

Texas Woman's University University Regulation and Procedure

Regulation and Procedure Name: Speech, Expression, and Assembly

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

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

POLICY STATEMENT

Texas Woman's University ("TWU") is committed to a campus environment that supports free speech and expression. TWU recognizes freedom of speech and expression as a fundamental right and seeks to ensure free, robust, and uninhibited debate and deliberations by students enrolled at TWU and employees of TWU (collectively, "University Members"). This policy is intended to protect the expressive rights of University Members guaranteed by the constitutions of the United States and the State of Texas. The policy recognizes freedom of speech and assembly as central to the mission of TWU, provided that such freedoms are exercised in a manner that does not illegally derogate the rights of others or interfere with the academic programs and administrative processes of the University. It ensures that University Members may assemble peaceably on TWU campuses for expressive activities, including listening to or observing the expressive activities of others.

Nothing in this policy may be construed to limit or infringe on a person's right to freedom of expression protected by the United States and Texas Constitutions.

Teaching, research, and other official functions of TWU will have priority in allocating the use of space on campus.

The TWU Police Department may immediately enforce these rules if a violation constitutes a breach of the peace or compromises public safety.

APPLICABILITY

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

DEFINITIONS

1. "A-Frame Exhibit" means a movable and self-supported sign board designed to stand on the ground and remain overnight in a temporary outdoor exhibit space. A-Frame exhibits may not exceed five feet in height or width. Structures that do not meet this criterion will be considered General Exhibits and will be subject to the rules in this policy on General Exhibits and the Temporary Signage Policy.
2. "Academic or Administrative Unit" means an office or department of TWU.
3. "Amplified Sound" means a volume that is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on Amplified Sound but are subject to general rules on Disruption.
4. "Commercial Speech" means a speech or writing on behalf of a business with the intent of earning revenue or a profit or promoting the business. Words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle, are not Commercial Speech within this definition. Unadorned acknowledgments or thanks to donors are not Commercial Speech within this definition.
5. "Day" means an 8:00 a.m. to 5:00 p.m. calendar day; this excludes weekends, TWU holidays, skeleton crew days, and days on which regularly scheduled classes are suspended due to emergent situations. "TWU holiday" and "skeleton crew days" mean days identified in the holiday schedule published by the Office of Human Resource Services. If a deadline defined in this policy falls on a Saturday, Sunday, or a TWU holiday, or skeleton crew day, that deadline will be moved to the next day.
6. "Disruption" means a speech, expression, or assembly conducted in a way that intentionally or unintentionally disrupts or interferes with: any teaching, research, administration, or other function of TWU; the flow of pedestrian and vehicular traffic on the TWU campus; or the Expressive Activities of others under the rules in this policy.
7. "Event" means something that occurs in a certain place during a particular interval of time. Events include but are not limited to Guest Speakers, exhibits, tables, distribution of Literature, and Signs as those terms are defined in this policy.
8. "Expressive Activities" means speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution. This includes assemblies, protests, speeches, the distribution of written material, the carrying of Signs, and the circulation

of petitions. For purposes of this policy, Expressive Activities do not include Commercial Speech.

9. "Faculty Member and Staff Member" means any person who is employed by TWU.
10. "General Exhibit" means an object or collection of related objects, which is: designed to stand on the ground or on a raised surface, which is not a table; is designed for temporary display; and, not permanently attached to the ground and is intended to convey a particular message. General exhibits may be props and displays. Persons may not inhabit, sleep in, camp in, or use a symbolic structure as a shelter. For the purposes of this policy, chalking may be considered a form of a General Exhibit.
11. "Guest Speaker" means a speaker or performer who is a guest or visitor at TWU who is speaking or presenting at TWU.
12. "Harassment" means unwelcome verbal or physical conduct because of race, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, veteran status or any other characteristic protected under applicable federal or state law when such conduct creates an intimidating, hostile, or offensive environment and is:
 - a. Sufficiently severe, pervasive, or persistent that it interferes with a student's ability to participate in or benefit from educational programs or activities; or unreasonably interferes with an Employee's work performance or creates an intimidating, hostile, or offensive work environment
 - b. Sufficiently severe, pervasive, or persistent that it unreasonably interferes with an Employee's work performance or creates an intimidating, hostile, or offensive work environment.
 - c. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of harassing behavior for the purpose of this policy. To constitute a policy violation, the conduct must create a work or educational environment that would be intimidating, hostile, or offensive to reasonable people. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work or educational performance.
13. "Limited Public Forum" means any TWU property, both indoors and outdoors. This includes spaces dedicated to temporary outdoor banners,

