

Sam Houston State University  
A Member of The Texas State University System

Expressive Activity Policy EA-1

SUBJECT: Expressive Activity

PURPOSE: The purpose of this policy is (1) to protect the free speech rights (expressive activities) of individuals on all Sam Houston State University Campuses; (2) to preserve the University's primary academic mission; and (3) to protect the health and safety of the University community. In accordance with state and federal law, as well as Chapter VII, Subparagraph 3.1 of the Texas State University System (TSUS) Rules and Regulations, the University established the following reasonable time, place, and manner restrictions. Any restriction listed below applies equally to individuals and groups, regardless of viewpoint.

In the event of a conflict between this policy and the TSUS Rules and Regulations, the Rules and Regulations shall control.

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**1. Definitions**

- a. **Amplified sound** – is sound volume that is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on amplified sound but are subject to general rules on disruption/noise violation.
  
- b. **Disruptive activities mean:**

- (1) Obstructing or restraining the passage of persons to the campus or an area of the campus or to an exit, entrance, or hallway of any building without the authorization of the SHSU administration;
- (2) Seizing control of an area of the SHSU Campus or any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity; or
- (3) Disrupting and/or preventing or attempting to prevent by force or violence or the threat of force or violence any lawful assembly authorized by the SHSU administration. A lawful assembly is disrupted when a person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or a reasonable fear of force or violence.

- c. **Expressive activities** – 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.
- d. **Grounds** – means all common outdoor spaces on any SHSU University Campus, including The Woodlands and the College of Osteopathic Medicine campuses.

## 2. **Disruptive Activities Prohibited**

The University strictly enforces the TSUS Rules and Regulations' prohibition of disruptive activities (see Chapter VI, Subparagraph 5.4 and Chapter VII, Subparagraph 3.7) on the SHSU Campus. Any person who violates the prohibition will be subject to any remedies provided by law and the TSUS Rules and Regulations, including, but not limited to, removal from campus, the student or employee disciplinary process, or criminal prosecution.

## 3. **University Grounds – Designated Traditional Public Forums**

3.01 Chapter VII, Subparagraph 3.1 of the TSUS Rules and Regulations designates all University grounds as traditional public forums. Any person may engage in expressive activities on University grounds, subject to federal and state laws, and reasonable time, place, and manner restrictions.

### 3.02 Restricted University Grounds

In order to ensure access to and egress from University buildings for their intended educational purpose, the outdoor areas within a ten feet circumference of University facilities, including walkways and breezeways, are reserved solely for University educational or research activities at all times, including, but not limited to:

- The Lowman Student Center (LSC) Courtyard – (The LSC Courtyard is located by the west entrance of the LSC and adjacent to the LSC Atrium and outdoor artwork. It provides outdoor programming space and open dining).
- The University Camp
- University Residence Halls
- The Sam Houston Memorial Museum (except for the Gazebo)
- Raven Nest Golf Club
- Gibbs Ranch
- All SHSU Parking Lots and Garages

The Administration, including University Police, may increase the circumference restriction as necessary solely to protect the health and safety of the campus community or to preserve access to campus buildings or facilities.

Individuals may utilize the areas specified in Section 5 of this policy for expressive activities.

#### **4. Speech, Expression, and Assembly**

The following time, place, and manner restrictions shall apply to all expressive activities on University grounds:

- 4.01. Expressive activities must not at any time interfere with or disrupt the academic mission of the University.
- 4.02. All expressive activities must have the identification of the sponsoring organization clearly visible at all times.
- 4.03. No table, tent, or equipment associated with an expressive activity may block or interfere with the means of entrance or egress to any SHSU building, facility, or classroom.
- 4.04. All tables and chairs must remain within the reserved space for the duration of the activity.
- 4.05. Use of amplified sound must comply with the restrictions contained in the Amplified Sound section of this Policy.
- 4.06. Some areas of the University may be reserved by off-campus groups. Fees may apply.
- 4.07. Improper use of any University equipment or policy may result in loss of reservation and use privileges.
- 4.08. Expressive activities must follow the [Occupational & Fire Safety and Campus Fire & Safety Procedures](#) as outlined by Human Resources Risk Management Policy.

