

SPEECH, EXPRESSION, AND ASSEMBLY

A. Purpose

This policy protects and regulates speech, expression, and assembly of students, faculty, and staff of The University of Texas Permian Basin and members of the public in a manner that encourages and facilitates speech, expression, and assembly without disrupting or interfering with academic programs, administrative functions, or other authorized activities of UT Permian Basin.

B. Persons Affected

This policy applies to UT Permian Basin students, faculty, and staff. It also applies to members of the public who visit property, buildings, or facilities owned or controlled by UT Permian Basin.

C. Definitions

1. Academic or administrative unit: any office or department at UT Permian Basin.
2. Amplified Sound: sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are not amplified sound and are not subject to the special rules on amplified sound, but are subject to general rules on disruption in Section D.4(a).
3. Chief Student Affairs Officer: the administrative officer or their designee(s) directly responsible for student affairs at UT Permian Basin.
4. Common Outdoor Area: outdoor space of UT Permian Basin property that is not used for dedicated UT Permian Basin business or events, an educational function, or a research function on either a temporary or permanent basis. The term also does not include outdoor surfaces of UT Permian Basin buildings, surfaces associated with or connected to UT Permian Basin buildings, UT Permian structures, spaces dedicated to temporary outdoor banners or exhibits, or any space within UT Permian Basin's limited public forum. Common outdoor areas are designated as traditional public forums by *Texas Education Code Section 51.9315*.
5. Dean of Students: the administrative officer or their designee(s) responsible for the administration of the disciplinary process at UT Permian Basin.
6. Event: something that occurs in a certain particular interval of time; events include but are limited to guest speakers, exhibits, tables, distribution of literature, signs, and public assemblies.

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7. Expressive Activities: Expressive activities include all forms of non-commercial expression protected by the First Amendment to the U.S. Constitution.
8. Faculty member or staff member: any person employed by UT Permian Basin.
9. Guest speaker: a speaker or performer who is not a UT Permian Basin student, faculty member, or staff member.
10. Harassment: in this policy, means hostile or offensive speech (oral, written, or symbolic) that (i) personally describes or is personally directed to one or more specific individuals; (ii) is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the victim's ability to participate in or benefit from the services, activities, or privileges provided by UT Permian Basin; and (iii) is not necessary to the expression of any idea described in paragraph C.10(a) below.
 - a. To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not verbal harassment, even if some listeners are offended by the argument or idea. The categories of sexually harassing speech set forth in HOP ADM-03-300 Sexual Harassment and Sexual Misconduct and HOP ADM-03-100 Non-Discrimination are rarely, if ever, necessary to argue for or against the substance of any political, religious, philosophical, ideological, or academic idea.
 - b. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, and the categories of harassing sexual speech set forth in HOP ADM-03-300 Sexual Harassment and Sexual Misconduct and HOP ADM-03-100 Non-Discrimination and is often based on the victim's appearance, personal characteristics, or group membership, including but not limited to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, ideology, political views, or political affiliation.
 - c. Harassment can also consist of nonverbal conduct, such as hazing, practical jokes, damage to property, and physical assault. In the case of sexual harassment and sexual misconduct, sexual conduct is often central to the offense. These forms of harassment are prohibited in HOP ADM-03-300 Sexual Harassment and Sexual Misconduct, HOP ADM-03-100 Non-Discrimination, and in the Regents' *Rules and Regulations*, [Rule 30105](#).
11. Limited Public Forum: means UT Permian Basin property, both indoors and outdoors, that is not part of the common outdoor area. This includes the surfaces of a UT Permian Basin building, surfaces associated with or connected to a UT Permian Basin building, a UT Permian Basin structure, spaces dedicated to temporary outdoor banners or exhibits, and residential outdoor spaces managed by Residence Life.

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12. Literature: any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informal matter, that is produced in multiple copies for distribution to potential readers.
13. Off-campus individual or organization or member of the public: any person, organization, or business that is not an academic or administrative unit, a registered or sponsored student, faculty or staff organization, or a student, faculty member, or staff member at UT Permian Basin.
14. Regents' Rules: The University of Texas System Board of Regents' *Rules and Regulations*
15. Registered or sponsored student, faculty, or staff organization: a registered or sponsored student organization recognized by The Office of Student Life, or a faculty or staff organization under Regents' Rules, [Rule 40201](#).
16. Room or space: includes any room or space, indoors or outdoors, owned or controlled by UT Permian Basin.
17. Solicitation: the sale, lease, rental or offer for sale, lease, rental of any property, product, merchandise, publication, or service, whether for immediate or future delivery; an oral statement or the distribution or display of printed material, merchandise, or products that is designed to encourage the purchase, use or rental of any property, product, merchandise, publication, or service; the receipt of or request for any gift or contribution; or the request to support or oppose or to vote for or against a candidate, issue, or proposition appearing on the ballot at any election held pursuant to State or federal law or local ordinances.
 - a. Engaging in expressive activities as defined in [Section 51.9315\(2\)](#) of the Texas Education Code in a common outdoor area of campus does not constitute solicitation within this definition.
 - b. 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.
 - c. Unadorned acknowledgments or thanks to donors are not solicitation within this definition.
18. Student: a person who is currently enrolled at UT Permian Basin, is accepted for admission or readmission to UT Permian Basin, or has been enrolled at UT Permian Basin in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.

