

**UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM**

SECTION: General Information

NUMBER: 01.D.15

AREA: Legal Affairs

SUBJECT: Freedom of Expression

1. PURPOSE

The University of Houston System (the System) is committed to fostering a learning environment where free inquiry and expression are encouraged at each of its universities. The System expects that persons engaging in 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 applicable System and university policies and applicable local, state, and federal laws. Each university maintains its right to place reasonable time, place, and manner restrictions on expressive activities.

Additionally, any activities that are unlawful or materially and substantially disruptive to the normal operations of the university will not be tolerated. The purpose of this policy is to provide for expressive activities to be conducted on university grounds in a manner consistent with these principles. Groups of individuals engaging in materially and substantially disruptive activities or failing to comply with applicable System or university policies, or applicable local, state, and federal laws may face immediate removal from the campus and/or other appropriate actions by university officials and university police. Universities within the System may establish more detailed Freedom of Expression policies for their campuses, including policies regarding the reservation of outdoor areas and the use of stationary structures/displays. Campus policies shall be consistent with this policy. Individuals should check each campus's policies for further guidance.

2. DEFINITIONS

- 2.1. Amplified Sound: The use of any loudspeaker, loudspeaker system, sound amplifier or any other machine or device which produces, reproduces, or amplifies sound.
- 2.2. Non-Permitted Commercial Activities: The use of the facilities and/or grounds of a university within the System by the university's students, faculty, and staff for personal gain including distribution or posting of commercial literature or other items on campus for personal gain. 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.

- 2.3. Expressive Activity: Any non-curriculum related rally, parade, demonstration, stationary structure or display, concert or other expressive activity, including literature distribution.
- 2.4. 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 of activity of a university department.
- 2.5. Sign: A billboard, placard, or other writing, drawing, picture, projected image, or similar item displayed for the purpose of promoting events or activities or to convey a message or information of any type.
- 2.6. University Department: Any academic or nonacademic unit or division or any other official university entity.
- 2.7. University Grounds: Any outdoor university-owned, leased, or maintained grounds located on any university campus, excluding all buildings and structures.

3. POLICY

- 3.1. As a part of the System's commitment to fostering a learning environment, student organizations and faculty may invite speakers to speak on campus in accord with System and university policies.
- 3.2. This policy is applicable to any Expressive Activity at locations on University Grounds. This policy does not apply to any Official University Event or Activity, except as noted.
- 3.3. Common outdoor areas of the System are deemed traditional public forums. Therefore, those who wish to engage in an Expressive Activity (including literature distribution) may engage in such expressive activity in the university's common areas (e.g., university parks, grassy areas, and sidewalks) without prior registration or approval.
- 3.4. If an Expressive Activity attracts an audience of 50 or more people, substantially disrupts university business or classes, blocks building access, or creates vehicular, pedestrian, or other traffic hazards, then the Expressive Activity may be required to be relocated to another area on campus that can better accommodate the large group or type of activity.
- 3.5. Amplified Sound – The use of amplified sound is only permitted in designated areas and times at the universities. Amplified sounds shall not exceed the levels permitted by each university. Amplified sound will be measured at the edges of the surrounding or nearest building.

3.6. University buildings are reserved for use by university students, faculty, and staff, except as provided herein, or otherwise permitted by policies of the university. Non-Permitted Commercial Activities (as defined in section 2.2) are not allowed. An Expressive Activity permitted under this policy does not imply official endorsement by the university. 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 Expressive Activity. Groups or individuals engaged in an Expressive Activity are responsible for the content of the expression. Questions regarding this policy may be directed to the university's Dean of Students Office.

3.7. Grievances – Complaints of a violation under this policy may be made as follows:

- Members of the university community may file a grievance regarding an alleged violation of this policy in the manner provided in the applicable University Student Code of Conduct, Student Handbook, University Catalog, Faculty Handbook, or employee/personnel manual.