## 5. Reservations

Outdoor areas (grounds) available for reservations:

- a. LSC Yard – The LSC Yard or The Yard (formerly Bearkat Plaza) is the open, outdoor space situated on the south side of the Lowman Student Center between the Lowman Student Center and the Lee Drain building, as depicted. It extends in length from the east near the Sam Houston statue and to the west toward the Blatchley Bell Tower.
- b. Old Main Pit – Old Main Pit is considered the outdoor sunken area North of Austin Hall and Northwest of Peabody Memorial Library.
- c. Farrington Pit – Farrington Pit is the outdoor sunken area alongside the quadrangle that is situated between the Farrington Building and Drain Building Annex.
- d. Walker Education Gazebo – The Gazebo by Walker Education Center is located at the corner of Avenue O and 19<sup>th</sup> Street and is part of the Sam Houston Memorial Museum Complex.

Reservations must be made through the Lowman Student Center by a representative of the sponsoring organization. Reservations may be denied if the activity is scheduled at the same or similar time as a University function or meeting.

## 6. Amplified Sound

Use of amplified sound is permitted subject to the following:

### 6.01. Location:

Use of amplified sound is permitted only in reserved areas and with an approved reservation.

### 6.02. Reservation:

An amplified sound request must be made in conjunction with a reservation request for The Yard, Gazebo by the Walker Education Center, Old Main Pit, and Farrington Pit.

### 6.03. Hours:

Amplified sound for The Yard, Farrington Pit, and Old Main Pit is limited to the hours of 10:00 a.m. to 10:00 p.m. on class days. Amplified sound in The Gazebo by the Walker Education Center is limited to the hours of 10:00 a.m. to 2:00 p.m. weekdays.

### 6.04. Equipment:

All events using amplified sound in the permitted areas are required to use an LSC sound system. No personal speakers or sound amplifiers (manual or electronic) will be permitted.

6.05. Frequency:

Organizations are allowed one (1) amplified sound event per week. Only one (1) amplified sound event at a time is permitted in each designated area.

6.06. Volume:

All sound levels will be set by the LSC based on class and campus activities schedules and are not to disrupt the academic mission of the University.

**7. Off-Campus Speakers**

7.01. Only recognized student, faculty, or staff organizations may request authorization to invite an outside speaker to speak on campus. Off-campus speakers who have not been sponsored or invited by a registered student, faculty, or staff organization or by the SHSU administration may not speak to groups in campus facilities and buildings unless the speaker is speaking to an off-campus organization that has been approved under the procedures provided in Chapter VII, Subparagraph 3.24 of the TSUS Rules and Regulations. No invitation shall be issued to an outside speaker without the prior written concurrence of the Vice President of Student Affairs, the Dean of Students, or designee.

7.02. Any speaker request shall be made in writing to the Vice President of Student Affairs, the Dean of Students, or designee by an officer of a registered student, faculty, or staff organization, or by an administrative officer of the Component, desiring to sponsor the proposed speaker no later than fourteen (14) business days prior to the date of the proposed speaking engagement. This request shall contain the name of the sponsoring organization; the proposed date, time, and location of the meeting; the expected size of the audience; and the topic of speech. Any request not acted upon by the Vice President of Student Affairs, the Dean of Students, or designee within five (5) business days after submission shall be deemed granted.

**8. Banners, Exhibits, and Chalking**

8.01. Recognized Student Organizations, faculty, and staff may hang banners and display exhibits on campus by reservation through the LSC only. Banners, flyers, or posters may not be affixed in any way to campus trees for any purpose.

8.02. Outside groups or individuals are not permitted to hang banners or to display exhibits on any campus property.

8.03. Chalking (use of chalk to write on SHSU property) is strictly prohibited.

## **9. Violations/Reporting**

- a. Student violations and grievance procedures are governed by the [Student Grievance Procedures](#).
- b. Employee violations and grievance procedures are governed by [Human Resources Policy ER-1](#).
- c. Employee violations and reporting can also be submitted to the Department of Internal Audit - <https://www.shsu.edu/dept/office-of-internal-audit/report.html>

## **10. Disciplinary Process**

- a. Students who violate this policy will be subject to appropriate discipline under [SHSU's Code of Student Conduct and Discipline](#).
- b. SHSU staff who violate this policy will be subject to appropriate discipline under [Human Resources Policy ER-2](#).
- c. SHSU faculty who violate this policy will be subject to appropriate discipline under [Chapter V, Paragraph 4](#) of the TSUS Rules and Regulations.

## **11. Educational Programs**

- a. SHSU has created an [Expressive Activity](#) website for education about this policy and other useful resources. The University will review the policy no less than annually to ensure compliance with applicable laws and the TSUS Rules and Regulations.
- b. Educational training shall be available upon request and conducted no less than annually for Recognized Student Organizations.
- c. The Dean of Students' Office shall provide an annual notice and/or annual training to the University community regarding First Amendment protections related to free speech (expressive activities) via email, on the SHSU website, and/or through Talent Management.