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19. Table: booths, displays, furniture, enclosure, or any other structure temporarily used for distribution of literature, or for displaying signs or posters or for raising funds or soliciting, or other similar activities.
20. Temporary Banner Space: designated indoor or outdoor display area reserved for UTPB-affiliated individuals' or UTPB-affiliated organizations' use, as managed by the chief student affairs office, where a UTPB-affiliated individuals' or UTPB-affiliated organizations' temporary banner may be affixed for multiple days as permitted by Section D.6 of this policy. These areas are part of UT Permian Basin's limited public forum and are not open to members of the public.
21. Temporary Exhibit Space: designated indoor or outdoor display area reserved for UTPB-affiliated individuals' or UTPB-affiliated organizations' use, as managed by the chief student affairs office, where a UTPB-affiliated individual or UTPB-affiliated organization may display a temporary exhibit as permitted by Section D.9 of this policy. These areas are part of UT Permian Basin's limited public forum and are not open to members of the public.
22. UTPB-affiliated individual: individual students, faculty members, and staff members.
23. UTPB-affiliated organization: academic and administrative units; registered or sponsored student, faculty, and staff organizations.
24. Weekday: Monday through Friday from 7:30 a.m. – 5:30 p.m., excluding UT Permian Basin holidays, skeleton crew days, and days on which regularly scheduled classes are suspended due to emergent situations; "UT Permian Basin holidays" and "skeleton crew days" means days identified in the holiday schedule published by the Office of Human Resources. If a deadline defined in this policy falls on a Saturday, Sunday, UT Permian Basin holiday, or skeleton crew day that deadline will be moved to the next day.

D. Policy

1. *Governing Principles*

- a. The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of UT Permian Basin. In accordance with this policy, students, faculty, staff, and members of the public have the right to assemble, speak, and 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

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other functions of UT Permian Basin. Teaching, research, and other official functions of UT Permian Basin shall have priority in allocating the use of space on campus. Members of the public are able to engage in expressive activities only in common outdoor areas of campus, subject to the time, place, and manner rules in this policy necessary to preserve the functions of UT Permian Basin.

- c. To support and advance UT Permian Basin's educational mission, UT Permian Basin buildings, surfaces associated with or connected to a UT Permian Basin building, and UT Permian Basin structures are limited public forums only open to the expressive activities of students, faculty, and staff as set forth in this policy. Student, faculty, and staff organizations may not invite the public at large to events in UT Permian Basin buildings, facilities, or locations that are not a common outdoor area.
- d. UT Permian Basin common outdoor areas are traditional public forums. Members of the public are free to engage in expressive activities only in these common outdoor areas. Expressive activities are subject to time, place, and manner restrictions of this policy necessary to preserve the functions of UT Permian Basin.
- e. Except as expressly authorized in Section D.3 of this policy, or by federal or state law, UT Permian Basin 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.
- f. The UT Permian Basin Police Department may immediately enforce these rules if a violation of these rules constitutes a breach of the peace or compromises public safety.

2. *Scope*

- a. This policy protects and regulates speech, expression, and assembly of UTPB-affiliated individuals, UTPB-affiliated organizations, and members of the public that are not part of the teaching, research, or other official functions of UT Permian Basin, not otherwise sponsored by UT Permian Basin or any academic or administrative unit, and not submitted for academic credit, with the following exceptions:
 - i. This policy applies to speech by academic and administrative units and speech that is submitted for academic credit occurring in outdoor locations on campus.
 - ii. Section D.3(d) on Harassment applies to all speech regardless of where it occurs, including off University property, if it potentially affects a University person's education or employment with the University or potentially affects the University community.

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- b. This policy applies to speech by UTPB-affiliated individuals, UTPB-affiliated organizations, and members of the public in common outdoor areas. It also applies to speech that is submitted for academic credit, and speech made using UT Permian Basin's [Acceptable Use Policy](#). The Chief Student Affairs Officer administers and schedules reservations for the use of the temporary exhibit and banner spaces, and the use of UT Permian Basin tables, for all UTPB-affiliated individuals and UTPB-affiliated organizations because scheduling through a single office is necessary to avoid conflicts. The Chief Student Affairs Officer also administers and schedules reservations in the common outdoor areas and the use of amplified sound for all UTPB-affiliated individuals, UTPB-affiliated organizations, and members of the public.
- c. Any program or event sponsored by an academic or administrative unit of UT Permian Basin shall have priority in the use of space and facilities over any speech, expression, and assembly that is not sponsored by an academic or administrative unit, except that programs or events sponsored by an academic or administrative unit will not have priority in the use of amplified sound areas defined in Section D.9. This policy does not limit other existing authority of UT Permian Basin officials to authorize programs and events sponsored by an academic or administrative unit and not provided for in this policy.
- d. Specific time, place, and manner rules applying to various means of expression are found in Sections D.5 - D.12 of this policy.
- e. Every employee must protect UT Permian Basin and The UT System against unauthorized use of opinions for advertising purposes.
- f. Additional rules concerning free speech and academic freedom of faculty members are found in the Regents' Rules, [Rule 31004](#).
- g. Underlying rules concerning free speech of students are found in the Regents' Rules, [Rule 40501](#), [Rule 80101](#), [Rule 80103](#), and [Rule 80104](#). This policy implements those provisions and applies them to UT Permian Basin.
- h. Rules restricting use of UT Permian Basin equipment, supplies, services, and working hours for political activities are found in the Regents' Rules, [Rule 30103](#).

3. *Prohibited Expression*

a. Obscenity

No persons or organizations 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 [Section 43.21](#) of the *Texas*

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Penal Code or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

b. Defamation

- i. No person shall publish to a third party any statement that defames another person.
- ii. A statement defames another person if it is: (i) published to a third party other than the subject of the statement or their legal representative; (ii) of and concerning that person; (iii) is a false statement of fact; (iv) that holds the person up to hatred ridicule or contempt; (v) is made negligently, if the person is a private figure or, if the person is a public official or public figure, with knowledge of falsity or reckless disregard of the truth; (vi) which proximately causes damages; and (vii) is not privileged.
- iii. Defamation is further defined in [Chapter 73](#) of the *Texas Civil Practices & Remedies Code* or other successor provisions.

c. Incitement to Imminent Violations of Law

No person shall make, distribute, or display on the campus any statements directed at 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.

d. Harassment

- i. No person shall make, distribute, or display on the campus any statement that constitutes harassment, as defined in Section C of this policy, of any other person. This section applies to all speech at UT Permian Basin, including speech that is part of teaching, research, or other official functions or UT Permian Basin, whether in person or not, and whether oral, written, or symbolic.
- ii. The harassment that this Section D.3(d) prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense, and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within UT Permian Basin and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules.

