

CHAPTER 46. SPEECH, EXPRESSION AND ASSEMBLY

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CHAPTER 46. SPEECH, EXPRESSION, AND ASSEMBLY

SUBCHAPTER A. GOVERNING PRINCIPLES

SECTION 46.01 FREEDOM OF SPEECH, EXPRESSION, AND ASSEMBLY

(a) The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the University. Students, faculty, and staff have the right to assemble, to speak, and to attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen.

(b) Students, faculty, and staff are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, in all parts of the campus, subject only to rules necessary to preserve the equal rights of others and the other functions of the University. Teaching, research, and other official functions of the University shall have priority in allocating the use of space on campus.

(c) Except as expressly authorized by Subchapter B the University shall not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise.

SECTION 46.02 SCOPE OF THIS CHAPTER AND RELATED PROVISIONS

(a) This chapter protects and regulates speech, expression, and assembly of students, faculty, and staff that is not part of the teaching, research, or other official functions of the University, not otherwise sponsored by the University or any academic or administrative unit, and not submitted for academic credit. **Section 46.07** on Harassment applies to all speech on campus.

(b) Additional rules concerning free speech and academic freedom of faculty are found in the *Regents' Rules* (Part One, Chapter III, Sections 7 and 8).

(c) Underlying rules concerning free speech of students are found in the *Regents' Rules* (Part One, Chapter VI, Sections 6 and 7). This chapter implements those provisions and applies them to the UTD campus.

(d) Rules restricting access to the campus and restricting speech on the campus by persons who are not students, faculty, or staff, are found in the *Regents' Rules* (Part One, Chapter VI, Section 6.)

(e) Rules protecting and regulating speech on University computer networks are promulgated by Information Technology Services, and are currently found in IT Policies, Information Computing and Web Policy.

(f) Rules requiring University employees to make clear that controversial statements are in their personal capacity are found in the *Regents' Rules* (Part One, Chapter 1, Section 8.8). Rules restricting use of University equipment, supplies, services, and working hours for political activities are found in the *Regents' Rules* (Part One, Chapter 3, Section 35).

SECTION 46.03 DEFINITIONS

- (1) “Academic or administrative unit” means any office or department of the University.
- (2) “Faculty member and staff member” includes any person who is employed by the University.
- (3) “Off Campus person or organization” means any person, organization, or business that is not an academic or administrative unit, a registered student, faculty, or staff organization, or a student, faculty member or staff member.
- (4) “University person or organization” includes academic and administrative units, registered student, faculty, and staff organizations, and individual students, faculty members, and staff members. This phrase describes the most inclusive category of potential speakers on campus; all persons and organizations of any kind are either an “off-campus person or organization” or a “University person or organization.”
- (5) “Registered student faculty, or staff organization” includes a registered student organization under Title V, Chapter 45, a faculty or staff organization under the *Regents’ Rules* (Part One, Chapter III, Section 34), and Student Government and any unit or subdivision thereof.
- (6) “Student” means a person who is enrolled at the University.
- (7) “Amplified sound” means sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting and group chanting are not amplified sound and are not subject to the special rules on amplified sound, but are subject to general rules on disruption.
- (8) “Dean of students” means the dean of students or any delegate or representative of the dean of students.
- (9) “Room or space” includes any room or space, indoors or outdoors, owned or controlled by the University.
- (10) “University” means The University of Texas at Dallas.
- (11) “weekday” means Monday through Friday except for official University holidays; “day” means calendar day.
- (12) “adviser” means a member of the university faculty or full-time staff who advises the members of an organization.
- (13) “chief student affairs officer” means the Vice President for Student Affairs, his or her delegate, or his or her representative.
- (14) “table” means booths, displays, furniture, enclosure or any other structure temporally used for distribution of literature, or for displaying signs or posters or for raising funds or soliciting, or for other similar activities.
- (15) “university facility” means an auditorium, arena, dormitory, other building, room, public area, or any other area on the campus.
- (16) “university president” means the President of The University of Texas at Dallas.

