
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 \(PDF\)](#)¹ 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).

Expressive Activities

Employees and employee organizations may engage in expressive activities in accordance with this policy. "Expressive activities" means any speech or expressive conduct protected by the First Amendment to the U.S. Constitution or by Texas Constitution Article I, Section 8, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions.

Prohibited Speech and Conduct

The term "expressive activities" does not include the following speech and conduct, which is prohibited on College District facilities and grounds and through the use of College District technology and networks:

1. Defamatory statements about public figures or others;
2. Prohibited harassment [see DIAA, DIAB, FFDA, and FFDB];
3. Incitement to imminent lawless or disruptive activity;
4. Obscenity; or
5. Threats to engage in unlawful activity.

The following conduct is also prohibited:

1. Engaging in unlawful conduct.

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

2. Engaging in expressive activities that materially and substantially disrupt College District operations at any time, including from 10:00 p.m. to 8:00 a.m. and during the last two weeks of each semester or term.
3. Engaging in expressive activities that materially and substantially disrupt College District operations by inviting speakers to speak on campus or by using drums or other percussive instruments during the last two weeks of a semester or term.
4. Using a sound amplification device while engaging in expressive activities during class hours, between 10:00 p.m. to 8:00 a.m., and during the last two weeks of each semester or term to intimidate others, interfere with campus operations, or interfere with a College District employee's or a peace officer's lawful performance of a duty.
5. Camping or erecting tents or other living accommodations, with the exception of reasonable use and modifications of assigned College District housing consistent with administrative regulations. This prohibition applies to shelters that are erected for the purpose of residing within the shelter. It does not apply to other shelters that are erected on a temporary basis to provide protection from the weather or, with approval granted by the provost and vice president, academics and student affairs or designee in accordance with administrative procedures, for special events.
6. Wearing a disguise or other means of concealing a person's identity while engaging in expressive activities with the intent, as determined by the provost and vice president, academics and student affairs or designee or a law enforcement officer to:
 - a. Obstruct the enforcement of law or College District policies and regulations by avoiding identification;
 - b. Intimidate others; or
 - c. Interfere with a College District employee's or a peace officer's lawful performance of a duty.
7. Lowering the College District's U.S. or Texas flag with the intent to raise another nation's flag or the flag representing an organization or group of people.

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

Distribution of Literature

8. Engaging in expressive activities in a manner that 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.

9. Damaging or defacing property.

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 distributed by faculty and other instructional personnel as a part of instruction or other authorized classroom activities shall not be governed by this section.

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;~~

1. ~~The materials are considered prohibited harassment [see DIA series and FFD series];~~constitute prohibited speech, described above;

~~2.1.~~ 2.1. The materials constitute nonpermissible solicitation [see DHC]; or

~~3.2.~~ 3.2. 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 materially and substantially disruptive to College District operations;

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

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 and vice president, academics and student affairs or designee~~provost and 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.

Use of Facilities
Use and Grounds

The facilities and grounds 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 Use
Facilities

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 and vice president, academics and student affairs or designee~~provost/ and executive 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.

Approval

The ~~provost and vice president, academics and student affairs or designee~~provost and vice president, academics and student affairs or designee ~~provost/ executive 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

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

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 ~~the use would be prohibited conduct, described above, or 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 nonpermissible solicitation [see DHC];
- ~~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;~~
- ~~5.4. 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;~~
- ~~7.5. The proposed use would result in damage to or defacement of property or the~~ applicant has previously damaged College District property; or
- ~~8.6. The~~ proposed activity would constitute an unauthorized joint sponsorship with an outside group.

The ~~provost and vice president, academics and student affairs or designee~~ provost and 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
Area
Exception Areas

~~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;~~

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

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| Announcements and Publicity | <p>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;</p> <p>3. The use would materially or substantially disrupt or disturb the regular academic program; or</p> <p>The use would result in damage to or defacement of property without prior approval, unless the activities constituted prohibited speech or conduct described above.</p> <p>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.</p> |
| Identification | Employees and employee organizations <u>distributing materials on campus or</u> using College District facilities must provide identification when requested to do so by a College District representative <u>engaging in official duties</u> . |
| Violations | Failure to comply with <u>law or</u> 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. |

¹ 1940 Statement of Principles on Academic Freedom and Tenure (PDF): <https://www.aaup.org/file/1940%20Statement.pdf>