spaces dedicated to temporary outdoor exhibits, and residential outdoor spaces managed by TWU Housing and Dining.

14. "Literature" means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informal matter, that is produced in multiple copies for distribution to potential readers.
15. "Off-Campus person or Organization" means any person, organization, or business that is not:
 - a. An Academic or Administrative Unit.
 - b. A Registered Student, Faculty, or Staff Organization.
 - c. A Student, Faculty Member, or Staff Member.
16. "Outdoor Common Areas," for purposes of this policy, refers to the generally accessible, open, and outdoor spaces on TWU's campus which are designated as:
 - a. Lawns, grassy areas, and open fields;
 - b. Sidewalks and pedestrian walkways.
17. "Registered Student, Faculty, or Staff Organization" means a student organization (sponsored or registered) under URP 06.400: Student Organizations and any faculty and/or staff organization recognized by the Chancellor's Office.
18. "Room or Space" means any room or space, indoors or outdoors, owned or controlled by TWU.
19. "Sign" means any method of visually displaying a message to others. A sign is an affixed, stationary sign and includes signs affixed to a stake in ground.
20. "Student" means a person taking courses at TWU, a person who is not currently enrolled in courses but who has a continuing academic relationship with TWU, or a person who has been admitted or readmitted to TWU.
21. "Temporary Exhibit Space" means a designated indoor or outdoor display area reserved for use by University Members, as managed by TWU, where a University Member may erect a temporary exhibit.
22. "University Members" for purposes of this policy means students enrolled at TWU and individuals employed by TWU.

23. "Vice President of Student Life" means TWU's Vice President of Student Life, or his or her delegate or representative.

REGULATION AND PROCEDURE

I. General Guidelines and Policy Regarding Expressive Activities

A. Use of Outdoor Common Areas

1. In accordance with applicable law including Texas Education Code, Section 51.9315, the common outdoor areas (operated and either owned or leased by the University) on TWU's campus are limited public forums, and any University Member is permitted to engage in expressive activities, subject to the provisions of this policy.
2. TWU reserves the right to implement and enforce reasonable time, place, and manner restrictions in accordance with applicable law regarding expressive activities including, but not limited to, those set forth in this policy.
3. Further, activities that are unlawful or that materially and substantially disrupt the normal operations of the TWU campuses are prohibited.
4. Students enrolled at and employees of TWU may engage in expressive activities, without prior reservation, registration, or approval provided. Except as stated otherwise herein, this policy does not restrict recognized University student organizations and their ability to invite guest speakers for events (e.g., talks, performances, etc.) at designated University venues, provided that such actions are done in accordance with standard University policies.
5. Expressive activities on the TWU campuses do not necessarily imply endorsement by TWU.
6. Designation of Public Forums. Notwithstanding Section 1.1 herein, the Board of Regents authorizes the Chancellor and President to designate any outdoor area(s) on TWU's campuses that are public forums subject to reasonable time, place, and manner restrictions consistent with the First Amendment to the United States Constitution and Section 8, Article I, of the Texas Constitution.

- B. Prohibited Commercial Activities. For purposes of this policy, expressive activities do not include commercial speech. As such, commercial activities are prohibited on TWU campuses without a prior written agreement with the University.

