Note: For expression and use of College District facilities and grounds by employees and employee organizations, see DGC. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not recognized student organizations, see GD.

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 College District student or recognized student 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 students or registered student organizations that is not sponsored by the College District.

Materials distributed under the supervision of instructional personnel as a part of instruction or other authorized classroom activities shall not be governed by this policy.

Materials shall not be distributed by students or recognized student organizations 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 DIAA, DIAB, FFDA, and FFDB]

5. The materials constitute nonpermissible solicitation. [See FL]

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

Limitations on Content

Distribution of the materials shall be conducted in a manner that:

1. Is not disruptive; [See FLB]

Commented [HR1]: Texas Penal Code
See 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. We do not adopt the 'utterly without redeeming social value' test. "Miller v. California, 413 U.S. 15, 24 (1973)."

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 a constitutional standard the 'utterly without redeeming social value' test. "Miller v. California, 413 U.S. 15, 24 (1973)."
2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;
4. Does not coerce, badger, or intimidate a person;
5. Does not interfere with the rights of others; and
6. 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 students or recognized student organizations to students or others in College District facilities and in areas that are not considered common outdoor areas.

**Posting of Signs**

For the purposes of this policy, "sign" shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of handheld sign; and "posting" shall be defined as any means used for displaying a sign.

A student or recognized student organization shall seek prior approval from the Provost & Vice President, Academics and Student Affairs or designee to posting a sign on College District property. Signs without an approved stamp, that promote or advertise outdated events, or that violate content guidelines shall be removed.

Except for signs that violate the restrictions in this policy and administrative procedures, a student or registered student organization may publicly post a sign on College District property in common outdoor areas and in areas or locations designated by the Provost & Vice President, Academics and Student Affairs or designee. No object other than a sign may be posted on College District property.

**Removal**

A sign posted in accordance with this section shall not be removed without permission from the Provost & Vice President, Academics and Student Affairs or designee, the student, or the recognized student organization.

**Disclaimer**

Materials distributed by a recognized student organization must include a disclaimer indicating that the materials are not sponsored by the College District and do not represent the views of the College District or College District officials, faculty, or staff.
The grounds and facilities and grounds of the College District shall be made available to students or recognized student organizations when such use does not conflict with policies and procedures of the College District. The requesting student or student organization, if applicable, shall pay expenses based on a fee schedule approved by the Board.

To request permission to meet or host a speaker in College District facilities, advisers for recognized student organizations shall complete the facility rental form and submit it to the information services specialist. Organizations shall be required to acknowledge that they understand and will abide by all College District policies and procedures.

When considering facilities requests, nondiscrimination and free speech shall be protected. The applicant shall be notified in writing if the request is denied based on the following:

1. The facility 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;
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 or off-site property;
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group; or
9. The proposed activity is not in the best interest of the College District.

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Students and student 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.

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

Identification
Students distributing materials on campus or using College District facilities shall provide identification when requested to do so by a College District representative.

Violations of Policy
Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, confiscation of nonconforming materials, suspension of a student’s or registered student organization’s use of College District facilities, and/or other disciplinary action in accordance with the College District’s discipline policies and procedures.

Interference with Expression
Faculty members, 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 following the student appeal process in the College District’s catalog.

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