

Texas Woman's University Regent Policy

Regent Policy Name: Freedom of Speech and Expression Policy

Regent Policy Number: Regent Policy: B.20005

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 as well as other persons. This policy is intended to protect the expressive rights of persons 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 and ensures that all persons may assemble peaceably on TWU campuses for expressive activities, including listening to or observing the expressive activities of others.

APPLICABILITY

All members of the TWU community, including students and employees, guests, and members of the public are protected by these laws and this policy and are expected to comply with this policy.

DEFINITIONS

1. “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 materials, the carrying of signs, and the circulation of petitions. For purposes of this policy, expressive activities do not include commercial speech.
2. “Outdoor Common Areas” include the TWU public streets, sidewalks, green spaces, and similar outdoor areas that are freely accessible to the university community and the public.
3. “Traditional Public Forums” are areas that are generally available for expressive activity at any time without the need for reservation, or prior approval.
4. “Commercial Speech” is speech or writing on behalf of a business with the intent of earning revenue or a profit or promoting a business.

POLICY

I. General Guidelines and Policy Regarding Expressive Activities

Section 1 Use of Outdoor Common Areas

- 1.1 TWU's common outdoor areas are deemed traditional public forums, and any person is permitted to engage in expressive activities in those areas of the TWU campuses subject to the restrictions outlined in this policy.
- 1.2 TWU reserves the right to implement and enforce reasonable time, place, and manner restrictions regarding expressive activities including, but not limited to, those set forth below in this policy. Further, activities that are unlawful or that materially and substantially disrupt the normal operations of the TWU campuses are prohibited.
- 1.3 Students, faculty, staff, guests and the public may engage in expressive activities without prior reservation, registration, or approval, provided such activities are conducted pursuant to applicable federal and state laws as well as TWU policy.
- 1.4 Expressive activities on the TWU campuses do not imply endorsement by TWU.

Section 2 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.

Section 3 Other Prohibited Activities. Groups or individuals engaging in materially and substantially disruptive activities, 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.

Section 4 Reservation of Outdoor Common Areas. The TWU Office of Student Life may adopt operating policies and procedures regarding the reservation of outdoor common areas by individuals or groups for the purpose of engaging in expressive activities. Such operating policies and procedures must be sent to the Office of General Counsel for review. If any area of the TWU's outdoor common areas has been

reserved, the reserving individual or group shall be given priority for use of such area.

Section 5 Damage Caused by Expressive Activities. Groups or individuals are responsible for any damage and harm to persons and property that arise from expressive activities.

II. Time, Place, and Manner Restrictions

Section 1 Applicable Time, Place, and Manner Restrictions. The following reasonable time, place, and manner restrictions are applicable to expressive activities in University outdoor common areas:

- 1.1 Activities that are unlawful or that materially and substantially disrupt the normal operations of TWU are prohibited.
- 1.2 Activities that materially and substantially prevent other individuals or groups from carrying out an expressive activity are prohibited.
- 1.3 Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of TWU facilities are prohibited.
- 1.4 Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services are prohibited.
- 1.5 Activities that threaten or endanger the health or safety of any person on TWU grounds are prohibited.
- 1.6 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.
- 1.7 Activities that inherently lose First Amendment protection (e.g., defamatory statements, commercial speech, true threats/fighting words, obscenity [as defined by law] are prohibited.
- 1.8 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.
- 1.9 Amplified sound shall not interfere or disrupt institutional activities. Any amplification device must be hand-held.

1.10 No open flames are permitted on the TWU campuses without the express written permission of TWU.

1.11 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).

Section 2 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.

Section 3 Restrictions Shall be Viewpoint-Neutral. TWU decisions will not be based on political, religious, philosophical, ideological, or academic viewpoints.

Section 4 Relocation, Limitation, and Prohibition. TWU reserves the right to relocate, limit or prohibit individuals or groups engaged in expressive activities in outdoor common areas based on reasonable time, place, and manner restrictions as outlined in this policy.

III. Speaker Fees and Approvals

Section 1 Speakers. TWU faculty, staff, and student organizations have the right to invite speakers to University forums to speak. When reviewing speakers, TWU will not consider any anticipated controversy related to the event in determining fees to be charged.

Section 2 Speaker Criteria. TWU will consider content-neutral and viewpoint neutral criteria including, but not limited to, the following when reviewing speakers:

2.1 Proposed venue and the size of the audience;

2.2 Anticipated needs for security;

2.3 Any other necessary accommodations the University deems necessary for the speaker;

2.4 Relevant history of compliance or noncompliance with TWU policies by the speaker or the requestor.

IV. Disciplinary Sanctions

Section 1 Interference with Expressive Activities. 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 TWU Student Code of Conduct, Student Handbook, University Catalog, or University operating policies and procedures.

Section 2 Criminal Law. 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.

V. Grievances

File A Grievance. Members of the TWU community may file a grievance regarding an alleged violation of this policy in the manner provided in the applicable TWU Student Code of Conduct, Student Handbook, University Catalog, Faculty Handbook, or TWU operating policies and procedures.

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, or internal processes or procedures.

REFERENCES

First Amendment to the United States Constitution

Section 8, Article I, Texas Constitution

FORMS AND TOOLS

None

Adopted: February 21, 2020

Revised: (Month Day, Year)