SUBCHAPTER B PROHIBITED EXPRESSION

SECTION B 46.04 OBSCENITY

No person or organization shall distribute or display on the campus any writing or

visual image, or engage in any public performance, that is obscene. A writing, image, or performance is “obscene” if it is obscene as defined in Texas Penal Code, Section 21.08 or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

SECTION 46.05 DEFAMATION

(a) No person shall make, distribute, or display on the campus any statement that unlawfully defames any other person.

(b) A statement unlawfully defames another person if it is false, if the false portion of the statement injures the reputation of the other person, and if the speaker has the constitutionally required state of mind as set forth in decisions of the United States Supreme Court.

SECTION 46.06 INCITEMENT TO IMMINENT VIOLATIONS OF LAW

No person shall make, distribute, or display on the campus any statements directed to inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law.

SECTION 46.07 SOLICITATION

(a)

- (1) No person shall make, distribute, or display on the campus any statement that offers or advertises any product or service for sale or lease, or requests any gift or contribution, except as authorized in by Section 46.15, or by the *Regents’ Rules*.
- (2) Words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle, are not solicitation within this definition.
- (3) Unadorned acknowledgements or thanks to donors are not solicitation within this definition.

(b)

- (1) A registered student, faculty, or staff organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions, for the benefit of the organization, for the benefit of another registered student, faculty, or staff organization, or for the benefit of an organization that is tax-exempt under Section 501 (c)(3) of the Internal Revenue Code. No organization may sell items obtained on consignment. No organization may request contributions for an off-campus tax-exempt organization for more than fourteen days in any fiscal year.
- (2) Registered student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature that contains advertising, subject to the limits in Section 46.15. Individual students, faculty members, and staff members may distribute or display such literature, but may not sell it.

- (3) Individual students, faculty members, and staff members may post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used, but only on a bulletin board designated for that purpose by an academic or administrative unit in space that the unit occupies or controls. Any unit that designates a bulletin board for this purpose may regulate that bulletin board under the procedures set forth by that unit.
- (4) A resident of a University residence hall or apartment building may occasionally invite one or more salespersons to come to the resident's room or apartment, and in that room or apartment, the salesperson may offer products or services for sale to other residents of that residence hall or apartment building.
- (5) A registered student, faculty, or staff organization may collect admission fees for programs scheduled in advance under Chapter 48.
- (6) A registered student, faculty, or staff organization may sell charitable raffle tickets on behalf of an organization that is authorized to conduct a charitable raffle under the Texas Charitable Raffle Enabling Act, Texas Occupations Code, Chapter 2002, or successor provisions.

(c) A registered student organization that receives funds from **membership fees or solicitations** under this section shall deposit and account for such funds under the rules in Chapter 48.

(d) More detailed regulation of solicitation appears in *Regents' Rules* (Part One, Chapter VI, Section 6.6). The provisions most relevant to students, faculty, and staff have been incorporated here.

SUBCHAPTER C GENERAL RULES ON MEANS OF EXPRESSION

SECTION 46.08 DISRUPTION

(a) Except as expressly authorized in Section 46.35 or by an authorized University official responsible for a program or event sponsored by an academic or administrative unit, no speech, expression, or assembly may be conducted in a way that disrupts or interferes with any

- (1) teaching, research, administration, or other authorized activities on the campus;
- (2) free and unimpeded flow of pedestrian and vehicular traffic on the campus; or
- (3) signs, tables, exhibits, public assemblies, distribution of literature, guest speakers, or use of amplified sound by another person or organization acting under the rules in this chapter.

(b)

- (1) The term "disruption" and its variants, as used in this rule, are distinct from and broader than the phrase "disruptive activities," as used in the *Regents' Rules* (Part One, Chapter 3, Section 6.5; and Part One, Chapter 6, Section 13). This rule is concerned not only with deliberate disruption, but also with scheduling and coordination of events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity.

