Subsection 29: Criteria for Approval**

1. General exhibits.
  - a. The Dean of Students will designate temporary outdoor exhibit spaces where general exhibits may be placed. The Dean of Students will authorize a general exhibit described in a completed application under Subsection 29 unless the Dean of Students finds that use of the proposed temporary outdoor exhibit space for the proposed exhibit must be disapproved under the criteria in UTDSP5002. The Dean of Students will advise the applicant on how to correct, if possible, any conditions that preclude approval of the application.
  - b. The Dean of Students will consider the totality of the circumstances, including safety concerns, as part of the approval process.
2. A-frame exhibits.
  - a. The Dean of Students will designate temporary outdoor exhibit spaces where A-frame exhibits may be placed. If an academic or administrative unit or a registered student, faculty, or staff organization wishes to place an A-frame exhibit in a different location, then the structure will be considered a general exhibit under this Subsection. The Dean of Students may limit the number of A-frame exhibits that are placed in designated areas to minimize visual obstructions of the A-frames.

### **Subsection 30: Time Limits**

1. General exhibits.
  - a. In locations administered by the Dean of Students, each exhibit may be displayed for seven days. The exhibit may be renewed for an additional seven days if space is available.
  - b. The exhibit may be displayed no earlier than 8:00 a.m. and must be removed by 10:00 p.m. each day and may be re-erected each morning. However, the Dean of Students may authorize overnight exhibits in designated locations on a case-by-case basis.
2. A-frame exhibits.
  - a. Each A-frame exhibit may be placed for seven days and remain overnight. The A-frame exhibit may be renewed for an additional seven days if space is available.
  - b. If the A-frame is left on campus for longer than the reservation, the A-frame may be removed by the Department of Facilities Management, at the expense of the academic or administrative unit or registered student, faculty, or staff organization.

### **Subsection 31: Clean-up Around and Upkeep of Exhibits**

Any person or organization sponsoring an exhibit shall remove litter from the area around the exhibit before vacating the space. A-frame exhibits are expected to be maintained in a manner that they are in working order and with material that is not out of date.

### **Subsection 32: Liability**

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.

## **Section H: Amplified Sound**

### **Subsection 33: General Rules on Amplified Sound**

University persons, University organizations, and members of the public may use amplified sound on campus at designated times and locations, subject to the rules in this section and to the general rules in Sections B and C. This section creates limited exceptions to the general rule on disruption in Section C.

### **Subsection 34: Location and Times of Amplified Sound Areas**

#### **1. Student Union Mall**

- a. The Margaret McDermott Student Union Mall Amplified Sound Area is bounded by the Student Union Building on the west side and extends to the stone wall between the Student Union and the McDermott Library on the east side. The north boundary is marked by the north end of the mall pavers and the south boundary is the end of the pavement on the south side of the outdoor Chess Plaza.
- b. With appropriate approval, University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. to 5 p.m. on Saturdays and Sundays.
- c. All academic and administrative units, as well as, registered and sponsored student organizations, and faculty and staff organizations may use sound equipment owned or controlled by the dean of students' office for this sound area.
- d. Members of the public must use their own sound equipment. This sound area requires a reduced decibel level as compared to other sound areas to ensure educational activity in close proximity is not disturbed.

#### **2. The PUB Patio**

- a. The PUB Patio Amplified Sound Area is bounded by the railed fence on the north end of the Patio and to the east, west, and south by the existing surrounding walls of the Union building.
- b. With appropriate approval, University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. to 5 p.m. on Saturdays and Sundays.
- c. All academic and administrative units, as well as, registered and sponsored

student organizations, and faculty and staff organizations may use sound equipment owned or controlled by the dean of students' office for this sound area.

- d. Members of the public must use their own sound equipment. This sound area requires a reduced decibel level as compared to other sound areas to ensure educational activity in close proximity is not disturbed.

3. Student Union Green Space

- a. The Student Union Green Space is bounded by the edges of the grass on the north, south, east, and west sides.
- b. With appropriate approval, University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. to 5 p.m. on Saturdays and Sundays.
- c. All academic and administrative units, as well as, registered and sponsored student organizations, and faculty and staff organizations may use sound equipment owned or controlled by the dean of students' office for this sound area.
- d. Members of the public must use their own sound equipment. This sound area requires a reduced decibel level as compared to other sound areas to ensure educational activity in close proximity is not disturbed.

- 4. With advance permission from the director of the Student Union, University persons and University organizations may be authorized to use amplified sound in the amplified sound areas after 5:00 p.m. weekdays and Saturdays and Sundays, not to exceed 1:00 a.m. the next day. The Student Union Director will decide what a reasonable start/end time should be, based on information relating to other campus events and classroom activities occurring on the day of the request. University groups using Student Union amplified sound equipment will yield equipment when the facility closes.
- 5. The Vice President for Student Affairs may designate additional areas for use of amplified sound.
- 6. If the director of the Student Union concludes that it is unworkable to use amplified sound in more than one of the amplified sound areas at the same time, the director may deny requests to use amplified sound.

### **Subsection 35: Regulation and Scheduling of Amplified Sound**

- 1. The director of the Student Union 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 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.

2. Reservations.

- a. University persons, University organizations, and members of the public wishing to use an amplified sound area may reserve a particular area at a particular time. Reservations by University persons and University organizations must be made with the director of the Student Union through the online request form located on the Student Union website. Members of the public may make a reservation by emailing [reservations@utdallas.edu](mailto:reservations@utdallas.edu). If space is available, the director of the Student Union shall approve a properly completed request, unless the application must be disapproved under the criteria in UTDSP5002 or under rules promulgated by the director under the authority of this section.
- b. The director of the Student Union shall advise each applicant on how to correct, if possible, any conditions that preclude approval of its application. The director of the Student Union may give advice to applicants of approved applications about other possible locations for an event, or about modifications to the proposed event, that would avoid potential problems or make the proposed event more workable.
- c. The director of the Student Union may limit the number or frequency of reservations for each applicant to ensure reasonable access for all persons and organizations desiring to use amplified sound.

3. 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 common outdoor 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. Equipment will not be provided to University persons and University organizations who do not have a prior reservation. With or without a reservation, members of the public must use their own equipment and comply with decibel level requirements.
4. Persons 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.
5. 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 website maintained by the director of the Student Union.

### **Subsection 36: Amplified Sound Indoors**

University persons and University 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 director of the Student Union 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 UTDSP5002.

## **Section I: Public Assemblies**

### **Subsection 37: General Rules on Public Assemblies**

1. "Publicly assemble" and "public assembly" include any gatherings of persons, including discussions, rallies, and demonstrations. The rules of Section H apply to any use of amplified sound at a public assembly.
2. Persons 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 University property in UTDSP5002. No advance permission is required in the common outdoor areas.

### **Subsection 38: Reservation of Space**

1. Common outdoor areas reservations.
  - a. University persons, University organizations, and members of the public may reserve a space to assemble in the common outdoor areas, as defined by this policy. This is in addition to the amplified sound areas which are also available for reservation.
  - b. Reservations by University persons and University organizations must be made with the director of the Student Union through the online request form on the Student Union website. Members of the public may reserve space by making a request to [reservations@utdallas.edu](mailto:reservations@utdallas.edu). Applications and requests for a reservation for such assemblies will be approved pursuant to UTDSP5002.
  - c. If the expected attendance at an assembly is twenty-five or more people, advance notice of no less than three days is recommended. Persons and organizations are encouraged to seek 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 director of the Student Union or other campus units, depending on the space, 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 in UTDSP5002.
  - c. If the expected attendance at an event with a guest speaker is twenty-five or more people, advance notice of no less than three days is required.
3. 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.
4. While reservations are not required, they are strongly encouraged. A person or organization planning to use a room or space without a reservation may find the facility locked or in use by another person or organization.
5. 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.

### **Subsection 39: Notice and Consultation**

1. Persons or organizations may publicly assemble on 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 a common outdoor area, with or without a guest speaker, and with more than fifty expected participants, including potential counter-demonstrators, are strongly encouraged to provide advanced notice of no less than one week to the director of the Student Union to help the University improve the safety and success of the expressive activity. Members of the public may provide this notice by emailing [reservations@utdallas.edu](mailto:reservations@utdallas.edu). If there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events, persons and organizations are encouraged to consult the Dean of Students and director of the Student Union. 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 to the extent relocation is practicable.
3. University organizations planning an event in the limited public forum areas with or without a guest speaker and expected attendance of more than twenty-five participants are required to provide advanced notice of no less than three days to the Dean of Students, per the regulations outlined in the Student Organization Manual, to improve

the safety and success of the expressive activity. University persons and University organizations are encouraged to consult with the Dean of Students and director of the Student Union if there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events. The dean has much experience in helping student organizations structure events in ways that both comply with the University's rules and achieve the organization's goals for the event. The dean can help identify appropriate space and potentially conflicting events. The dean can help the planners avoid unintended disruption or other violations that may result in subsequent discipline or subsequent interference with the assembly by campus authorities.

4. The notice and consultation requirements of this section do not apply to academic or administrative units.
5. University organizations notice and consultation requirements of this section may be waived by the Dean of Students.
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.

## **Section J: Guest Speakers**

### **Subsection 40: Definitions**

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

### **Subsection 41: Who May Present**

1. Subject to the rules in this policy, University persons, University organizations, and members of the public may present guest speakers in common outdoor areas.
2. Registered student, faculty, and staff organizations and academic and administrative units may present guest speakers in the limited public forums of the campus. In the case of registered student organizations and sponsored student organizations, advance permission from the Dean of Students, as outlined in the Student Organization Handbook is required. Registered faculty organizations are required to seek advance permission from the Vice President for Academic Affairs and Provost. Registered staff organizations are required to seek advance permission from the Vice President and Chief of Staff. Individuals may not present a guest speaker in University buildings or



University facilities.

## **Subsection 42: Location and Form of Presentation**

1. Subject to the rules in this policy, including the applicable time, place, and manner rules, University persons, University organizations, and members of the public may utilize the common outdoor areas for guest speaker assemblies. No reservation or prior approval is necessary, but notice and reservations are encouraged.
2. A guest speaker may present a speech or performance, or lead a discussion, at a time announced in advance, in a limited public forum following guidelines and reservation requirements set forth in this policy.
  - a. A guest speaker may distribute literature indoors only immediately before, during, or after the normal course of their speech, performance, or discussion to persons in attendance. Only literature that complies with Section D of this policy may be distributed.
3. A guest speaker may not:
  - a. accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
  - b. distribute literature to persons who have not chosen to attend the speech, performance, or discussion; or
  - c. help staff a table or exhibit unless it is set up in a common outdoor area.

## **Subsection 43 Application**

1. A registered student organization that has received approval of the dean to host a guest speaker in a limited public forum area must complete the reservation of space form on the Student Union website.
2. The dean shall approve an application properly made under Section I of this policy unless it must be disapproved under the criteria in UTDSP5002.

## **Subsection 44: 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 their own and do not necessarily represent the views of the University, the University of Texas System, or any component institution.

## **Section K: Responding to Speech, Expression, and Assembly**

### **Subsection 46: General Rule on Responding**

Persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this policy.

### **Subsection 47: Applications**

1. Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.
2. 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 policy.
3. Means of response that require advance permission or reservation, such as banners, general exhibits, A-frame 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 because of earlier reservations, but the Dean of Students shall expedite approval of general exhibits, A-frame exhibits, available banner space, and amplified sound areas where necessary to permit appropriate response to other speech, assembly, or expression.
4. 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.

## **Section L: Enforcement and Appeals**

### **Subsection 48: Police Protection**

1. It is the responsibility of the University to make its best effort 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 in regular duty areas that fall in the area of such events will be at the cost of the University. When the magnitude, timing, or nature of an event in a University building, University facility, or other areas of the University's limited public forum 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 paragraphs 2 and 3 below, charge the cost of overtime or contract officers to the person or organization sponsoring the event or exhibit. The purpose is to charge for police overtime when reasonably necessary, 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.

2. A reasonable and nondiscriminatory fee for overtime police work will be charged to the registered student, faculty, or staff organization for events in a University building, University facility, or other areas of the University's limited public forum for events that require overtime police protection, and
  - a. charge a price for admission, or
  - b. have a paid speaker, band, or other off-campus person or organization for services at the event.
3. 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. No additional 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 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.
4. Nothing in this Subsection applies to any interdepartmental charge or transfer among units or accounts funded by the University.

## **Subsection 49: Response to Violations**

1. Students wishing to make a grievance regarding a violation of Texas Education Code § 51.9315 may report it via the University Compliance and Ethics hotline by calling 1-888-228-7707.
2. A student or registered/sponsored student organization who violates a prohibition in this policy may be disciplined under the procedures in UTDSP5003.
3. A faculty member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by faculty members shall be referred to the Office of the Vice President for Academic Affairs and Provost.

4. A staff member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by staff members shall be referred to the staff member's supervisor.
5. Authorized University personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this policy, by explanation and by persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively, or additionally, they may initiate disciplinary proceedings under paragraphs 2, 3, or 4 of this subsection. 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.
6. A University person or University organization on the campus shall comply with instructions from University administrators and law enforcement officials at the scene. A University person or University 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 Subsection 50.
7. Off-campus person(s) or organization(s) on the campus who violate a prohibition in this policy may be subject to criminal trespass charges, arrest, or other lawful measures.
8. 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.
9. Any registered student group that engages in incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy because of antisemitism or bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, is subject to discipline, up to and including possible loss of recognized status for the registered student group.

## **Subsection 50: Appeals**

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

3. An appeal authorized by this Subsection shall be heard under the procedures set out in UTDSP5002.

## RESPONSIBLE PARTY

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## LAST REVIEWED

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## HISTORY

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# CHAPTER 13. SPEECH, EXPRESSION, AND ASSEMBLY

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## Subchapter 13–100. Governing Principles

### Sec. 13–101. 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. In accordance with this Chapter, students, faculty members, staff members, and members of the public 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. Generally, University events and programming, and events at University spaces leased or managed by other parties, are outside the scope of this Chapter and are not considered expressive activity. These events and activities may be implemented as approved by the appropriate vice president or under the applicable contractual terms.
- b. In furtherance of the University's educational mission, the University buildings including their outside surfaces, surfaces associated with or connected to a University building, and a University structures 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 rules contained in this Chapter, including generally applicable or localized "time, place, and manner" rules as described in Subsection 13-304. Student, faculty, and staff organizations may not invite the public at large to events in University buildings, or facilities, or locations that are not a Common Outdoor Area.
- c. Students, faculty and staff members 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 as permitted by law, and subject to the applicable University rules and policies. Teaching, research, and other official functions of the University will have priority in allocating the use of space on campus. Members of the public may engage in expressive activities only in Common Outdoor Areas. The University's the time, place, and manner rules in this Chapter apply to individuals and groups engaging in expressive activity and are necessary to preserve the University's efficient and effective operations and functions.
- d. The University 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. This subsection does not limit the University's ability to enforce provisions involving prohibited categories of expression described in Subchapter 13–200.
- e. The University of Texas at Austin Police Department (UTPD) and any other peace officer with lawful jurisdiction may immediately enforce these rules if a violation of these rules constitutes a breach of the peace, compromises public safety, or violates the law. They may also assist dean of students staff or other University officials, as appropriate, when individuals refuse to follow University rules.

### Sec. 13–102. Scope of This Chapter and Related Provisions

- a. This Chapter protects and regulates on-campus speech, expression, and assembly of students, faculty members, staff members, and members of the public, regardless of whether those activities are part of the teaching, research, or other official functions of the University or whether they are sponsored by the University or any academic or administrative unit.
  1. This Chapter also regulates certain speech that is part of the teaching, research, or other official functions of the University.
  2. Section 13–204 on harassment applies to all speech on campus, to speech made using University resources, and to off-campus speech that materially interferes with a person's education or employment.
- b. This Chapter applies to speech and expressive activity by University persons, University organizations, and members of the public whether conducted in the Common Outdoor Areas or the Limited Public Forums. It also applies to speech made using university information resources as defined in University policies, regardless of whether the speech was submitted for academic credit. The Dean of Students administers and schedules reservations for the use of the temporary exhibit and banner spaces the use of University tables and the use of amplified sound because scheduling through a single office is necessary to avoid conflicts.
- c. Any program or event sponsored by an academic or administrative unit of the University will have priority in the use of space and facilities over any speech, expression, or assembly that is not sponsored by an academic or administrative unit, except that programs or events sponsored by an academic or administrative unit will not have priority in the use of weekday amplified sound areas defined in Section 13–802. This Chapter does not limit other existing authority of University officials to authorize programs and events sponsored by the University or an academic or administrative unit and not provided for in this Chapter.
- d. Additional rules concerning free speech and academic freedom of faculty members are found in the Regents' *Rules and Regulations*, Rule 31004, Paragraph 2, Sections 1 and 2.
- e. Additional rules concerning free speech at the University are found in the Regents' *Rules and Regulations*, Rule 40501, Rule 80101, Rule 80103, and Rule 80104. Chapter 13 of the *Institutional Rules* implements those provisions and applies them to UT

Austin.

- f. Rules requiring University employees to make clear that controversial statements are made in their personal capacity are found in the Regents' *Rules and Regulations*, Rule 10101, Section 6.2. Rules restricting use of University equipment, supplies, services, and working hours for political activities are found in the Regents' *Rules and Regulations*, Rule 30103.
- g. If a deadline stated in this Chapter falls on a Saturday, Sunday, University holiday, or skeleton crew day, that deadline will be moved to the next day that is not a Saturday, Sunday, University holiday, or skeleton crew day.

### Sec 13–103. General Definitions—Categories of Speakers and Users

In this Chapter, unless the context requires a different meaning, the following definitions apply.