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- iii. Verbal harassment has been interpreted very narrowly by the federal courts. Policies on verbal harassment or hate speech at many universities have been held unconstitutional, either because they prohibited harassment only when it was based on race, sex, and similar categories, or because they failed to protect the expression of potentially offensive ideas. This policy should be interpreted as narrowly as need be to preserve its constitutionality.
 - iv. Members of the UT Permian Basin community are strongly encouraged to report harassment, as discussed in Section E.1 of this policy.
- e. Solicitation & Commercial Speech
- i. No UTPB-affiliated individual, UTPB-affiliated organization, or member of the public shall make, distribute, or display on the campus any statement that offers or advertises any product or service for sale or lease that includes commercial identifiers, such as for-profit logos, trademarks, and service marks, or that requests any gift or contribution, except as authorized by Section D.3(e)(ii), or by the Regents' *Rules*, [Rule 80103](#).
 - ii. Permissible solicitation includes:
 - 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 or sponsored 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 D.5(c). 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 in Section D.6(g);

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4. a resident of a UT Permian Basin 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 or sponsored student, faculty, or staff organization may collect admission fees for programs scheduled in advance under Student Life Departmental Policies;
6. registered student, faculty, or staff organization may collect membership fees or dues at meetings of the organization scheduled in advance under Student Life Departmental Policies;
7. a registered student organization that is a qualified organization as that term is defined in the Texas Charitable Raffle Enabling Act, *Texas Occupations Code*, [Chapter 2002](#), or successor provisions, may sell charitable raffle tickets pursuant to that act.
8. A registered or sponsored student, faculty, or staff organization may host a public performance of a film scheduled in advance in accordance with Student Life Departmental Policies. In accordance with the Regents' *Rules*, [Rule 80103](#), admission fees may be collected. All registered or sponsored student, faculty or staff organizations that exhibit films on campus must obtain a Public Performance License for the individual film(s) from a licensing agent. This license is required even if the exhibition of the film is offered to the public for free and is educational in nature. Registered or sponsored student, faculty, or staff organizations will be required to follow the process proscribed by the film distributor to obtain approval to exhibit the film. Federal Copyright Laws protect all films viewed in public areas regardless of format. There are a few exceptions. Registered or sponsored student, faculty, or staff organizations may exhibit a film publicly if
 - a. the film is in the Public Domain;
 - b. the registered or sponsored student, faculty or staff organization has written permission from the film's producer or other holder of the right to grant such permission; or
 - c. the film is obtained from a company that provides a Public Performance License with the purchase or rental of the film.
9. A registered student organization that receives funds from solicitations under this section shall deposit and account for such

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funds under the rules in Student Life Departmental Policies and in Regents' Rules, [Rule 80103](#).

f. Prohibited Items or Actions

- i. The restrictions discussed in this Section D.3(f) are intended to protect the health and safety of all persons on campus, to maintain the free flow of pedestrian traffic in and out of UT Permian Basin buildings, and to protect the educational mission of UT Permian Basin. The following items are prohibited:
 1. Masks, facial coverings, or disguises that conceal the identity of the wearer and that are calculated to obstruct the enforcement of this policy or the law, or are calculated to intimidate, hinder, or disrupt a UT Permian Basin official, officer of the UT Permian Basin Police Department, or other person in the lawful performance of their duty.
 2. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons (including without limitation sticks, poles, clubs, swords, shields, or rigid signs that can be used as a shield) without written permission of the Chief of Police or designee, unless authorized by other federal, state, or local laws or ordinances.
 3. Body armor or make-shift body armor, helmets and other garments (e.g., sporting protective gear, etc.) that alone or in combination could reasonably be construed as weapons or body armor, without written permission from the Chief of Police or designee.
 4. Open flame, unless approved in advance by the Director of Environmental Health and Safety or designee.
- ii. No person or organization may engage in expressive activity within a ten-foot clearance around points of entry and the perimeter of all UT Permian Basin buildings.

4. *General Rules of Means of Expression*

a. Disruption

- i. Except as expressly authorized in Student Life Departmental Policies or by an authorized a UT Permian Basin 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:

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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 policy and Student Life Departmental Policies.
- ii. The term "disruption" and its variants, as used in this Section D.4, are distinct from and broader than the phrase "disruption of activities," as used in the Regents' Rules, [Rule 30103](#), and the phrase "disruptive activities," as used in the Regents' Rules, [Rule 40502](#). This section 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, and to preserve UT Permian Basin's ability to execute its functions.
- iii. 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 UT Permian Basin 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.
- iv. 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.

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b. Damage to Property

- i. No speech, expression, or assembly may be conducted in a way that damages, defaces, or alters in any way property of UT Permian Basin or of any person who has not authorized the speaker to damage, deface, or alter their property.
- ii. No person may damage, deface, alter, or interfere with any sign, table, or exhibit posted or displayed by another person or organization acting under the rules of this policy.

c. Coercing Attention

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

d. Other Rules with Incidental Effects on Speech

- i. 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 UT Permian Basin 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.
- ii. Reasonable and nondiscriminatory rules of this kind generally control over the rights of free speech guaranteed under this policy. 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

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armbands, buttons, and t-shirts, are nearly always protected because they are rarely disruptive in any environment.

5. *Distribution of Literature*

a. General Rule on Distribution of Literature

Registered or sponsored student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature on campus, subject to the rules in Sections D.3 and to the general rules in Section D.4. Individual students, faculty members, and staff members may distribute or display literature subject to the rules in D.3 and to the general rules in D.4, but may not sell it. Members of the public may distribute literature in the common outdoor areas, subject to the rules in D.3 and to the general rules in D.4, but may not sell literature. In any case, no advance permission is required.

b. Not-for-Profit Literature Only

- i. Except as expressly authorized by the Regents' *Rules* or by contract with UT Permian Basin, no person or organization may sell, distribute, or display on campus any publication operated for profit. A registered or sponsored 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 D.3(e)(ii)(1).
- ii. A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, inures to the benefit of any private shareholder or individual.

c. Limits on Advertising

- i. Literature distributed on campus may contain the following advertising:
 1. advertising for a registered or sponsored 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 not-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* or by contract with UT Permian Basin.