(2) Except in the most extreme cases, interference and disruption are unavoidably contextual. Intentional physical interference with other persons is nearly always disruptive in any context. Interfering with traffic depends on the relation between the volume of traffic and the size of the passageway left open. Disruptive noise is the most contextual of all, because it depends on the activity disrupted. Any distracting sound may disrupt a memorial service. Any sound sufficiently loud or persistent to make concentration difficult may disrupt a class or library. Occasional heckling in the speaker's pauses may not disrupt a political speech, but persistent heckling that prevents listeners from hearing the speaker does disrupt a political speech. These illustrations may be helpful, but none of them includes enough context to be taken as a rule. We cannot escape relying on the judgment and fairness of University authorities in particular cases. In this context where difficult enforcement judgments are unavoidable, it is especially important to remind administrators and law enforcement officials that their judgments should not be influenced by the viewpoint of those claiming disruption or of those allegedly disrupting.

(c) Potentially disruptive events can often proceed without disruption if participants, administrators, and law enforcement officials cooperate to avoid disruption without stopping the event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the event or resorting to disciplinary charges or arrest.

SECTION 46.09 DAMAGE TO PROPERTY

(a) No speech, expression, or assembly may be conducted in a way that damages or defaces property of the University or of any person who has not authorized the speaker to damage or deface his or her property.

(b) No person may damage, deface, or interfere with any sign, table or exhibit posted or displayed by another person or organization acting under the rules in this chapter.

SECTION 46.10 COERCING ATTENTION

(a) No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication.

(b) No person may persist in requesting or demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication.

SECTION 46.11 COSPONSORSHIP

(a) Neither registered student, faculty, or staff organizations, nor individual students, faculty, or staff, may cosponsor any event on campus with an off-campus person or organization. Only academic or administrative units with authority delegated from the president of the University may cosponsor events with an off-campus person or organization.

(b) An event is a prohibited cosponsorship if an individual or a student, faculty, or staff organization:

- (1) Depends on an off-campus person or organization for planning, staffing, or management of the event; or
- (2) Advertises the event as cosponsored by an off-campus person or organization; or
- (3) Operates the event as agent of, or for the benefit of, an off-campus person or organization, except for solicitation of charitable contributions under the authority of section 46.08 (b.) (1.); or
- (4) Distributes any proceeds of the event to an off-campus person or organization, except for
 - (A) the proceeds of charitable contributions solicited under the authority of Section 46.08 (b.) (1.); or
 - (B) payment of a fair market price for goods or services provided to the University person or organization; or
- (5) Reserves a room or space for the use of an off-campus person or organization; or
- (6) Engages in any other behavior that persuades the dean of students that an off-campus person or organization is in fact responsible for the event, in full or in substantial part.

(c) The following facts do not, and in of themselves, indicate a prohibited cosponsorship:

- (1) That a University person or organization endorses an off-campus person or organization or its message;
- (2) That a University person or organization sells, distributes, or displays literature prepared by an off-campus person or organization or containing contact information for an off-campus person or organizations;
- (3) That a University person or organization has purchased goods or services from an off-campus provider;
- (4) That a registered student, faculty, or staff organization has invited a guest speaker under Subchapter A;
- (5) That a registered student, faculty, or staff organization has received financial contributions to support the event from an off-campus donor.

(d) The purpose of this rule is to preserve the limited space on campus for the use of students, faculty, and staff, and the rule shall be interpreted to serve that purpose. It is not the purpose of this rule to prevent students, faculty, or staff from exercising their right to associate with other persons or organizations holding views similar to their own.

SECTION 46.12 OTHER RULES WITH INCIDENTAL EFFECTS ON SPEECH

(a) Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to compile or cross-reference here. For example, libraries typically have highly restrictive rules concerning noise; laboratories and rooms containing the electrical and mechanical infrastructure of the University typically have safety rules and rules excluding persons without specific business there; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways. Speech within classrooms is generally confined to the subject matter of the class; the right to attend a class at all is subject to registration and payment of tuition; individual

professors may have rules of decorum in their classroom. These kinds of rules limit the right of students, faculty, and staff to enter and speak in the places to which these rules apply.

