

08.02.01 Expressive Activity on Campus

Approved: November 13, 2025

Next Scheduled Review: November 13, 2030



Regulation Summary

In accordance with System Policy 08.02, *Expressive Activity on Campus*, this regulation outlines the rights and responsibilities regarding expressive activities at member campuses.

Definitions

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.¹ Antisemitic conduct comprised of behavior expressed in section 1.4.1 of this regulation will not be tolerated by the system or its members.
2. **Benefit** includes, but is not limited to, recognition by or registration with the member, the use of the member's facilities for meetings or speaking purposes, the use of channels of communication controlled by the member, and funding sources made generally available to student organizations at the member.
3. **Campus** means all land and buildings owned or leased by the member, including those at branch campuses and remote locations.
4. **Common outdoor areas** mean 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 member for a special event. This term does not include areas immediately adjacent to a private residence or secure facility.
5. **Designated public forums** include other parts of campus that may become temporarily available for expressive activity as designated by the member. 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.)
6. **Disruptive Activity** is the obstruction, disruption or interference with classes, research, administrative functions, or other member activities, and is not permitted. Likewise, infringement on the rights of others is prohibited.
7. **Employee** means an individual employed by the member.
8. **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,

¹ Tex. Gov't Code § 448.001.
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and includes but is not limited to assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include defamation, unlawful harassment, incitement to imminent unlawful activity, obscenity, or threats to engage in unlawful activity.

9. **Faculty** means any full or part-time employee of the member holding an academic appointment.
10. **Inciting or producing imminent lawless action** means speech or behavior that is directed to inciting or producing imminent unlawful action and is likely to incite or produce such action.
11. **Limited public forums** have limited open access for public expression, or they may be limited to particular groups or particular topics.
12. **Materially and substantially disrupt(s)** means interrupting a program or activity in a significant and consequential manner.
13. **Member** means a system academic institution or the System Offices (for purposes of the RELLIS Academic Alliance at the RELLIS Campus).
14. **Non-public forums** are areas that are not traditional public forums or designated public forums. These include 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, medical treatment facilities, libraries, research and computer laboratories, and research facilities.
15. **Person** means students, faculty, staff, student organizations, and third parties.
16. **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.
17. **Staff** means an employee of the member that is not a faculty member.
18. **Student** means an individual currently enrolled at the member, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.
19. **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.
20. **Third party** means a person that is not a member student, student organization, or employee.
21. **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 of individuals at any time without the need for reservation or prior approval. (Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.)
22. **True Threats** means communication of a serious expression of intent to harm a specific person or group of people or commit unlawful violence.

23. **Unlawful Harassment** means 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. See System Regulation 08.01.01.

Regulation

1. EXPRESSIVE ACTIVITY RIGHTS & RESPONSIBILITIES

- 1.1. Any person is allowed, subject to the limitations in this regulation and a member's reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.
- 1.2. Students and employees must present proof of identity and status at the member on request by a member official on campus engaging in an official duty.
- 1.3. Student organizations and employees are allowed to invite speakers to speak on campus, subject to the restrictions outlined in this regulation. In determining the amount of a fee to be charged for use of the member's facilities for purposes of engaging in expressive activities, the member may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or noncompliance by the requesting student organization or employee with this regulation and other relevant member rules. The member may not consider any anticipated controversy related to the event.
- 1.4. The member may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the member on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
 - 1.4.1. The member may take action against persons who engage in expressive activity that is not protected by this regulation or the First Amendment.
 - 1.4.2. Expressive activities that may result in sanctions and are not protected by this regulation or the First Amendment include the following: defamation, obscenity, physical abuse or assault, true threats, disruption of the academic environment or member-sponsored extracurricular event; inciting or producing imminent unlawful activity; or unlawful harassment.
 - 1.4.3. Conduct described in 1.4.2 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, or any other classification protected by federal, state, or local law.² Additionally, said conduct may also be reviewed and adjudicated under the member's student conduct code when the conduct does not rise to the level of a civil rights violation.