Alternatively, any complaints of a violation under this policy may be made through the [University of Houston System Fraud & Non-compliance Hotline](#).

3.8. Disciplinary Actions – Any person that participates in unlawful expressive activity, or that unduly interferes with the Expressive Activities of others on campus, including at an Official University Events or Activity, may be subject to disciplinary action, as outlined in the student codes of conduct, in policies relating to faculty or staff discipline, or in policies or laws relating to visitors on campus.

3.9. Literature Distribution

3.9.1 All literature distribution must comply with the following rules:

- a) Literature or other printed materials must be distributed in person.
- b) Literature or other printed materials must not be forced upon others.
- c) The free flow of pedestrian, vehicular, or other traffic must not be obstructed at any point.
- d) Groups or individuals are responsible for ensuring that literature/printed materials do not litter the area.
- e) Literature/printed materials must not promote Non-Permitted Commercial Activities.

3.9.2 This section does not apply to literature/printed material distribution related to a vote for or against a candidate for elective university Student Government Association (SGA) office or for or against a proposition on a ballot at an SGA election. Such distribution by registered university students

may take place in areas immediately adjacent to SGA polling locations and must comply with the university's rules.

3.10 Signs Posted on University Grounds

The only types of signs that may be placed on university grounds are those that are sponsored by a university department and promote an Official University Event or Activity. Signs may not be attached to university property (e.g., buildings, light poles, benches). University departments wishing to display signs on university grounds that promote an Official University Event or Activity must obtain approval from the university's Dean of Students or designee at least seven business days prior to the proposed display. Signs will be subject to reasonable time, place, and manner restrictions and must include the name of the university department sponsoring the activity that it promotes.

4. TIME, PLACE AND MANNER LIMITATIONS

4.1 The System reserves the right to implement and enforce reasonable time, place, and manner restrictions regarding expressive activities including, but not limited to, those set forth in this regulation. Further, activities that are unlawful or that materially and substantially disrupt the normal operations of the university's campus are prohibited. Prohibited activities include, but are not limited to, the following:

- 4.1.1 Activities that are unlawful or that materially and substantially disrupt the normal operations of the university.
- 4.1.2 Activities that materially and substantially prevent other individuals or groups from carrying out an expressive activity.
- 4.1.3 Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of university facilities.
- 4.1.4 Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services.
- 4.1.5 Activities that threaten or endanger the health or safety of any person on university grounds.
- 4.1.6 Activities that result in damage or destruction of university property. Nothing may be affixed to or written on university property or grounds.
- 4.1.7 Activities that inherently lose First Amendment protection (e.g., defamatory statements, true threats/fighting words, obscenity [as defined by law])
- 4.1.8 Expressive signage, posters, displays, or structures (herein "displays") larger than 3 feet in height by 3 feet in width. Displays, literature, and other items may not be left unattended.

- 4.1.9 Open flames on the university campus without the express written permission of the university.
- 4.1.10 Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and satisfy such codes and ordinances (e.g., serving food and beverages).

4.2 The System recognizes that some constitutionally-protected speech may be considered offensive by some or all listeners. An Expressive Activity does not automatically rise to the level of denying constitutional, statutory, or legal rights of others, solely because a listener is offended by the argument or idea presented. However, expressive activities that interfere with the legal rights of others will not be tolerated, and will be disciplined according to appropriate System policies, including, but not limited to SAM 01.D.07 – *Anti-Discrimination Policy*, and SAM 01.D.08 – *Sexual-Misconduct Policy*.

5. REVIEW AND RESPONSIBILITY

Responsible Party: Vice Chancellor for Student Affairs and Enrollment Services

Review: Every five years

6. APPROVAL

Approved: Richard Walker
Vice Chancellor for Student Affairs and Enrollment Services

Dona Cornell
Vice Chancellor for Legal Affairs and General Counsel

Renu Khator
Chancellor

Date: 6/10/20

References and Resources:

Texas Education Code § 51.9315 – *Protected Expression on Campus*