Note: For expression and use of College District facilities and grounds by students and registered student organizations, see FLA. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD. For use of the College District’s internal mail system, see CHE.

Academic Freedom
Faculty members are entitled to academic freedom in the conduct of research and teaching and are tasked with the associated responsibilities. To this end, the College District endorses the academic freedom principles set forth in the Statement of Principles on Academic Freedom and Tenure (PDF)

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published by the Association of American Colleges and Universities and the American Association of University Professors.

The Board shall address faculty academic freedom and the associated responsibilities in appropriate College District publications.

Complaints regarding alleged violations of the right to academic freedom shall be filed in accordance with DGBA(LOCAL).

Distribution of Literature
Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any employee or employee organization, except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by an employee or employee organization.

Limitations on Content
Materials shall not be distributed by an employee or employee organization on College District property if:

1. The materials are obscene, where the materials fall within the definition of obscene as defined in section 43.21 of the Texas Penal Code or successor provisions, and is within the constitutional definition of obscenity as set forth in the decisions of the United States Supreme Court;  

2. The materials contain defamatory statements about public figures or others;  

3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action;  

4. The materials are considered prohibited harassment [see DIA series and FFD series];  

Commented [HR1]: Texas Penal Code
Sec. 43.21. DEFINITIONS. (a) In this subchapter:
(1)“Obscene” means material or a performance that:
(A) the average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;
(b) depicts or describes:
(i) patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or
(ii) patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, covered male genitals in a discernibly turgid state or a device designed and marketed as useful primarily for stimulation of the human genital organs; and
(C) taken as a whole, lacks serious literary, artistic, political, and scientific value.

Supreme Court
The basic guidelines for the trier of fact must be: (a) whether ‘the average person, applying contemporary community standards’ would find that the work, taken as a whole, appeals to the prurient interest, (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value. We do not adopt as a constitutional standard the ‘utterly without redeeming social value’ test.” Miller v. California, 413 U.S. 15, 24 (1973).
5. The materials constitute non-permissable unauthorized solicitation [see Facilities Use, below]; or

6. The materials infringe upon intellectual property rights of the College District [see CT].

Time, Place, and Manner Restrictions

Distribution of materials shall be conducted in a manner that:

1. Is not disruptive to College District operations;

2. Does not impede reasonable access to College District facilities;

3. Does not result in damage to College District property;

4. Does not interfere with the rights of others; and

5. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

The Provost & Vice President, Academics and Student Affairs or designee shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by employees or employee organizations to employees or others in College District facilities and areas that are not considered common outdoor areas.

Facilities Use

The grounds and facilities of the College District shall be made available to employees or employee organizations when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting employees or employee organization shall pay all expenses incurred by their use of the facilities in accordance with a fee schedule developed by the Board.

An "employee organization" is an organization composed only of College District faculty and staff or an employee professional organization.

Requests

To request permission to meet or host a speaker in College District facilities, interested employees or employee organizations shall file a written request with The Provost & Vice President, Academics and Student Affairs or designee in accordance with administrative procedures.

The employees or the employee organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.
The Provost & Vice President, Academics and Student Affairs or designee shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the employees’ or employee organization’s use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes non-permissible solicitation;
4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; or
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.

The Provost & Vice President, Academics and Student Affairs or designee shall provide the applicant a written statement of the grounds for rejection if a request is denied.

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Employees and employee organizations may engage in expressive activities in common outdoor areas, unless:

1. The person’s conduct is unlawful;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

“Employee solicitation” shall mean the sale or offer for sale of any property or service, whether for immediate or future delivery, and the receipt of or request for any gift or contribution by an employee or employee organization. The term does not include activities engaged in to conduct College District business.

Employee solicitation shall be permitted in or on premises owned or controlled by the College District only if the solicitation does not violate a sole-source vendor contract clause and the solicitation is:

1. The sale or offer for sale of any publication, merchandise, food, or nonalcoholic beverages in an area designated for the conduct of such activity;
2. The collection of membership fees or dues by employee organizations at the organizations’ meetings scheduled in accordance with this policy and associated procedures;
3. The collection of admission fees for the exhibition of movies, performances, or other programs that are sponsored by an employee or employee organization and scheduled in accordance with this policy and associated procedures;
4. The sale of raffle tickets by an employee organization that can present written evidence from the Internal Revenue Service that the organization has been granted an exemption from taxation under 26 U.S.C. 501(c)(3);
5. The collection of donations by an employee organization; or
6. The sale of items by an employee organization to its members.

Any solicitations by an employee organization must be on behalf of or for the benefit of an employee organization or an organization granted an exemption from taxation under 26 U.S.C. 501(c)(3).

Employee solicitation must comply with law and College District policies and procedures, including procedures addressing time limits for employee solicitation. No solicitation shall be conducted on the grounds, sidewalks, or streets of any property either owned or controlled by the College District, except as approved by the dean of administrative services.
Employees may not engage in solicitation during work hours and may not disrupt the educational environment or the work of other employees.

Announcements and Publicity
In accordance with administrative procedures, all employees and employee organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.

Identification
Employees and employee organizations using College District facilities must provide identification when requested to do so by a College District representative.

Violations
Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, suspension of an employee’s or employee organization’s use of College District facilities and/or other disciplinary action in accordance with the College District’s policies and procedures and the employee handbook.

Interference with Expression
Faculty, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District’s discipline policies and procedures. [See DH, FM, and FMA]

Appeals
Decisions made by the administration under this policy may be appealed in accordance with DGBA(LOCAL) and FLD(LOCAL) as applicable.

Publication
This policy and associated procedures must be posted on the College District’s website and distributed in the employee and student handbooks and other appropriate publications.