(b) Reasonable and nondiscriminatory rules of this kind generally control over the rights of free speech guaranteed in this chapter. But even these kinds of rules are subject to the constitutional right of free speech. Such rules must be viewpoint neutral. Such rules cannot regulate speech more restrictively than they regulate other activities that cause the problems to be avoided by the rule. Such rules should not restrict speech more than is reasonably necessary to serve their purpose. Such rules cannot ban unobtrusive forms of communication with no potential for disruption even in the specialized environment subject to the localized rule. Thus, for example, means of silent expression or protest confined to the speaker's immediate person, such as armbands, buttons, and t-shirts, are nearly always protected because they are rarely disruptive in any environment.

SUBCHAPTER D DISTRIBUTION OF LITERATURE

SECTION 46.13 GENERAL RULE ON DISTRIBUTION OF LITERATURE

(a) Registered student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature on campus subject to the rules in this subchapter and to the general rules in Subchapters B and C. Individual students, faculty members, and staff members may distribute or display literature but may not sell it. In either case, no advance permission is required.

(b) "Literature" means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informational matter, that is produced in multiple copies for distribution to potential readers.

SECTION 46.14 NOT FOR PROFIT LITERATURE ONLY

(a) Except as expressly authorized by the *Regents' Rules* or by contract with the University, no person or organization may sell, distribute, or display on campus any publication operated for profit. A registered student, faculty, or staff organization may sell publications operated for profit as part of a fundraiser authorized by, and subject to the limits of Section 46.08 (b) (1).

(b) A publication is operated for profit if any part of the net earnings of the publication, or if its distribution, inures to the benefit of any private shareholder or individual.

SECTION 46.15 LIMITS ON ADVERTISING

Literature distributed on campus may contain the following advertising:

- 1 advertising for a registered student, faculty, or staff organization, or an academic or administrative unit;
- 2 advertising for an organization that is tax exempt under Section 501 (c)(3) of the Internal Revenue Code;
- 3 paid advertising in a publication primarily devoted to promoting the views of a non-for-profit organization or to other bona fide editorial content distinct from the paid advertising; and

- 4 other advertising expressly authorized by the *Regents' Rules* by contract with the University.

All other advertising in literature distributed on campus is prohibited.

SECTION 46.16 IDENTIFICATION

All literature distributed on campus must identify the University person or organization responsible for its distribution.

SECTION 46.17 CLEAN UP OF ABANDONED LITERATURE

Any person or organization distributing literature on campus shall pick up all copies dropped on the ground in the area where the literature was distributed.

SUBCHAPTER E SIGNS AND BANNERS

SECTION 46.18 GENERAL RULE ON SIGNS

(a) "Sign" means any method of displaying a visual message to others, except that transferring possession of a copy of the message is distribution of literature and not a sign.

(b) Subject to the rules in this subchapter and to the general rules in Subchapters B and C, a University person or organization may display a sign by holding or carrying it, by displaying it at a table (see Subchapter F), or by posting it on a bulletin board or other designated location. Signs may not be posted in any other location.

SECTION 46.19 HAND-HELD SIGNS

(a) Students, faculty, and staff may display a sign on campus by holding or carrying it by hand or otherwise attaching it to their person. No advance permission is required.

(b) Any person holding or carrying a sign shall exercise due care to avoid bumping, hitting, or injuring any other person.

(c) Any person holding or carrying a sign at a speech, performance, or other event shall exercise due care to avoid blocking the view of any other person observing the speech, performance, or event. Depending on the venue, this may mean that signs may be displayed only around the perimeter of a room or an audience.

(d) A law enforcement officer or the dean of students, or an usher or any other university employee if authorized by officials responsible for managing the venue, may warn any person that his or her sign is being handled in violation of paragraphs (b) or (c). If the violation persists after a clear warning, the law enforcement officer, dean, authorized usher, or other authorized employee may **take appropriate steps to respond to the violation**.

SECTION 46.20 SIGNS ON BULLETIN BOARDS

(a) University persons and organizations may post signs on designated Student Life bulletin boards located across campus. No advance permission is required. Individuals may

not post on bulletin boards any sign advertising goods or services for sale.

(b) No sign posted on a bulletin board may be larger than 22 inches.