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- ii. All other advertising in literature distributed on campus is prohibited.
- d. Clean up of Abandoned Literature

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

6. *Signs and Banners*

a. General Rules on Signs

- i. "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.
- ii. Subject to the rules in this policy and to the general rules in Section D.3 and D.4, a UTPB-affiliated individual or UTPB-affiliated organization may display a sign by holding or carrying it, by displaying it at a table (see Section D.7 below), or by posting it on a kiosk, bulletin board, or other designated location. Signs may not be posted in any other location. Subject to viewpoint-neutral size requirements, Residence Life and Dining has designated the window and door of a residence hall room as locations where the resident(s) of that room may post signs. Section D.6(g) lists other designated locations.

b. Hand-Held Signs

- i. A UTPB-affiliated individual or UTPB-affiliated organization may display a sign on campus by holding or carrying it by hand or otherwise attaching it to their person. Members of the public may display a sign in the common outdoor areas by holding or carrying it by hand or otherwise attaching it to their person. No advance permission is required. Signs on sticks or poles or otherwise attached to any device are prohibited.
- ii. Hand-held signs constructed of materials that create a hazard to other people are not permitted. Signs constructed of rigid materials, including sticks, poles, wood, metal, hard plastic, or other materials that could be construed as a hazard are not permitted.
- iii. Any person holding or carrying a sign shall exercise due care to avoid bumping, hitting, or injuring any other person.
- iv. 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

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may mean that signs may be displayed only around the perimeter of a room or an audience.

- v. A law enforcement officer or the dean of students, or an usher or other UT Permian Basin 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 Section D.6(b). If the violation persists after a clear warning, the law enforcement officer, Dean of Students, authorized usher, or other authorized employee may confiscate the sign. A law enforcement officer may take any action necessary to keep the peace including but not limited to issuing a criminal trespass warning to the violator.

c. Banner

- i. "Banner" means an affixed, stationary sign hung from a structure or building, or between two buildings, structures, or poles.
 - 1. Hand-held banners. UTPB-affiliated individuals, UTPB-affiliated organizations, and members of the public are permitted to display a hand-held banner carried by two or more individuals without poles in the common outdoor areas.
- ii. Temporary banner space designations
 - 1. The Chief Student Affairs Officer or designee shall designate places where banners may be hung in outdoor locations not occupied or controlled by any other academic or administrative unit.
 - 2. Other academic and administrative units may designate one or more temporary banner spaces where banners may be hung in indoor or outdoor locations that the unit occupies or controls.
 - 3. Temporary banner spaces are not open to members of the public.
- iii. Space priority
 - 1. Academic and administrative units and registered or sponsored student, faculty, and staff organizations may hang banners in locations designated under Section D.6(c)(ii) of this policy. Individuals and members of the public may not hang banners.
 - 2. Advance permission is required from the unit administering the location; usually, advance reservations are required. Academic and administrative units advertising official UT Permian Basin events or programs may be given priority. In locations administered by

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academic or administrative units other than the Chief Student Affairs Officer or their designee, organizations affiliated with the unit administering the location may be given priority.

iv. Time limits

1. In locations administered by the Chief Student Affairs Officer, each banner may be hung for up to two weeks. The banner may be renewed from week to week if space is available.
2. Other units administering a location for banners may limit the time each banner may hang. Any such time limit shall be applied without discrimination to all organizations, except that academic and administrative units may be given preference.

v. The Chief Student Affairs Officer shall maintain, on a Web site or on a flyer or pamphlet:

1. a list of outdoor temporary locations where banners may be hung;
2. the academic or administrative unit that administers this banner policy at each outdoor location;
3. and a current description of the rules and procedures for reserving the right to hang a banner in locations administered by the Chief Student Affairs Officer.

vi. The unit administering a banner location may require that the physical work of hanging the banners be performed only by employees of the Physical Plant or other appropriate UT Permian Basin personnel.

d. Decal

- i. "Decal" means a non-permanent object designed to adhere on the ground or on windows.
- ii. Decals may be placed only by academic or administrative units in locations approved by the Chief Students Affairs Officer and must comply with Section D.6.

e. Signs in Other Designated Locations (Including Departmental Bulletin Boards)

- i. Each academic or administrative unit of UT Permian Basin may authorize the posting of signs in spaces that unit occupies and controls. Such authorization may be granted by general rule or by stamping or initialing individual signs.

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- ii. Signs in spaces occupied by academic or administrative units may be:
 - 1. confined to bulletin boards or other designated locations;
 - 2. subjected to viewpoint-neutral rules limiting the size of signs, limiting how long they may be posted, requiring each sign to show the date it was posted and the name of the person or organization who posted it, and similar rules designed to facilitate fair and equal opportunities to post signs;
 - 3. confined to official statements or business of the unit, or to certain subject matters of interest within the unit, or to signs posted by persons or organizations affiliated with the unit.
- iii. Each academic or administrative unit shall post on or near each bulletin board or other designated location that it administers:
 - 1. either the rules applicable to that bulletin board or location, or a particular office or Web site where the rules applicable to that bulletin board or location may conveniently be found; and
 - 2. if a stamp or initials are required on signs before they are posted on that bulletin board or location, the name and office location of the person whose stamp or initials are required.
 - 3. This notice shall be posted in the upper left corner of each bulletin board or other designated location for posting signs, or conspicuously in another nearby location. If no such notice is posted, then the only applicable rules are those contained in Sections D.3 and D.4 and the sign must be approved for posting by the Department of Student Life to verify that the sign complies with Sections D.3 and D.4.
- iv. Within the scope of the subject matters permitted on a particular bulletin board or other designated location, no academic or administrative unit shall discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed on a sign.
- v. This section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official UT Permian Basin business.

7. *Chalking*

- a. General Rules on Chalking

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- i. "Chalking" means the temporary use of sidewalk chalk on the ground.
- ii. Academic and administrative units and registered or sponsored student, faculty, or staff organizations may chalk, subject to the rules in this section and to the general rules in D.3 and D.4. Individuals and members of the public may not chalk.
- iii. A current description of the rules and procedures for reserving a temporary chalking space on campus are located in Student Life Departmental Policies.