1. "Academic or administrative unit" means any office or department of the University.
2. "Event" means something that occurs in a certain place during a particular interval of time. Events include but are not limited to presentations by guest speakers, public assemblies, and other speech activities, which may include the distribution of literature or the use of exhibits, tables, or signs.
3. "Faculty member and staff member" includes any person who is employed by the University.
4. "Off-campus person or organization" and "member of the public" mean 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.
5. "Registered faculty or staff organization" means a faculty organization or staff organization under the Regents' *Rules and Regulations*, Rule 40201 and Handbook of Operating Procedures 4-1110 that has completed the University's registration process in Handbook of Operating Procedures 4-1110.
6. "Registered or sponsored student organization" means a registered student organization or a sponsored student organization under Subchapter 6–200 of the *Institutional Rules*.
7. "Student" means a person who is currently enrolled at the University, or 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.
8. "University person or organization" includes academic or administrative units, registered or sponsored student organizations, registered faculty or staff organizations, and individual students, faculty members, and staff members.

### Sec. 13–104. Other General Definitions

In this Chapter, unless the context requires a different meaning, the following definitions apply.

1. "Amplified Sound" means sound whose volume 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.
2. "Common Outdoor Area" means outdoor space that is not regularly used for dedicated University business and does not have an educational function or a research function. 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.
3. "Dean of Students" means the Dean of Students of The University of Texas at Austin or any delegate or representative of the Dean of Students.
4. "Limited Public Forum" means the University property, both indoors and outdoors, that is not a 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, and residential outdoor spaces managed by University Housing and Dining, including Jester Spanish Oaks Terrace, San Jacinto Amphitheatre, Honors Quad, Duren Courtyard, the Blanton Museum's outdoor Plaza and Art Garden, the Union Building Patios, the William C. Powers Jr. Student Activity Center patios, Goldsmith Hall, the pedestrian bridge adjoining the Graduate School of Business, Moody Pedestrian Bridge, and the Cronkite Plaza.
5. "Main Mall" means the area bounded by the south wall of the Main Building, the west walls of Garrison Hall, the north edge of Inner Campus Drive, the south wall of the Dorothy L. Gebauer Building and the east wall of Battle Hall. The Main Mall includes the south steps and south porches of the Main Building.
6. "Room or Space" includes any Room or Space, indoors or outdoors, owned or controlled by the University.
7. "Temporary Banner Space" means designated outdoor or indoor display area reserved for University persons and University organizations' use, as managed by the Dean of Students, where a University person or organization's temporary banner may be affixed for multiple days as permitted by Subsection 13–503. These areas are part of the University's limited public forum and not open to members of the public.
8. "Temporary Exhibit Space" means an outdoor display area, designated and managed by the Dean of Students, where an authorized person or organization may erect a temporary exhibit as permitted by Subsection 13–503. These areas are part of the University's limited public forum and not open to members of the public.
9. "University" means The University of Texas at Austin.
10. "Vice President" means the Vice President for Student Affairs at The University of Texas at Austin.

### Sec. 13-105. Prohibited Items or Actions

The following restrictions apply to a person's expressive activities and are intended to protect the health and safety of all persons on campus, to maintain the free flow of pedestrian traffic in and out of University buildings, and to protect the educational mission of the University.

- a. The following items are prohibited on campus:
  - i. 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 others, or hinder or interrupt a University official, UTPD officer, or other person in the lawful performance of their duty;
  - ii. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, as determined by University staff, including but not limited to sticks, poles, clubs, swords, shields, or rigid signs that can be used as shields, without prior written permission from the Dean of Students, unless authorized by federal, state or local laws;
  - iii. 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 Dean of Students; and
  - iv. Open flame, unless approved in advance by The University of Texas at Austin Fire Marshal with notice of that approval provided in advance to the Dean of Students.



No person or organization may engage in expressive activity within a ten-foot clearance around points of entry and the perimeter of all University buildings. In some instances, as determined by University staff and based on specific circumstances, a greater perimeter may be required to prevent disruption to events occurring inside buildings.

## Subchapter 13–200. Prohibited Expression

### Sec. 13–201. Obscenity

No person or organization will 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. 13–202. 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) is a false statement of fact; (iv) that holds the person up to hatred ridicule or contempt; (v) is 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) which proximately causes damages; and (vii) is not privileged.

### Sec. 13–203. Incitement to Imminent Violations of Law

No person will 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.

### Sec. 13–204. Harassment

- a. No person will engage in conduct that constitutes harassment of another person or make, distribute, or display on the campus or through University information resources any statement that constitutes harassment of any other person. This Section applies to all speech at UT Austin, all speech made using University resources, including speech that is part of teaching, research, or other official functions of the University whether in person or not, and whether oral, written, or symbolic, and off-campus speech that materially interferes with a person’s education or employment.
- b. “Harassment” means hostile or threatening conduct or speech, whether oral, written, or symbolic, that (1) is sufficiently severe, pervasive, and objectively offensive to create an objectively hostile or threatening 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 (2) personally describes or is personally directed to one or more specific individuals. When harassment is sex or gender based, the definitions for quid pro quo and hostile environment harassment, set out in Handbook of Operating Procedures 3-3031(V)(B), apply over this policy’s harassment provision.
- c. To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not harassment, even if some listeners are offended by the argument or idea.
- d. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in Policy 3-3031 of the Handbook of Operating Procedures.
- 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 other sex-based misconduct, sexual conduct is often central to the offense. These forms of harassment are prohibited by Policy 3-3031 of the Handbook of Operating Procedures, and by the Regents’ *Rules and Regulations*, Rule 30105. Some forms of harassment violate the Prohibition of Campus Violence, Policy 8-1010, in the Handbook of Operating Procedures. Harassment directed at an individual or group of individuals because of race, sex, or certain other characteristics is prohibited by Handbook of Operating Procedures 3-3020. For enhanced sanctions for disciplinary offenses motivated by the race, color, or national origin of a student harmed by the offense, see Subsection 11–701(b) of the *Institutional Rules*. To the extent of any conflict in the definition of verbal harassment, the more detailed definition in this Section controls.
- f. An essential part of higher education is to learn to separate substantive argument from personal offense. Inherent in freely exploring ideas and engaging in educational inquiry is discussion where controversial and offensive ideas may be expressed and even welcomed in furtherance of free inquiry and pursuit of knowledge. We strive as a university community to express even the deepest disagreements in a manner that reflects mutual respect, understanding, and sensitivity within the University and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules. Sometimes community members may engage in a manner that falls short of the desired norms, but this failure does not convert the communication at issue to harassment or a conduct violation.
- g. Verbal harassment has been interpreted very narrowly by the federal courts. Policies on verbal harassment or hate speech at many universities 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.
- h. Members of the University community are strongly encouraged to report harassment and in some cases are required to do so by law. See Handbook of Operating Procedures 3-3031 and 3-3020 for more information. Investigation of the information provided, and any remedial or disciplinary proceedings, will proceed under the procedures set out in the appropriate policy.

### Sec. 13–205. Solicitation & Commercial Speech

- a. General Rules.
  1. No University person, University organization, or member of the public will make, distribute, or display on the 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 authorized by Subsection 13–205(b), by section 13–403, or by the Regents’ *Rules and Regulations*.
  2. 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.
  3. Unadorned acknowledgments or thanks to donors are not solicitation within this definition.
- b. Rules specific to campus community members.
  1. A registered or sponsored student organization or a registered faculty or staff organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions: for the benefit of the registered or sponsored student organization or registered faculty or staff organization; for the benefit of another registered or sponsored student organization or registered 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. Registered or sponsored student organizations, registered faculty or staff organizations, and academic or administrative units may sell, distribute, or display literature that contains advertising, subject to the limits in Section 13–403. Individual students, faculty members, and staff members may distribute or display such literature, but may not sell it.
3. 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 website 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 website for this purpose may regulate that bulletin board or website under the procedures set forth in Section 13–504.
4. 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.
5. A registered or sponsored student organization or a registered faculty or staff organization may collect admission fees for programs scheduled in advance in accordance with Subchapter 10–200 of the *Institutional Rules*.
6. A registered or sponsored student organization or a registered faculty or staff organization may collect membership fees or dues at meetings of the organization scheduled in advance under Subchapter 10–200 of the *Institutional Rules*.
7. A registered student organization that is a qualified organization as that term is defined in the Texas Charitable Raffle Enabling Act, Texas Occupations Code, Chapter 2002 or successor provisions, may sell charitable raffle tickets pursuant to that act.
8. A registered or sponsored student organization or a registered faculty or staff organization may host a public performance of a film scheduled in advance in accordance with Subchapter 10–200 of the *Institutional Rules*. In accordance with the Regents' *Rules and Regulations*, Rule 80103, admission fees may be collected. All registered or sponsored student organizations or registered 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 or sponsored student organizations and registered faculty or staff organizations will be required to follow the process prescribed by the film distributor to obtain approval to exhibit the film. Federal copyright laws generally protect all films viewed in public areas, regardless of format. However, registered or sponsored student organizations and registered faculty or staff organizations may exhibit a film publicly if:
  - A. the film is in the public domain;
  - B. the 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.
- c. More detailed regulation of solicitation appears in the Regents' *Rules and Regulations*, Rule 80103.

## Sec. 13–206. Antisemitic and other discriminatory conduct.

- a. "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.
- b. 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.
- c. Any registered student group that engages in incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy because of antisemitism or bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, is subject to discipline, up to and including possible loss of recognized status for the registered student group.
- d. The University's Nondiscrimination Policy, [Handbook of Operating Procedures 3-3020](#), separately prohibits subjecting individuals or groups to discrimination or harassment because of their race, color, sex, pregnancy, gender, gender identity, sexual orientation, gender expression, religion, age, national origin, ethnicity, veteran status, disability, genetic information, military status, or any other legally protected basis.

## Subchapter 13–300. General Rules on Means of Expression

### Sec. 13–301. Disruption

- a. Except as expressly authorized in Section 13–802, 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:
  1. Any teaching, research, administration, function of the University, or other authorized activities on the campus;
  2. The free and unimpeded flow of pedestrian and vehicular traffic on the campus; or
  3. Any public assemblies, distribution of literature, guest speakers, or use of signs, tables, exhibits, or approved amplified sound by the University or another person or organization acting under the rules in this Chapter.
- b. Scope
  1. The term "disruption" and its variants, as used in this Rule, are distinct from and broader than the phrase "disruption of activities," as used in the Regents' *Rules and Regulations*, Rule 30103, Number 2, Section 2, and 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, and to preserve the University's ability to execute its functions.
  2. 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 typically depends on factors like the time of day and the occurrence of other activities. 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 that the judgment of administrators and law enforcement officials should not be influenced by the viewpoint of those claiming disruption or of those allegedly disrupting.

3. The use of Amplified Sound, drums or other musical or percussive instruments (including makeshift instruments), Guest Speakers, and Assembly for the purpose of expressive activity in the Common Outdoor Areas during the period of final exams and the week immediately preceding final exams is in fact disruptive of University students' ability to prepare for and take their final exams. The University prohibits these activities during the week of final exams and the week immediately preceding final exams. During this time, persons may still engage in other expressive activity permitted by this Chapter. This provision does not limit the University's ability to hold University events during this time period.
4. If amplified sound is authorized for an event under this Chapter, the sound must be turned off by 10:30 p.m. that day.
5. Drums or other musical or percussive instruments (including makeshift instruments) without amplified sounds may be used except when they become disruptive whether because of volume, repeated sound audible in academic or administrative buildings, or any other appropriate basis as determined by the University official charged with managing disruption during the public assembly.
6. As part of the University's educational mission, the University provides dormitories and other living spaces for its students and employees. The University strives to create living spaces that permit a resident to live comfortably, including providing quiet hours to ensure residents have conditions conducive to adequate study, rest, and sleep. With this in mind, any expressive activity in the Common Outdoor Area is deemed disruptive if the sound created by the activity can be heard from a University residence after 10:30 p.m. and before 8:00 a.m. the following morning.
- 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.
- d. The University is responsible for safety on campus. During periods of disruption as determined by the president, president's delegate, dean of students, or other university official charged with managing activities, events, or space, staff may ask an individual to briefly open a cooler, ice chest, or other receptacle to allow a visual inspection for the presence of weapons or other prohibited items. If a person declines to open the container, they may not remain in the area with the container capable of holding weapons or other prohibited items. Before staff can conduct visual inspections, it must contact the Office of the Vice President for Legal Affairs to ensure the course of action is reasonable, considering the circumstances, and does not violate the law, including but not limited to the Fourth Amendment to the United States Constitution. This provision does not modify, limit, or supersede security measures and policies concerning student housing, athletic events, performances in University venues, or other officially sanctioned events.
- e. No assembled groups or individuals may refuse the direction of a University official or police officer to disperse or to cease conduct because it is a disruption to University functions or the educational environment.

### **Sec. 13–302. Impermissible Use of and Damage to Property**

- a. No speech, expression, or assembly may be conducted in a way that damages, defaces, marks (including by chalking), discolors, or alters in any way 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, mark, discolor, alter, or interfere with any sign, table, or exhibit posted or displayed by another person or organization acting under the rules in this Chapter.
- c. No person may affix a sign, banner, hammock or other item on University property unless otherwise permitted by this Chapter.
- d. No person may use or access University property, whether in the Common Outdoor Areas or the Limited Public Forum Areas, in a manner outside of its intended or approved use or access. For example, this provision prohibits persons hanging items from University statues and outdoor art installations and from climbing, hanging from, or otherwise accessing University property in a way that is not otherwise permitted by this Chapter or other University policy. This prohibition also includes, but is not limited to, the activities prohibited by Section 11-402(12)(A-D) of Chapter 11 of the Institutional Rules on Student Services and Activities.

### **Sec. 13–303. 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 follow another person or 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. 13–304. 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 classrooms. These "time, place, and manner" rules limit the rights of persons to enter and speak in the places to which these rules apply.
- b. Reasonable and nondiscriminatory "time, place, and manner" rules generally control over the rights of free speech guaranteed in this Chapter. But even "time, place, and manner" rules are subject to the constitutional right of free speech. Accordingly, such rules must be viewpoint neutral and cannot regulate speech more restrictively than they regulate other activities that cause the problems to be avoided by the rule, or 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.

### **Sec. 13–304. Other Rules with Incidental Effects on Speech**

While the University's Common Outdoor Areas are generally available to its students, faculty, staff, and the public for expressive activity, subject to the rules herein, the primary purpose and function of the University is an institution of higher education. In order to protect the core functions inherent to such an institution and its students, faculty, and staff, the Common Outdoor Area is generally open for expressive activity from 8:00 a.m. through 10:30 p.m., subject to this Chapter. Individuals and groups present for the purpose of engaging in expressive activity outside of this permitted time period are trespassing. Trespassing individuals are subject to University discipline and removal and/or arrest by law enforcement. University events and programming are not expressive activity subject to this curfew or other limitations in this rule.

## **Subchapter 13–400. Distribution of Literature**

### **Sec. 13–401. General Rule on Distribution of Literature**

- a. "Literature" means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informal matter, that is produced in multiple copies for distribution to potential readers.
- b. Registered or sponsored student organizations, registered faculty or staff organizations, and academic or administrative units may sell, distribute, or display literature on campus, subject to the rules in this Subchapter and to the general rules in Subchapter 13–200 and Subchapter 13–300. Individual students, faculty members, and staff members may distribute or display literature, subject to the rules in this Subchapter and to the general rules in Subchapter 13–200 and Subchapter 13–300, 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 in this Subchapter and to the general rules in Subchapter 13–200 and Subchapter 13–300, but may not sell literature.

### Sec. 13–402. 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 or sponsored student organization or a registered faculty or staff organization may sell publications operated for profit as part of a fundraiser authorized by, and subject to the limits of, Subsection 13–205(b)(1).
- b. A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, benefits any private shareholder or individual.

### Sec. 13–403. Limits on Advertising

Literature distributed on campus may contain the following advertising:

1. advertising for a registered or sponsored student organization, a registered 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.

All other advertising in literature distributed on campus is prohibited.

### Sec. 13–404. Clean Up of Abandoned Literature

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

## Subchapter 13–500. Signs, Banners, and A-Frames

### Sec. 13–501. 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 Subchapter 13–200 and Subchapter 13–300, a University person or organization may display a sign by holding or carrying it, by displaying it at a table (see Subchapter 13–600), or by posting it on a bulletin board or other designated location. Signs may not be staked in the ground or posted in any other location except for those areas allowed by longstanding tradition or otherwise allowed by Subsections 13–304(a)-(b) and 13–504(a). Subject to viewpoint-neutral size requirements, University Housing and Dining has designated the windows and doors of a residence hall room as locations where the resident(s) of that room may post signs. Section 13–504 lists other designated locations.

### Sec. 13–502. Hand-Held Signs

- a. A University person or University organization may display a sign on campus by holding or carrying it by hand or attaching it to their person. Members of the public may display a sign in the common outdoor areas by holding or carrying it by hand or 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 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.
- c. Any person holding or carrying a sign will 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 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.
- e. A law enforcement officer, the Dean of Students, or an usher or other University employee (if authorized by officials responsible for managing the venue), may warn any person that his or her sign is being handled in violation of Subsections 13–502(a), (b), (c) or (d). If the violation persists after a clear warning, the law enforcement officer, Dean of Students, authorized usher, or other authorized employee may confiscate the sign. A law enforcement officer may take any action necessary to keep the peace, including but not limited to issuing a criminal trespass warning to or arresting the violator.

### Sec. 13–503. Banners

"Banner" means an affixed, stationary sign hung from a structure or building or between two buildings, structures, or poles. Banners on poles may not be carried by individuals.

- a. Hand-held banners. University persons, University organizations, and members of the public are permitted to display a hand-held banner carried by two or more individuals without poles, in accordance with Rule 13–502(a) above, in the common outdoor areas.
- b. Temporary banner space designations.
  1. The Dean of Students will designate temporary banner spaces where banners may be hung in outdoor locations not occupied or controlled by any other academic or administrative unit. Temporary banner spaces are not open to members of the public.
  2. Other academic or administrative units may designate one or more temporary banner spaces where banners may be hung in indoor or outdoor locations that the unit occupies or controls. These temporary banner spaces are not open to members of the public.
- c. Space priority.