- C. Other Prohibited Activities. For purposes of this policy, expressive activities do not include activities which lose legal protections under the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, including defamation, unlawful harassment, incitement to imminent unlawful activity, obscenity, or threats to engage in unlawful activity. Groups or individuals engaging in materially and substantially disruptive activities (such as harassment, including but not limited to harassment based on antisemitism¹), or those failing to comply with applicable laws or TWU policy, may face immediate removal from TWU premises or other appropriate actions by TWU officials, including the TWU police.
- D. Reservation of Outdoor Common Areas. The TWU Office of Student Life may adopt operating policies and procedures regarding the reservation of outdoor common areas for the purpose of engaging in expressive activities. If any area of TWU's outdoor common areas has been reserved, the reserving individual or group shall be given priority for use of such area.
- E. Statutory Prohibitions. For purposes of this policy and in accordance with the Texas Education Code, University Members permitted to engage in expressive activities are legally prohibited from the following:
1. Use of amplification devices on TWU property during class hours except as registered for a planned event with the Student Union. No amplified devices may be used in a manner to intimidate others, interfere with TWU campus operations, or interfere with a University employee's or peace officer's lawful performance of duty;
 2. During the last two weeks of an academic semester or academic term, engaging in expressive activities which materially and substantially disrupt TWU campus functioning, including the invitation of guest speakers, the use of amplification devices, the use of drums or other percussive instruments;
 3. Camping or erecting tents or other living accommodations on TWU campuses;
 4. Wearing a disguise or other means of concealing the wearer's identity with an intent to obstruct the enforcement of TWU rules or law by avoiding identification, intimidating others, or interfering with a TWU employee's or peace officer's lawful performance of duties;

¹ 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. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016. Texas Government Code Section 448.001.

5. Lowering a flag of the United States or flag of the State of Texas flown by TWU with the intent to raise the flag of another nation or a flag representing an organization or group of people; and
 6. Engaging in expressive activities on campus between the hours of 10:00 p.m. and 8:00 a.m.
- F. Damage Caused by Expressive Activities. Groups or individuals are responsible for any damage and harm to persons and property that arise from expressive activities.
- G. Identification. University Members shall be required, upon request by a TWU official on TWU's campus—including TWU police—engaging in an official duty, to present proof of identity and status at the University. Failure to present identification may result in appropriate action, including but not limited to cessation of engagement in expressive activity until such identification is sufficiently presented.

II. Time, Place, and Manner Restrictions

- A. Applicable Time, Place, and Manner Restrictions. Subject to Part I, Section 5, the following reasonable time, place, and manner restrictions are applicable to expressive activities in University outdoor common areas:
1. Activities that are unlawful or that materially and substantially disrupt the normal operations of TWU are prohibited.
 2. Activities that materially and substantially prevent other University Members from carrying out an expressive activity are prohibited.
 3. Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of TWU facilities are prohibited.
 4. Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services are prohibited.
 5. Activities that threaten or endanger the health or safety of any person on TWU grounds are prohibited.
 6. Activities that result in damage or destruction of TWU property are prohibited. With the exception of designated bulletin boards and sidewalk chalk, nothing may be affixed to or written on TWU property or grounds.

7. Activities that inherently lose First Amendment protection (e.g., defamatory statements, true threats/fighting words, obscenity [as defined by law] are prohibited.
 8. 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.
 9. Amplified sound shall not interfere with or disrupt institutional activities. Any amplification device must be pre-registered with the event registration and only hand-held devices will be approved.
 10. No open flames are permitted on the TWU campuses without the express written permission of TWU.
 11. Any activities that are subject to licensing, code, permits or ordinance requirements must have the proper licenses or 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. TWU reserves the right, as necessary, to impose additional reasonable time, place, and manner restrictions as circumstances arise.
- C. Restrictions Shall be Viewpoint-Neutral. TWU decisions will not be based on political, religious, philosophical, ideological, or academic viewpoints.
- D. Relocation, Limitation, and Prohibition. TWU reserves the right to relocate, limit or prohibit University Members engaged in expressive activities in outdoor common areas based on reasonable time, place, and manner restrictions.

