

UNIVERSITY of HOUSTON

DEAN OF STUDENTS OFFICE

The State of Texas Education Code, Section 51.9315, requires that each institution of higher education in Texas adopt a policy detailing students' rights and responsibilities regarding expressive activities at the institution and make the institution's policies available to students by: (1) providing a copy of each policy to students during the institution's first year or transfer student orientation; and (2) posting the policies on the institution's Internet website. You are participating in Orientation at the University of Houston. To comply with Section 51.9315, you are required to review and acknowledge the Draft University of Houston System Administrative Memorandum (SAM) and the University of Houston Manual of Administrative Policies and Procedures (MAPP) policies regarding Freedom of Expression, which are printed below for your convenience. You can also access this required information at the following links: [UHS Freedom of Expression SAM](#), and [UH Freedom of Expression MAPP](#). You will be given the opportunity to acknowledge receiving these policies before moving on to the next Orientation module. Questions regarding these policies can be directed to the Dean of Students Office by email at dos@uh.edu or by phone at 832-842-6183.

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**UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM**

SECTION: General Information

NUMBER: 01.D.15

AREA: Legal Affairs

SUBJECT: Freedom of Expression

1. PURPOSE

The University of Houston System (the System) is committed to fostering a learning environment where free inquiry and expression are encouraged at each of its universities. The System expects that persons engaging in expressive activities will demonstrate civility, concern for the safety of persons and property, respect for university activities, respect for those who may disagree with their message, and compliance with applicable System and university policies and applicable local, state, and federal laws. Each university maintains its right to place reasonable time, place, and manner restrictions on expressive activities.

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

2. DEFINITIONS

2.1. Amplified Sound: The use of any loudspeaker, loudspeaker system, sound amplifier or any other machine or device which produces, reproduces, or amplifies sound.

2.2. Non-Permitted Commercial Activities: The use of the facilities and/or grounds of a university within the System by the university's students, faculty, and staff for personal gain including distribution or posting of commercial literature or other items on campus for personal gain. Non-permitted commercial activities also include commercial use of university space by non-university affiliated individuals

or groups where such use is not authorized by a written agreement with the university.

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

3. POLICY

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

- 3.5. Amplified Sound – The use of amplified sound is only permitted in designated areas and times at the universities. Amplified sounds shall not exceed the levels permitted by each university. Amplified sound will be measured at the edges of the surrounding or nearest building.
- 3.6. University buildings are reserved for use by university students, faculty, and staff, except as provided herein, or otherwise permitted by policies of the university. Non-Permitted Commercial Activities (as defined in section 2.2) are not allowed. An Expressive Activity permitted under this policy does not imply official endorsement by the university. Decisions to be made by university officials under this policy will be based on the guidelines set forth in this policy and will not be based on the content or viewpoint of a proposed Expressive Activity. Groups or individuals engaged in an Expressive Activity are responsible for the content of the expression. Questions regarding this policy may be directed to the university's Dean of Students Office.
- 3.7. Grievances – Complaints of a violation under this policy may be made as follows:
- Members of the university community may file a grievance regarding an alleged violation of this policy in the manner provided in the applicable University Student Code of Conduct, Student Handbook, University Catalog, Faculty Handbook, or employee/personnel manual.

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

- 3.8. Disciplinary Actions – Any person that participates in unlawful expressive activity, or that unduly interferes with the Expressive Activities of others on campus, including at an Official University Events or Activity, may be subject to disciplinary action, as outlined in the student codes of conduct, in policies relating to faculty or staff discipline, or in policies or laws relating to visitors on campus.
- 3.9. Literature Distribution
- 3.9.1 All literature distribution must comply with the following rules:
- a) Literature or other printed materials must be distributed in person.
 - b) Literature or other printed materials must not be forced upon others.
 - c) The free flow of pedestrian, vehicular, or other traffic must not be obstructed at any point.
 - d) Groups or individuals are responsible for ensuring that literature/printed materials do not litter the area.
 - e) Literature/printed materials must not promote Non-Permitted Commercial Activities.

3.9.2 This section does not apply to literature/printed material distribution related to a vote for or against a candidate for elective university Student Government Association (SGA) office or for or against a proposition on a ballot at an SGA election. Such distribution by registered university students may take place in areas immediately adjacent to SGA polling locations and must comply with the university's rules.

3.10 Signs Posted on University Grounds

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

4. TIME, PLACE AND MANNER LIMITATIONS

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

4.1.1 Activities that are unlawful or that materially and substantially disrupt the normal operations of the university.

4.1.2 Activities that materially and substantially prevent other individuals or groups from carrying out an expressive activity.

