

Texas Tech University System

Regulation 07.04

Freedom of Expression

Approved: August 9, 2019

Modified: October 4, 2019

Next Scheduled Review: July 2021

1. Purpose

- a. The Texas Tech University System (“System”) and its component universities (referred to herein collectively as the “University”) recognize freedom of speech and expression as a fundamental right and seek to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the University as well as other persons. This regulation is intended to protect the expressive rights of persons guaranteed by the constitutions of the United States and the State of Texas by recognizing freedom of speech and assembly as central to the mission of the University and ensuring that all persons may assemble peaceably on University campuses for expressive activities, including to listen to or observe the expressive activities of others. For purposes of this regulation, “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.

2. Outdoor Common Areas

- a. The University’s common outdoor areas (operated and either owned or leased by the University) are deemed traditional public forums, and any person is permitted to engage in expressive activities in those areas of the University campus.
- b. The University reserves the right to implement and enforce reasonable time, place, and manner restrictions regarding expressive activities including, but not limited to, those set forth in this regulation. Further, activities that are unlawful or that materially and substantially disrupt the normal operations of the University’s campus are prohibited. Expressive activities on University grounds do not imply endorsement by the University.

3. General Guidelines and Policy Regarding Expressive Activities

- a. *Applicability.* This regulation applies to all expressive activities of any person in the University’s outdoor common areas. This regulation does not apply to the activities of the University itself. Individuals may engage in expressive activities without prior reservation, registration, or approval, provided such activities are conducted pursuant to applicable law as well as System and University policy.
- b. *Prohibited Commercial Activities.* For purposes of this regulation, expressive activities do not include commercial speech. As such, commercial activities are prohibited on University grounds without a prior written agreement with the University.

- c. *Other Prohibited Activities.* Groups or individuals engaging in materially and substantially disruptive activities, or those failing to comply with applicable laws or System or University policy, may face immediate removal from University premises and/or other appropriate actions by University officials, including University police.
- d. *Reservation of Outdoor Common Areas.* Each University may adopt operating policies and procedures regarding the reservation of outdoor common areas by individuals or groups for the purpose of engaging in expressive activities. Such operating policies and procedures must be sent to the Office of General Counsel for review. If any area of the University's outdoor common areas has been reserved, the reserving individual or group shall be given priority for use of such area.
- e. *Damage Caused by Expressive Activities.* Groups or individuals are responsible for any damage and harm to persons and property that arise from expressive activities.

4. Reasonable Time, Place, and Manner Restrictions

- a. *Reasonable Time, Place, and Manner Restrictions.* The following reasonable time, place, and manner restrictions are applicable to expressive activities in University outdoor common areas:
 - i. Activities that are unlawful or that materially and substantially disrupt the normal operations of the University are prohibited.
 - ii. Activities that materially and substantially prevent other individuals or groups from carrying out an expressive activity are prohibited.
 - iii. Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of University facilities are prohibited.
 - iv. Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services are prohibited.
 - v. Activities that threaten or endanger the health or safety of any person on University grounds are prohibited.
 - vi. Activities that result in damage or destruction of University property are prohibited. Nothing may be affixed to or written on University property or grounds.
 - vii. Activities that inherently lose First Amendment protection (e.g., defamatory statements, true threats/fighting words, obscenity [as defined by law]) are prohibited.
 - viii. Expressive signage, posters, displays, or structures (herein "displays") must be hand-held, no larger than 3 feet in height by 3 feet in width. Displays, literature, and other items may not be left unattended.
 - ix. Amplified sound shall not exceed 80 decibel levels near University buildings, as measured at the outdoor edge of such buildings closest to the amplified sound. Any amplification device must be hand-held.
 - x. No open flames are permitted on the University campus without the express written permission of the University.

- xi. Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and satisfy such codes and ordinances (e.g., serving food and beverages).
- b. *Additional Restrictions.* The above list of reasonable time, place, and manner restrictions is not intended to be all-inclusive. The University reserves the right, as necessary, to impose additional reasonable time, place, and manner restrictions as circumstances arise.
- c. *Restrictions Are Viewpoint-Neutral.* The University's decisions will not be based on political, religious, philosophical, ideological, or academic viewpoints.
- d. *Relocation, Limitation, and Prohibition.* The University reserves the right to relocate, limit, or prohibit individuals or groups engaged in expressive activities in University outdoor common areas based on reasonable time, place, and manner restrictions.

5. Speaker Fees and Approvals

- a. University faculty, staff, and student organizations have the right to invite speakers to University forums to speak. When reviewing speakers, the University will not consider any anticipated controversy related to the event. The University will consider content-neutral and viewpoint neutral criteria including, but not limited to, the following when reviewing speakers:
 - i. Proposed venue and the size of the expected crowd;
 - ii. Anticipated needs for security;
 - iii. Any other necessary accommodations the University deems necessary for the speaker; and
 - iv. Relevant history of compliance or noncompliance with University policies by the speaker or the requestor.

6. Disciplinary Sanctions

- a. Students, student organizations, faculty, or staff who unduly interfere with the expressive activities of others on campus will be subject to the disciplinary policies and procedures outlined in the applicable University Student Code of Conduct, Student Handbook, University Catalog, or University operating policies and procedures.
- b. Violation of this regulation may also constitute a breach of applicable criminal law. In such circumstances, the Penal Code and Code of Criminal Procedure will apply.

7. Grievances

- a. Members of the University community may file a grievance regarding an alleged violation of this regulation in the manner provided in the applicable University Student Code of Conduct, Student Handbook, University Catalog, Faculty Handbook, or employee/personnel manual.

Contact Office: System Office of General Counsel
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