1. Academic or administrative units, registered or sponsored student organizations, and registered faculty or staff organizations may hang banners in locations designated under Subsection 13–503(b). The Dean of Students may set reasonable limits on the number of banners that any unit or organization may hang at one time. Individuals and members of the public may not hang banners.
2. Advance permission is required from the unit administering the location; usually, advance reservations are required. Academic or administrative units advertising official University events or programs may be given priority. In locations administered by academic or administrative units other than the Dean of Students, organizations affiliated with the unit administering the location may be given priority.
- d. Time limits.
  1. In locations administered by the Dean of Students, each banner may be hung with a minimal commitment of two weeks. After the initial week reservation, the banner may be renewed from week to week, for up to four weeks, if space is available.
  2. Other 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.
- e. The Dean of Students will maintain, on a website or on a flyer or pamphlet available at the Dean of Students' office:
  1. a list of outdoor temporary banner spaces where banners may be hung;
  2. the academic or administrative unit that administers this banner policy at each outdoor location; and
  3. a current description of the rules and procedures for reserving a temporary banner space in order to hang a banner in locations administered by the Dean of Students.
- f. The unit administering 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 University personnel.
- g. A law enforcement officer, dean of students staff member, or other University official charged with managing activities, events, or spaces may confiscate banners handled or affixed in violation of this Policy or in instances that create a safety concern.

### **Sec. 13–504. Signs in Other Designated Locations (Including Departmental Bulletin Boards)**

- a. Each academic or administrative unit 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 longstanding tradition.
- b. Signs in spaces occupied by academic or administrative units may be:
  1. confined to bulletin boards or other designated locations;
  2. subjected 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; and
  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 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 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.
  3. This notice will 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, then the only applicable rules are those contained in Subchapter 13–200 and Sections 13–301 to 13–304.
- d. 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.
- e. 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 13–600. Tables**

### **Sec. 13–601. General Rule on Tables**

University persons and University organizations may set up tables to display literature, disseminate information and opinions, and raise funds, subject to the location restrictions and other rules in this Subchapter and to the general rules in Subchapter 13–200, Subchapter 13–300, and Subchapter 13–1000. University persons and University organizations do not need advance permission to set up tables but are encouraged to reserve tabling space on the West Mall and in other high-demand areas where tabling spaces are designated and limited. Subject to the above rules, members of the public may set up tables in the Common Outdoor Areas and do not need advance permission except on the West Mall and on the east side of Speedway between 21st Street and the south edge of Gregory Plaza; in those locations, members of the public may not set up tables without obtaining a reservation as described below. Members of the public may not set up tables in the University's Limited Public Forum Areas.

### **Sec. 13–602. Locations**

- a. Subject to the restrictions elsewhere in these rules, including in Subsection 13–602(b) and the rules on disruption of other functions and interference with vehicular and pedestrian traffic (see Section 13–301), University persons, University organizations, and members of the public may set up tables on impervious surfaces in the Common Outdoor Areas on the campus. University persons and University organizations may set up tables in University buildings in any large, open, indoor location as permitted by the specific building protocols and with permission of the academic or administrative unit controlling the space. In some buildings, tabling may be prohibited completely. The Main building is not available for tabling at any time.
- b. Additional restrictions.
  1. Tables may not be set up on the Main Mall between 8:00 a.m. and 5:00 p.m. on weekdays, or on the west side of any portion of Speedway at any time.
  2. Tables may not be set up in areas covered by grass, landscaping, or other pervious substances.
  3. Tables may not be set up inside any library, classroom, laboratory, performance hall, stadium, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time.
  4. An academic or administrative unit may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. Academic and administrative units are encouraged to state any such rules clearly in writing and to publish those rules on a website or on a flyer or pamphlet available at the chief administrative office of the unit.
  5. Tabling space on the West Mall or on the east side of Speedway between 21st Street and the south edge of Gregory Plaza may be reserved by University persons, University organizations, and members of the public by submitting a request using

the HornsLink.org PublicReservation Form. Members of the general public who wish to table on the West Mall or on the east side of Speedway between 21st Street and the south edge of Gregory Plaza must have a reservation. University persons and University organizations are not required to have a reservation to table on the West Mall or on the east side of Speedway between 21st Street and the south edge of Gregory Plaza, but are encouraged to secure a reservation. Tabling space on the West Mall or on the east side of Speedway between 21st Street and the south edge of Gregory Plaza may be reserved up to four weeks in advance by University persons or organizations and up to three weeks in advance by members of the general public.

6. Tables must be attended at all times. Unattended tables and their contents may be confiscated by University personnel.

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

### **Sec. 13–603. Tabling Cleanup**

Every person or organization sponsoring a table will remove their table, items used during tabling, and any litter from the area around the table before vacating the space.

### **Sec. 13–604. Sources of Tables**

University persons and organizations may supply their own tables. In addition, the Dean of Students maintains a supply of tables for registered or sponsored student organizations that may be checked out for use on campus in designated areas. The Dean of Students will maintain, on a website or on a flyer or pamphlet available at the office of the Dean of Students, a current description of the rules and procedures for checking out tables. Members of the general public, and University persons and organizations other than registered or sponsored student organizations, must supply their own tables.

## **Subchapter 13–700. Exhibits**

### **Sec. 13–701. General Rule on Exhibits**

- a. “General exhibit” means an object or collection of related objects, designed to stand on the ground or on a raised surface, which is not a table, is designed for temporary display, and is not permanently attached to the ground including, but not limited to floor decals, flags, outdoor decorations, and panels.
- b. “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 these criteria will be considered general exhibits and will be subject to the rules governing general exhibits.
- c. Academic or administrative units, registered or sponsored student organizations, and registered faculty or staff organizations may erect general exhibits and A-frame exhibits, subject to the rules in this Subchapter and to the general rules in Subchapter 13–200, Subchapter 13–300, and Subchapter 13–1000. Advance permission is required from the Dean of Students, except that an academic unit may authorize indoor exhibits in a space that it occupies and controls. A-frame exhibits may not be erected on the Main Mall at any time. Members of the public and individual students, faculty, or staff may not erect general exhibits, but may—with permission from the Dean of Students—erect A-frame exhibits in approved locations, subject to the rules in this Subchapter and the general rules in Subchapter 13–200, Subchapter 13–300, and Subchapter 13–1000.

### **Sec. 13–702. Application Process**

Requests for approval of, or reservation of space for, outdoor general exhibits and A-frame exhibits may be submitted via the HornsLink.org Public Reservation Form.

### **Sec. 13–703. Approval Process**

- a. General exhibits.
  1. The Dean of Students will designate temporary outdoor exhibit spaces where academic or administrative units, registered or sponsored student organizations, and registered faculty or staff organizations may place general exhibits upon approval by the Dean of Students. Applications must, where feasible, be submitted at least fourteen days in advance of the beginning of the requested display period. The Dean of Students will approve a general exhibit described in a completed and timely application under Section 13–702 unless the Dean of Students disapproves the application under the criteria in Section 10–203 of the Institutional Rules, or for other good cause. The Dean of Students will, if possible, advise the applicant how to correct any conditions that preclude approval of the application.
  2. The Dean of Students will consider the totality of the circumstances, including safety concerns, as part of the approval process.
- b. A-frame exhibits.
  1. The Dean of Students will designate locations where A-frame exhibits may be placed. If an academic or administrative unit, a registered or sponsored student organization, or a registered faculty or staff organization wishes to place an A-frame exhibit in a location that is not one of the designated A-frame exhibit locations, then the structure will be considered a general exhibit under this Subchapter and may be placed, if approved, only in a designated temporary outdoor exhibit space. Members of the public and individual students, faculty, or staff may not erect A-frame exhibits outside of the designated A-frame exhibit locations.
  2. The Dean of Students will maintain, on a website, a current description of the rules and procedures for reserving a space for A-frame exhibits on campus. Space for A-frame exhibits may be reserved up to four weeks in advance by University persons or organizations and up to three weeks in advance by members of the general public. The Dean of Students may establish reasonable limits on the number of times per semester or per academic year an individual or organization may reserve space for an A-frame exhibit.
  3. The Dean of Students may establish reasonable limits on the number of A-frame exhibits that an individual or organization may display in a designated area, or on campus, at any time.

### **Sec. 13–704. Time Limits**

- a. General exhibits.
  1. In locations administered by the Dean of Students, each exhibit may be displayed for up to fourteen consecutive days. The exhibit may be renewed for an additional fourteen days if space is available.
  2. The exhibit may be displayed no earlier than 8:00 a.m. and must be removed by 10:00 p.m. each day and may be re-erected each morning during the permit period. Requests to display exhibits overnight will be considered on a case-by-case basis and subject to Subsection 13–703.
  3. If an exhibit is displayed without permission, including outside the permit period, the exhibit may be removed by the Department of Facilities Services at the expense of the person or organization sponsoring the exhibit.

## b. A-frame exhibits.

1. Each A-frame exhibit may be placed for up to fourteen consecutive days and remain overnight. The A-frame exhibit may be renewed for an additional fourteen consecutive days if space is available.
2. If an A-frame exhibit is left on campus without permission, including outside the permit period, the exhibit may be removed by the Department of Facilities Services at the expense of the person or organization sponsoring the exhibit.

**Sec. 13–705. Exhibit Cleanup**

The person or organization sponsoring an exhibit will remove the exhibit and any litter from the area around the exhibit before vacating the space.

**Sec. 13–706. Liability**

The 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 will not be liable for any damage that may occur to the exhibit, and the person or organization sponsoring the exhibit will indemnify the University for any claims arising from the exhibit's presence on campus.

**Subchapter 13–800. Amplified Sound****Sec. 13–801. General Rule on Amplified Sound**

Registered or sponsored student organizations, registered faculty or staff organizations, and members of the public may use amplified sound on campus at designated times and locations, subject to the rules in this Subchapter and to the general rules in Subchapter 13–200 and Subchapter 13–300. Advance permission is required. Academic and administrative units need not obtain permission from the Dean of Students to use amplified sound in areas under their control, but should provide advance notice to the Dean of Students when feasible so that the Dean of Students can coordinate timing and help units avoid conflicts. The following unit-controlled areas are sufficiently isolated that coordination by the Dean of Students is unnecessary: the Blanton Museum of Art Courtyard; the McCombs School of Business South Plaza; the Walter Cronkite Plaza at the Jesse H. Jones Communication Center; and the Whitis Court Courtyard.

This Subchapter creates limited exceptions to the general rule on disruption in Section 13–301. An Amplified Sound Areas Map may be found [here](#).

**Sec. 13–802. Location and Times of Weekday Amplified Sound Areas**

## a. West Mall Amplified Sound Area.

1. The West Mall Amplified Sound Area is the extreme east end of the West Mall, adjacent to the west steps of the Main Building.
2. University persons, University organizations, and members of the public may use amplified sound in this area from 11:30 a.m. to 1:30 p.m. on weekdays.
3. All academic and administrative units, registered and sponsored student organizations, and faculty and staff organizations may use sound equipment owned or controlled by the Dean of Students' office for this sound area.
4. Members of the public must use their own sound equipment. This sound area requires a reduced decibel level as compared to other sound areas to ensure educational activity in close proximity is not disturbed.
5. Per Section 61.004 of the Texas Elections Code, groups making a political speech, or electioneering for or against any candidate, measure, or political party may not use amplified sound on the West Mall or anywhere within 1,000 feet of a polling place when the polling place is open.

## b. Winship Circle Amplified Sound Area.

1. The Winship Circle Amplified Sound Area is the grassy area east of the East Mall Fountain, west of Waller Creek, and south of Winship Hall.
2. University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.

## c. Battle Oaks Amplified Sound Area.

1. The Battle Oaks Amplified Sound Area is the area bounded by the north wall of Hogg Auditorium, by an extension drawn northward from the east wall of the Texas Union, by the south edge of the sidewalk on the south side of 24th Street, and by the west edge of the sidewalk on the west side of Inner Campus Drive.
2. University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.

## d. Mustangs Amplified Sound Area.

1. The Mustangs Amplified Sound Area is the area bounded by the sidewalk on the east side of San Jacinto Boulevard, by the west wall of the Texas Memorial Museum, and by the outer edge of the two stairways on either side of the lawn.
2. University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.

## e. San Jacinto Street Amplified Sound Area.

1. The San Jacinto Street Amplified Sound Area is the area bounded by the south wall of the Art Building, by the east edge of the sidewalk on the east side of San Jacinto Boulevard, by the north edge of the sidewalk on the north side of 23rd Street, and by the west edge of the sidewalk on the west side of Trinity Avenue.
2. University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.

## f. LBJ Fountain Amplified Sound Area.

1. The LBJ Fountain Amplified Sound Area is the area bounded by the east edge of Robert Dedman Drive, by the first sidewalk north of the LBJ Fountain, by a line drawn tangent to the west side of the LBJ Fountain and parallel to Robert Dedman Drive, and by the base of the hill on the south side of the LBJ Fountain.
2. University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.

## g. 2609 University Avenue Courtyard Amplified Sound Area.

1. The 2609 University Avenue Courtyard Amplified Sound Area is the area bounded by the 2609 University Avenue Building on the north, south and east sides, and by the east edge of the sidewalk on the east side of University Avenue.
2. University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.

#### h. Creekside Residence Hall Lawn Amplified Sound Area.

1. The Creekside Residence Hall Lawn Amplified Sound Area is the area bounded by Dean Keeton Street on the north, by Waller Creek on the east and south, and by San Jacinto Boulevard on the west and south.

University persons, University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.

### Sec. 13–803. Regulation and Scheduling of Weekday Amplified Sound

- a. The Dean of Students 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 University functions and other nearby activities, and to manage environmental impact. All such rules will be reasonable and nondiscriminatory.
- b. Reservations.
  1. University persons, University organizations, and members of the public wishing to use a weekday amplified sound area must reserve a particular area at a particular time. Reservations by University persons and University organizations must be made with the Dean of Students on a form prescribed by the Dean of Students. Members of the public may reserve space by making a request on the [HornsLink.org Public Reservation Form](https://hornslink.org/publicreservationform). The Dean of Students will approve a properly completed application to reserve an amplified sound area, unless the application or request must be disapproved under the criteria in Section 10–203 of the *Institutional Rules* or under rules promulgated by the Dean of Students under the authority of this Section.
  2. The Dean of Students may limit the number or frequency of reservations for each applicant to ensure reasonable access for all persons and organizations desiring to use amplified sound on weekdays.
  3. When amplified sound areas are not reserved for use for an assembly including amplified sound, they are available, without reservation, for permitted expressive activities that do not involve amplified sound. Such as-available expressive use does not permit a person to use amplified sound without a reservation. 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 the reserved time.
- c. Amplified sound in the West Mall Sound Area is in fact disruptive of teaching, administration, and research in the Main Building, in the Flawn Academic Center, in Goldsmith Hall, in the West Mall Office Building, and in Battle Hall. Amplified sound in the Winship Circle Amplified Sound Area is in fact disruptive of teaching, administration, research and performance in College of Liberal Arts Building, the Laboratory Theatre and Winship 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.
- d. University persons, University organizations, and members of the public 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.
- e. The amplified sound locations are maintained on the [Amplified Sound Areas Map](#). Any designations of additional areas, any additional rules regulating the designated areas, and the rules and procedures for reserving the use of a designated area, will be clearly stated on a Web site.

### Sec. 13–804. Amplified Sound on Evenings and Weekends

- a. With advance permission, University persons, University organizations, and members of the public may use amplified sound in any location in the common outdoor areas of campus, including the weekday amplified sound areas designated in Section 13–802, after 5:00 p.m. on weekdays, and after 8:00 a.m. on weekends, except for the early morning hours excluded in Subsection 13–804(b).
- b. If amplified sound is authorized for an event, the sound must be turned off by 10:30 p.m.
- c. The Dean of Students may prescribe reasonable and nondiscriminatory 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 amplified sound on evenings and weekends, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact.
- d. Use of amplified sound on evenings and weekends requires advance permission from the Dean of Students. Reservations by University persons and University organizations must be made with the Dean of Students on a form prescribed by the Dean of Students. Members of the public may reserve space by making a request on the [HornsLink.org Public Reservation Form](https://hornslink.org/publicreservationform). The Dean of Students will authorize amplified sound as described in a completed application unless the Dean of Students finds that the application or request must be disapproved under the criteria in Section 10–203 of the *Institutional Rules* or under rules promulgated by the Dean of Students under the authority of this Section. The Dean of Students will advise each applicant or requestor how to correct, if possible, any conditions that preclude approval of its application.

### Sec. 13–805. Amplified Sound Indoors

University persons and University 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 Dean of Students or the administrative head of the academic or business unit managing the space 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 Chapter 10 of the *Institutional Rules*.

## Subchapter 13–900. Public Assemblies

### Sec. 13–901. General Rule on Public Assemblies

- a. “Publicly assemble” and “public assembly” include any gathering of persons, including discussions, rallies, and demonstrations. The rules in Subchapter 13–800 apply to any use of amplified sound at a public assembly.
- b. Persons 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 Chapter and to the rules on use of University property in Chapter 10 of the *Institutional Rules*. No advance permission is required in the common outdoor areas.

### Sec. 13–902. Reservation of Space

- a. Common outdoor areas reservations.
  1. University persons, University organizations, and members of the public may reserve a space to assemble in the common outdoor areas, as defined by this Chapter. This is in addition to the amplified sound areas which are also available for reservation.
  2. Reservations by University persons and University organizations must be made with the Dean of Students on a form prescribed by the Dean of Students. Members of the public may reserve space by making a request on the [Hornslink.org](https://hornslink.org)



[Public Reservation Form](#). Applications and requests for a reservation for such assemblies will be approved pursuant to Subchapter 10–200 of the *Institutional Rules*.