² This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(Nov. 7, 2023\)](#).
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- 1.5. The common outdoor areas of the member's campus, unless otherwise identified by the member in its approved expressive activity rule, 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. Any person is allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution, subject to the restrictions outlined in this regulation.
 - 1.5.1. As outlined in Section 2, members may require advance reservation of events in certain circumstances to ensure safety and to promote an environment conducive to study.
 - 1.5.2. There are areas such as residences, secure facilities, utility buildings, etc., that have distance requirements, crowd placement restrictions, and security concerns that may vary depending on security needs, terror alerts, and other factors. Additionally, security needs, terror alerts, and local and national events may affect the availability of spaces that would otherwise be routinely available. Information about existing requirements, restrictions, or security concerns will be discussed at the time a reservation request is processed.
 - 1.5.3. The members retain the right to adopt reasonable time, place, and manner restrictions in common outdoor areas if the restrictions: (a) are narrowly tailored to serve a significant member interest; (b) employ clear, published, content-neutral, and view-point neutral criteria; (c) provide for ample alternative means of expression; and (d) allow all persons to assemble or distribute written material without a permit or other permission from the member.
- 1.6. Nothing in this regulation should be interpreted or construed as:
 - 1.6.1. prohibiting faculty members from maintaining order in the classroom.
 - 1.6.2. limiting or infringing on a person's right to freedom of speech or expression protected by the First Amendment to the U.S. Constitution or by section 8, Art. I, Texas Constitution.
 - 1.6.3. prohibiting the member from maintaining rules differentiating between the rights of students and employees and the rights of those persons who are not students or employees.
- 1.7. This regulation categorically *prohibits* the following expressive activity on campus:
 - 1.7.1. Using a device to amplify sound that, as determined by the member, (a) intimidates others in a manner that rise to the level of a true threat or another exception to First Amendment protection; (b) interferes with campus operations in a manner that materially and substantially disrupts the functioning of the member; or (c) interferes with a member employee's or a peace officer's lawful performance of a duty.
 - 1.7.2. During the last two weeks of a semester, engaging in the following expressive activities in a manner that materially and substantially disrupts the functioning of the member: (a) having events in the common outdoor areas; (b) inviting speakers to speak on campus; (c) using a device to amplify sound; or (d) using drums or other percussive instruments.

- 1.7.3. At any time, camping or erecting tents or other living accommodations on campus.
- 1.7.4. Wearing a disguise or other means of concealing a person's identity while engaging in expressive activities on campus *with the intent to*: (a) obstruct the enforcement of the member's rules or the law by avoiding identification; (b) intimidate others in a manner that rises to the level of a true threat or another exception to First Amendment protection; or (c) interfere with a member employee's or a peace officer's lawful performance of a duty.
- 1.7.5. Lowering a member-owned or controlled flag, including the U.S. flag, Texas flag, or member's official flag, *with the intent to* raise the flag of another nation, state, or a flag representing an organization or group of people. Member-owned flag poles are not to be used for private expression.
- 1.7.6. Engaging in expressive activity between the hours of 10:00 p.m. and 8:00 a.m. in a manner that materially and substantially disrupts the functioning of the member.

2. ADVANCE RESERVATION REQUIREMENTS

Notwithstanding section 1.5.3, to ensure safety and to promote an environment conducive to study, research, and scholastic activity, an advanced reservation for expressive activity is required for events or activities that are near intersections, and/or in close proximity to academic or research buildings anytime classes, study activities, and/or research or scholarly activity are taking place.

3. ADDITIONAL RESPONSIBILITIES

3.1. Other Member Rules

All applicable system regulations and member rules must be followed whenever engaging in activities on campus.

3.2. Compliance with Law

All persons participating in expressive activity are expected to comply with state and federal law, and applicable municipal ordinances. Failure to do so may result in immediate removal from the campus and any other appropriate action by member officials and/or University Police.

4. GRIEVANCE PROCEDURE

- 4.1. Any person who believes that their campus expressive activity rights, as recognized by this regulation, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.
- 4.2. Member rules will designate the appropriate office for grievances filed by staff, faculty, students, and third parties.
- 4.3. Those who choose to observe and/or listen to expressive activities bear the responsibility of recognizing and honoring the right of free speech. Any acts that are disruptive to the normal operations of the member, including classes and member business, or that invade the rights of others will not be tolerated. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this regulation, is subject to

disciplinary action in accordance with the member's applicable rules and procedures. Any participant in a disruptive activity may also face criminal charges.

5. IMPLEMENTATION

- 5.1. A copy of this regulation and the member's expressive activity rule must be provided to students during new student orientation programs.
- 5.2. This regulation and the member's expressivity activity rule must be posted on the member's website.
- 5.3 A link to this regulation and the member's expressive activity rule must be included in student and employee handbooks, if maintained by the member.

Related Statutes, Policies, or Requirements

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

[Texas Government Code § 448.001](#)

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

Appendix

[Member Rule Template](#)

Contact Office

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