8. *Tables*

a. General Rule of Tables

UTPB-affiliated individuals or UTPB-affiliated organizations may set up tables from which to display literature and disseminate information and opinions, subject to the rules in this Section and to the general rules in Section D.3 and D.4. No advance permission is required for groups providing their own tables; however, reservations are required for those groups wishing to use UT Permian Basin-supplied tables. Members of the public may not set up tables in the common outdoor areas or in UT Permian Basin's limited public forum areas.

b. Locations

Subject to the restrictions elsewhere in these rules, including Section D.8(b)(i), and subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic, Section D.4, UTPB-affiliated individuals or UTPB-affiliated organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location.

i. Restrictions on Table Placement

1. Tables may not be set up inside any library, classroom, laboratory, performance hall, 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. Academic or administrative units 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 available at the chief administrative office of the unit.

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- ii. If any table is set up in a prohibited or disruptive location, any UT Permian Basin employee pointing out the violation shall also point out other locations, as nearby as is reasonably possible, where the table is permitted.

- c. Clean-Up Around Tables

UTPB-affiliated individuals or UTPB-affiliated organizations sponsoring a table shall remove litter from the area around the table at the end of each day.

- d. Sources of Tables

UTPB-affiliated individuals or UTPB-affiliated organizations may supply their own tables. In addition, UT Permian Basin maintains a supply of tables that may be reserved and checked out for use on campus in designated areas. The Chief Student Affairs Officer shall maintain, on a Web site or on a flyer or pamphlet, a current description of the rules and procedures for reserving and checking out tables.

9. *Exhibits and A-Frames*

- a. General Rules on Exhibits

- i. "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 and is not permanently attached to the ground.
- ii. "A-frame exhibit" means a moveable and self-supported sign board designed to stand on the ground and remain overnight in temporary outdoor space. A-frame exhibits may not exceed five feet in height or width. Structures that do not meet this criteria will be considered general exhibits and will be subject to the rules in this section on general exhibits.
- iii. Academic and administrative units and registered or sponsored student, faculty, or staff organizations may erect general and A-frame exhibits, subject to the rules in this section and to the general rules in D.3 and D.4. Advance permission is required from the Chief Student Affairs Officer, except that an academic or administrative unit may authorize indoor exhibits in a space that it occupies and controls. Members of the public may not erect general or A-frame exhibits.

- b. Application Process

An academic or administrative unit or a registered or sponsored student, faculty, or staff organization desiring to display an outdoor general exhibit shall apply on a form prescribed by the Chief Student Affairs Officer.

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c. Approval Process

i. General exhibits

1. The Chief Student Affairs Officer will designate temporary outdoor exhibit spaces where general exhibits may be placed. The Chief Student Affairs Officer shall authorize an exhibit described in a completed application under Section D.9(b) unless the Chief Student Affairs Officer finds that use of the proposed temporary outdoor exhibit space for the proposed exhibit must be disapproved under the criteria in Student Life Departmental Policies. The Chief Student Affairs Officer shall advise each applicant how to correct, if possible, any conditions that preclude approval of their application.
2. The Chief Student Affairs Officer will consider the totality of the circumstances, including safety concerns, as part of the approval process.
 - a. Even if an applicant is entitled to have their application approved as submitted, the Chief Student Affairs Officer 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.

ii. A-frame exhibits

1. The Chief Student Affairs Officer will designate temporary outdoor exhibit spaces where A-frame exhibits may be placed. If an academic or administrative unit or a registered or sponsored student, faculty, or staff organization wishes to place an A-frame exhibit in a different location then the structure will be considered a general exhibited under this section.
2. The Chief Student Affairs Officer will maintain, on a Web site or on a flyer or pamphlet, a current description of the rules and procedures for reserving a temporary outdoor exhibit space for A-frame exhibits on campus.

d. Time Limits

i. General exhibits

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1. In locations administered by the Chief Student Affairs Officer, each exhibit may be displayed for fourteen days. The exhibit may be renewed for an additional fourteen days if space is available.
2. The exhibit may be displayed no earlier than 8:00 am and must be removed by 10:00 pm each day. However, the Chief Student Affairs Officer may authorize overnight exhibits in designated locations. Overnight exhibits will be considered on a case by case basis and subject to Section D.9(c).

ii. A-frame exhibits

A-frame exhibits may be placed for seven days and remain overnight. The A-frame exhibit may be renewed for an additional seven days if space is available.

- iii. If the general or A-frame exhibit is left on campus for longer than the reservation, the exhibit may be removed by the UT Permian Physical Plant, at the expense of the academic or administrative unit or registered or sponsored student, faculty, or staff organization.

e. Clean-Up Around Exhibits

Any academic or administrative unit or registered or sponsored student, faculty or staff organization sponsoring an exhibit shall remove litter from the area around the exhibit before vacating the space.

f. Liability

Any registered student, faculty, or staff organization sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. UT Permian Basin shall not be liable for any damage that may occur to the exhibit, and any registered student, faculty, or staff organization sponsoring the exhibit shall indemnify UT Permian Basin for any claims arising from the exhibit's presence on campus.

10. *Amplified Sound*

a. General Rule on Amplified Sound

UTPB-affiliated individuals, UTPB-affiliated organizations, and members of the public may use amplified sound on campus at designated times and locations, subject to the rules in this policy and Student Life Departmental Policies. Advance permission is required. This section creates limited exceptions to the general rule on disruption in Section D.4(a).