3. If the expected attendance at an assembly is twenty-five or more people, advance notice of no less than two weeks is recommended. Persons and organizations are encouraged to seek a reservation of a space that is suited to their assembly's anticipated size.
- b. Limited public forum areas reservations.
  1. Registered student, sponsored student, registered faculty, or staff organizations and academic or administrative units may reserve a space to assemble in permitted limited public forum areas, as defined by this Chapter.
  2. The Dean of Students 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 in Subchapter 10–202 of the *Institutional Rules*. Individual faculty, staff, and students may not reserve space under the provisions in Chapter 10.
  3. 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.
- c. 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.
- d. 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.
- e. 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.
- f. In some buildings, public assemblies unrelated to the purpose of the building may be prohibited completely. University persons and organizations seeking to engage in a public assembly inside a building are responsible for confirming such assembly is permitted in a given building. To avoid disruption of University operations, the Main Building may not be used for such public assembly at any time.

## Sec. 13–903. Notice and Consultation

- a. Persons or organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be.
- b. Persons or organizations that are planning a public assembly in a common outdoor 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 Dean of Students to help the University improve the safety and success of the expressive activity. Members of the public may provide this notice by submitting a description of the planned event using the [Hornslink.org Public Reservation Form](#). If there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events, persons and organizations are encouraged to consult the Dean of Students. 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. University 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 Dean of Students to help the University improve the safety and success of the expressive activity. Notice will be provided on a form prescribed by the Dean of Students.
- d. The notice and consultation requirements of this Subchapter do not apply to academic or administrative units.
- e. The University persons and University organizations notice and consultation requirements of this Subchapter may be waived by the Dean of Students or his or her designee.
- f. Registered student, sponsored student, registered faculty and staff organizations are afforded privileges not available to individual faculty, staff, and students. Individuals may not reserve indoor space on campus.

## Subchapter 13–1000. Guest Speakers

### Sec. 13–1001. Definitions

“Guest speaker” means a speaker or performer who is not a student, faculty member, or staff member.

### Sec. 13–1002. Who May Present

- a. Subject to the rules in this Chapter, University persons, University organizations, and members of the public may present guest speakers in common outdoor areas of the campus.
- b. Registered student, sponsored student, registered faculty and staff organizations, and academic or administrative units may present guest speakers in the limited public forums of the campus. In the case of registered student organizations and sponsored student organizations, advance permission from the Dean of Students is required. Registered faculty organizations are required to seek advance permission from the executive vice president and provost. Registered staff organizations are required to seek advance permission from the senior vice president and chief operating officer. Individuals may not present a guest speaker in University buildings or University facilities.

### Sec. 13–1003. Location and Form of Presentation

- a. Subject to the rules in this Chapter, including the applicable time, place, and manner rules, University persons, University organizations, and members of the public may utilize the common outdoor areas for guest speaker assemblies. No reservation or prior approval is necessary, but notice and reservations are encouraged for assemblies of twenty-five or more people.
- b. 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 Dean of Students.
  1. A guest speaker may distribute literature indoors only immediately before, during, and immediately after the normal course of his or her speech, presentation, or performance, and only to persons in attendance. Only literature that complies with Subchapter 13–400 may be distributed.
  2. Student, faculty, and staff organizations may not invite the public at large to events in University buildings or facilities.
- c. A guest speaker may not:
  1. accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
  2. help staff a table or exhibit set up outside of the common outdoor areas or in the University buildings or facilities.
- d. No University person, University organization, or member of the public may present a guest speaker in violation of the prohibitions against solicitation in Section 13–205 or cosponsorship in Chapter 10, Section 13–304 of the *Institutional Rules*.

### Sec. 13–1004. Application for University Building or Facility Space for Presentation of Guest Speakers



In accordance with Regents' *Rules and Regulations*, Rule 40501, Section 3.5, all registered students, sponsored students, registered faculty and staff organizations that wish to present a guest speaker in a University 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 or sponsored student organization that wishes to present a guest speaker will apply to the Dean of Students, through a process prescribed by the Dean of Students, 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 under Section 10–202 of the *Institutional Rules* to reserve the use of a University room or space for the event. The Dean of Students will approve an application properly made under Subsection 13–1004(a) unless it must be disapproved under the criteria in Chapter 10, Section 10–203 of the *Institutional Rules*.
2. A registered faculty organization that wishes to present a guest speaker will apply to the executive vice president and provost through a process prescribed by the executive vice president and provost, 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 under Chapter 10, Section 10–202 of the *Institutional Rules* to reserve the use of a University room or space for the event. The executive vice president and provost will approve an application properly made under Subsection 13–1004(a) in consultation with the Dean of Students unless it must be disapproved under the criteria in Chapter 10, Section 10–203 of the *Institutional Rules*.
3. A registered staff organization that wishes to present a guest speaker will apply to the senior vice president and chief financial officer through a process prescribed by the senior vice president and 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 under Chapter 10, Section 10–202 of the *Institutional Rules* to reserve the use of a University room or space for the event. The senior vice president and chief operating officer will approve an application properly made under Subsection 13–1004(a) in consultation with the Dean of Students unless it must be disapproved under the criteria in Chapter 10, Section 10–203 of the *Institutional Rules*.

### Sec. 13–1005. Obligations of Presenting Organization

A University person or registered student organization or registered faculty or staff organization that presents a guest speaker in a University building or facility must make clear that:

the organization, and not the University, invited the speaker;  
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 System institution; and  
members of the general public are not invited to attend the guest speaker's presentation with the exception of presentations put on by academic or administrative units.

## Subchapter 13–1100. Responding to Speech, Expression, and Assembly

### Sec. 13–1101. General Rule on Responding

Persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this Chapter.

### Sec. 13–1102. Applications of Section

- 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, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized in this Chapter.
- c. Means of response that require advance permission or reservation, such as temporary banners, A-frames 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 Dean of Students will, where feasible, 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.
- d. 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.

## Subchapter 13–1200. Enforcement and Appeals

### Sec. 13–1201. 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 areas in the area of such events will be at the cost of the University. When the magnitude, timing, or nature of an event in a University building, University facility, or other area of the University's limited public forum that 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 Subsection 13–1201(b) and Subsection 13–1201(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 Subsection 13–1201(b) and Subsection 13–1201(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. University 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, sponsored student, faculty, or staff organization for events in a University building, University facility, or other area of the University's limited public forum that require overtime police protection, and
  1. charge a price for admission; or
  2. have a paid speaker, band, or other off-campus person or organization for services at the event.
- c. The University 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.

d. Nothing in this Section applies to any interdepartmental charge or transfer among units or accounts funded by the University.

### Sec. 13–1202. Response to Violations

- a. Students wishing to make a grievance regarding a violation of Texas Education Code § 51.9315 may report it via the University compliance and ethics hotline by emailing [compliance@austin.utexas.edu](mailto:compliance@austin.utexas.edu).
- b. A student who violates a prohibition in this Chapter may be disciplined under the procedures in Chapter 11 of the *Institutional Rules*. A registered student or sponsored student organization that violates a prohibition in this Chapter may be disciplined under the procedures in Chapter 6 of the *Institutional Rules*.
- c. A faculty member who violates a prohibition in this Chapter may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by faculty members will be referred to the Office of the Executive Vice President and Provost for handling.
- d. A staff member who violates a prohibition in this Chapter may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by staff members will be referred to Human Resource Services for handling.
- 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 Subsection 13–1202(a), Subsection 13–1202(b), or Subsection 13–1202(c). Discretion regarding the means and necessity of enforcement will be vested in the chief of police, or in University personnel designated by the president, as appropriate, but such discretion will be exercised without regard to the viewpoint of any speaker.
- f. University persons and University organizations on the campus will comply with instructions from University administrators and law enforcement officials at the scene. A University person or University 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 13–1203.
- g. Off-campus person(s) or organization(s) on the campus who violate a prohibition in this Chapter may be subject to criminal trespass charges, arrest, or other lawful measures.

### Sec. 13–1203. 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 University 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.
- c. An appeal authorized by this Section will be heard under the procedures set out in Subchapter 10–400 of the *Institutional Rules*.

**UTDSP5001**

# **Speech Expression and Assembly**

## **Policy Statement**

### **Section A: Governing Principles**

#### **Subsection 1: Freedom of Speech, Expression, and Assembly**

1. 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 peaceably 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.
2. In furtherance of the University's educational mission, the University buildings, including their outside surfaces, surfaces associated with or connected to a University building, or a University structure are limited public forums open only to the expressive activities of faculty, staff, and students as set forth in this policy. Occupation of a building as an expressive activity is prohibited.
3. Members of the public may only engage in expressive activities in areas of campus that have been designated as traditional public forums by the Board of Regents. There are currently no areas that have been designated by the Board of Regents. If any areas become designated, a map describing those areas will be posted publicly on the University's website. Any person engaging in expressive activities in such areas remains subject to the rules set forth in this policy.
4. 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.
5. Except as expressly authorized by Section B or as identified in federal or state law, the University shall not discriminate on the basis of the political, religious, philosophical,

ideological, or academic viewpoint expressed by any person, in the enforcement and administration of these rules or otherwise.

6. The University of Texas at Dallas Police Department (UTDPD) may immediately enforce these rules if a violation of these rules constitutes a breach of the peace or compromises public safety.

## **Subsection 2: Scope of this Policy and Related Provisions**

1. This policy applies to speech by all persons in all areas of campus, and speech made using the University's information systems.
2. This policy applies to speech by University persons and University organizations in the common outdoor areas, the limited public forums, and speech made using the University's information systems. This policy also applies to members of the public in common outdoor areas.
3. Any program or event sponsored by an academic or administrative unit of the University 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. Reservation process and available space for academic or administrative units are different and separate from those outlined in this policy. This policy does not limit other existing authority of University officials to authorize programs and events sponsored by an academic or administrative unit not provided for in this policy.
4. Additional rules concerning free speech and academic freedom of faculty members are found in the Regents' Rules and Regulations (Rule 31004, Number 2, Sections 1 and 2).
5. Underlying rules concerning free speech of students are found in the Regents' Rules and Regulations (Rule 40501, Rule 80103, and Rule 80104). This policy implements those provisions and applies them to UT Dallas.
6. Rules requiring University employees to make clear that controversial statements they make are in their personal capacity are found in the Regents' Rules and Regulations (Rule 10101, Section 7.2). Rules restricting use of University equipment, supplies, services, and working hours for political activities are found in the Regents' Rules and Regulations (Rule 30103).
7. Students enrolled at or employees of the institution must present proof of identity and status at the institution on request by an institution official on the institution's campus engaging in an official duty.

## **Subsection 3: Definitions**

1. "Academic or administrative unit" means any office or department of the University.
2. "Adviser" means a member of the university faculty or full-time staff who advises the

members of an organization.

3. "Amplified sound" means sound with volume that is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are not amplified sound and are not subject to the special rules on amplified sound, but are subject to general rules on disruption.
4. "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.
5. "Common outdoor area" means outdoor space that is not used solely for University business or an event, an educational function, or a research function on either a permanent or temporary basis.
6. "Day" means an 8:00 a.m. to 5:00 p.m. Monday through Friday, and excludes weekends, University holidays, and days on which regularly scheduled classes are suspended due to emergency closure; "University holiday" means days identified in the holiday schedule published by the Office of Human Resources. If a deadline defined in this policy falls on a Saturday, Sunday, University holiday, or emergency closure, that deadline will be moved to the next business day.
7. "Dean of Students" means the Dean of Students or any delegate or representative of the Dean of Students.
8. "Expressive Activity" means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include: commercial speech; defamation; unlawful harassment; incitement to imminent unlawful activity; obscenity; or threats to engage in unlawful activity. The term does not include programming or activities conducted by university units or departments.
9. "Faculty member and staff member" includes any person who is employed by the University.
10. "Limited public forum" means University property, both indoors and outdoors, that is not considered a traditional public forum. 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 (including the grounds around University Village), the Student Union Dining Hall Patio, the Student Union east awning, Dining Hall West outdoor area, Davison Gundy Alumni Center green space, and the courtyards of all academic buildings.
11. "Off-Campus person or organization" and "member of the public" means any person, organization, or business that is not an academic or administrative unit; not a registered student, faculty, or staff organization; or not a student, faculty member or staff member.

12. "Registered student, faculty, or staff organization" includes a registered student organization (as defined in the UT Dallas Student Organization Manual, Chapter 2), a faculty or staff organization under the Regents' Rules and Regulations (Rule 40201), and Student Government and any unit or subdivision thereof.
13. "Room or space" includes any room or space, indoors or outdoors, owned or controlled by the University.
14. "Student" means a person who is enrolled at the University.
15. "Temporary banner space" means designated outdoor or indoor display area reserved for use by University persons and University organizations, as managed by the Dean of Students, where a University person or organization's temporary banner may be affixed for multiple days as permitted by Subsection 21. These areas are part of the University's limited public forum and not open to use by members of the public.
16. "Temporary exhibit space" means designated outdoor or indoor display areas reserved for use by University persons and University organizations, as managed by the Dean of Students, where a University person or organization may erect a temporary exhibit as permitted by Section G. These areas are part of the University's limited public forum and not open to use by members of the public.
17. "University" means The University of Texas at Dallas.
18. "University facility" means an auditorium, arena, residence hall, other building, room, public area, or any other area on the campus.
19. "University person or organization" includes academic and administrative units; registered student, faculty, and staff organizations; and individual students, faculty members, and staff members. All persons and organizations of any kind are either an "off-campus person or organization" or a "University person or organization."
20. "University President" means the President of The University of Texas at Dallas, their delegate, or their representative.
21. "Vice President for Student Affairs" means the Vice President for Student Affairs, their delegate, or their representative.

## **Section B: Prohibited Expression**

### **Subsection 4: Obscenity**

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, Subsection 43.21 or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

## **Subsection 5: Defamation**

1. No person shall make, distribute, or display on the campus any statement that unlawfully defames any other person.
2. 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) is a false statement of fact; (iv) that holds the person up to hatred, ridicule or contempt; (v) is 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) which proximately causes damages; and (vii) is not privileged.

## **Subsection 6: Incitement to Imminent Violations of Law**

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.

## **Subsection 7: Harassment**

1. No person will engage in conduct that constitutes harassment of another person or make, distribute, or display on the campus or through University information resources any statement that constitutes harassment of any other person. This Section applies to all speech regardless of where it occurs, including off University property, if it potentially affects a University person's education or employment with the University or potentially affects the University community, all speech made using University resources, including speech that is part of teaching, research, or other official functions of the University whether in person or not, and whether oral, written, or symbolic.
2. "Harassment" means hostile or threatening conduct or speech, whether oral, written, or symbolic, that:
  - a. is not necessary to the expression of any idea described in Subsection 7.3 of this policy;
  - b. is sufficiently severe, pervasive, and objectively offensive to create an objectively hostile or threatening 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
  - c. personally describes or is personally directed to one or more specific individuals.
3. To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not harassment, even if some listeners are



offended by the argument or idea. The categories of sexually harassing speech set forth in UTDBP3102 of the UT Dallas 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.

4. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in UTDBP3102 and UTDBP3090 of the UT Dallas Handbook of Operating Procedures. Verbal harassment 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 or gender expression, ideology, political views, or political affiliation.
5. 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 by UTDSP5003 and UTDBP3102 of the UT Dallas Handbook of Operating Procedures, and by the Regents' Rules and Regulations, Rule 30105. To the extent of any conflict in the definition of verbal harassment, the more detailed definition in this section controls.
6. The harassment that this section prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse 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 diverse population within the University and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules.
7. Verbal harassment has been interpreted very narrowly by the federal courts. Policies on verbal harassment or hate speech at many universities 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.
8. Members of the University community are strongly encouraged to report harassment.
  - a. A student who believes he or she has been harassed should report the alleged violation to the Dean of Students.
  - b. A faculty member or staff member who believes he or she has been harassed should report the alleged violation to Human Resources.
  - c. Alternatively, any person who believes he or she has been harassed may report the alleged violation to the Office of Institutional Compliance, 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.

- d. Any University official, administrator, or supervisor who receives a report of alleged harassment will promptly refer that report and the complaint to the Office of Institutional Compliance, Human Resources, or the Dean of Students as appropriate. A complainant whose report is not forwarded to the Office of Institutional Compliance, Human Resources or to the Dean of Students, has not initiated proceedings for providing a remedy to the complainant or for imposing discipline on the alleged harasser.
- e. Investigation of the information provided, and any remedial or disciplinary proceedings, will advance under the procedures set out in the harassment policies cross-referenced in this section.

## **Subsection 8: Solicitation & Commercial Speech**

### **1. General rules.**

- a. No University person, University organization, or member of the public 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 this Subsection, by the Regents’ Rules and Regulations, or by a contract.
- b. 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.
- c. Unadorned acknowledgments or thanks to donors are not solicitations within this definition.

### **2. Rules Specific to UT Dallas campus constituents:**

- a. 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 Subsection 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.
- b. 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 D. Individual students, faculty members, and staff members may distribute or display such literature, but may not sell it.

- c. 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 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 for this purpose may regulate that bulletin board under the procedures set forth by that unit.
  - d. 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. As per Regents' Rules and Regulations (Rule 80103, 2.2.9), registered student, faculty, or staff organizations may collect admission fees for programs scheduled in advance.
  - f. A 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 (Policy 2002), or successor provisions.
- 3. A registered student organization that receives funds from membership fees or solicitations under this Subsection shall deposit and account for such funds under the rules in the Student Organization Manual.
  - 4. More detailed regulation of solicitation appears in Regents' Rules and Regulations (Rule 80103). The provisions most relevant to students, faculty, and staff have been incorporated in this policy.

## **Subsection 9: Prohibited Items or Actions**

The following prohibitions are intended to protect the health and safety of all persons on campus, to maintain the free flow of pedestrian traffic in and out of University buildings, to protect the educational mission of the University, or are otherwise required by law:

- 1. 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 by avoiding identification, to intimidate others, or interfere, hinder or interrupt a University official, UTDPD officer, or other person in the lawful performance of their duty.
- 2. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including but not limited to sticks, poles, clubs, swords, shields, or rigid signs that can be used as a shield, without permission from the Dean of Students, unless authorized by federal, State or local laws.
- 3. 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 worn for participation in potentially violent activities.

