



TEXAS SOUTHERN UNIVERSITY
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Student Services
AREA: General

Policy 05.01.01

SUBJECT: Freedom of Expression

I. PURPOSE AND SCOPE

Texas Southern University is committed to fostering a learning environment where free inquiry and expression are encouraged. The University expects that persons engaging in organized expressive activities will demonstrate civility, concern for the safety of persons and property, respect for University activities, respect for those who may disagree with their message, and compliance with University policies and procedures, and applicable local, state, and federal laws. Texas Southern University maintains its right to place reasonable time, place and manner restrictions on organized expressive activities. Additionally, any activities that are unlawful or materially and substantially disruptive to the normal operations of the University, including but not limited to classes and University business activities, will not be tolerated. The purpose of this policy is to provide for organized expressive activities to be conducted on the grounds of the University in a manner consistent with these principles. Groups or individuals engaging in disruptive activities or failing to comply with University policies and procedures, and applicable local, state, and federal laws may face immediate removal from the campus and other appropriate actions by University officials and University police.

II. DEFINITIONS

- A. Amplified sound: the use of any loudspeaker, loudspeaker system, sound amplifier or any other machine or device which produces, reproduces, or amplifies sound.
- B. Decibel level: The intensity of sound expressed in decibels read from the A-level weighting scale and the slow meter response as specified by the American National Standards Institute.
- C. Non-permitted commercial activities: The use of the University's facilities and/or grounds by the Texas Southern University students, faculty, and staff for personal gain including distribution or posting of commercial literature or other items on campus for personal gain is prohibited. Non-permitted commercial activities also include commercial use of university space by non-university affiliated individuals or groups where such use is not authorized by a written agreement with the University.

- D. Organized expressive activity: Any organized non-curriculum related rally, parade, demonstration, stationary structure or display, concert or other similar event designed to attract an audience of twenty-five (25) or more people.
- E. Official University event or activity: Any event, program, or activity sponsored by a University department in the course of fulfilling their University mission, activities that occur within the classroom or events that occur within the regular or recurring sphere.
- F. Registered student organization: A student organization officially registered with the Department of Campus Activities.
- G. Sign: A billboard or placard displayed for the purpose of promoting events or activities or to convey a message or information of any type.
- H. University: Texas Southern University.
- I. University department: Any academic or nonacademic unit or division or any other official University entity.
- J. University grounds: Any University owned, leased, or maintained property, including all buildings and structures not located directly on the campus of Texas Southern University.

III. POLICY STATEMENT

- A. This policy is applicable to Texas Southern University students, faculty, and staff who wish to engage in non-curriculum related organized expressive activities (as defined herein) at locations on University property. Texas Southern University students, faculty, and staff who wish to engage in an expressive activity (including literature distribution) that is not an official University activity, and does not meet this policy's definition of an organized expressive activity (i.e., where an expressive activity is designed to attract an audience of less than 25 people), may engage in such expressive activity in the University's common areas (e.g., "Tiger Walk" and University parks and sidewalks) without prior registration or approval. If an expressive activity was not designed to attract an audience of twenty-five (25) or more people, but does in fact attract an audience of twenty-five (25) or more people, the expressive activity may be required to be relocated to a drop-in organized expressive activity area on campus if necessary to avoid disrupting University business or classes, blocking building access, or creating traffic hazards.
- B. Non-University affiliated individuals or groups who wish to engage in an expressive activity on campus, regardless of the size of the expected attendance, are eligible to reserve a designated area for a fee, or without a fee, are eligible to use any of the

drop-in organized expressive activity areas that are specifically identified and provided on the campus of Texas Southern University.

- C. Drop-In organized expressive activity area, unless the area has been reserved (i.e., an individual or group with a reservation), will have exclusive use and priority over an individual or group seeking to use the area as a drop-in organized expressive activity area). This policy does not apply to official University activities. University grounds and buildings are reserved for use by Texas Southern University students, faculty, and staff, except as provided herein, or otherwise permitted by policies of the University. Non-permitted commercial activities (as defined herein) are not allowed. Organized expressive activities permitted under this policy do not imply official endorsement by the University.
- D. Decisions to be made by University officials under this policy will be based on the guidelines set forth in this policy and will not be based on the content or viewpoint of a proposed organized expressive activity. Groups or individuals engaged in organized expressive activities are responsible for the content of the expression. Questions regarding this policy may be directed to the TSU Office of General Counsel, located in the Hannah Hall building.