III. Guest Speaker Fees and Approvals

- A. Guest Speakers. TWU faculty, staff, and student organizations have the right to invite speakers to University forums to speak. When reviewing guest speakers, TWU will not consider any anticipated controversy related to the event in determining fees to be charged.
- B. Guest Speaker Criteria. TWU will consider content-neutral and viewpoint neutral criteria including, but not limited to, the following when reviewing speakers:
1. Proposed venue and the size of the audience;

2. Anticipated needs for security;
3. Any other necessary accommodations the University deems necessary for the speaker;
4. Relevant history of compliance or noncompliance with TWU policies by the speaker or the requestor.

IV. Additional Prohibited Actions or Expression

A. Prohibited Actions

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

1. Weapons
 - a. Except as authorized by this policy, the use or possession of firearms, fireworks, or any other illegal or lethal weapon anywhere on the TWU campuses is prohibited by law.
 - b. Weapons prohibited include, but are not limited to; any club, explosive weapon, firearm, firearm silencer, handgun, switchblade knife, knife, knuckles, machine gun, short-barrel firearm, armor-piercing ammunition, ammunition, hoax bomb, chemical dispensing device (other than a small chemical dispenser sold commercially for personal protection), blow gun, stun gun, bow, arrow, sword, sling shot, racetrack, or zip gun. Pursuant to state law, these weapons are prohibited on the TWU campuses.
 - c. Additional items prohibited include toy look-alike guns, paintball guns, pellet and BB guns, and decorative firearms (operable or inoperable). Pursuant to state law, these weapons are prohibited on the TWU campuses.
2. Body Armor

Body armor or makeshift body armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body armor.
3. Open Flames

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

4. Points of Entry

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

B. Prohibited Expression

1. Obscenity

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

2. Incitement to Imminent Violations of Law

No person will make, distribute, or display on the TWU campus any statements directed to inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law.

3. Coercing Attention

No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication. No person may persist in requesting or demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication.

4. Defamation

- a. No person shall publish to a third party any statement that defames any other person.
- b. A statement defames another person if it is:

- i. Published to a third party other than the subject of the statement or their legal representative
- ii. Of and concerning that person
- iii. A false statement of fact
- iv. Holding that person up to hatred, ridicule, or contempt
- v. Made negligently, if the person is a private figure or, if the person is a public official or public figure, with knowledge of falsity or reckless disregard of the truth
- vi. The proximate cause of damages
- vii. Not privileged.

5. Harassment

No person will engage in conduct that constitutes harassment of another person or make, distribute, or display on the TWU campus or through TWU information resources any statement that constitutes harassment of any other person (such as harassment based on antisemitism²). This prohibition applies to all speech at TWU, all speech made using TWU resources, including speech that is part of teaching, research, or other official functions of TWU whether in person or not, and whether oral, written, or symbolic. Any registered student or 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.

V. Commercial Speech

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

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

B. Commercial Speech is permitted by University Members for the following purposes:

1. Admission Fees

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

2. Non-Profit Organization

A Registered Student, Faculty, or Staff Organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions, for the following purposes: for the benefit of the Registered Student, Faculty, or Staff Organization; for the benefit of another Registered Student, Faculty, or Staff Organization; or, for the benefit of an organization that is tax-exempt under Section 501(c)(3) of the Internal Revenue Code. 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. 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.

3. Film

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

- a. The film is in the Public Domain;

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

4. Personal Advertisements

University Members may post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used, but only on a bulletin board designated for that purpose by an Academic or Administrative Unit in a space that the unit occupies or controls. Any Academic or Administrative Unit that designates a bulletin board for this purpose may regulate the use of that bulletin board under the guidelines in this policy.

5. Raffle Tickets

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

6. Vendor Tables

Vendor tables which allow commercial speech may be allowed with reservations at the Student Union. Please see information and reservation page for specific information.

