
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.

Expressive Activities

Students and student 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.
1. 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.
2. 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.
3. 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.

1. 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.
2. 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.
3. 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.
4. 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.
5. Damaging or defacing property.

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.

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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.

Limitations on
Content

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~~ constitute prohibited speech, described above.
- ~~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]~~
- ~~5.2.~~ The materials constitute nonpermissible solicitation. [See FI]
- ~~6.3.~~ The materials infringe upon intellectual property rights of the College District. [See CT]

Time, Place, and
Manner Restrictions

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

1. Is not materially and substantially disruptive to College District operations; [See FLB]
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 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

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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 hand-held 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 vice president of student affairs prior 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 and vice president, academics and student affairs or designee~~ provost and 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 and vice president, academics and student affairs or designee~~ provost and vice president, academics and student affairs or designee 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.

**Use of Facilities
Use and Grounds**

The 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.

Requests to Use
Facilities

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.

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Approval

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. 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;
- ~~4.3. 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 [see FI];~~
- ~~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 or off-site property;
- ~~8.6.~~ The proposed activity would constitute an unauthorized joint sponsorship with an outside group; or
- ~~9.7.~~ The proposed activity is not in the best interest of the College District.

Common Outdoor
Area
Exception Areas

~~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

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Announcements and Publicity	The use would result in damage to or defacement of property without prior approval, unless the activities constituted prohibited speech or conduct described above.
Identification	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.
Violations of Policy	Students distributing materials on campus or using College District facilities shall provide identification when requested to do so by a College District representative <u>engaging in official duties</u> .
Interference with Expression	Failure to comply with <u>law or</u> 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.
Appeals	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].
Publication	Decisions made by the administration under this policy may be appealed following the student appeal process in the College District's catalog.
	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.