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b. Location and Times of Weekday Amplified Sound Areas

Upon reservation subject to availability, amplified sound may be used in areas as defined in Student Life Departmental Policies.

c. Regulation and Scheduling of Weekday Amplified Sound

The Chief Student Affairs Officer 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 UT Permian Basin functions and other nearby activities, and to manage environmental impact. All such rules shall be reasonable and nondiscriminatory.

i. Reservations

1. UTPB-affiliated individuals, UTPB-affiliated organizations, and members of the public wishing to use a weekday amplified sound area must reserve a particular area at a particular time. Reservations by UT Permian Basin-affiliated individuals and organizations must be made with the Chief Student Affairs Officer on a form prescribed by the Chief Student Affairs Officer. Members of the public may reserve space by making a request to studentlife@utpb.edu. The Chief Student Affairs Officer will approve a properly completed application or email request to reserve an amplified sound area, unless the application or request must be disapproved under the criteria in Student Life Departmental Policies.
2. The Chief Student Affairs Officer may limit the number or frequency of reservations for each applicant to ensure reasonable access for all persons or organizations desiring to use amplified sound on weekdays.
3. When amplified sound areas are not reserved for use for an assembly including amplified sound, they are available for use, for permitted expressive activity, without reservation as part of the common outdoor areas. Any person or organization using or occupying the space without a reservation must yield control of the space in time to permit any user with a reservation to begin using the space promptly at the beginning of its reserved time.

- ii. UTPB-affiliated individuals, UTPB-affiliated organizations, or members of the public using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through that area. Should the size of the assembly exceed the

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maximum number of participants that is safe for a given location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.

- iii. 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 are defined in Student Life Departmental Policies.

d. Amplified sound on Evenings and Weekends

- i. With advance permission from the Chief Student Affairs Officer, UTPB-affiliated individuals, UTPB-affiliated organizations, or members of the public may use amplified sound in any outdoor location on campus, including the amplified sound areas designated in Student Life Departmental Policies, after 5:30 p.m. Monday through Friday, and after 8:00 a.m. Saturday and Sunday, except for the early morning hours excluded in Section D.10(d)(ii) below.
- ii. If amplified sound is authorized for an event on a Sunday, Monday, Tuesday, Wednesday, or Thursday evening, the sound must be turned off by 12:00 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.
- iii. The Chief Student Affairs Officer 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 UT Permian Basin functions and other nearby activities, and to manage environmental impact.
- iv. Use of amplified sound on evenings and weekends requires advance permission from the Chief Student Affairs Officer. Reservations by UTPB-affiliated individuals or UTPB-affiliated organizations must be made with the Chief Student Affairs Officer on a form prescribed by the Chief Student Affairs Officer. Members of the public may reserve space by making a request to studentlife@utpb.edu. The Chief Student Affairs Officer will approve a properly completed application or email request to reserve an amplified sound area, unless the application or request must be disapproved under the criteria in Student Life Departmental Policies or under rules promulgated by the Chief Student Affairs Officer under the authority of this section. The Chief Student Affairs Officer will advise each application or requestor how to correct, if possible, any conditions that preclude approval of its application.

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e. Amplified Sound Indoors

Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the Chief Student Affairs Officer may limit or prohibit sound that would be disruptive outside the room. Reservations may be required. Rules concerning use of UT Permian Basin buildings are contained in Student Life Departmental Policies.

11. *Public Assemblies*

a. General Rules on Public Assemblies

- i. "Publicly assemble" and "public assembly" include any gathering of persons, including discussions, rallies, and demonstrations. The rules of Section D.10 apply to any use of amplified sound at a public assembly.
- ii. Individuals 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 section, to the general rules in Sections D.3 and D.4, and to the rules on use of UT Permian Basin property in Student Life Departmental Policies. No advance permission is required in the common outdoor areas.

b. Reservation of Space

i. Reservation of Common Outdoor Areas

1. UTPB-affiliated individuals, UTPB-affiliated organizations, or members of the public may reserve a space to assemble in the common outdoor areas, as defined by this policy.
2. Reservations by UTPB-affiliated individuals or UTPB-affiliated organizations must be made with the Chief Student Affairs Officer on a form prescribed by the Chief Student Affairs Officer. Members of the public may reserve space by making a request to studentlife@utpb.edu. Applications and requests for a reservation for such assemblies will be approved pursuant to Student Life Departmental Policies.
3. Persons and organizations are encouraged to seek a reservation of a space that is suited to their assembly's anticipated size.

ii. Reservation of Limited Public Forums

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1. Registered or sponsored student, faculty, or staff organizations and academic or administrative units may reserve a space to assemble in limited public forum areas, as defined by this policy.
 2. The Chief Student Affairs Officer will receive applications for reservations of a space within the limited public forum areas. Applications for a reservation for such assemblies will be processed under the provisions in Student Life Departmental Policies. Individual faculty, staff, and students may not reserve space under the provisions in Student Life Departmental Policies.
 - iii. 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.
 - iv. Should the size of any assembly exceed the maximum number of participants that is safe for a given location, including a reserved space, assembly participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly to the extent relocation is practicable.
 - v. While reservations are not always required, they are strongly encouraged. Without a reservation, a person or organization may find the facility locked or the space in use by another person or organization.
- c. Notice and Consultation
- i. Persons or organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be.
 - ii. Persons or organizations who are planning a public assembly in a common outdoor area with or without a guest speaker and expected attendance of more than 50 participants, including potential counter-protestors, are encouraged to provide advance notice of no less than two weeks to the Chief Student Affairs Officer to help UT Permian Basin improve the safety and success of the expressive activity. Members of the public may provide this notice by emailing studentlife@utpb.edu. If there is uncertainty about applicable UT Permian Basin rules, the appropriateness of the planned location, or possible conflict with other events, persons and organizations are encouraged to consult the Chief Student Affairs Officer. Should the size of the assembly exceed the maximum number of participants that is safe for a given

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location, participants will be directed by campus authorities to relocate to a space that is better suited to the size of the assembly.

- iii. UTPB-affiliated individuals or UTPB-affiliated organizations planning an event in the limited public forum areas with or without a guest speaker and an expected attendance of more than 50 participants, are required to provide advanced notice of no less than two weeks to the Chief Student Affairs Officer to help UT Permian Basin improve the safety and success of the expressive activity. Notice will be provided on a form prescribed by the Chief Student Affairs Officer.
- iv. The notice and consultation requirements of this section do not apply to academic or administrative units.
- v. The UTPB-affiliated individuals or UTPB-affiliated organizations notice and consultation requirements of this section may be waived by the Chief Student Affairs Officer.
- vi. Registered or sponsored student, faculty, and staff organizations are afforded privileges not available to individual faculty, staff, and students. Individuals may not reserve indoor space on campus.