(c) Each sign posted on a bulletin board must identify the University person or organization that posted the sign, and must state the date the sign was posted or the date of the event being advertised. No sign advertising an event may be posted on a bulletin board more than fourteen days before the event.

(d) The person or organization that posts a sign on a bulleting board must remove that sign not later than fourteen days after it was posted, or twenty-four hours after the event it advertised, whichever is earlier.

(e) No sign may be posted on a bulletin board on top of another properly posted sign.

(f) No person or organization may post more than two signs on the same bulletin board at the same time.

(g) The dean may remove any sign that violates any of the rules in this section.

SECTION 46.21 BANNERS

(a) "Banner" means a sign hung from a structure, or between two buildings, structures, or poles.

(b) The dean of students shall designate places where banners may be hung in indoor and outdoor locations not occupied or controlled by any other academic or administrative unit.

(c) Academic and administrative units and registered student, faculty, and staff organizations may hang banners in locations designated under paragraph (b). Individuals may not hang banners.

(d) Advance permission is required for the hanging of banners. Each banner may be hung for one week. The banner may be renewed from week to week if space is available, but usually, other organizations are waiting their turn and renewal is not possible.

(e) The dean of students may require that the physical work of hanging the banners be performed only by employees of Physical Plant or other appropriate University personnel. Actual costs will be charged to the organization or unit making the request.

SUBCHAPTER F TABLES

SECTION 46.22 GENERAL RULE ON TABLES

University persons or organizations may set up tables from which to display literature and disseminate information and opinions, subject to the rules in this subchapter and to the general rules in Subchapters B and C. No advance permission is required.

SECTION 46.23 LOCATIONS

(a) Subject to the restrictions in paragraph (b) and subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic (see Section 49.09), University persons and organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location.

(b)

- (1) Tables may not be set up inside any library, classroom, laboratory, performance hall, stadium, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time.
- (2) An academic or administrative unit may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. Academic and administrative units are encouraged to clearly state any such rules in writing, and to publish those rules on a Web site or on a flyer or pamphlet conveniently available at the chief administrative office of the unit..

(c) If any table is set up in a prohibited or disruptive location, any University employee pointing out the violation shall also point out other locations, as nearby as is reasonably possible, where the table is permitted.

SECTION 46.24 IDENTIFICATION

Each table must have a sign or literature that identifies the University person or organization sponsoring the table.

SECTION 46.25 CLEAN UP AROUND TABLES

Any person or organization sponsoring a table shall remove litter from the area around the table at the end of each day.

SECTION 46.26 SOURCES OF TABLES

Persons and organization may supply their own tables. In addition, the dean of students maintains a supply of tables that may be reserved and checked out for use in the Student Union Building.

SUBCHAPTER G EXHIBITS AND A-FRAMES

SECITON 46.27 GENERAL RULE ON EXHIBITS

(a) “Exhibit” means an object or collection of related objects, designed to stand on the ground or on a raised surface, that is not a table, and that is designed for temporary display not permanently attached to the ground. An A-frame sign is an exhibit.

(b) University persons and organizations may erect exhibits, subject to the rules in this subchapter and to the general rules in Subchapters B and C. Advance permission is required from the dean of students, except that an academic unit may authorize indoor exhibits in a space that it occupies and controls.

SECTION 46.28 APPLICATION PROCESS

A person or organization desiring to erect an exhibit shall apply on a form prescribed

by the dean of students.

SECTION 46.29 CRITERIA FOR APPROVAL

(a) The dean of students shall authorize an exhibit described in a completed application under Section 46.27 unless the dean finds that use of the proposed space for the proposed exhibit must be disapproved under the criteria in Chapter 48 Subchapter B.

(b) The dean shall specify the location of each exhibit to reduce the hazard to visually impaired pedestrians.

(c) The dean shall advise each applicant how to correct, if possible, any conditions that preclude approval of his or her application. Even if an applicant is entitled to have its application approved as submitted, the dean may give advice about other possible locations, or about modifications to the exhibit, that would avoid potential problems or make the proposed exhibit more workable.