IV. RESERVATION OF OUTDOOR SPACE

- A. Texas Southern University faculty, staff, students, and members of registered student organizations may conduct organized expressive activities in an outdoor expressive activity area of the University's campus that requires advance reservations if the area has been reserved in advance in accordance with this Section. Individuals or groups must request the use of outdoor space through the Texas Southern University Police Department, located at 3443 Blodgett, Houston, Texas. Reservations are accepted on a first-come first-served basis. Each outdoor space for any single event can be reserved for a total of three (3) days in any two-week period. The requesting group or individual must submit a completed Organized Expressive Activity Description Form ("Form") to the Texas Southern University Police Department at least ten (10) business days in advance of the proposed organized expressive activity. The Chief of Police (or his designee) will approve or deny the proposed organized expressive activity within five (5) business days of receiving the Form. In completing the Form, the following information will be required (Items 1-12 included on the Form):

1. Date of application;
2. Proposed date(s) of the organized expressive activity;
3. Proposed start and finish times;
4. Proposed location;

5. Name of the activity;
6. Anticipated attendance;
7. Target audience(s);
8. Advertising methods;
9. Expressive activity description (i.e. speech, rally, open microphone, display, literature distribution, etc.);
10. Campus sponsoring organization name and, if any, external sponsoring organization name (co-sponsor);
11. Contact person name, phone number, and email address; and
12. Applicant's signature.

B. The decision whether to confirm a reservation request will be based on proper and timely completion of the Form, compliance with the applicable sound and sign requirements, and availability of space. This decision will be based only on the foregoing criteria, and in no circumstances will any decision be based on the content or viewpoint of the organized expressive activity, or upon the expected reaction of others to the expression. The requesting group or individual, if they so desire, may appeal the Chief of Police's decision in writing to the University's Chief Operating Officer within three (3) business days of the decision. The Chief Operating Officer will render a decision within (2) two business days of receiving an appeal. Requestors are encouraged to submit their reservation requests as early as possible to allow time after the approval process to prepare for their activities.

C. The University Police Department may require an organized expressive activity to relocate if: (1) the anticipated or actual number of persons attending the event exceeds the reasonable capacity of the space intended for use and therefore materially interferes with the educational mission of the University; or (2) the activity potentially conflicts with previously scheduled activities and events. The University Police Department may also accelerate the reservation process where there are time-sensitive issues associated with the event or other extenuating factors that support such acceleration.

V. AREAS FOR ORGANIZED EXPRESSIVE ACTIVITIES ON CAMPUS

- A. Texas Southern University has designated areas for outdoor organized expressive activities.
- B. Some areas designated as "drop in zones" do not require reservation.

- C. Amplified sound must be approved for all areas, including “drop in zones.”
- D. Areas are only available for expressive activity between the hours of 8:00am and 6:00pm.
- E. Stationary displays, exhibits, or structures are allowed in these areas upon written approval by the Chief of Police. All other such exhibits are prohibited and may result in removal and confiscation. This excludes “flyers and/or handouts” that are affixed to any structure or foliage.

VI. OUTDOOR ORGANIZED EXPRESSIVE ACTIVITY AREAS THAT REQUIRE ADVANCED RESERVATIONS

- A. The following areas are the outdoor organized expressive activity areas that require advanced reservations:
 - 1. “Exer-Park” (located in the 3400 block of Blodgett St., just south of Parking Lot S1).
 - 2. Directly behind the Sterling Student Life Center (grassy area between the Center and the tennis court building).
- B. East end of “Tiger Walk” (adjacent to Wheeler Circle)

VII. OUTDOOR ORGANIZED EXPRESSIVE ACTIVITY AREAS THAT DO NOT REQUIRE ADVANCED RESERVATIONS

- A. The following areas are the outdoor organized expressive activity areas that do not require advanced reservation (i.e. “drop in zones”):
 - 1. Grassy area directly in front of the Student Recreation Center (between the building and “Tiger Walk”).
 - 2. East end of “Tiger Walk” (adjacent to Wheeler Circle)

VIII. USE OF AMPLIFIED SOUND AND STATIONARY STRUCTURES/DISPLAYS

- A. Organized expressive activities involving the use of stationary structures or displays are permitted only from 8:00a.m. to 6:00p.m. and only when approved in writing by the Chief of Police, or his designee.
- B. All stationary structures or displays must be kept at least five (5) feet from all walkways and no stationary structure or display may exceed fifteen (15) feet in height, length, or width.

- C. In no circumstances may any stationary display or structure exceed twenty-five (25) feet in length or width or fifteen (15) feet in height, nor may any display or structure present a significant threat, danger or risk to public safety.
- D. The requesting group or individual may apply for a limited exception to these size restrictions, which the University shall grant only upon a compelling demonstration to the University that the proposed structure or display will be safe, will pose no significant safety hazard, and will not unduly restrict the egress or ingress of students, faculty, or staff.
 - 1. Any such request for a size exception must be made at least ten (10) business days in advance to the TSU Police Department.
- E. A student, faculty member, or staff member responsible for the structure or display must remain with it at all times.
- F. Amplified sound shall not exceed the 90 dB decibel level at any location approved for organized expressive activities.
 - 1. For the purposes of this policy, dB shall mean the intensity of sound expressed in decibels read from the A-level weighting scale and the slow meter response as specified by the American National Standards Institute.
- G. Amplified sound will be measured at random times and locations during the event.
- H. NO AMPLIFIED SOUND SHALL BE PERMITTED AT EITHER "DROP IN ZONES" or IN LOCATIONS THAT MAY CREATE DISRUPTION TO THE ACADEMIC MISSION OF THE UNIVERSITY.