12. *Guest Speakers*

a. Who May Present

- i. UTPB-affiliated individuals, UTPB-affiliated organizations, or members of the public may present guest speakers in common outdoor areas of the campus.
- ii. Registered or sponsored student, faculty, and staff organizations and academic and administrative units may present guest speakers in the limited public forums of the campus. In the case of registered student organizations and sponsored student organizations, advance permission from the Chief Student Affairs Officer is required. Registered faculty organizations are required to seek advance permission from the Vice President for Academic Affairs. Registered staff organizations are required to seek advance permission from the Vice President for Business Affairs. Individuals may not present a guest speaker in UT Permian Basin buildings or UT Permian Basin facilities.

b. Location and Form of Presentation

- i. Subject to the rules in this policy, including the applicable time, place, and manner rules, UTPB-affiliated individuals, UTPB-affiliated organizations, or members of the public may utilize the common outdoor areas for guest

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speaker assemblies. No reservation or prior approval is necessary but notice and reservations are encouraged for assemblies of 50 or more people.

- ii. 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 Chief Student Affairs Officer.
 - 1. A guest speaker may distribute literature only immediately before, during, and immediately after the normal course of their speech, presentation, or performance, and only to persons in attendance.
 - 2. Student, faculty, and staff organizations may not invite the public at large to events in UT Permian Basin buildings or facilities.
- iii. 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 outside the common outdoor areas or in UT Permian Basin buildings or facilities.
- iv. No UTPB-affiliated individual, UTPB-affiliated organization, or member of the public may present a guest speaker in violation of the prohibitions against solicitation in Section D.3(e) or co-sponsorship in Student Life Departmental Policies.

c. Application

- i. A registered or sponsored student organization that wishes to present a guest speaker will apply to the Chief Student Affairs Officer, through a process prescribed by the Chief Student Affairs Officer, at least two weeks before the scheduled event or any planned advertising for the event, whichever is earlier. The application shall be combined with an application under Student Life Departmental Policies to reserve the use of a UT Permian Basin room or space for the event. The Chief Student Affairs Officer will approve an application properly made under Section D.12(c) unless it must be disapproved under the criteria in Student Life Departmental Policies.
- ii. A registered faculty organization that wishes to present a guest speaker will apply to the Vice President for Academic Affairs through a process prescribed by the Vice President for Academic Affairs, at least two weeks before the

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scheduled event or any planned advertising for the event, whichever is earlier. The application will be combined with an application under Student Life Departmental Policies to reserve the use of a UT Permian Basin room or space for the event. The Vice President for Student Affairs will approve an application properly made under Section D.12(c) in consultation with the Chief Student Affairs Officer unless it must be disapproved under the criteria in Student Life Departmental Policies.

- iii. A registered staff organization that wishes to present a guest speaker will apply to the Vice President for Business Affairs through a process prescribed by the Vice President for Business Affairs, at least two weeks before the scheduled event or any planned advertising for the event, whichever is earlier. The application will be combined with an application under Student Life Departmental Policies to reserve the use of a UT Permian Basin room or space for the event. The Vice President for Business Affairs will approve an application properly made under Section D.12(c) in consultation with the Chief Student Affairs Officer unless it must be disapproved under the criteria in Student Life Departmental Policies.

d. Obligations of Presenting Organization

A registered or sponsored student, faculty, and staff organization and academic and administrative units that present a guest speaker in a UT Permian Basin building or facility must make clear that:

- i. the organization, and not UT Permian Basin, invited the speaker; and
- ii. the views expressed by the speaker are their own and do not necessarily represent the views of UT Permian Basin, the University of Texas System, or any component institution; and
- iii. members of the general public are not invited to attend the guest speaker's presentation.

13. *Responding to Speech, Expression, and Assembly*

a. General Rule on Responding

UTPB-affiliated individuals, UTPB-affiliated organizations, or members of the public may respond to the speech, expression, or assembly of others, subject to all the rules in this policy.

b. Applications

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- i. Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.
- ii. Means of response that are permitted in many locations and without advance permission or reservation, such as signs, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized in this policy and Student Life Departmental policies.
- iii. Means of response that require advance permission or reservation, such as temporary banners, general exhibits, A-frame exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Temporary banner space, temporary outdoor exhibit space, and some amplified sound areas may be unavailable on short notice because of earlier reservations, but approval will be expedited where possible and necessary to permit appropriate response to other speech, assembly, or expression.
- iv. Means of response that are confined to authorized locations, such as banners, exhibits, 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.

14. *Enforcement and Appeals*

a. Police Protection

- i. It is the responsibility of UT Permian Basin 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 in the area of such events will be at the cost of UT Permian Basin. When the magnitude, timing, or nature of an event in a UT Permian Basin building, facility, or other area in UT Permian Basin's limited public forum requires overtime hours from police officers (including contract hours for officers hired from other departments), UT Permian Basin will, to the extent specified in Sections D.14(a)(ii) and D.14(a)(iii) of this policy, charge the cost of overtime or contract officers to the individual or organization sponsoring the event or exhibit that requires overtime police protection. The purpose of D.14(a)(ii) and D.14(a)(iii) is to charge for police overtime when reasonable, but not to charge for police overtime made

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necessary by the content of speech at the event or by the controversy associated with any event.

- ii. UTPB-affiliated individuals or UTPB-affiliated organizations planning such events should budget for the cost of police protection. A reasonable and nondiscriminatory fee for overtime police work will be charged to UTPB-affiliated organizations for events in a UT Permian Basin building, facility, or other area in UT Permian Basin's limited public forum 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.
- iii. UT Permian Basin shall have the sole power to decide, after reasonable consultation with the individual or organization planning the event, whether and to what extent overtime police protection is required. No fee shall be charged for officers assigned on the basis 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.
- iv. Nothing in Section D.14 applies to any interdepartmental charge or transfer among units or accounts funded by UT Permian Basin.