SECTION 46.30 TIME LIMITS

(a) In locations administered by the dean of students, each exhibit may be displayed for seven days. The exhibit may be renewed for an additional seven days if space is available.

(b) The exhibit must be removed at the end of each day and may be reerected each morning. However, the dean of students may authorize overnight exhibits in designated locations.

SECTION 46.31 CLEAN UP AROUND EXHIBITS

Any person or organization sponsoring an exhibit shall remove litter from the area around the exhibit at the end of each day.

SECTION 46.32 LIABILITY

Any person or organization sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. The University shall not be liable for any damage that may occur to the exhibit, and any person or organization sponsoring the exhibit shall indemnify the University for any claims arising from the exhibit's presence on campus.

SUBCHAPTER H AMPLIFIED SOUND

SECTION 46.33 GENERAL RULES ON AMPLIFIED SOUND

University persons and organizations may use amplified sound on campus at designated times and locations, subject to the rules in this subchapter and to the general rules in Subchapters B and C. Advance permission is required. This subchapter creates limited exceptions to the general rule on disruption in Section 46.09.

SECTION 46.34 LOCATION AND TIMES OF WEEKDAY AMPLIFIED SOUND AREAS

- (a)
 - (1) The Student Union Mall Amplified Sound Area is bounded by the Union building on the west side and extends to the end of the pavement to the east side. The north boundary is the cement flower bed between the Union and the McDermott Library and extends south to the end of the pavement nearest the Park.
 - (2) University persons and organizations may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. Monday through Friday.
- (b)
 - (1) The PUB Patio Amplified Sound Area is bounded by the railed fence on the north end of the Patio and to the east, west and south by the existing surrounding walls of the Union building.
 - (2) University persons and organizations may use amplified sound in this area from 11:30 a.m. to 1:30 p.m. Monday through Friday.
- (c)
 - (1) The Park Amplified Sound Area is the grassy area between the Student Union and the Bookstore. The boundaries for the park are Drive A to the south and to the north at the point that the grassy area meets the pavement of the Student Union mall. The Park is bounded to the west by the sidewalk directly adjacent to the Union and to the east by the sidewalk and paved basketball court adjacent to the Bookstore.
 - (2) University persons and organizations may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. Monday through Friday.
- (d)
 - (1) The chief student affairs officer may designate additional areas for weekday use of amplified sound.
 - (2) If the dean of students concludes that it is unworkable to use any of the three designated amplified sound areas at the same time, the dean may refuse to schedule simultaneous events in two or more of the areas at the same time.

SECTION 46.35 REGULATION AND SCHEDULING OF WEEKDAY AMPLIFIED SOUND

(a) The dean of students may prescribe rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of weekday amplified sound areas, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact. All such rules shall be reasonable and nondiscriminatory.

- (b)
 - (1) Persons or organizations wishing to use a weekday amplified sound area must reserve a particular area at a particular time. Reservations must be made with the dean of students on a form prescribed by the dean. The dean of students

shall approve a properly completed application to reserve an amplified sound area, unless the application must be disapproved under the criteria in Chapter 48 Subchapter B or under rules promulgated by the dean under the authority of this section.

- (2) The dean may limit the number of frequency of reservations for each person or organization to ensure reasonable access for all persons and organizations desiring to use amplified sound on weekdays.

(c) Persons and organizations using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area.

(d) Any designations of additional areas, any additional rules regulating the designated areas, and the rules and procedures for reserving the right to use a designated area, shall be clearly stated on a Web site or on a flyer or pamphlet conveniently available at the dean of student's office.

SECTION 46.36 AMPLIFIED SOUND ON EVENINGS AND WEEKENDS

(a) With advance permission, University persons and organizations may use amplified sound in the amplified sound areas designated in Section 46.34 after 5:00 p.m. Monday through Friday, and after 8:00 a.m. Saturday and Sunday, except for the early morning hours excluded in paragraph (b).

(b) If amplified sound is authorized for an event on a Sunday, Monday, Tuesday, Wednesday, or Thursday evening, the sound must be turned off by 1:00 a.m. on the following day. If amplified sound is authorized for an event on a Friday or Saturday evening, the sound must be turned off by 2:00 a.m. on the following day.