4.1.3 Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of university facilities.

4.1.4 Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services.

4.1.5 Activities that threaten or endanger the health or safety of any person on university grounds.

4.1.6 Activities that result in damage or destruction of university property. Nothing may be affixed to or written on university property or grounds.

4.1.7 Activities that inherently lose First Amendment protection (e.g., defamatory statements, true threats/fighting words, obscenity [as defined by law])

- 4.1.8 Expressive signage, posters, displays, or structures (herein “displays”) larger than 3 feet in height by 3 feet in width. Displays, literature, and other items may not be left unattended.
 - 4.1.9 Open flames on the university campus without the express written permission of the university.
 - 4.1.10 Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and satisfy such codes and ordinances (e.g., serving food and beverages).
- 4.2 The System recognizes that some constitutionally-protected speech may be considered offensive by some or all listeners. An Expressive Activity does not automatically rise to the level of denying constitutional, statutory, or legal rights of others, solely because a listener is offended by the argument or idea presented. However, expressive activities that interfere with the legal rights of others will not be tolerated, and will be disciplined according to appropriate System policies, including, but not limited to SAM 01.D.07 – *Anti-Discrimination Policy*, and SAM 01.D.08 – *Sexual-Misconduct Policy*.

5. REVIEW AND RESPONSIBILITY

Responsible Party: Vice Chancellor for Student Affairs and Enrollment Services

Review: Every five years

6. APPROVAL

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

Dona Cornell
Vice Chancellor for Legal Affairs and General Counsel

Renu Khator
Chancellor

Date: 6/10/20

References and Resources:

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

UNIVERSITY of HOUSTON
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Student Affairs
AREA: Campus Life
SUBJECT: Freedom of Expression

Number: 13.01.01

I. PURPOSE AND SCOPE

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

II. POLICY

This policy is applicable to any non-curriculum related expressive activities (as defined herein) at locations on University grounds (as defined herein). This policy does not apply to official University activities. Those who wish to engage in an expressive activity (including literature distribution) may engage in such expressive activity in the University's common areas (e.g., University parks and sidewalks) without prior registration or approval.

If any area on the University grounds has been reserved pursuant to Section V below, the individual or group who reserved the area has priority for use of the area. If an expressive activity attracts an audience of 25 or more people, disrupts University business or classes, blocks building access, or creates traffic hazards, the expressive activity may be required to be relocated to another area on campus that can better accommodate the large group or type of activity.

University buildings are reserved for use by University of Houston students, faculty, and staff, except as provided herein, or otherwise permitted by policies of the University. Non-permitted commercial activities (as defined herein) are not allowed. Expressive activities permitted under this policy do not imply official endorsement by the University. Decisions to be made by University officials under this policy will be based on the guidelines set forth in this policy and will not be based on the content or viewpoint of a proposed expressive activity. Groups or individuals engaged in expressive activities are responsible for the content of the expression. Questions regarding this policy may be directed to the Dean of Students Office.

III. DEFINITIONS

- A. Amplified sound: The use of any loudspeaker, loudspeaker system, sound amplifier or any other machine or device which produces, reproduces, or amplifies sound.
- B. Decibel level: The intensity of sound expressed in decibels read from the A-level weighting scale and the slow meter response as specified by the American National Standards Institute.
- C. Non-permitted commercial activities: The use of the University's facilities and/or grounds by the University of Houston students, faculty, and staff for personal gain including distribution or posting of commercial literature or other items on campus for personal gain. Non-permitted commercial activities also include commercial use of University space by non-University affiliated individuals or groups where such use is not authorized by a written agreement with the University (See [MAPP 09.03.01](#)).
- D. Expressive activity: Any non-curriculum related rally, parade, demonstration, stationary structure or display, concert or other expressive activity, including literature distribution.
- E. Official University event or activity: Any event, program or activity sponsored by a University department in the course of fulfilling their University mission, activities that occur within the classroom, or events that occur within the regular or recurring sphere of activity of a University department.
- F. Registered student organization: A student organization officially registered with the Center for Student Involvement.
- G. Sign: A billboard, placard, or other similar item displayed for the purpose of promoting events or activities or to convey a message or information of any type.
- H. University: The University of Houston.
- I. University department: Any academic or nonacademic unit or division or any other official University entity.
- J. University grounds: Any outdoor University-owned, leased, or maintained grounds located on the University's main campus, excluding all buildings and structures.