VI. Literature

A. General Rule on Distribution of Literature

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

B. Not-for-Profit Literature Only

A Registered Student, Faculty, or Staff Organization may sell publications operated for profit as part of a fund-raiser authorized by, and subject to the limits of, the guidelines in this policy and URP 06.400: Student

Organizations Fundraising. Otherwise, except as expressly authorized by TWU Regent policy or by contract with TWU, no person or organization may sell, distribute, or display on campus any publication operated for profit. A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, inures to the benefit of any private shareholder or individual.

C. Limits on Advertising Literature

1. Registered Student, Faculty, and Staff Organizations, and Academic or Administrative Units, may sell, distribute, or display Literature that contains advertising, subject to the limits below. Individual Students, Faculty Members, and Staff Members may distribute or display such Literature, but may not sell it.
2. Literature distributed on campus may contain the following advertising:
 - a. Advertising for a Registered Student, Faculty, or Staff Organization, or an Academic or Administrative Unit.
 - b. Advertising for an organization that is tax exempt under section 501 (c)(3) of the Internal Revenue Code.
 - c. Paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising.
3. All other advertising in Literature distributed on campus is prohibited.

D. Clean up of Abandoned Literature

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

VII. Signs and Banners

A. General Rule on Signs

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

B. Hand-Held Signs

1. University Members may display a Sign on campus by holding, carrying it by hand, or otherwise attaching it to their person. Any person holding or carrying a Sign will exercise due care to avoid bumping, hitting, or injuring any other person.
2. Hand-held Signs constructed of materials that create a hazard to other people are not permitted. Signs constructed of rigid materials, including sticks, poles, wood, metal, hard plastic, or other materials that could be construed as a hazard are not permitted.
3. Any person holding or carrying a Sign at a speech, performance, or other Event will exercise due care to avoid blocking the view of any other person observing the speech, performance, or Event. Depending on the venue, this may mean that Signs may be displayed only around the perimeter of a room or an audience.
4. A law enforcement officer or other authorized TWU employee, may take reasonable steps to ensure compliance with this policy, including warning any person that his or her Sign is being handled in violation of this policy. If the violation persists after a clear warning, the law enforcement officer may confiscate the Sign. A law enforcement officer may take any action necessary to keep the peace.

C. Banners

1. Hand-Held Banners

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

2. Temporary Banner Space Designations

The Division of Student Life will designate Temporary Banner Spaces where banners may be placed. These spaces are generally controlled by TWU and administered by the Division of Student Life.

VIII. Other Academic or Flyers in Other Designated Locations (Including Departmental Bulletin Boards)

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

- A. Flyers in spaces occupied by Academic or Administrative Units may be:

1. Confined to bulletin boards or other designated locations
 2. Subject to viewpoint-neutral rules designed to facilitate fair and equal opportunities to post Flyers, including limitations on the size of Signs, limitations on how long they may be posted, requirements that each Sign show the date it was posted and the name of the person or organization who posted it.
 3. Confined to official statements or business of the Academic or Administrative Unit, or to certain subject matters of interest within the Academic or Administrative Unit, or to Flyers posted by persons or organizations affiliated with the Academic or Administrative Unit.
- B. Each Academic or Administrative Unit will post on or near each bulletin board or other designated location that it administers:
1. Either the rules applicable to that bulletin board or location, or a particular office or internet website where the rules applicable to that bulletin board or location may be found; and
 2. A stamp or initials are required on Flyers before they are posted on that bulletin board or location, the name and office location of the person whose stamp or initials are required.
- C. Within the scope of the subject matters permitted on a particular bulletin board or other designated location, no Academic or Administrative Unit will discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed on a Flyer.
- D. This Section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official TWU business.