(c) The dean of students may prescribe reasonable and nondiscriminatory rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of amplified sound on evenings and weekends, to mediate any conflict with University functions and other nearby activities, and to manage environmental impact.

(d) Use of amplified sound on evenings and weekends requires advance permission from the dean of students. Persons and organizations shall apply on a form prescribed by the dean. The dean shall authorize amplified sound as described in a completed application unless the dean finds that the application must be disapproved under the criteria in section or under rules promulgated by the dean under the authority of this section. The dean shall advise each applicant how to correct, if possible, any conditions that preclude approval of its application. Even if an applicant is entitled to have its application approved as submitted, the dean may give advice about other possible locations, or about modifications to the proposed event, that would avoid potential problems or make the proposed event more workable.

SECTION 46.37 AMPLIFIED SOUND INDOORS

Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the dean of students may limit or prohibit sound that would be disruptive outside the room. Reservations may be required. Rules concerning use of University buildings are contained in Chapter 48.

SUBCHAPTER I PUBLIC ASSEMBLIES WITHOUT AMPLIFIED SOUND

SECTION 46.38 GENERAL RULE ON PUBLIC ASSEMBLIES

(a) “Publicly assemble” and “public assembly” include any gatherings of persons, including discussions, rallies, and demonstrations. The rules of Subchapter H apply to any use of amplified sound at a public assembly.

(b) University persons and organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this subchapter, to the general rules in Subchapters B and C, and to the rules on use of University property in Chapter 48. No advance permission is required.

SECTION 46.39 RESERVATION OF SPACE

(a) University persons or organizations who wish to publicly assemble in a particular room or space at a particular time may reserve the room or space under the provisions in Chapter 48 Subchapter B.

(b) An organization with a reservation has the right to the reserved room or space for the time covered by the reservation. Any person or organization using or occupying the room or space without a reservation must yield control of the room or space in time to permit any organization with a reservation to begin using the room or space promptly at the beginning of its reserved time.

(c) Reservations are not required but are strongly encouraged. A person or organization planning to use a room or space without a reservation may find the facility locked or in use by another person or organization. The University Police rely on a list of scheduled events, and a large group without a reservation is likely to attract their courteous but inquiring attention.

SECTION 46.40 NOTICE AND CONSULTATION

Persons or organizations that are planning a public assembly with more than fifty participants are strongly encouraged to notify and consult with the dean of students as soon as practicable after the point at which the planners anticipate or plan for more than fifty participants. Persons or organizations planning smaller assemblies are encouraged to consult the dean of students if there is uncertainty about applicable University rules, the appropriateness of the planned location, or possible conflict with other events. The dean has much experience in helping student organizations structure events in ways that both comply with the University’s rules and achieve the organization’s goals for the event. The dean can help identify appropriate space and potentially conflicting events. The dean can help the planners avoid unintended disruption or other violations that may result in subsequent discipline or subsequent interference with the assembly by campus authorities.

SUBCHAPTER J GUEST SPEAKERS

SECTION 46.41 DEFINITIONS

“Guest speaker” means a speaker or performer who is not a student, faculty member, or staff member.

SECTION 46.42 WHO MAY PRESENT

Registered student, faculty, and staff organizations, and academic and administrative units, may present guest speakers on University property. In the case of registered student organizations, advance permission from the dean of students is required. Individuals may not present a guest speaker.

SECTION 46.43 LOCATION AND FORM OF PRESENTATION

(a) A guest speaker may present a speech or performance, or lead a discussion, at a time announced in advance, in a fixed indoor location, or in a fixed outdoor location approved by the dean of students. A guest speaker may distribute literature to persons who attend the speech, performance, or discussion.

(b) A guest speaker may not

- (1) accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
- (2) distribute literature to persons who have not chosen to attend the speech, performance, or discussion; or
- (3) help staff a table or exhibit set up under Subchapters F and G.

SECTION 46.44 APPLICATION

(a) A registered student organization that wishes to present a guest speaker shall apply to the dean of students, on a form prescribed by the dean, at least forty-eight hours before the scheduled event or any planned advertising for the event, whichever is earlier. The application shall be combined with an application under Chapter 48 Subchapter B to reserve the use of a University room or space for the event.