IX. LITERATURE DISTRIBUTION: UNIVERSITY AFFILIATED

- A. Texas Southern University faculty, staff, students, or members of registered student organizations who wish to engage in the activity of distributing literature or other printed materials on University grounds outside of University buildings, where such activity is designed to, or does in fact, attract an audience of twenty-five (25) or more people, may do so in any of the University's approved areas for organized expressive activities.
- B. Texas Southern University faculty, staff, students, or members of registered student organizations who wish to engage in the activity of distributing literature or other printed materials on University grounds outside of University buildings, where such activity is designed to attract an audience of less than twenty-five (25) people, may do so in the University's common areas (e.g., parks and sidewalks).
- C. All literature distribution by University faculty, staff, students, or members of registered student organizations, regardless of the size of the expected audience, must comply with the following rules:

1. Literature or other printed materials must be distributed in person.
2. Literature or other printed materials must not be forced upon others.
3. The free flow of pedestrian, vehicular, or other traffic must not be obstructed at any point.
4. Groups or individuals are responsible for ensuring that literature/printed materials do not litter the area and are responsible for the cleaning of the area upon conclusion of the event.
5. Literature/printed materials must not promote non-permitted commercial activities.
6. Faculty, staff and students must be able to produce, upon request by any University official, his or her University identification (e.g. TigerOne Card, Faculty or Staff I.D. Card).

D. This section does not apply to literature/printed material distribution related to a vote for or against a candidate for elective Texas Southern University Student Government position. Such distribution by registered Texas Southern University students may take place in areas immediately adjacent to campus polling locations and must comply with the rules cited in the University Election Code.

X. LITERATURE DISTRIBUTION: NON-UNIVERSITY AFFILIATED

- A. Distribution of literature or other printed material by groups, individuals, or representatives of other non-University affiliated entities, is permitted at any of the approved drop-in or reserved organized expressive activity areas provided that:
1. Persons distributing information at a location remain within their reserved space.
 2. Literature or other printed materials are distributed in person.
 3. Literature or other materials are not forced upon others.
 4. The free flow of pedestrian, vehicular, or other traffic is not obstructed at any point.
 5. Groups or individuals are responsible for ensuring that literature/printed materials do not litter the area.
 6. Displays at reserved information table locations do not extend beyond the dimensions of the width reserved table space and may not exceed seven (7) feet in height.
 7. Literature/printed materials do not promote non-permitted commercial activities.

XI. SIGNS POSTED ON UNIVERSITY GROUNDS

- A. The only types of signs that may be planted on University grounds are those that promote official University events or activities.

- B. University departments wishing to display signs on University grounds that promote official University activities and events must obtain approval from the University Police Department at least ten (10) business days prior to the proposed display.
- C. Signs will be subjected to reasonable time, place, and manner restrictions and must include the name of the University department sponsoring the activity that it promotes.

XII. EMERGENCY AUTHORITY

- A. The President or designated University representatives shall have the authority to take such steps to prevent expressive activities that materially interfere with the educational mission of the University. Such activities include, but are not limited to the following:
 - 1. Activities that are illegal.
 - 2. Activities that deny the rights of other students, faculty, and staff of the University.
 - 3. Activities that substantially obstruct or restrict the free movement of persons on any part of the University campus, including the free entry to or exit from University facilities.
 - 4. Activities that deny or inhibit the use of offices or other facilities to the students, faculty, staff or guests of the University.

XIII. ADMINISTRATIVE AND/OR LAW ENFORCEMENT AUTHORITY

- A. Failure to comply with any portion of this policy by a university affiliated person, group or entity may result in denial of the event and administration sanctions.
- B. Failure to comply with any portion of this policy by any non-university affiliated person, group or entity may result in denial to access of the campus, and may subject the violator to arrest and prosecution for criminal trespass.
- C. This policy shall be strictly enforced in accordance with all relevant provisions of federal, state, and local laws, including, but not limited to §51.209 and §51.210 of the Texas Education Code.

XIV. REVIEW AND RESPONSIBILITIES

Responsible Party: Vice President for Student Services

Review: Every three years, on or before September 1

XV. APPROVAL



Vice President for Student Services



President

Effective Date:

4/16/10