

Expressive Activity Procedure

I. General Expressive Activity Information

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.935, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the bill: Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including listening to or observing the expressive activities of others.

II. Definitions

1. **Benefit** means recognition by or registration with the university, the use of the university’s facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.
2. **Campus** means all land and buildings owned or leased by the university.
3. **Common outdoor areas** means places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for a special event. This term does not include areas immediately adjacent to a private residence.
4. **Employee** means an individual employed by the university.
5. **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.
6. **Faculty** means any full or part-time employee of the university holding an academic appointment.

7. **Materially and substantially disrupt** means interrupting a program or activity in a significant and consequential manner.
8. **Person** means students, faculty, staff, student organizations, and third parties.
9. **Reasonable time, place, and manner restrictions** means limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.
10. **Staff** means an employee of the university that is not a faculty member.
11. **Student** means an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.
12. **Student Organization** means any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.
13. **Third-party** means an individual who or entity that is not a student, student organization, or employee of the university.
14. **Traditional public forum** means a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.

III. Expressive Activity Spaces

Traditional Outdoor Public Forums/Locations

The University designates traditional outdoor public forum locations that include, but are not limited to, public streets, sidewalks, plazas, lawns, and parks for engagement of expressive activities. Any person is permitted to engage in expressive activities in these areas as long as the person's conduct is not unlawful, does not materially and substantially disrupt the function of the institution and the location was not previously reserved for another activity or event for that timeframe through the reservation procedure outlined in Section IV of this procedure. If a designated outdoor space has been previously reserved through the Reservation Procedure outlined in Section IV below, the non-reserved activity or event must move to another outdoor public forum/location to allow for the activity or event reserved for that location.

- a. Expressive activities must not take place within a reasonable distance of any window of any classroom or office, or any door of any classroom building, office building or residence hall.

- b. Overnight demonstrations and assemblies are prohibited unless approved in advance as part of the procedure for scheduling and obtaining approval of the event itself.

Below is a list of identified common areas on campus:

- Heritage Park
- University Park
- The O.A. Grant Green Space
- Thompson Student Center Amphitheater and immediate surrounding areas
- Dining Hall Patio

Indoor Public Forums

Any person or group may request permission to assemble or hold an expressive activity within specified facilities through the reservation procedures outlined in Section IV of this procedure. The reservations of the specific facilities are subject to availability and payment of any fees as required by the usage agreement in each area and determined on a content or viewpoint neutral basis. Please see Facilities and Events webpage for a current list of reservable indoor facilities.

IV. Reservation Procedure

- a. Individuals or groups, with the exception of student organizations, who plan to engage in Expressive Activity in a University facility designated for indoor public forums or wish to reserve an outdoor public space for their activity, must submit a completed Expressive Activity Reservation Request at least **five** (5) business days prior to the scheduled activity. The Facilities and Events Office will provide written confirmation to the requestor if the space is available. The [Expressive Activities Request Form](#) may be found on [Tarleton's Expressive Activities website](#).

Identified Spaces for Event/Activity Reservation:

- Any University Building Classroom/Theatre space
- Alumni Plaza
- Rudder Way
- Texan Trace
- Administration Mall
- Heritage Park
- The O.A. Grant Green Space
- Dining Hall Patio
- Recreational Sports Fields
- Dairy grounds
- Areas located on the Tarleton Ag Farm
- Parking Lots (only if available for parking only)
- Residence Hall Lobbies and Courtyards
- Athletic Venues – Memorial Stadium, Wisdom Gym, Cecil Ballow Baseball complex, Softball Field, Tennis Courts

b. After consultation with the Dean of Students Office or designee, the Facilities and Event Office personnel will confirm a reservation for one of the designated areas or another available area of campus, as requested by the applicant, and may only deny a reservation for the limited reasons set forth below.

c. Student organizations may engage in expressive activities. However, if the organization would like to do so in a reservable space must submit a reservation request at least **five** (5) business days prior to the planned activity through the facility reservation system, Texansync.

At the time of the request, the following information will be required:

- Name information of the person or organization sponsoring the event. Contact information for one individual who will be present during the course of the event;
- Location, date and time requested for the event;
- General purpose of the event;
- List of planned activities (i.e. speech or rally, march with signs, distribution of literature, sit-in);
- Special equipment requested; and
- Anticipated attendance.

V. Guidelines

1. When assessing a reservation request, the University personnel must not consider or impose restrictions based on the content or viewpoint of the expression. The University may only deny a reservation request for one of the following reasons:

a. The Expressive Activity Reservation Request Form is not fully completed.

b. The Expressive Activity Reservation Request Form contains a material falsehood or misrepresentation.

c. The area requested has been reserved by persons who previously submitted a completed reservation request(s). In such an instance, the University must provide a reservation for the applicant at an alternate location, alternate date, or alternate time.

d. The use or activity intended by the applicant would conflict with or disturb previously planned programs organized and conducted by the University.

e. The intended area is not large enough to accommodate the expected or actual number of persons engaging in large group expression. In such an instance, the University must provide a reservation for the applicant at an alternate location that can safely accommodate the applicant provided that the applicant is a member of the Tarleton State University community and that such a location exists on Tarleton State campus.

- f. The use or activity intended by the applicant would present a danger to the health or safety of the applicant, other members of the Tarleton State community, or the public.
 - g. The use or activity intended by the applicant is prohibited by law, Tarleton State, or Texas A&M system policy.
2. Security costs for all expressive activities or facility use requests will be determined without consideration of the content or viewpoint of the event expression and in accordance with the *Security Cost Protocol for Expressive Activity* attached hereto as Addendum A.
 3. Appeals related to the decision of the Dean of Students Office personnel should be made in writing to Tarleton State University's Vice President for Student Affairs. The decision of the Vice President for Student Affairs or designee is final.
 4. See 2.1 Grievance Procedure in 08.02.01.T1 Expressive Activity on Campus

VI. Outreach Sites and Campuses

Expressive Activities at Tarleton's outreach sites and campuses must meet the *General Guidelines* outlined in this procedure as well as any additional guidelines as outlined by the respective campus or location. Approval for posting, displaying, distribution, or space reservations can be made at the following locations:

Fort Worth Campus: Approval must be obtained through the Executive Director for Fort Worth campus located on the third floor in room 319.

McLennan Community College: Approval must be obtained through the University Center administrative offices located on the first floor of the Michaelis Academic Center (MAC). 254-299-8882.

Navarro College: Individuals should contact the Student Life office at 903-875-7705 for more information.