IX. Tables

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

X. Exhibits

- A. University Members may erect General Exhibits and A-Frame Exhibits, subject to the guidelines in this policy. Advance permission is required from Conference Services, except that an Academic or Administrative Units may authorize indoor exhibits in a space that it occupies and controls. Members of the public may not erect indoor exhibits.
- B. University Members sponsoring an exhibit will be responsible for removing litter from the area around the exhibit before vacating the space.
- C. Application Process

University Members desiring to display an outdoor General Exhibit or A-Frame Exhibit will apply through Conference Services Office and will abide by the expectations indicated on the application.

- D. Liability

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

- E. Time Limits

General and A-Frame Exhibits can be in locations administered by the Division of Student Life. Each Banner may be hung for one week.

XI. Amplified Sound

- A. General Rule on Amplified Sound

University Members may use Amplified Sound on campus at designated times and locations, subject to the rules in this policy, and with advance permission and event registration from TWU. On the Denton Campus, TWU follows standards set by the City of Denton with regards to amplified sound in the City of Denton Noise & Alcohol Provisions. This section creates limited exceptions to the general rule on Disruption.

- B. Regulation and Scheduling of Amplified Sound

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

a. Reservations

- i. University Members wishing to use an Amplified Sound area must reserve the area. Reservations by TWU-affiliated persons and organizations must be made with the Division of Student Life on a form prescribed by the Division of Student Life. Conference Services will approve a properly completed application to reserve an Amplified Sound area, unless the application or request must be disapproved under the criteria listed in this policy.
 - ii. The Division of Student Life may limit the number, frequency, or duration of reservations for each applicant to ensure reasonable access for all persons and organizations desiring to use Amplified Sound on weekdays.
- b. When Amplified Sound areas are not reserved for use for an assembly including Amplified Sound, they are available for use, for permitted Expressive Activity, without reservation as part of the Outdoor Common Areas. Any person or organization using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of its reserved time.
- c. University Members using Amplified Sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.

C. Amplified Sound Indoors

University Members may use Amplified Sound indoors. Indoor Amplified Sound sufficient to be heard throughout the room may be used in any room and may vary by building, but the Vice President for Student Life or designee may limit or prohibit sound that would be disruptive outside the room. Reservations are required.

XII. Public Assemblies

A. General Rule on Public Assemblies

1. "Publicly assemble" and "public assembly" include any gathering of persons, including discussions, rallies, and demonstrations.
2. University Members and Registered Student, Faculty, and Staff 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 this policy and University policy governing use of University properties.

B. Reservations of Space

1. Reservation Procedures:
 - a. University Members may reserve a space to assemble in the Outdoor Common Areas, as defined by this policy.
 - b. Reservations must be made with the Conference Services or University Scheduling.
 - c. Requests for a reservation for such assemblies will be approved in accordance with this policy.
 - d. If the expected attendance at an assembly is at or over 100 affiliated individuals, advance notice of no less than two weeks is recommended to ensure the requested space may be reserved. Persons and organizations are encouraged to seek a reservation of a space that is suited to their assembly's anticipated size.
2. 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.
3. 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.
4. While reservations are not always required, they are strongly encouraged. Without a reservation, a University Member may find the facility locked or the space in use by another person or organization.

C. Notices and Consultation

1. Off-Campus Persons or Organizations may not Publicly Assemble on TWU campus in violation of this policy..
2. University Members that are planning a Public Assembly in an Outdoor Common Area with or without a Guest Speaker and expected attendance of more than twenty-five participants, including potential counter-demonstrators, are encouraged to provide advance notice of no less than two weeks to the Division of Student Life to help TWU improve the safety and success of the Expressive Activity.
 - a. If there is uncertainty about applicable TWU rules, the appropriateness of the planned location, or possible conflict with other Events, University Members are encouraged to consult Conference Services.
 - b. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly, or the assembly may be rescheduled for another time and location.
3. University Members planning an Event on campus, with or without a Guest Speaker and with an expected attendance of more than 100 affiliated participants, are required to provide advanced notice of no less than two weeks to Conference Services to help TWU improve the safety and success of the Expressive Activity. Notice will be provided on a form prescribed by the Division of Student Life. If there is uncertainty about applicable TWU rules, the appropriateness of the planned location, or possible conflict with other Events, persons and organizations are encouraged to consult the Division of Student Life. Should the size of the assembly exceed the maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly, or the assembly may be rescheduled for another time and location.
4. The notice and consultation requirements of this section do not apply to assemblies planned by Academic or Administrative Units.
5. The notice and consultation requirements of this section applicable to TWU Students, faculty, staff and organizations may be waived by the Vice President of Student Life or his or her designee.