4. Open flame, unless approved in advance by UT Dallas Life Safety Manager or Dean of Students.
5. Engaging in expressive activity within a ten-foot clearance around points of entry and the perimeter of all University buildings.
6. During the last two weeks of a semester or term, engaging in expressive activities: (i) in the common outdoor areas of the institution's campus in a manner that materially and substantially disrupts the functioning of the institution; (ii) by inviting speakers to speak on campus; (iii) by using a device to amplify sound; or (iv) by using horns, drums, or other percussive instruments.
7. Camping or erecting tents or other living accommodations on campus.
8. Lowering the institution's flag of the United States or State of Texas with the intent to raise the flag of another nation or flag representing an organization or group of people.
9. Engaging in expressive activities on campus between the hours of 10 p.m. and 8 a.m.

## **Section C: General Rules on Means of Expression**

### **Subsection 10: Disruption**

1. Except as expressly authorized in Subsection 36 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:
  - a. teaching, research, administration, or other authorized activities on the campus;
  - b. free and unimpeded flow of pedestrian and vehicular traffic on the campus; or
  - c. signs, tables, exhibits, assemblies, distribution of literature, guest speakers, or use of amplified sound by another person or organization acting under the rules in this policy.
2. Scope.
  - a. The term "disruption" and its variants, as used in this subsection, 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 and to preserve the University's ability to execute its functions.
  - b. 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.

3. 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.

### **Subsection 11: Damage to or Defacing of Property**

1. 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 their property.
2. 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 policy.
3. For purposes of this subsection, the unauthorized use of markers, paints, oil-based products, tape, or chalk on buildings and surfaces is considered damage to or defacing of property.

### **Subsection 12: Coercing Attention**

1. No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication.
2. 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.

### **Subsection 13: Other Rules with Incidental Effects on Speech**

1. 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.
2. Reasonable and nondiscriminatory rules of this kind generally control over the rights of free speech guaranteed in this policy. 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.
3. University persons and University organizations, and members of the public 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.

## **Section D: Distribution of Literature**

### **Subsection 14: General Rule on Distribution of Literature**

1. 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 policy. 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 areas designated by the Board of Regents as traditional public forums, subject to the rules in this policy, but may not sell literature.

### **Subsection 15: Not-for-profit Literature Only**

1. 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 fundraiser authorized by, and subject to the limits of Subsection 8.
2. A publication is operated for profit if any part of the net earnings of the publication, or if its distribution, inures to the benefit of any private shareholder or individual.

### **Subsection 16: Limits on Advertising**

1. 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 Subsection 501 (c)(3) of the Internal Revenue Code;
  - c. paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising; and
  - d. other advertising expressly authorized by the Regents' Rules and Regulations by contract with the University.
2. All other advertising in literature distributed on campus is prohibited.

### **Subsection 17: Cleanup of Abandoned Literature**

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.

## **Section E: Signs and Banners**

### **Subsection 18: General Rules on Signs**

1. "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.
2. Subject to the rules in this section and to the general rules in Sections B and C, a University person or organization may display a sign by holding or carrying it, by displaying it at a table (see Section F), or by posting it on a bulletin board or other designated location. Signs may not be staked to the ground or posted in any other location except those areas allowed by long-standing tradition or otherwise permitted by this policy.

### **Subsection 19: Hand-held Signs**

1. 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 the areas designated by the Board of Regents as traditional public forums 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.
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 shall exercise due care to avoid bumping, hitting, or injuring any other person.
4. 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.
5. A law enforcement officer, the Dean of Students, or an usher or any other university employee if authorized by officials responsible for managing the venue, may warn any person that their sign is being handled in violation of this section. If the violation persists after a clear warning, the law enforcement officer, dean, authorized usher, or other authorized employee may confiscate the sign or take other appropriate steps to respond to the violation. 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.

## **Subsection 20: Signs in Other Designated Locations (including on bulletin boards)**

1. Each academic or administrative unit may authorize the posting of signs in spaces that a unit occupies and controls. Such authorization may be granted by general rule, by stamping or initialing individual signs.
2. Signs in spaces occupied by academic or administrative units may be:
  - a. confined to bulletin boards or other designated locations;
  - b. subjected 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;
  - c. 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.
3. Each academic or administrative unit will post on or near each bulletin board or other designated location that it administers:
  - a. either the rules applicable to that bulletin board or location or a particular office or website where the rules applicable to that bulletin board or location may be found; and
  - b. 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. This notice will 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, then the only applicable rules are those contained in Section B and Subsections 10, 11, and 14.
4. 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.
5. This Section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official University business.

## **Subsection 21: Banners**

"Banner" means an affixed, stationary sign hung from a structure or building, or between two buildings, structures, or poles. Banners on poles may not be carried by individuals.



1. Hand-held banners. University persons and University organizations, and members of the public in areas designated by the Board of Regents as traditional public forums, are permitted to display a hand-held banner carried by two or more individuals without poles in the common outdoor areas.
2. Temporary banner space designations.
  - a. The Dean of Students shall designate places where banners may be hung in indoor and outdoor locations not occupied or controlled by any other academic or administrative unit. Temporary banner spaces are not open to the public.
  - b. Other academic and administrative units may designate one or more temporary banner spaces where banners may be hung in indoor or outdoor locations that the unit occupies or controls. These temporary banner spaces are not open to members of the public.
3. Academic and administrative units and registered student, faculty, and staff organizations may hang banners in locations designated under Subsection 21, 2(2). Individuals and members of the public may not hang banners.
4. Advance permission is required for the hanging of banners. Each banner may be hung for one week. The banner may be renewed from week to week if space is available, but usually, other organizations are waiting their turn and renewal is not possible.
5. The Dean of Students may require that the physical work of hanging the banners be performed only by employees of Facilities Management or other appropriate University personnel. Actual costs will be charged to the organization or unit making the request.

## **Section F: Tables**

### **Subsection 22: General Rule on Tables**

University persons and University organizations may set up tables from which to display literature, disseminate information and opinions, and raise funds, subject to the rules in this policy. No advance permission is required.

### **Subsection 23: Locations**

1. Subject to the restrictions in this section and subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic, University persons and University organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location.
2. Additional Restrictions.

- a. Tables may not be set up inside any library, classroom, laboratory, performance hall, stadium, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time.
  - b. An academic or administrative unit 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 website or on a flyer or pamphlet available at the chief administrative office of the unit.
3. 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.

## **Subsection 24: Identification**

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

## **Subsection 25: Clean-up Around Tables**

Any person or organization sponsoring a table shall remove litter from the area around the table before vacating the space.

## **Subsection 26: Sources of Tables**

University persons and University organizations may supply their own tables. In addition, the Dean of Students maintains a supply of tables for registered student organizations that may be reserved and checked out for use in the Student Union Building and on-campus in designated areas.

# **Section G: General Exhibits and A-frame Exhibits**

## **Subsection 27: General Rules on Exhibits**

1. "General 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 not permanently attached to the ground.

2. "A-Frame Exhibit" means a movable and self-supported signboard designed to stand on the ground in a temporary outdoor exhibit space. A-frame exhibits may not exceed five feet in height or width. Structures that do not meet these criteria will be considered general exhibits and will be subject to the rules in Subsection 31.1.
3. Academic or administrative units and registered student organizations, faculty organizations or staff organizations may erect exhibits, subject to the rules in this section and to the general rules in Sections B and C. Advance permission is required from the Dean of Students, except that an academic unit may authorize indoor exhibits in a space that it occupies and controls. Members of the public may not erect exhibits.
4. The Dean of Students will maintain on a website, a current description of the rules and procedures for displaying a temporary outdoor exhibit space for A-frame exhibits on campus.

## **Subsection 28: Application Process**

An academic or administrative unit or a registered student, sponsored student, faculty, or staff organization desiring to display an outdoor general exhibit will apply on a form prescribed by the Dean of Students. An academic or administrative unit or a registered student, sponsored student, faculty, or staff organization desiring to display an outdoor A-frame exhibit must follow guidelines outlined on the Dean of Students 'General Exhibits and A-frame Exhibits' website.

## **Subsection 29: Criteria for Approval**

1. General exhibits.
  - a. The Dean of Students will designate temporary outdoor exhibit spaces where general exhibits may be placed. The Dean of Students will authorize a general exhibit described in a completed application under Subsection 29 unless the Dean of Students finds that use of the proposed temporary outdoor exhibit space for the proposed exhibit must be disapproved under the criteria in UTDSP5002. The Dean of Students will advise the applicant on how to correct, if possible, any conditions that preclude approval of the application.
  - b. The Dean of Students will consider the totality of the circumstances, including safety concerns, as part of the approval process.
2. A-frame exhibits.
  - a. The Dean of Students will designate temporary outdoor exhibit spaces where A-frame exhibits may be placed. If an academic or administrative unit or a registered student, faculty, or staff organization wishes to place an A-frame

exhibit in a different location, then the structure will be considered a general exhibit under this Subsection. The Dean of Students may limit the number of A-frame exhibits that are placed in designated areas to minimize visual obstructions of the A-frames.

### **Subsection 30: Time Limits**

1. General exhibits.
  - a. In locations administered by the Dean of Students, each exhibit may be displayed for seven days. The exhibit may be renewed for an additional seven days if space is available.
  - b. The exhibit may be displayed no earlier than 8:00 a.m. and must be removed by 10:00 p.m. each day and may be re-erected each morning. However, the Dean of Students may authorize overnight exhibits in designated locations on a case-by-case basis.
2. A-frame exhibits.
  - a. Each A-frame exhibit may be placed for seven days and remain overnight. The A-frame exhibit may be renewed for an additional seven days if space is available.
  - b. If the A-frame is left on campus for longer than the reservation, the A-frame may be removed by the Department of Facilities Management, at the expense of the academic or administrative unit or registered student, faculty, or staff organization.

### **Subsection 31: Clean-up Around and Upkeep of Exhibits**

Any person or organization sponsoring an exhibit shall remove litter from the area around the exhibit before vacating the space. A-frame exhibits are expected to be maintained in a manner that they are in working order and with material that is not out of date.

### **Subsection 32: Liability**

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.

## **Section H: Amplified Sound**

### **Subsection 33: General Rules on Amplified Sound**

Registered organizations may use amplified sound on campus at designated times and locations, subject to the rules in this section and to the general rules in Sections B and C. Members of the public may not use amplified sound. This section creates limited exceptions to the general rule on disruption in Section C.

It is prohibited by law to use a device to amplify sound while engaging in expressive activities on campus during class hours that: (i) intimidates others; (ii) interferes with campus operations; or (iii) interferes with an institution or employee's or a peace officer's lawful performance of a duty.

### **Subsection 34: Location and Times of Amplified Sound Areas**

#### **1. Student Union Mall**

- a. The Margaret McDermott Student Union Mall Amplified Sound Area is bounded by the Student Union Building on the west side and extends to the stone wall between the Student Union and the McDermott Library on the east side. The north boundary is marked by the north end of the mall pavers and the south boundary is the end of the pavement on the south side of the outdoor Chess Plaza.
- b. With appropriate approval, University persons and University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. to 5 p.m. on Saturdays and Sundays.
- c. All academic and administrative units, as well as, registered and sponsored student organizations, and faculty and staff organizations may use sound equipment owned or controlled by the dean of students' office for this sound area. This sound area requires a reduced decibel level as compared to other sound areas to ensure educational activity in close proximity is not disturbed.

#### **2. Student Union Green Space**

- a. The Student Union Green Space is bounded by the edges of the grass on the north, south, east, and west sides.
- b. With appropriate approval, University persons and University organizations, and members of the public may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. to 5 p.m. on Saturdays and

Sundays.

- c. academic and administrative units, as well as, registered and sponsored student organizations, and faculty and staff organizations may use sound equipment owned or controlled by the dean of students' office for this sound area. This sound area requires a reduced decibel level as compared to other sound areas to ensure educational activity in close proximity is not disturbed.
3. With advance permission from the director of the Student Union, University persons and University organizations may be authorized to use amplified sound in the amplified sound areas after 5:00 p.m. weekdays and Saturdays and Sundays, not to exceed 10:00 p.m. the next day. The Student Union Director will decide what a reasonable start/end time should be, based on information relating to other campus events and classroom activities occurring on the day of the request. University groups using Student Union amplified sound equipment will yield equipment when the facility closes.
4. The Vice President for Student Affairs may designate additional areas for use of amplified sound.
5. If the director of the Student Union concludes that it is unworkable to use amplified sound in more than one of the amplified sound areas at the same time, the director may deny requests to use amplified sound.

### **Subsection 35: Regulation and Scheduling of Amplified Sound**

1. The director of the Student Union 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 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.
2. Reservations.
  - a. University persons and University organizations wishing to use an amplified sound area may reserve a particular area at a particular time. Reservations by University persons and University organizations must be made with the director of the Student Union through the online request form located on the Student Union website. If space is available, the director of the Student Union shall approve a properly completed request, unless the application must be disapproved under the criteria in UTDSP5002 or under rules promulgated by the director under the authority of this section.
  - b. The director of the Student Union shall advise each applicant on how to correct, if possible, any conditions that preclude approval of its application. The director of the Student Union may give advice to applicants of approved applications about other possible locations for an event, or about modifications to the

proposed event, that would avoid potential problems or make the proposed event more workable.

- c. The director of the Student Union may limit the number or frequency of reservations for each applicant to ensure reasonable access for all University persons and University organizations desiring to use amplified sound.
3. 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 common outdoor areas. Any University person or University 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. Equipment will not be provided to University persons and University organizations who do not have a prior reservation.
4. University persons and University 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.
5. 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 website maintained by the director of the Student Union.

### **Subsection 36: Amplified Sound Indoors**

Registered student, faculty, or 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 director of the Student Union or other university official 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 UTDSP5002.

## **Section I: Assemblies**

### **Subsection 37: General Rules on Assemblies**

1. University persons and university organizations may assemble on campus in any place where, at the time of the assembly, the University person or University organization is permitted to be. This right to assemble is subject to the rules in this policy, and to the rules on use of University property in UTDSP5002. No advance permission is required in the common outdoor areas.
2. Members of the public may not participate in assemblies on campus with the exception

of the areas that have been designated by the Board of Regents as traditional public forums.

## **Subsection 38: Reservation of Space**

1. Common outdoor areas reservations.
  - a. University persons and University organizations, and members of the public may reserve a space to assemble in the common outdoor areas, as defined by this policy. This is in addition to the amplified sound areas which are also available for reservation.
  - b. Reservations by University persons and University organizations must be made with the director of the Student Union through the online request form on the Student Union website. Applications and requests for a reservation for such assemblies will be approved pursuant to UTDSP5002.
  - c. If the expected attendance at an assembly is twenty-five or more people, advance notice of no less than three days is recommended. University persons and University organizations are encouraged to seek 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 director of the Student Union or other campus units, depending on the space, 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 in UTDSP5002.
  - c. If the expected attendance at an event with a guest speaker is twenty-five or more people, advance notice of no less than three days is required.
3. An organization with a reservation has the right to the reserved room or space for the time covered by the reservation. Certain rooms may be available for use by reservation only. If permitted to use a room without a 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.
4. While reservations are not required, for all rooms, they are strongly encouraged. A person or organization planning to use a room or space without a reservation may find the facility locked or in use by another person or organization.
5. 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.

### Subsection 39: Notice and Consultation

1. University persons or University organizations that are planning an assembly in a common outdoor area, with or without a guest speaker, and with more than fifty expected participants, including potential counter-demonstrators, are strongly encouraged to provide advanced notice of no less than one week to the director of the Student Union to help the University improve the safety and success of the expressive activity. If there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events, persons and organizations are encouraged to consult the Dean of Students and director of the Student Union. 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 to the extent relocation is practicable.
2. Persons or organizations that are planning a public assembly in a common outdoor area, with or without a guest speaker, and with more than fifty expected participants, including potential counter-demonstrators, are strongly encouraged to provide advanced notice of no less than one week to the director of the Student Union to help the University improve the safety and success of the expressive activity. Members of the public may provide this notice by emailing [reservations@utdallas.edu](mailto:reservations@utdallas.edu). If there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events, persons and organizations are encouraged to consult the Dean of Students and director of the Student Union. 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 to the extent relocation is practicable.
3. University organizations planning an event in the limited public forum areas with or without a guest speaker and expected attendance of more than twenty-five participants are required to provide advanced notice of no less than three days to the Dean of Students, per the regulations outlined in the Student Organization Manual, to improve the safety and success of the expressive activity. University persons and University organizations are encouraged to consult with the Dean of Students and director of the Student Union if there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events. The dean has much experience in helping student organizations structure events in ways that both comply with the University's rules and achieve the organization's goals for the event.

The dean can help identify appropriate space and potentially conflicting events. The dean can help the planners avoid unintended disruption or other violations that may result in subsequent discipline or subsequent interference with the assembly by campus authorities.

4. The notice and consultation requirements of this section do not apply to academic or administrative units.
5. Registered student organizations notice and consultation requirements of this section may be waived by the Dean of Students.
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.

## **Section J: Guest Speakers**

### **Subsection 40: Definitions**

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

### **Subsection 41: Who May Present**

1. Subject to the rules in this policy, University persons and University organizations, and members of the public may present guest speakers in common outdoor areas.
2. Registered student, faculty, and staff organizations and academic and administrative units may present guest speakers in the limited public forums of the campus. In the case of registered student organizations and sponsored student organizations, advance permission from the Dean of Students, as outlined in the Student Organization Handbook is required. Registered faculty organizations are required to seek advance permission from the Vice President for Academic Affairs and Provost. Registered staff organizations are required to seek advance permission from the Vice President and Chief of Staff. Individuals may not present a guest speaker in University buildings or University facilities.