IV. RESERVATION OF OUTDOOR SPACE

University of Houston faculty, staff, students, and members of registered student organizations may reserve the outdoor areas listed in Section V in advance to conduct expressive activities in accordance with this section. Non-University affiliated individuals or groups are only eligible to reserve Lynn Eusan Park (for a fee) and must follow the procedures below to do so. Individuals or groups must request the use of outdoor space through the Conference and Reservation Services Office. Reservations are accepted on a first-come first-served basis. Each outdoor space for any single user, be it a reserving group or individual, can be reserved for a total of three days in any two-week period, but overnight reservation of outdoor space is not allowed. The requesting group or individual seeking to reserve outdoor space pursuant to this section must submit a completed Expressive Activity Description Form ("Form") to the Dean of Students at least seven business days in advance of the proposed expressive activity. Absent extenuating circumstances, the Dean of Students or designee will approve or deny the proposed expressive activity within five business days of receiving the Form. In completing the Form, the following information will be required (Items A-L included on the Form):

- A. Date of application;
- B. Proposed date(s) of the expressive activity;

- C. Proposed start and finish times;
- D. Proposed location;
- E. Name of the activity;
- F. Anticipated attendance;
- G. Target audience(s);
- H. Advertising methods;
- I. Expressive activity description (i.e., speech, rally, open microphone, display, literature distribution, etc.);
- J. Campus sponsoring organization name and, if any, external sponsoring organization name (co-sponsor);
- K. Contact person name, phone number, and e-mail address; and
- L. Applicant's signature.

The decision as to whether to approve or deny the reservation request will be based on proper and timely completion of the Form, compliance with the applicable sound and sign requirements, and availability of space. This decision will be based only on the aforementioned criteria, and in no circumstances will any decision be based on the content or viewpoint of the expressive activity, or upon the expected reaction of others to the expression, except as permitted by law.

The requesting group or individual, if they so desire, may appeal the Dean of Students' or designee's decision in writing to the Vice President of Student Affairs and Enrollment Services within two business days of the decision. The Vice President of Student Affairs and Enrollment Services will render a decision within two business days or receiving an appeal. Requestors are encouraged to submit their reservation requests as early as possible to allow time after the approval process to prepare for their activities.

The Dean of Students or designee may require an expressive activity to relocate if: (1) the anticipated or actual number of persons attending the event exceeds the reasonable capacity of the space intended for use and, therefore, materially interferes with the educational mission of the University; or (2) the activity potentially conflicts with previously scheduled activities and events.

V. OUTDOOR EXPRESSIVE ACTIVITY AREAS THAT MAY BE RESERVED IN ADVANCE

The areas marked A, B, C, D, E, and F on the campus map (Addendum A) and provided below are the six (6) outdoor expressive activity areas that may be reserved in advance. These six areas may also be used for expressive activity without a reservation; however, an individual or group with a reservation will have exclusive use and priority over other individuals or groups.

- A. Lynn Eusan Park: The park area located northwest of the Hilton College of Hotel and Restaurant Management and southeast of the Ezekiel Cullen Building (Area A on the campus map). This is the only area of the six areas that is available for non-University affiliated individuals or groups to reserve and such individuals or groups must pay any applicable fees.
- B. Student Center Plaza: The paved area located on the western half of the space between Student Center South and Student Center North (Area B on the campus map).
- C. Student Center Satellite, Patio/Hill: The patio/hill area located at the southeast entrance to the Student Center Satellite (Area C on the campus map).

- D. Butler Plaza: The plaza bounded by the Ezekiel Cullen Building, M. D. Anderson Library, the Technology Annex, and Phillip G. Hoffman Hall (Area D on the campus map).
- E. Cougar Woods Arboretum: The grassy area located west of the Cougar Woods Dining Hall between the Dining Hall and Cullen Boulevard (Area E on the campus map).
- F. Student Center Circle: The area in front of the Student Center South (Area F on the campus map).

VI. USE OF AMPLIFIED SOUNDS AND STATIONARY STRUCTURES/DISPLAYS

- A. Stationary Structures/Displays: Expressive activities involving the use of stationary structures or displays are permitted only from 7:00 a.m. to 7:00 p.m. and only in the reservable areas (See Section V) marked A, B, C, D, E, and F on the campus map.

Stationary structures or displays must be kept at least five feet from all walkways.

In no circumstances may any stationary display or structure exceed fifteen feet in length, width, or height, nor may any display or structure present a significant threat to public safety. The requesting group or individual may apply for a limited exception to these size restrictions, which the University shall grant only upon a compelling demonstration to the University that the proposed structure or display will be safe, will pose no significant safety hazard, and will not unduly restrict the egress or ingress of students, faculty, or staff. Any such request for a size exception must be made at least ten business days in advance. A student, faculty member, or staff member responsible for the structure or display must remain with it at all times.