E. Procedures

1. Reporting Harassment

- a. a student who believes they have been harassed should report the alleged violation to the Dean of Students or via the "[Report It](#)" link on the UT Permian Basin Web site.
- b. a faculty member or staff member who believes they have been harassed should report the alleged violation to the Title IX Coordinator, the Chief Compliance Officer, or the Chief Human Resources Officer.
- c. alternatively, any member of the UT Permian Basin community who believes they have been harassed may report the alleged violation to the Title IX Coordinator or to any UT Permian Basin official, administrator, or supervisor. A faculty member is not an "official administrator, or supervisor" for this purpose unless that faculty member holds an administrative position.

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- d. any UT Permian Basin official, administrator, or supervisor who receives a report of alleged harassment shall promptly refer that report and the complainant to the Title IX Coordinator, Chief Compliance Officer, or to the Dean of Students, as appropriate.
- e. Investigation of the information provided by a complainant, and any subsequent remedial or disciplinary proceedings, shall proceed under the procedures set out in the harassment policies found in HOP ADM-03-300 Sexual Harassment and Sexual Misconduct and HOP ADM-03-100 Non-Discrimination.

2. Response to Alleged Violations

- a. Students wishing to make a grievance regarding an alleged violation of Section 51.9315 of the *Texas Education Code* may report it online via the "[Report It](#)" link on the UT Permian Basin Web site or by calling the UT Permian Basin compliance and ethics hotline at 1-888-228-7725.
- b. Faculty, staff, or members of the public who have concerns about compliance with Section 51.9315 of the Texas Education Code may express their concerns by calling the UT Permian Basin compliance and ethics hotline at 1-888-228-7725.
- c. A student who violates a prohibition in this policy may be disciplined under the procedures in HOP ADM-02-100 Student Conduct. A registered or sponsored student organization that violates a prohibition in this policy may be disciplined under Student Life Departmental Policies.
- d. A faculty or staff member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules. If no such procedures exist, faculty violations shall be referred to the Vice President of Academic Affairs and staff violations shall be referred to the Office of Human Resources.
- e. Authorized UT Permian Basin personnel may prevent imminently threatened violations, or end ongoing violations, of a prohibition in this policy, by explanation and persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively or additionally, they may initiate disciplinary proceedings under Section E.2. Discretion regarding the means and necessity of enforcement shall be vested in the Chief of Police, or in UT Permian Basin personnel designated by the President, as appropriate, but such discretion shall be exercised without regard to the viewpoint of any speaker.
- f. UTPB-affiliated individuals or UTPB-affiliated organizations on campus shall comply with instructions from UT Permian Basin administrators and law enforcement officials at the scene. A UTPB-affiliated individual or UTPB-affiliated 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 E.3.

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- g. Members of the public on campus who violate a prohibition of this policy may be subject to criminal trespass charges, arrest, or other lawful measures.

3. Appeals

- a. A UTPB-affiliated individual or UTPB-affiliated organization that is denied permission for an activity requiring advance permission under this chapter may appeal the denial of permission.
- b. A UTPB-affiliated individual or UTPB-affiliated organization that complies with an on-the-scene order limiting speech, expression, or assembly may 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 individual or organization denied permission or appealing an on-the-scene order must submit a written appeal to the Chief Student Affairs Officer within 14 days. The notice must contain the individual or organization's name and mailing address, a contact person, a concise description of the decision or order being challenged, the reasons for disagreeing with the decision, and the date the decision or order was made. The individual or organization must send a copy of the appeal to the decision maker.
- d. After the appeals process is exhausted, the individual or organization may petition in writing to the President to review the Chief Student Affairs Officer's appellate decision concerning the application within seven days after notice of the decision. The President may establish an ad hoc committee to review the appeal and make recommendations regarding it. The President reviews appeals solely at their discretion.
- e. In the event of a review, the President shall communicate their decision to the individual or organization through the Chief Student Affairs Officer within 30 days after notice of the appeal and receipt of relevant documents or, in cases where an ad hoc committee is established, within 30 days after the receipt of the committee's written recommendation. The President's decision shall be final.

F. Related Statutes or Regulations, Rules, Policies, or Standards

[Charitable Raffle Enabling Act](#), Chapter 2002, *Texas Occupations Code*

Regents' Rules, [Rule 30103](#), Standards of Conduct

Regents' Rules, [Rule 30105](#), Sexual Harassment, Sexual Misconduct, and Consensual Relationships

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Regents' Rules, [Rule 31004](#), Rights and Responsibilities of Faculty Members
Regents' Rules, [Rule 40201](#), Registered Organizations
Regents' Rules, [Rule 40501](#), Speech and Assembly
Regents' Rules, [Rule 40502](#), Negotiations Related to Disruptive Activities Prohibited
Regents' Rules, [Rule 50101](#), Student Conduct & Discipline
Regents' Rules, [Rule 50202](#), Student Organizations
Regents' Rules, [Rule 80101](#), Category of Facilities and Authorized Users
Regents' Rules, [Rule 80103](#), Solicitation
Regents' Rules, [Rule 80104](#), Use of Facilities
Regents' Rules, [Rule 80105](#), Joint Sponsorship of the Use of Property or Buildings
Regents' Rules, [Rule 80106](#), Special Use Facilities

Texas Civil Practices and Remedies Code, [Chapter 73](#)
Texas Education Code, [Section 51.9315](#)
Texas Penal Code, [Section 43.21](#)

UTPB_ADM-02-100 Student Conduct and Discipline
UTPB_ADM-03-100 Non-Discrimination
UPPB_ADM-03-300 Sexual Harassment and Sexual Misconduct
UTPB_ADM 04-101 Standards of Conduct
UTPB_ADM-05-100 Faculty Senate Constitution
UTPB_ADM-05-200 Staff Senate Constitution
UTPB_ADM 06-106 Faculty Rights and Responsibilities
UTPB_ADM 08-101 Information Resources Use and Security
UTPB_ADM 10-104 Solicitation on Campus
UTPB_ADM 10-301 Facility Use

UT Permian Basin [Acceptable Use Policy](#)
UT Permian Basin Student Life Departmental Policies

G. Dates Reviewed or Amended

Amended on 03/17/2020.