### **Subsection 42: Location and Form of Presentation**

1. Subject to the rules in this policy, including the applicable time, place, and manner rules,

University persons and University organizations, and members of the public may utilize the common outdoor areas for guest speaker assemblies. No reservation or prior approval is necessary, but notice and reservations are encouraged.

2. A guest speaker may present a speech or performance, or lead a discussion, at a time announced in advance, in a limited public forum following guidelines and reservation requirements set forth in this policy.
  - a. A guest speaker may distribute literature indoors only immediately before, during, or after the normal course of their speech, performance, or discussion to persons in attendance. Only literature that complies with Section D of this policy may be distributed.
3. A guest speaker may not:
  - a. accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
  - b. distribute literature to persons who have not chosen to attend the speech, performance, or discussion; or
  - c. help staff a table or exhibit unless it is set up in a common outdoor area.

### **Subsection 43 Application**

1. A registered student organization that has received approval of the dean to host a guest speaker in a limited public forum area must complete the reservation of space form on the Student Union website.
2. The dean shall approve an application properly made under Section I of this policy unless it must be disapproved under the criteria in UTDSP5002.

### **Subsection 44: 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 their own and do not necessarily represent the views of the University, the University of Texas System, or any component institution.

## **Section K: Responding to Speech, Expression, and Assembly**

### **Subsection 46: General Rule on Responding**

Persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this policy.

### **Subsection 47: Applications**

1. Responders may not damage or deface signs or exhibits, disrupt assemblies, block the view of participants, or prevent speakers from being heard.
2. Means of response that are permitted in many locations and without advance permission or reservation, such as signs, distribution of literature, and assembly without amplified sound, may be used immediately and in any location authorized in this policy.
3. Means of response that require advance permission or reservation, such as banners, general exhibits, A-frame 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 because of earlier reservations, but the Dean of Students shall expedite approval of general exhibits, A-frame exhibits, available banner space, and amplified sound areas where necessary to permit appropriate response to other speech, assembly, or expression.
4. 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 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.

## **Section L: Enforcement and Appeals**

### **Subsection 48: Police Protection**

1. It is the responsibility of the University to make its best effort to protect the safety of all persons on campus and to provide police protection for speakers, assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers in regular

duty areas that fall in the area of such events will be at the cost of the University. When the magnitude, timing, or nature of an event in a University building, University facility, or other areas of the University's limited public forum 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 paragraphs 2 and 3 below, charge the cost of overtime or contract officers to the person or organization sponsoring the event or exhibit. The purpose is to charge for police overtime when reasonably necessary, 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.

2. A reasonable and nondiscriminatory fee for overtime police work will be charged to the registered student, faculty, or staff organization for events in a University building, University facility, or other areas of the University's limited public forum for events that require overtime police protection, and
  - a. charge a price for admission, or
  - b. have a paid speaker, band, or other off-campus person or organization for services at the event.
3. 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. No additional 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 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.
4. Nothing in this Subsection applies to any interdepartmental charge or transfer among units or accounts funded by the University.

## **Subsection 49: Response to Violations**

1. Students wishing to make a grievance regarding a violation of Texas Education Code § 51.9315 may report it via the University Compliance and Ethics hotline by calling 1-888-228-7707.
2. A student or registered/sponsored student organization who violates a prohibition in this policy may be disciplined under the procedures in UTDSP5003.
3. A faculty member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by faculty members shall be referred to the Office of the Vice President for Academic Affairs and Provost.
4. A staff member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by

staff members shall be referred to the staff member's supervisor.

5. Authorized University personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this policy, by explanation and by persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively, or additionally, they may initiate disciplinary proceedings under paragraphs 2, 3, or 4 of this subsection. 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.
6. A University person or University organization on the campus shall comply with instructions from University administrators and law enforcement officials at the scene. A University person or University 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 Subsection 50.
7. Off-campus person(s) or organization(s) on the campus who violate a prohibition in this policy may be subject to criminal trespass charges, arrest, or other lawful measures.
8. 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.
9. Any registered student group that engages in incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy because of antisemitism or bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, is subject to discipline, up to and including possible loss of recognized status for the registered student group.

## **Subsection 50: Appeals**

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

3. An appeal authorized by this Subsection shall be heard under the procedures set out in UTDSP5002.

## RESPONSIBLE PARTY

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## LAST REVIEWED

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## HISTORY

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## **Chapter 13. Speech, Expression, and Assembly**

### **Subchapter 13–100. Governing Principles**

#### **Sec. 13–101. Freedom of Speech, Expression, and Assembly**

1. The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the University. In accordance with this Chapter, students, faculty members, and staff members 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. Generally, University events and programming, and events at University spaces leased or managed by other parties, are outside the scope of this Chapter and are not considered expressive activity under this Chapter. These events and activities may be implemented as approved by the appropriate vice president or under the applicable contractual terms.
2. In furtherance of the University's educational mission, the University is a limited public forum open only to the expressive activities of students, faculty, and staff as set forth in this Chapter. Students, faculty, and staff may engage in expressive activities at the University in accordance with the rules contained in this Chapter, including applicable "time, place, and manner" rules as described in Subsection 13-304. Student, faculty, and staff organizations may not invite the public at large to events in the Common Outdoor Areas or Dedicated Areas while academic and administrative units may continue to invite the general public to their events.
3. Texas law reserves the authority and discretion to designate areas on campus that may be treated as traditional public forums open to the general public with The University of Texas System Board of Regents. No such areas are designated on campus.
4. Students, faculty, and staff members 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 as permitted by law, and subject to the applicable University rules and policies. Teaching, research, and other official functions of the University will have priority in allocating the use of space on campus. The University's time, place, and manner rules in this Chapter apply to individuals and groups engaging in expressive activity and are necessary to preserve the University's efficient and effective operations and functions.
5. The University 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. This subsection does not limit the University's ability to enforce provisions involving prohibited conduct or categories of expression described in Subchapter 13–200.
6. The University of Texas at Austin Police Department (UTPD) and any other peace officer with lawful jurisdiction may immediately enforce these rules if a violation of these rules constitutes a breach of the peace, compromises public safety, or violates the law. They may also assist Dean of Students staff or other University officials, as appropriate, when individuals refuse to follow University rules.



**Sec. 13–102. Scope of This Chapter and Related Provisions**

1. This Chapter protects and regulates on-campus speech, expression, and assembly of students, faculty members, and staff members, regardless of whether those activities are part of the teaching, research, or other official functions of the University or whether they are sponsored by the University or any academic or administrative unit.
2. This Chapter applies to speech and expressive activity by University persons and University organizations defined in Section 13-103 that occur in the Common Outdoor Areas or Designated Areas. It also applies to speech made or conducted using university information resources as defined in University policies, regardless of whether the speech or expression was submitted for academic credit. The Dean of Students administers and schedules reservations for the use of temporary exhibit and banner spaces, University tables, and amplified sound because scheduling through a single office is necessary to avoid conflicts.
3. Any program or event sponsored by an academic or administrative unit of the University will have priority in the use of space and facilities over any speech, expression, or assembly that is not sponsored by an academic or administrative unit, except that programs or events sponsored by an academic or administrative unit will not have priority in the use of weekday amplified sound areas defined in Section 13–802. This Chapter does not limit other existing authority of University officials to authorize programs and events sponsored by the University or an academic or administrative unit that are not provided for in this Chapter.
4. Section 13–204 on harassment applies to all speech on campus, to speech made using University resources, and to off-campus speech that materially interferes with a person’s education or employment.
5. Additional rules concerning free speech and academic freedom of faculty members are found in the Regents’ *Rules and Regulations*, Rule 31004, Paragraph 2, Sections 1 and 2.
6. Additional rules concerning free speech at the University are found in the Regents’ *Rules and Regulations*, Rule 40501, Rule 80101, Rule 80103, and Rule 80104. Chapter 13 of the *Institutional Rules* implements those provisions and applies them to UT Austin.
7. Rules requiring University employees to make clear that controversial statements are made in their personal capacity are found in the Regents’ *Rules and Regulations*, Rule 10101, Section 6.2. Rules restricting use of University equipment, supplies, services, and working hours for political activities are found in the Regents’ *Rules and Regulations*, Rule 30103.
8. If a deadline stated in this Chapter falls on a Saturday, Sunday, University holiday, or skeleton crew day, that deadline will be moved to the next day that is not a Saturday, Sunday, University holiday, or skeleton crew day.

**Sec 13–103. General Definitions—Categories of Speakers and Users**

In this Chapter, unless the context requires a different meaning, the following definitions apply.

1. “Academic or administrative unit” means any office or department of the University.

2. "Event" means something that occurs in a certain place during a particular interval of time. Events include but are not limited to presentations by guest speakers, assemblies, and other speech activities, which may include the distribution of literature or the use of exhibits, tables, or signs.
3. "Faculty member and staff member" includes any person who is employed by the University.
4. "Limited Public Forum" refers to the University's status as a place for University students, faculty, and staff to engage in expressive activity pursuant to the reasonable restrictions on the time, place, and manner of expressive activities as set out this Chapter.
5. "Off-campus person or organization" and "member of the public" mean 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 faculty or staff organization" means a faculty organization or staff organization under the Regents' *Rules and Regulations*, Rule 40201 and Handbook of Operating Procedures 4-1110 that has completed the University's registration process in Handbook of Operating Procedures 4-1110.
7. "Registered or sponsored student organization" means a registered student organization or a sponsored student organization under Subchapter 6–200 of the *Institutional Rules*.
8. "Student" means a person who is currently enrolled at the University or 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.
9. "University person or organization" includes academic or administrative units, registered or sponsored student organizations, registered faculty or staff organizations, and individual students, faculty members, and staff members.

#### **Sec. 13–104. Other General Definitions**

In this Chapter, unless the context requires a different meaning, the following definitions apply.

1. "Amplified Sound" means sound whose volume 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.
2. "Common Outdoor Area" means outdoor space that is not regularly used for dedicated University business and its primary purpose is not an educational function or a research function. This space is generally open for use and enjoyment by University community members in the regular course of their days, pursuant to applicable rules. 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 Dedicated Areas. It is a Limited Public Forum not open to the general public for their expressive activities.
3. "Dean of Students" means the Dean of Students of The University of Texas at Austin or any delegate or representative of the Dean of Students.

4. "Dedicated Areas" means the University property, both indoors and outdoors, that is not 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, and residential outdoor spaces managed by University Housing and Dining, including Jester Spanish Oaks Terrace, San Jacinto Amphitheatre, Honors Quad, Duren Courtyard, the Blanton Museum's outdoor Plaza and Art Garden, the Union Building Patios, the William C. Powers Jr. Student Activity Center patios, Goldsmith Hall, the pedestrian bridge adjoining the Graduate School of Business, Moody Pedestrian Bridge, and the Cronkite Plaza. These spaces are also part of the Limited Public Forum.
5. "Limited Public Forum" refers to the University's status as a place reserved for University students, faculty, and staff to engage in expressive activity pursuant to the University's reasonable restrictions on the time, place, and manner of expressive activities. This forum is not open to the general public for their expressive activity.
6. "Main Mall" means the area bounded by the south wall of the Main Building, the west walls of Garrison Hall, the north edge of Inner Campus Drive, the south wall of the Dorothy L. Gebauer Building and the east wall of Battle Hall. The Main Mall includes the south steps and south porches of the Main Building.
7. "Room or Space" includes any Room or Space, indoors or outdoors, owned or controlled by the University.
8. "Temporary Banner Space" means designated outdoor or indoor display area reserved for University persons and University organizations' use, as managed by the Dean of Students, where a University person or organization's temporary banner may be affixed for multiple days as permitted by Subsection 13–503. These areas are Dedicated Areas .
9. "Temporary Exhibit Space" means an outdoor display area, designated and managed by the Dean of Students, where an authorized person or organization may erect a temporary exhibit as permitted by Subsection 13–503. These areas are Dedicated Areas .
10. "University" means The University of Texas at Austin.
11. "Vice President" means the Vice President for Student Affairs at The University of Texas at Austin.

#### **Sec. 13-105. Prohibited Items or Actions**

The following restrictions apply to a person's expressive activities and are intended to protect the health and safety of all persons on campus, to maintain the free flow of pedestrian traffic in and out of University buildings, and to protect the educational mission of the University.

1. The following items are prohibited on campus:
  - A. A mask, facial covering, or disguise that conceals the identity of the wearer that is calculated to obstruct the enforcement of these rules or the law, or to intimidate others, or hinder or interrupt a University official, UTPD officer, or other person in the lawful performance of their duty;
  - B. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, as determined by

- University staff, including but not limited to sticks, poles, clubs, swords, shields, or rigid signs that can be used as shields, without prior written permission from the Dean of Students, unless authorized by federal, state or local laws;
- C. 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 Dean of Students; and
  - D. Open flame, unless approved in advance by The University of Texas at Austin Fire Marshal with notice of that approval provided in advance to the Dean of Students.
2. The following activities are prohibited on campus:
- A. Engaging in expressive activities using Amplified Sound in a manner that is calculated to obstruct the enforcement of these rules or the law, to intimidate others, to hinder or interrupt a University official, UTPD officer, or other person in the lawful performance of their duty, or to interfere with the operation or educational mission of the University.
  - B. Camping, erecting tents, or constructing other living accommodations;
  - C. Lowering a flag of the United States or the State of Texas owned or maintained by the University with the intent to raise the flag of or representing another nation, an organization, or a group of people.
  - D. During the week of final exams and the week immediately preceding final exams:
    - a. Engaging in expressive activities in Common Outdoor Areas in a manner that materially and substantially disrupts the functioning or educational mission of the University;
    - b. Inviting speakers to speak on campus;
    - c. Using Amplified Sound; and
    - d. Using drums or other percussion instruments.
3. No person or organization may engage in expressive activity within a ten-foot clearance around points of entry and the perimeter of all University buildings. In some instances, as determined by University staff and based on specific circumstances, a greater perimeter may be required to prevent disruption to events occurring inside buildings.
4. Students and employees of the University must present proof of identity and status at the University on request by an University official on campus engaging in an official duty.

### **Subchapter 13–200. Prohibited Expression**

#### **Sec. 13–201. Obscenity**

No person or organization will 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. 13–202. 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) is a false statement of fact; (iv) that holds the person up to hatred ridicule or contempt; (v) is 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) which proximately causes damages; and (vii) is not privileged.

**Sec. 13–203. Incitement to Imminent Violations of Law**

No person will make, distribute, or display on the campus any threat to engage in unlawful activity or 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.

**Sec. 13–204. Harassment**

1. No person will engage in conduct that constitutes harassment of another person or make, distribute, or display on the campus or through University information resources any statement that constitutes harassment of any other person. This Section applies to all speech at UT Austin, all speech made using University resources, including speech that is part of teaching, research, or other official functions of the University whether in person or not, and whether oral, written, or symbolic, and off-campus speech that materially interferes with a person's education or employment.
2. "Harassment" means hostile or threatening conduct or speech, whether oral, written, or symbolic, that (1) is sufficiently severe, pervasive, and objectively offensive to create an objectively hostile or threatening 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 (2) personally describes or is personally directed to one or more specific individuals. When harassment is sex or gender based, the definitions for quid pro quo and hostile environment harassment, set out in Handbook of Operating Procedures 3-3031(V)(B), apply over this policy's harassment provision.
3. To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not harassment, even if some listeners are offended by the argument or idea.
4. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in Policy 3-3031 of the Handbook of Operating Procedures.
5. 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 other sex-based misconduct, sexual conduct is often central to the offense. These forms of harassment are prohibited by Policy 3-3031 of the Handbook of Operating Procedures, and by the Regents' *Rules and Regulations*, Rule 30105. Some forms of harassment violate the Prohibition of Campus Violence, Policy 8-1010, in the Handbook of Operating Procedures. Harassment directed at an individual or group of individuals because of race, sex, or certain other characteristics is prohibited by Handbook of Operating

Procedures 3-3020. For enhanced sanctions for disciplinary offenses motivated by the race, color, or national origin of a student harmed by the offense, see Subsection 11–701(b) of the *Institutional Rules*. To the extent of any conflict in the definition of verbal harassment, the more detailed definition in this Section controls.

6. An essential part of higher education is to learn to separate substantive argument from personal offense. Inherent in freely exploring ideas and engaging in educational inquiry is discussion where controversial and offensive ideas may be expressed and even welcomed in furtherance of free inquiry and pursuit of knowledge. We strive as a university community to express even the deepest disagreements in a manner that reflects mutual respect, understanding, and sensitivity within the University and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules. Sometimes community members may engage in a manner that falls short of the desired norms, but this failure does not convert the communication at issue to harassment or a conduct violation.
7. This policy should be interpreted as narrowly as need be to preserve its constitutionality.
8. Members of the University community are encouraged to report harassment and in some cases are required to do so by law. See Handbook of Operating Procedures 3-3031 and 3-3020 for more information. Investigation of the information provided, and any remedial or disciplinary proceedings, will proceed under the procedures set out in the appropriate policy.

### **Sec. 13–205. Solicitation & Commercial Speech**

1. General Rules.
  - A. Except as expressly authorized by Subsection 13-205(b), by Section 13-403, or by the Regents' *Rules and Regulations*, no person—including a University person, a University organization, or a member of the public—shall make or display any statements that:
    - i. Promote, offer, or advertise a product or service for sale or lease
    - ii. that include commercial identifiers like logos, trademarks, or service marks associated with a for-profit entity; or
  - B. Request gifts or donations unless it's specifically authorized under University rule or policy, or Regents' Rules..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.
  - C. Unadorned acknowledgments or thanks to donors are not solicitation within this definition.
2. Rules specific to campus community members.
  - A. A registered or sponsored student organization or a registered faculty or staff organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions: for the benefit of the registered or sponsored student organization or registered faculty or staff organization; for the benefit of another registered or sponsored student organization or registered 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.

