

08.99.99.C1

## Expressive Activity on Campus



Revised: June 25, 2024

Next Scheduled Review: June 25, 2029

[Revision History](#)

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### Rule Summary

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Texas A&M University-Corpus Christi recognizes the constitutional rights and privileges of freedom of speech in expressive activities by individuals and groups on campus.

In 2019, the 86<sup>th</sup> Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, 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 to listen to or observe the expressive activities of others.

This rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

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### Definitions

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The definitions of terms used in the rule include both the singular and plural version of the term:

**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 (see Texas Government Code, section 448.001). Antisemitic conduct comprised of behavior expressed in section 1.3.2 of this rule can be sanctioned by the university.

**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.

**Campus** means all land and buildings owned or leased by the university.

**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.

**Designated Public Forum** means a part of campus that may become temporarily available for expressive activity as designated by the university. These temporary locations, while in existence, will be treated similar to public streets, sidewalks, and parks in terms of access and availability for expressive activity. Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.

**Employee** means an individual employed by the university.

**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.

**Faculty** means any full or part-time employee of the university holding an academic appointment.

**Illegal Harassment** means expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.

**Inciting or Producing Imminent Lawless Action** means speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.

**Limited Public Forum** means a place that has limited open access for public expression or may be limited to particular groups or to particular topics. Creation of, and access to, limited public forums for student publications may be requested through the office of University Center and Student Activities. Creation of, and access to, limited

public forums for non-university publications may be requested through the office of University Services. The material distributed and the form of distribution may not violate state and federal law. The university will maintain its obligation to place reasonable limits on the times during which its limited public forums may be used by any particular individual or group.

**Materially and Substantially Disrupt** means interrupting a program or activity in a significant and consequential manner.

**Non-Public Forum** means a place that is not a traditional public forum or designated public forum. This includes areas that are not by tradition or designation forums for public communication. These forums will be restricted to use for their intended purpose and are not available for public expressive activity. Examples include, but are not limited to, classrooms, residence hall rooms, faculty and staff offices, academic buildings, administration buildings, Health Center facilities, library, research and computer laboratories, and research facilities. The university will maintain its obligation to place reasonable limits on the times during which its non-public forums may be used by any particular individual or group.

**Person** means students, faculty, staff, student organizations, and third-parties.

**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.

**Staff** means any full or part-time employee or recognized volunteer of the university that is not a faculty member.

**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 are registered for a future semester.

**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.

**Third-Party & Contracted Partners (External Client)** means an individual or entity that is not a student, student organization, or employee of the university.

**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. These areas are generally available for expressive activity, planned or spontaneous, for the individual or small groups (generally where a crowd of 25 or less will be present, and/or where an event is not promoted in advance, and/or when an event is not sponsored by a student organization) at any time without the need for reservation, or prior approval. Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.

**True Threats** means communication of a serious expression of an intent to harm a specific person or group of people.

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## Rule

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### 1. EXPRESSIVE ACTIVITY RIGHTS

- 1.1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including responses to the expressive activities of others.
- 1.2. Student organizations and university groups can invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue, the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant institutional history of compliance or noncompliance by the requesting student organization or university group with this rule and other relevant system policies or regulations or university rules or procedures. The university may not consider any anticipated controversy related to the event.
- 1.3. The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
  - 1.3.1. The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment. This rule must be applied in a manner consistent with the Dear Colleague Letter (July 28, 2003) issued by the

Department of Education related to First Amendment and civil rights laws compliance. Sanctions that may be imposed include all those enumerated in the Student Code of Conduct (see Appendix).