- B. Amplified Sound: The use of amplified sound is only permitted in the reservable areas (see Section V) marked A, B, C, E, and F on the campus map, but is not permitted in Butler Plaza (Area D on the campus map). Amplified sounds may only occur from 11:30 a.m. to 1:30 p.m. and from 4:00 p.m. to midnight on class days, and from 8:00 a.m. to midnight on non-class days. Amplified sounds shall not exceed 75 decibels levels.

Amplified sound will be measured at the edges of the surrounding buildings. For the purposes of this policy, dB shall mean the intensity of sound expressed in decibels read from the A-level weighting scale and the slow meter response as specified by the American National Standards Institute.

VII. LITERATURE DISTRIBUTION

All literature distribution must comply with the following rules:

- A. Persons distributing information at reserved information table locations must remain within their reserved table space and displays at reserved information table locations do not exceed beyond the dimensions of the width reserved table space and may not exceed seven feet in height.
- B. Literature or other printed materials must be distributed in person.
- C. Literature or other printed materials must not be forced upon others.
- D. The free flow of pedestrian, vehicular, or other traffic must not be obstructed at any point.
- E. Groups or individuals are responsible for ensuring that literature/printed materials do not litter the area.
- F. Literature/printed materials must not promote non-permitted commercial activities.

Registered student organizations may reserve information tables located in the Phillip G. Hoffman (PGH) Building Breezeway, the Agnes Arnold (AH) Building Breezeway, and the Student Center Information tables in between the Student Center South and the Student Center North for the purpose of distributing literature/printed materials or for other permitted activities. Designed representatives of registered student organizations wishing to reserve these information tables must request the use of space through the Conference and Reservation Services Office. Amplified sound of any type is prohibited in the PGH Breezeway, the AH Breezeway, Student Center Information tables in between the Student Center South and the Student Center North.

This section does not apply to literature/printed material distribution related to a vote for or against a candidate for elective University of Houston Student Government Association (SGA) office or for or against a proposition on a ballot at an SGA election. Such distribution by registered University of Houston students may take place in areas immediately adjacent to SGA polling locations and must comply with the rules cited in the SGA Election Code.

The posting of flyers on outside university kiosks by University of Houston registered student organizations, campus departments, faculty members, staff members, and students is governed by [MAPP 03.01.05](#).

Individuals, groups, or representatives of non-University affiliated entities wishing to reserve information tables must request the use of space through the Conference and Reservation Services Office. The reservation for the use of space is subject to applicable usage fees and associated charges.

VIII. SIGNS POSTED ON UNIVERSITY GROUNDS

The only types of signs that may be placed on University grounds are those that are sponsored by a University department and promote official University-sponsored events or activities. University departments wishing to display signs on University grounds that promote official University activities and events must obtain approval from the Dean of Students or designee at least seven business days prior to the proposed display. Signs will be subject to reasonable time, place, and manner restrictions and must include the name of the University department sponsoring the activity that it promotes.

IX. EMERGENCY AUTHORITY

The President or designated University representatives shall have the authority to take such steps to prevent expressive activities that materially interfere with the educational mission of the University. Such activities include, but are not limited to, the following:

- A. Activities which are illegal.
- B. Activities that deny the rights of other students, faculty, and staff of the University.
- C. Activities that substantially obstruct or restrict the free movement of persons on any part of the University campus, including the free entry to or exit from University facilities.
- D. Activities that deny the use of offices or other facilities to the students, faculty, staff, or guests of the University.
- E. Activities that threaten or endanger the safety of any person on the University campus.
- F. Activities which are likely to result in damage to or destruction of University property.
- G. Activities that create a sustained or repeated noise disturbance that substantially interferes with a speaker's ability to communicate and/or rights of others to listen.
- H. Amplified sound, where permitted, that exceeds the decibel levels set forth in Section VI.

- I. Activities that attempt to prevent a University event or other lawful assembly by the threat or use of force or violence.

X. REVIEW AND RESPONSIBILITY

Responsible Party: Associate Vice President for Student Affairs and Dean of Students

Review: Every five years

XI. APPROVAL

Richard Walker
Vice President for Student Affairs and Enrollment Services

Renu Khator
President

Date of President's Approval: May 23, 2019

XII. REFERENCES

MAPP 03.01.05 – Posting Flyer Information On Outside University Kiosks

MAPP 09.03.01 – Event Reservations and Rental of University Facilities

Freedom of Expression Campus Map (Addendum A)

Expressive Activity Description Form

Addendum A: Campus Map