- B. Registered or sponsored student organizations, registered faculty or staff organizations, and academic or administrative units may sell, distribute, or display literature that contains advertising, subject to the limits in Section 13–403. Individual students, faculty members, and staff members may distribute or display such literature, but may not sell it.
- C. 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 website 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 website for this purpose may regulate that bulletin board or website under the procedures set forth in Section 13–504.
- D. 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 or sponsored student organization or a registered faculty or staff organization may collect admission fees for programs scheduled in advance in accordance with Subchapter 10–200 of the *Institutional Rules*.
- F. A registered or sponsored student organization or a registered faculty or staff organization may collect membership fees or dues at meetings of the organization scheduled in advance under Subchapter 10–200 of the *Institutional Rules*.
- G. A registered student organization that is a qualified organization as that term is defined in the Texas Charitable Raffle Enabling Act, Texas Occupations Code, Chapter 2002 or successor provisions, may sell charitable raffle tickets pursuant to that act.
- H. A registered or sponsored student organization or a registered faculty or staff organization may host a public performance of a film scheduled in advance in accordance with Subchapter 10–200 of the *Institutional Rules*. In accordance with the Regents’ *Rules and Regulations*, Rule 80103, admission fees may be collected. All registered or sponsored student organizations or registered 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 or sponsored student organizations and registered faculty or staff organizations will be required to follow the process prescribed by the film distributor to obtain approval to exhibit the film. Federal copyright laws generally protect all films viewed in public areas, regardless of



format. However, registered or sponsored student organizations and registered faculty or staff organizations may exhibit a film publicly if:

- i. the film is in the public domain; or
  - ii. the organization has written permission from the film's producer or other holder of the right to grant such permission; or
  - iii. the film is obtained from a company that provides a Public Performance License with the purchase or rental of the film.
3. More detailed regulation of solicitation appears in the Regents' *Rules and Regulations*, Rule 80103.

**Sec. 13–206. Antisemitic and other discriminatory conduct.**

- a. "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.
- b. 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.
- c. Any registered student group that engages in incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy because of antisemitism or bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, is subject to discipline, up to and including possible loss of recognized status for the registered student group.
- d. The University's Nondiscrimination Policy, [Handbook of Operating Procedures 3-3020](#), separately prohibits subjecting individuals or groups to discrimination or harassment because of their race, color, sex, pregnancy, gender, gender identity, sexual orientation, gender expression, religion, age, national origin, ethnicity, veteran status, disability, genetic information, military status, or any other legally protected basis.

**Subchapter 13–300. General Rules on Means of Expression**

**Sec. 13–301. Disruption**

- 1. Except as expressly authorized in Section 13–802, 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:
  - A. Any teaching, research, administration, function of the University, or other authorized activities on the campus;



- B. The free and unimpeded flow of pedestrian and vehicular traffic on the campus; or
- C. Any public assemblies, distribution of literature, guest speakers, or use of signs, tables, exhibits, or approved amplified sound by the University or another person or organization acting under the rules in this Chapter.

2. Scope

- A. The term “disruption” and its variants, as used in this Rule, are distinct from and broader than the phrase “disruption of activities,” as used in the Regents’ *Rules and Regulations*, Rule 30103, Number 2, Section 2, and 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, and to preserve the University’s ability to execute its functions.
- B. In determining whether speech or expressive activity constitutes “disruption” as used in this Rule, University authorities shall exercise their reasonable discretion to protect the rights of University persons to engage in speech and expressive activities while preserving the University’s ability to execute its functions. In making this assessment, University officials shall not be influenced by the viewpoint of the speaker or by the viewpoint of any person objecting to allegedly disruptive expression.
- C. The use of Amplified Sound, drums or other musical or percussive instruments (including makeshift instruments), Guest Speakers, and Assembly for the purpose of expressive activity in the Common Outdoor Areas during the period of final exams and the week immediately preceding final exams is in fact disruptive of University students’ ability to prepare for and take their final exams. The University prohibits these activities during the week of final exams and the week immediately preceding final exams. During this time, persons may still engage in other expressive activity permitted by this Chapter. This provision does not limit the University’s ability to hold University events during this time period.
- D. If amplified sound is authorized for an event under this Chapter, the sound must be turned off by 10:00 p.m. that day.
- E. Drums or other musical or percussive instruments (including makeshift instruments) without amplified sounds may be used except when they become disruptive whether because of volume, repeated sound audible in academic or administrative buildings, or any other appropriate basis as determined by the University official charged with managing disruption during the public assembly.
- F. As part of the University’s educational mission, the University provides dormitories and other living spaces for its students and employees. The University strives to create living spaces that permit a resident to live comfortably, including providing quiet hours to ensure residents have conditions conducive to adequate study, rest, and sleep. With this in mind, any expressive activity in the Common Outdoor Area is deemed disruptive if the sound created

by the activity can be heard from a University residence after 10:00 p.m. and before 8:00 a.m the following morning.

3. 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.
4. The University is responsible for safety on campus. During periods of disruption as determined by the president, president's delegate, dean of students, or other university official charged with managing activities, events, or space, staff may ask an individual to briefly open a cooler, ice chest, or other receptacle to allow a visual inspection for the presence of weapons or other prohibited items. If a person declines to open the container, they may not remain in the area with the container capable of holding weapons or other prohibited items. Before staff can conduct visual inspections, it must contact the Office of the Vice President for Legal Affairs to ensure the course of action is reasonable, considering the circumstances, and does not violate the law, including but not limited to the Fourth Amendment to the United States Constitution. This provision does not modify, limit, or supersede security measures and policies concerning student housing, athletic events, performances in University venues, or other officially sanctioned events.
5. No assembled groups or individuals may refuse the direction of a University official or police officer to disperse or to cease conduct because it is a disruption to University functions or the educational environment.

#### **Sec. 13–302. Impermissible Use of and Damage to Property**

- a. No speech, expression, or assembly may be conducted in a way that damages, defaces, marks (including by chalking), discolors, or alters in any way 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, mark, discolor, alter, or interfere with any sign, table, or exhibit posted or displayed by another person or organization acting under the rules in this Chapter.
- c. No person may affix a sign, banner, hammock or other item on University property unless otherwise permitted by this Chapter.
- d. No person may use or access University property, whether in the Common Outdoor Areas or the Dedicated Areas, in a manner outside of its intended or approved use or access. For example, this provision prohibits persons hanging items from University statues and outdoor art installations and from climbing, hanging from, or otherwise accessing University property in a way that is not otherwise permitted by this Chapter or other University policy. This prohibition also includes, but is not limited to, the activities

prohibited by Section 11-402(12)(A-D) of Chapter 11 of the Institutional Rules on Student Services and Activities.

**Sec. 13–303. Coercing Attention**

1. No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication.
2. No person may follow another person or 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. 13–304. Other Rules with Incidental Effects on Speech**

1. 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 classrooms. These "time, place, and manner" rules limit the rights of persons to enter and speak in the places to which these rules apply.
2. Reasonable and nondiscriminatory "time, place, and manner" rules generally control over the rights of free speech guaranteed in this Chapter. But even "time, place, and manner" rules are subject to the constitutional right of free speech. Accordingly, such rules must be viewpoint neutral and cannot regulate speech more restrictively than they regulate other activities that cause the problems to be avoided by the rule, or 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.

**Sec. 13–304. Other Rules with Incidental Effects on Speech**

While the University's Common Outdoor Areas are generally available to its students, faculty, and staff for expressive activity, subject to the rules herein, the primary purpose and function of the University is an institution of higher education. In order to protect the core functions inherent to such an institution and its students, faculty, and staff, the Common Outdoor Area is generally open for expressive activity from 8:00 a.m. through 10:00 p.m., subject to this Chapter. Individuals and groups engaging in expressive activity outside of this permitted time period that is disruptive under Section 13-301 are subject to University discipline, removal, and/or arrest by law enforcement. University events and programming are not expressive activity subject to this curfew or other limitations in this rule.

### **Subchapter 13–400. Distribution of Literature**

#### **Sec. 13–401. General Rule on Distribution of Literature**

1. “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.
2. Registered or sponsored student organizations, registered faculty or staff organizations, and academic or administrative units may sell, distribute, or display literature on campus, subject to the rules in this Subchapter and to the general rules in Subchapter 13–200 and Subchapter 13–300. Individual students, faculty members, and staff members may distribute or display literature, subject to the rules in this Subchapter and to the general rules in Subchapter 13–200 and Subchapter 13–300, but may not sell it. In either case, no advance permission is required.

#### **Sec. 13–402. Not-for-Profit Literature Only**

1. 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 or sponsored student organization or a registered faculty or staff organization may sell publications operated for profit as part of a fundraiser authorized by, and subject to the limits of, Subsection 13–205(b)(1).
2. A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, benefits any private shareholder or individual.

#### **Sec. 13–403. Limits on Advertising**

Literature distributed on campus may contain the following advertising:

1. advertising for a registered or sponsored student organization, a registered 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.

All other advertising in literature distributed on campus is prohibited.

#### **Sec. 13–404. Clean Up of Abandoned Literature**

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

### **Subchapter 13–500. Signs, Banners, and A-Frames**

#### **Sec. 13–501. General Rule on Signs**

1. "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.
2. Subject to the rules in this Subchapter and to the general rules in Subchapter 13–200 and Subchapter 13–300, a University person or organization may display a sign by holding or carrying it, by displaying it at a table (see Subchapter 13–600), or by posting it on a bulletin board or other designated location, as permitted in the specific location. Signs may not be staked in the ground or posted in any other location except for those areas allowed by Subsections 13–304(a)-(b) and 13–504(a). Subject to viewpoint-neutral size requirements, University Housing and Dining has designated the windows and doors of a residence hall room as locations where the resident(s) of that room may post signs. Section 13–504 lists other designated locations.

#### **Sec. 13–502. Hand-Held Signs**

1. A University person or University organization may display a sign on campus by holding or carrying it by hand or attaching it to their person. No advance permission is required. Signs on sticks or poles or otherwise attached to any device are prohibited.
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 will exercise due care to avoid bumping, hitting, or injuring any other person.
4. 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.
5. A law enforcement officer, the Dean of Students, or an usher or other University employee (if authorized by officials responsible for managing the venue), may warn any person that his or her sign is being handled in violation of Subsections 13–502(a), (b), (c) or (d). If the violation persists after a clear warning, the law enforcement officer, Dean of Students, authorized usher, or other authorized employee may confiscate the sign. A law enforcement officer may take any appropriate action necessary to keep the peace, including but not limited to requiring the person to leave the area, issuing a criminal trespass warning to, or arresting the violator.

#### **Sec. 13–503. Banners**

"Banner" means an affixed, stationary sign hung from a structure or building or between two buildings, structures, or poles. Banners on poles may not be carried by individuals.

1. Hand-held banners. University persons and University organizations are permitted to display a hand-held banner carried by two or more individuals without poles, in accordance with Rule 13–502(a) above, in the common outdoor areas.
2. Temporary banner space designations.

- A. The Dean of Students will designate temporary banner spaces where banners may be hung in outdoor locations not occupied or controlled by any other academic or administrative unit.
  - B. Other academic or administrative units may designate one or more temporary banner spaces where banners may be hung in indoor or outdoor locations that the unit occupies or controls.
- 3. Space priority.
  - A. Academic or administrative units, registered or sponsored student organizations, and registered faculty or staff organizations may hang banners in locations designated under Subsection 13–503(b). The Dean of Students may set reasonable limits on the number of banners that any unit or organization may hang at one time.
  - B. Advance permission is required from the unit administering the location; usually, advance reservations are required. Academic or administrative units advertising official University events or programs may be given priority. In locations administered by academic or administrative units other than the Dean of Students, organizations affiliated with the unit administering the location may be given priority.
- 4. Time limits.
  - A. In locations administered by the Dean of Students, each banner may be hung with a minimal commitment of one week. After the initial week reservation, the banner may be renewed from week to week, for up to four weeks, if space is available.
  - B. Other 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.
- 5. The Dean of Students will maintain, on a website or on a flyer or pamphlet available at the Dean of Students' office:
  - A. a list of outdoor temporary banner spaces where banners may be hung;
  - B. the academic or administrative unit that administers this banner policy at each outdoor location; and
  - C. a current description of the rules and procedures for reserving a temporary banner space in order to hang a banner in locations administered by the Dean of Students.
- 6. The unit administering 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 University personnel.
- 7. A law enforcement officer, dean of students staff member, or other University official charged with managing activities, events, or spaces may confiscate banners handled or affixed in violation of this Policy or in instances that create a safety concern.

**Sec. 13–504. Signs in Other Designated Locations (Including Departmental Bulletin Boards)**

1. Each academic or administrative unit 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 longstanding tradition.
2. Signs in spaces occupied by academic or administrative units may be:
  - A. confined to bulletin boards or other designated locations;
  - B. subjected 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; and
  - C. 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.
3. Each academic or administrative unit will post on or near each bulletin board or other designated location that it administers:
  - A. either the rules applicable to that bulletin board or location, or a particular office or website where the rules applicable to that bulletin board or location may be found; and
  - B. 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. This notice will 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, then the only applicable rules are those contained in Subchapter 13–200 and Sections 13–301 to 13–304.
4. 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.
5. 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 13–600. Tables**

#### **Sec. 13–601. General Rule on Tables**

University persons and University organizations may set up tables to display literature, disseminate information and opinions, and raise funds, subject to the location restrictions and other rules in this Subchapter and to the general rules in Subchapter 13–200, Subchapter 13–300, and Subchapter 13–1000. University persons and University organizations do not need advance permission to set up tables but are encouraged to reserve tabling space on the West Mall and in other high-demand areas where tabling spaces are designated and limited.

#### **Sec. 13–602. Locations**

1. Subject to the restrictions elsewhere in these rules, including in Subsection 13–602(b) and the rules on disruption of other functions and interference with vehicular and pedestrian traffic (see Section 13–301), University persons, and University organizations



may set up tables on impervious surfaces in the Common Outdoor Areas on the campus. University persons and University organizations may set up tables in University buildings in any large, open, indoor location as permitted by the specific building protocols and with permission of the academic or administrative unit controlling the space. In some buildings, tabling may be prohibited completely. The Main building is not available for tabling at any time.

2. Additional restrictions.
  - A. Tables may not be set up on the Main Mall between 8:00 a.m. and 5:00 p.m. on weekdays, or on the west side of any portion of Speedway at any time.
  - B. Tables may not be set up in areas covered by grass, landscaping, or other pervious substances.
  - C. Tables may not be set up inside any library, classroom, laboratory, performance hall, stadium, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time.
  - D. An academic or administrative unit may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. Academic and administrative units are encouraged to state any such rules clearly in writing and to publish those rules on a website or on a flyer or pamphlet available at the chief administrative office of the unit.
  - E. Tabling space on the West Mall or on the east side of Speedway between 21st Street and the south edge of Gregory Plaza may be reserved by University persons and University organizations by submitting a request using the appropriate form on [HornsLink.org](https://HornsLink.org). University persons and University organizations are not required to have a reservation to table on the West Mall or on the east side of Speedway between 21st Street and the south edge of Gregory Plaza, but are encouraged to secure a reservation. Tabling space on the West Mall or on the east side of Speedway between 21st Street and the south edge of Gregory Plaza may be reserved up to four weeks in advance by University persons or organizations.
  - F. Tables must be attended at all times. Unattended tables and their contents may be confiscated by University personnel.
3. If any table is set up in a prohibited or disruptive location, any University employee pointing out the violation is encouraged to also point out other locations, as nearby as is reasonably possible, where the table is permitted.

#### **Sec. 13–603. Tabling Cleanup**

Every person or organization sponsoring a table will remove their table, items used during tabling, and any litter from the area around the table before vacating the space.

#### **Sec. 13–604. Sources of Tables**



University persons and organizations may supply their own tables. In addition, the Dean of Students maintains a supply of tables for registered or sponsored student organizations that may be checked out for use on campus in designated areas. The Dean of Students will maintain, on a website at the office of the Dean of Students, a current description of the rules and procedures for checking out tables. University persons and organizations other than registered or sponsored student organizations must supply their own tables.

### **Subchapter 13–700. Exhibits**

#### **Sec. 13–701. General Rule on Exhibits**

1. “General exhibit” means an object or collection of related objects, designed to stand on the ground or on a raised surface, which is not a table, is designed for temporary display, and is not permanently attached to the ground including, but not limited to floor decals, flags, outdoor decorations, and panels.
2. “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 these criteria will be considered general exhibits and will be subject to the rules governing general exhibits.
3. Academic or administrative units, registered or sponsored student organizations, and registered faculty or staff organizations may erect general exhibits and A-frame exhibits, subject to the rules in this Subchapter and to the general rules in Subchapter 13–200, Subchapter 13–300, and Subchapter 13–1000. Advance permission is required from the Dean of Students, except that an academic unit may authorize indoor exhibits in a space that it occupies and controls. A-frame exhibits may not be erected on the Main Mall at any time. Individual students, faculty, or staff may not erect general exhibits, but may—with permission from the Dean of Students—erect A-frame exhibits in approved locations, subject to the rules in this Subchapter and the general rules in Subchapter 13–200, Subchapter 13–300, and Subchapter 13–1000.

#### **Sec. 13–702. Application Process**

Requests for approval of, or reservation of space for, outdoor general exhibits and A-frame exhibits may be submitted via the appropriate form on [HornsLink.org](https://HornsLink.org)

#### **Sec. 13–703. Approval Process**

1. General exhibits.
  - A. The Dean of Students will designate temporary outdoor exhibit spaces where academic or administrative units, registered or sponsored student organizations, and registered faculty or staff organizations may place general exhibits upon approval by the Dean of Students. Applications must, where feasible, be submitted at least fourteen days in advance of the beginning of the requested display period. The Dean of Students will approve a general exhibit described in a completed and timely application under Section 13–702 unless the Dean of Students disapproves the application under the criteria in Section 10–203 of the Institutional Rules, or for other good cause. The Dean of Students will, if

possible, advise the applicant how to correct any conditions that preclude approval of the application.