6. Registered Student, Faculty, and Staff Organizations are afforded privileges not available to individual faculty, staff, and Students. Individuals may not reserve indoor space on campus.

XIII. Guest Speakers

A. Location and Form of Presentation

1. Subject to the rules in this policy, University Members and Registered Student, Faculty, or Staff Organizations may present Guest Speakers in areas of the TWU campus in accordance with the procedures in this section.
2. Registered Student, Faculty, and Staff Organizations and Academic or Administrative Units may present Guest Speakers in the Limited Public Forums of the TWU campus. A Guest Speaker may present a speech or performance, or lead a discussion of specified duration, at a time announced in advance, in a designated reservable location.
3. Individuals may not present a Guest Speaker in TWU buildings or TWU facilities.
4. When reviewing a request to reserve space to present a Guest Speaker on a TWU campus, TWU will not consider any anticipated controversy related to the Event in determining fees to be charged. TWU will consider content-neutral and viewpoint-neutral criteria when reviewing Guest Speakers, including the following:
 - a. Proposed venue and the size of the audience;
 - b. Anticipated needs for security;
 - c. Any other necessary accommodations TWU deems necessary for the Guest Speaker; and
 - d. Relevant history of compliance or noncompliance with TWU policies by the Guest Speaker or the requestor.

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

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

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

C. Obligations of Presenting Organization

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

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

D. Prohibition on Guest Speakers

1. A Guest Speaker may not:
 - a. Accost potential listeners who have not chosen to attend the speech, performance, or discussion; or

- b. Help staff a table or exhibit set up outside the common outdoor areas or in TWU building or facilities.
2. No Registered Student, Faculty, or Staff Organization may present a Guest Speaker in violation of the prohibitions against Commercial Speech.

XIV. Responding to Speech, Expression, and Assembly

A. General Rule on Responding

1. University Members may respond to the speech, expression, or assembly of other University Members, subject to all the rules in this section.
2. Responders may not damage or deface Signs or exhibits, disrupt Public Assemblies, or block the view of participants.
3. Means of response that are permitted in many locations and without advance permission or reservation, such as Signs, distribution of Literature, and Public Assembly without Amplified Sound, may be used immediately and in any location authorized in this section.
4. Means of response that require advance permission or reservation, such as A-Frame Exhibits, General Exhibits, and Amplified Sound, may be used as soon as the needed permission or reservation may be arranged. Temporary Outdoor Exhibit space, and some Amplified Sound areas may be unavailable on short notice because of earlier reservations, but the Vice President of Student Life or designee will expedite approval of available Temporary Outdoor Exhibit spaces, and Amplified Sound areas where necessary to permit appropriate response to other speech, assembly, or expression.
5. Means of response that are confined to authorized locations, such as Banners, Exhibits, and Amplified Sound, may be used only in those locations as pre-approved by TWU.

B. Police Protection

1. It is the responsibility of TWU to protect the safety of all persons on campus and to provide police protection for speakers, Public Assemblies, persons staffing or viewing exhibits, and other Events. The normal patrolling of officers during regular duty areas in the area of such Events will be at the cost of TWU. When the magnitude, timing, or nature of an Event in a TWU building, TWU facility, or other areas of TWU's campus requires overtime hours

from police officers (including contract hours for officers hired from other departments or private security agencies), TWU will charge the cost of overtime or contract officers to the person or organization sponsoring the Event or exhibit that requires overtime police protection. Police officers will be assigned to the event as needed to ensure the safety of the event.