(b) The dean shall approve an application properly made under Subsection (a) unless it must be disapproved under the criteria in Chapter 48 Subchapter B.

SECTION 46.45 OBLIGATIONS OF PRESENTING ORGANIZATION

A student, faculty or staff organization that presents a guest speaker must make clear that

- 1 the organization, and not the University, invited the speaker; and
- 2 the views expressed by the speaker are his or her own and do not necessarily represent the views of the University, the University of Texas System, or any component institution.

SUBCHAPTER K RESPONDING TO SPEECH, EXPRESSION, AND ASSEMBLY

SECTION 46.46 GENERAL RULE ON RESPONDING

University persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this chapter.

SECTION 46.47 APPLICATIONS OF SECTION 46.47

(a) Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.

(b) Means of response that are permitted in many locations and without advance permission or reservation, such as signs, tables, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized in this policy.

(c) Means of response that require advance permission or reservation, such as banners, A-frames, exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Banner space and some amplified sound areas may be unavailable on short notice because of earlier reservations, but the dean of students shall expedite approval of A-frames, exhibits, and available banner space and amplified sound areas where necessary to permit appropriate response to other speech, assembly, or expression.

(d) Means of response that are confined to authorized locations, such as banners and amplified sound, may be used only in those locations. It is not possible to respond to amplified sound with amplified sound in the same location; similarly if an exhibit or public assembly is in a location where amplified sound is not permitted, it is not possible to respond with amplified sound in that location. In either case, it is possible to respond with amplified sound in another location and to use signs or distribution of literature to advertise the response at the other location.

SUBCHAPTER L ENFORCEMENT AND APPEALS

SECTION 46.48 POLICE PROTECTION

(a) It is the responsibility of the University to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty areas in the area of such events will be at the cost of the University. When the magnitude, timing, or nature of an event requires overtime hours from police officers (including contract hours for officers hired from other departments or private security agencies), the university will, to the extent specified in Subsections (b) and (c), charge the cost of overtime or contract officers to the person or organization sponsoring the event or exhibit that requires overtime police protection. The purpose of Subsections (b) and (c) is to charge for police overtime where reasonably possible.

(b) A reasonable and nondiscriminatory fee for overtime police work will be charged for events that require overtime police protection, and

- (1) charge a price for admission, or
- (2) pay a speaker, band, or other off-campus person or organization for services at the event.

(c) The University shall have the sole power to decide, after reasonable consultation with the person or organization planning the event, whether and to what extent overtime police protection is required. No fee shall be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees shall be based on the number of officers required for an uncontroversial event of the same size and kind, in the same place and at the same time of day, handling the same amount of cash.

(d) Nothing in this section applies to any interdepartmental charge or transfer among units or accounts funded by the University.

SECTION 46.49 RESPONSE TO VIOLATIONS

(a) A student who violates a prohibition in this chapter may be disciplined under the procedures in Chapter 49.

(b) A faculty member who violates a prohibition in this chapter may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by faculty members shall be referred to the Office of the Vice President of Academic Affairs and Provost.

(c) A staff member who violates a prohibition in this chapter may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by staff members shall be referred to Human Resource Services.

(d) Authorized University personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this chapter, by explanation and by persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively or additionally, they may initiate disciplinary proceedings under paragraph (a), (b), or (c). Discretion regarding the means and necessity of enforcement shall be vested in the chief of police, or in University personnel designated by the president, as appropriate, but such discretion shall be exercised without regard to the viewpoint of any speaker.

(e) Persons and organizations on the campus shall comply with instructions from University administrators and law enforcement officials at the scene. A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under section 46.50.

SECTION 46.50 APPEALS

(a) A person or organization that is denied permission for an activity requiring advance permission under this chapter may appeal the denial of permission.

(b) A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth weekday after complying with the order, file an appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal shall be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning

of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.

(c) An appeal authorized by this section shall be heard under the procedures set out in Subchapter L.