- 1.3.2. Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.
- 1.3.3. Conduct described in 1.3.2 may be reviewed and adjudicated under system regulation *08.01.01 Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law. This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the Dear Colleague Letter (Nov. 7, 2023) issued by the Department of Education in the wake of the tragic events of October 7, 2023. Additionally, said conduct may also be reviewed and adjudicated by the Student Conduct & Advocacy Office using the Student Code of Conduct when the conduct does not rise to the level of a civil rights violation.
- 1.4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful and (b) does not materially and substantially disrupt the functioning of the institution.
- 1.5. Members of the university community can assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.
- 1.6. The contents of expressive activities allowed on campus should not be interpreted as any shared opinion, endorsement, or concurrence by the university.
- 1.7. Nothing in this rule should be interpreted as prohibiting faculty members from employing appropriate classroom management techniques to maintain order in class.

## 2. DISRUPTION OF UNIVERSITY OPERATIONS

- 2.1. In the event of disruption of the normal academic or operational functions of the university, including interference with the free use of corridors and entrances to rooms and buildings, the university maintains its right to move to restore order and open operation of the university. Every attempt will be made to discuss issues rationally and to avoid violence or the use of force.
- 2.2. In the event discussions fail, the issues are determined to be non-negotiable, and/or disruption continues, the University Police Chief or designee will issue legal notice to the individual or group to disperse.
- 2.3. If individuals refuse to comply with lawful directives of university officials, they may be subject to disciplinary actions and criminal sanctions.

## 3. GRIEVANCE PROCEDURE

- 3.1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, university group, or university employee has the right to file a grievance.
- 3.2. Grievances should be filed with or referred to the Employee Development and Compliance Services department (EDCS). EDCS will investigate the grievance and prepare a report summarizing its findings.
- 3.3. A student, student organization, university group, or university employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures including those referenced in the Related Statutes, Policies, or Requirements section below. If a violation of this rule was found to have occurred, the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. The investigative report will be handled by the appropriate university entity as follows: (a) the President, appropriate vice president, or designee for faculty and staff; (b) the Student Conduct & Advocacy Office for students and student organizations; and (c) the respective authority over the individual/group for third-parties and contracted partners where applicable.

## 4. IMPLEMENTATION

- 4.1. A copy of this rule will be included in the university published student code of conduct.

4.2. A copy of this rule will be provided to students during the university's new student orientation programs.

4.3. A copy of this rule will be posted to the University Handbook of Rules and Procedures website.

5. EXTERNAL CLIENT EVENTS

Events organized by an external party and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, The Texas A&M University System member.

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## Related Statutes, Policies, or Requirements

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Texas Education Code § [51.9315, Protected Expression on Campus](#)

Texas Government Code § [448.001](#)

Executive Order [GA-44 \(March 27, 2024\)](#)

Department of Education [Dear Colleague Letter \(July 28, 2003\)](#)

Department of Education [Dear Colleague Letter \(November 7, 2023\)](#)

System Regulation [08.01.01, Civil Rights Compliance](#)

University Rule [07.03.01.C1, Political Campaign Events in University Facilities](#)

University Procedure [08.01.02.C0.02, Accommodations at University Facilities and Events](#)

University Procedure [08.01.02.C0.03, Service and Emotional Support Animals](#)

University Procedure [11.99.99.C0.02, Co-Curricular Services to Minors](#)

University Procedure [21.99.09.C0.01, Access to University Property for Soliciting Donations and for Sales and Rentals](#)

University Procedure [32.01.01.C0.01, Complaint and Appeal Process for Faculty Members](#)

University Procedure [32.01.02.C0.01, Complaint and Appeal Process for Non-Faculty Employees](#)

University Procedure [33.04.99.C0.01, Non-Research Animals on University Campus and in Facilities](#)

University Procedure [41.01.01.C0.01 Use of University Facilities](#)

University Procedure [41.01.01.C0.04, Facility Use Rental and Recovery of Charges](#)

OAG [Guide to First Amendment Issues on Campus \(September 7, 2018\)](#)

This rule supersedes:

- [07.03.01.C0.01, Freedom of Speech, Assembly, and Demonstration](#)

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## **Appendix**

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[University Student Code of Conduct](#)

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## **Contact Office**

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Contact for clarification and interpretation: Employee Development & Compliance  
Services  
(361) 825-5826