- B. The Dean of Students will consider the totality of the circumstances, including safety concerns, as part of the approval process.
- 2. A-frame exhibits.
  - A. The Dean of Students will designate locations where A-frame exhibits may be placed. If an academic or administrative unit, a registered or sponsored student organization, or a registered faculty or staff organization wishes to place an A-frame exhibit in a location that is not one of the designated A-frame exhibit locations, then the structure will be considered a general exhibit under this Subchapter and may be placed, if approved, only in a designated temporary outdoor exhibit space. Individual students, faculty, or staff may not erect A-frame exhibits outside of the designated A-frame exhibit locations.
  - B. The Dean of Students will maintain, on a website, a current description of the rules and procedures for reserving a space for A-frame exhibits on campus. Space for A-frame exhibits may be reserved up to four weeks in advance by University persons or organizations. The Dean of Students may establish reasonable limits on the number of times per semester or per academic year an individual or organization may reserve space for an A-frame exhibit.
  - C. The Dean of Students may establish reasonable limits on the number of A-frame exhibits that an individual or organization may display in a designated area, or on campus, at any time.

#### **Sec. 13–704. Time Limits**

- 1. General exhibits.
  - A. In locations administered by the Dean of Students, each exhibit may be displayed for up to fourteen consecutive days. The exhibit may be renewed for an additional fourteen days if space is available.
  - B. The exhibit may be displayed no earlier than 8:00 a.m. and must be removed by 10:00 p.m. each day and may be re-erected each morning during the permit period. Requests to display exhibits overnight will be considered on a case-by-case basis and subject to Subsection 13–703.
  - C. If an exhibit is displayed without permission, including outside the permit period, the exhibit may be removed by the Department of Facilities Services at the expense of the person or organization sponsoring the exhibit.
- 2. A-frame exhibits.
  - A. Each A-frame exhibit may be placed for up to fourteen consecutive days and remain overnight. The A-frame exhibit may be renewed for an additional fourteen consecutive days if space is available.
  - B. If an A-frame exhibit is left on campus without permission, including outside the permit period, the exhibit may be removed by the Department of Facilities Services at the expense of the person or organization sponsoring the exhibit.

#### **Sec. 13–705. Exhibit Cleanup**

The person or organization sponsoring an exhibit will remove the exhibit and any litter from the area around the exhibit before vacating the space.

#### **Sec. 13–706. Liability**

The 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 will not be liable for any damage that may occur to the exhibit, and the person or organization sponsoring the exhibit will indemnify the University for any claims arising from the exhibit's presence on campus.

#### **Subchapter 13–800. Amplified Sound**

##### **Sec. 13–801. General Rule on Amplified Sound**

Registered or sponsored student organizations and registered faculty or staff organizations may use amplified sound on campus at designated times and locations, subject to the rules in this Subchapter and to the general rules in Subchapter 13–200 and Subchapter 13–300. Advance permission is required. Academic and administrative units need not obtain permission from the Dean of Students to use amplified sound in areas under their control, but should provide advance notice to the Dean of Students when feasible so that the Dean of Students can coordinate timing and help units avoid conflicts.

This Subchapter creates limited exceptions to the general rule on disruption in Section 13–301. An Amplified Sound Areas Map may be found [here](#).

##### **Sec. 13–802. Location and Times of Weekday Amplified Sound Areas**

1. Winship Circle Amplified Sound Area.
  - A. The Winship Circle Amplified Sound Area is the grassy area east of the East Mall Fountain, west of Waller Creek, and south of Winship Hall.
  - B. University persons and University organizations may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.
2. Battle Oaks Amplified Sound Area.
  - A. The Battle Oaks Amplified Sound Area is the area bounded by the north wall of Hogg Auditorium, by an extension drawn northward from the east wall of the Texas Union, by the south edge of the sidewalk on the south side of 24th Street, and by the west edge of the sidewalk on the west side of Inner Campus Drive.
  - B. University persons and University organizations may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.
3. Mustangs Amplified Sound Area.
  - A. The Mustangs Amplified Sound Area is the area bounded by the sidewalk on the east side of San Jacinto Boulevard, by the west wall of the Texas Memorial Museum, and by the outer edge of the two stairways on either side of the lawn.
4. University persons and University organizations may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdaysSan Jacinto Street Amplified Sound Area.
  - A. The San Jacinto Street Amplified Sound Area is the area bounded by the south wall of the Art Building, by the east edge of the sidewalk on the east side of San

- Jacinto Boulevard, by the north edge of the sidewalk on the north side of 23rd Street, and by the west edge of the sidewalk on the west side of Trinity Avenue.
- B. University persons and University organizations may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.
5. LBJ Fountain Amplified Sound Area.
- A. The LBJ Fountain Amplified Sound Area is the area bounded by the east edge of Robert Dedman Drive, by the first sidewalk north of the LBJ Fountain, by a line drawn tangent to the west side of the LBJ Fountain and parallel to Robert Dedman Drive, and by the base of the hill on the south side of the LBJ Fountain.
- B. University persons and University organizations may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.
6. 2609 University Avenue Courtyard Amplified Sound Area.
- A. The 2609 University Avenue Courtyard Amplified Sound Area is the area bounded by the 2609 University Avenue Building on the north, south and east sides, and by the east edge of the sidewalk on the east side of University Avenue.
- B. University persons and University organizations may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.
7. Creekside Residence Hall Lawn Amplified Sound Area.
- A. The Creekside Residence Hall Lawn Amplified Sound Area is the area bounded by Dean Keeton Street on the north, by Waller Creek on the east and south, and by San Jacinto Boulevard on the west and south. University persons and University organizations may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. on weekdays.

**Sec. 13–803. Regulation and Scheduling of Weekday Amplified Sound**

1. The Dean of Students 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 University functions and other nearby activities, and to manage environmental impact. All such rules will be reasonable and nondiscriminatory.
2. Reservations.
- A. University persons and University organizations wishing to use a weekday amplified sound area must reserve a particular area at a particular time. Reservations by University persons and University organizations must be made with the Dean of Students on the appropriate form on HornsLink.org prescribed by the Dean of Students. The Dean of Students will approve a properly completed application to reserve an amplified sound area, unless the application or request must be disapproved under the criteria in Section 10–203 of the *Institutional Rules* or under rules promulgated by the Dean of Students under the authority of this Section.
- B. The Dean of Students may limit the number or frequency of reservations for each applicant to ensure reasonable access for all persons and organizations desiring to use amplified sound on weekdays.

- C. When amplified sound areas are not reserved for use for an assembly including amplified sound, they are available to University persons and University organizations without reservation, for permitted expressive activities that do not involve amplified sound. Permission to use such areas without a reservation does include permission to use amplified sound without a reservation. Any University person or University 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 the reserved time.
- 3. Amplified sound in the West Mall Sound Area is in fact disruptive of teaching, administration, and research in the Main Building, in the Flawn Academic Center, in Goldsmith Hall, in the West Mall Office Building, and in Battle Hall. Amplified sound in the Winship Circle Amplified Sound Area is in fact disruptive of teaching, administration, research and performance in College of Liberal Arts Building, the Laboratory Theatre and Winship 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.
- 4. University persons and University 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.
- 5. The amplified sound locations are maintained on the [Amplified Sound Areas Map](#). Any designations of additional areas, any additional rules regulating the designated areas, and the rules and procedures for reserving the use of a designated area, will be clearly stated on a Dean of Students site.

**Sec. 13–804. Amplified Sound on Evenings and Weekends**

- 1. With advance permission, University persons and University organizations may use amplified sound in any location in the Common Outdoor Areas of campus, including the weekday amplified sound areas designated in Section 13–802, after 5:00 p.m. on weekdays, and after 8:00 a.m. on weekends, except for the early morning hours excluded in Subsection 13–804(b).
- 2. If amplified sound is authorized for an event, the sound must be turned off by 10:00 p.m.
- 3. The Dean of Students may prescribe reasonable and nondiscriminatory 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 amplified sound on evenings and weekends, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact.
- 4. Use of amplified sound on evenings and weekends requires advance permission from the Dean of Students. Reservations by University persons and University organizations

must be made with the Dean of Students on the appropriate form on HornsLink.org prescribed by the Dean of Students. The Dean of Students will authorize amplified sound as described in a completed application unless the Dean of Students finds that the application or request must be disapproved under the criteria in Section 10–203 of the *Institutional Rules* or under rules promulgated by the Dean of Students under the authority of this Section. The Dean of Students will advise each applicant or requestor how to correct, if possible, any conditions that preclude approval of its application.

#### **Sec. 13–805. Amplified Sound Indoors**

University persons and University 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 Dean of Students or the administrative head of the academic or business unit managing the space 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 Chapter 10 of the *Institutional Rules*.

#### **Subchapter 13–900. Public Assemblies**

##### **Sec. 13–901. General Rule on Public Assemblies**

1. “Publicly assemble” and “public assembly” include any gathering of persons, including discussions, rallies, and demonstrations. The rules in Subchapter 13–800 apply to any use of amplified sound at a public assembly.
2. University persons and University 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 Chapter and to the rules on use of University property in Chapter 10 of the *Institutional Rules*. No advance permission is required in the Common Outdoor Areas.

##### **Sec. 13–902. Reservation of Space**

1. Common outdoor areas reservations.
  - A. University persons and University organizations may reserve a space to assemble in the Common Outdoor Areas, as defined by this Chapter. This is in addition to the amplified sound areas which are also available for reservation.
  - B. Reservations by University persons and University organizations must be made with the Dean of Students on the appropriate form on HornsLink.org prescribed by the Dean of Students. Applications and requests for a reservation for such assemblies will be approved pursuant to Subchapter 10–200 of the *Institutional Rules*. If the expected attendance at an assembly is twenty-five or more people, advance notice of no less than two weeks is recommended. Persons and organizations are encouraged to seek a reservation of a space that is suited to their assembly’s anticipated size.
2. Dedicated Areas reservations.
  - A. Registered student, sponsored student, registered faculty, or staff organizations and academic or administrative units may reserve a space to assemble in permitted Dedicated Areas, as defined by this Chapter.

- B. The Dean of Students will receive applications for reservations of a space within the Dedicated Areas. Applications for a reservation for such assemblies will be processed under the provisions in Subchapter 10–202 of the *Institutional Rules*. Individual faculty, staff, and students may not reserve space under the provisions in Chapter 10 in Dedicated Areas, but may reserve space in the Common Outdoor Areas.
- 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.
- 6. In some buildings, public assemblies unrelated to the purpose of the building may be prohibited completely. University persons and organizations seeking to engage in a public assembly inside a building are responsible for confirming such assembly is permitted in a given building. To avoid disruption of University operations, the Main Building may not be used for such public assembly at any time.

**Sec. 13–903. Notice and Consultation**

- 1. University persons or University organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be.
- 2. University persons or University organizations that are planning a public assembly in a Common Outdoor 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 Dean of Students to help the University improve the safety and success of the expressive activity. If there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events, University persons and organizations are encouraged to consult the Dean of Students. 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 personnel to relocate to a space that is better suited to the size of the assembly.
- 3. University persons and organizations planning an event in the Limited Public Forum areas other than Common Outdoor 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 Dean of Students to help the



University improve the safety and success of the expressive activity. Notice will be provided on the appropriate form on HornsLink.org prescribed by the Dean of Students.

4. The notice and consultation requirements of this Subchapter do not apply to academic or administrative units.
5. The University persons and University organizations notice and consultation requirements of this Subchapter may be waived by the Dean of Students or his or her designee.
6. Registered student, sponsored student, registered faculty and staff organizations are afforded privileges not available to individual faculty, staff, and students. Individuals may not reserve indoor space on campus.

### **Subchapter 13–1000. Guest Speakers**

#### **Sec. 13–1001. Definitions**

“Guest speaker” means a speaker or performer who is not a student, faculty member, or staff member.

#### **Sec. 13–1002. Who May Present**

1. Subject to the rules in this Chapter, University persons and University organizations may present guest speakers in Common Outdoor Areas of the campus.
2. Registered student, sponsored student, registered faculty and staff organizations, and academic or administrative units may present guest speakers in the Limited Public Forums of the campus other than Common Outdoor Areas. In the case of registered student organizations and sponsored student organizations, advance permission from the Dean of Students is required. Registered faculty organizations are required to seek advance permission from the executive vice president and provost. Registered staff organizations are required to seek advance permission from the senior vice president and chief operating officer. Individuals may not present a guest speaker in University buildings or University facilities.

#### **Sec. 13–1003. Location and Form of Presentation**

1. Subject to the rules in this Chapter, including the applicable time, place, and manner rules, University persons and University organizations may utilize the Common Outdoor Areas for guest speaker assemblies. No reservation or prior approval is necessary, but notice and reservations are encouraged for assemblies of twenty-five or more people.
2. 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 Dean of Students.
  - A. A guest speaker may distribute literature indoors only immediately before, during, and immediately after the normal course of his or her speech, presentation, or performance, and only to persons in attendance. Only literature that complies with Subchapter 13–400 may be distributed.
  - B. Student, faculty, and staff organizations may not invite the public at large to events in University buildings or facilities.
3. 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 of the Common Outdoor Areas or in the University buildings or facilities.
4. No University person or University organization may present a guest speaker in violation of the prohibitions against solicitation in Section 13–205 or cosponsorship in Chapter 10, Section 13–304 of the *Institutional Rules*.

**Sec. 13–1004. Application for University Building or Facility Space for Presentation of Guest Speakers**

In accordance with Regents' *Rules and Regulations*, Rule 40501, Section 3.5, all registered students, sponsored students, registered faculty and staff organizations that wish to present a guest speaker in a University 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 or sponsored student organization that wishes to present a guest speaker will apply to the Dean of Students, through a process prescribed by the Dean of Students, 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 under Section 10–202 of the *Institutional Rules* to reserve the use of a University room or space for the event. The Dean of Students will approve an application properly made under Subsection 13–1004(a) unless it must be disapproved under the criteria in Chapter 10, Section 10–203 of the *Institutional Rules*.
2. A registered faculty organization that wishes to present a guest speaker will apply to the executive vice president and provost through a process prescribed by the executive vice president and provost, 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 under Chapter 10, Section 10–202 of the *Institutional Rules* to reserve the use of a University room or space for the event. The executive vice president and provost will approve an application properly made under Subsection 13–1004(a) in consultation with the Dean of Students unless it must be disapproved under the criteria in Chapter 10, Section 10–203 of the *Institutional Rules*.
3. A registered staff organization that wishes to present a guest speaker will apply to the senior vice president and chief financial officer through a process prescribed by the senior vice president and 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 under Chapter 10, Section 10–202 of the *Institutional Rules* to reserve the use of a University room or space for the event. The senior vice president and chief operating officer will approve an application properly made under Subsection 13–1004(a) in consultation with the Dean of Students unless it must be disapproved under the criteria in Chapter 10, Section 10–203 of the *Institutional Rules*.

**Sec. 13–1005. Obligations of Presenting Organization**

A University person or registered student organization or registered faculty or staff organization that presents a guest speaker in a University building or facility must make clear that:

1. the organization, and not the University, invited the speaker;
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 System institution; and
3. members of the general public are not invited to attend the guest speaker's presentation with the exception of presentations put on by academic or administrative units.

### **Subchapter 13–1100. Responding to Speech, Expression, and Assembly**

#### **Sec. 13–1101. General Rule on Responding**

Persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this Chapter.

#### **Sec. 13–1102. Applications of Section**

1. Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.
2. 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 Chapter.
3. Means of response that require advance permission or reservation, such as temporary banners, A-frames 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 Dean of Students will, where feasible, 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.
4. 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.

### **Subchapter 13–1200. Enforcement and Appeals**

#### **Sec. 13–1201. Police Protection**

1. It is the responsibility of the University to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty areas in the area of such events will be at the cost of the University. When the

magnitude, timing, or nature of an event in a University building, University facility, Common Outdoor Area, or other area of the University's Limited Public Forum 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 Subsection 13–1201(b) and Subsection 13–1201(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 Subsection 13–1201(b) and Subsection 13–1201(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.

2. University 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, sponsored student, faculty, or staff organization for events in a University building, University facility, other Dedicated Area, or the Common Outdoor Area that require overtime police protection, and
  - A. charge a price for admission; or
  - B. have a paid speaker, band, or other off-campus person or organization for services at the event.
3. The University 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.
4. Nothing in this Section applies to any interdepartmental charge or transfer among units or accounts funded by the University.

#### **Sec. 13–1202. Response to Violations**

1. Students wishing to make a grievance regarding a violation of Texas Education Code § 51.9315 may report it via the University compliance and ethics hotline by emailing [compliance@austin.utexas.edu](mailto:compliance@austin.utexas.edu).
2. A student who violates a prohibition in this Chapter may be disciplined under the procedures in Chapter 11 of the *Institutional Rules*. A registered student or sponsored student organization that violates a prohibition in this Chapter may be disciplined under the procedures in Chapter 6 of the *Institutional Rules*.
3. A faculty member who violates a prohibition in this Chapter may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by faculty members will be referred to the Office of the Executive Vice President and Provost for handling.
4. A staff member who violates a prohibition in this Chapter may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by staff members will be referred to Human Resource Services for handling .

5. 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 Subsection 13–1202(a), Subsection 13–1202(b), Subsection 13–1202(c), or other applicable rule. Discretion regarding the means and necessity of enforcement will be vested in the chief of police, or in University personnel designated by the president, as appropriate, but such discretion will be exercised without regard to the viewpoint of any speaker.
6. University persons and University organizations on the campus will comply with instructions from University administrators and law enforcement officials at the scene. A University person or University 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 13–1203.
7. Off-campus person(s) or organization(s) on the campus who violate a prohibition in this Chapter may be subject to criminal trespass charges, arrest, or other lawful measures.

**Sec. 13–1203. Appeals**

1. A person or organization that is denied permission for an activity requiring advance permission under this Chapter may appeal the denial of permission.
2. A University 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 Section will be heard under the procedures set out in Subchapter 10–400 of the *Institutional Rules*.