- a. University Members or Registered Student, Faculty, or Staff Organizations planning such Events should budget for the cost of police protection. A reasonable and nondiscriminatory fee for overtime police work will be charged to the Registered Student, Faculty, or Staff Organization for Events in a TWU building, TWU facility, or other area of TWU's campus that require overtime police protection; and
 - i. Charge a price for admission;
 - ii. Have a paid speaker, band, or other off-campus person or organization for services at the Event; or
 - iii. Anticipate event attendance at or over 100 affiliated individuals.
2. TWU will have the sole power to decide, after reasonable consultation with the person or organization planning the Event, whether and to what extent overtime police protection is required. No fee will be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the Event. All fees will be based on the number of officers required for an uncontroversial Event of the same size and kind, in the same place and at the same time of day, handling the same amount of cash.
3. Nothing in this Section applies to any interdepartmental charge or transfer among units or accounts funded by TWU.

C. Enforcement

1. Section 51.9315 of the Texas Education Code ("Section 51.9315") prohibits Students, Registered Student Organizations, and Faculty from unduly interfering with the Expressive Activities of other University Members on campus.
2. University Members may file a grievance regarding an alleged violation of this policy in the manner provided in the applicable University Student Code of Conduct, Student Handbook, University Catalog, Faculty Handbook, or employee/personnel manual.

Alternatively, any complaints of a violation may be reported via [TWU's Ethics and Compliance Hotline.](#)

3. A Student who violates a prohibition in this policy may be disciplined under the procedures in the URP 06.200: Student Code of Conduct. A Registered Student Organization that violates a prohibition in this policy may also be disciplined under the procedures in the Student Code of Conduct.
4. A Faculty Member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules, including URP 02.330: Faculty Responsibilities, Standards of Conduct, and Disciplinary Processes. If no such procedures exist, violations by Faculty Members will be referred to the Office of the Executive Vice President for Academic Affairs and Provost.
5. A Staff Member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules, including URP 05.600: Staff Standards of Conduct and Disciplinary Process. If no such procedures exist, violations by Staff Members will be referred to the Office of Human Resources.
6. Authorized TWU employees may prevent imminently threatened violations, or end ongoing violations, of a prohibition of this policy, by explanation and persuasion, by arrest of violators, or by any other lawful measures. Alternatively, or additionally, they may initiate disciplinary proceedings. Discretion regarding the means and necessity of enforcement will be vested in the chief of police, or in TWU employees designated by the Chancellor and President, as appropriate, but such discretion will be exercised without regard to the viewpoint of any speaker.
7. TWU Students, Faculty Members, Staff Members, and Registered Student, Faculty, and Staff Organizations on the TWU campus will comply with instructions from TWU administrators and law enforcement officials at the scene. A TWU-affiliated person or organization that complies with instructions limiting speech, expression, or assembly may test the propriety of that order in an appeal.
8. Members of the public or organizations not affiliated with TWU that are on the TWU campus and violate this policy may be subject to criminal trespass charges, arrest, or other lawful measures.

D. Appeals

1. A TWU-affiliated person or organization that is denied permission for an activity requiring advance permission under this

policy may appeal the denial of permission under the policies identified below.

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

XV. Retaliation

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

Ethics & Compliance Hotline Contact Information

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

5. Fax: 215-689-3885 (must include TWU in report)

REVIEW

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

REFERENCES

[Regent Policy B.20005: Freedom of Speech and Expression Policy](#)

[URP 06.400: Student Organizations](#)

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

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

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

[Executive Order signed by Governor Greg Abbott on March 27, 2024](#)

Texas Education Code Section 51.9315

[Texas Government Code Section 448.001](#)

[Texas Penal Code Section 43.21](#)

[Texas Penal Code Section 48.05](#)

[International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016](#)

FORMS AND TOOLS

[Special Event Request Form](#)

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