



Rule

08.99.99.L1 Expressive Activity on Campus

First Approved: May 14, 2020
Revised: May 29, 2024
June 25, 2024
October 17, 2024
Next Scheduled Review: October 17, 2029

Rule Statement and Reason for Rule

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code, Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the Bill, “freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right.” Freedom of speech and assembly is central to the mission of institutions of higher education, and persons (students, student organizations, employees, and third parties) should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including listening to or observing the expressive activities of others.

In accordance with Executive Order GA 44 relating to addressing acts of antisemitism at institutions of higher education, antisemitic speech and/or acts are prohibited on the Texas A&M International University (TAMIU) campus, and any such speech or acts by students, employees, or visitors will be considered a violation of the Student Code of Conduct and/or TAMUS Regulations and/or TAMIU Rules, as applicable, and subject to the respective University grievance processes and resulting disciplinary action up to and including expulsion and/or termination of employment and/or criminal trespass from campus.

The purpose of this rule is to establish guidelines and responsibilities for exercising the right to expressive activity on the TAMIU campus. This rule has been amended to comply with Governor Greg Abbott’s Executive Order GA-44, dated March 27, 2024.

Procedures and Responsibilities

1. EXPRESSIVE ACTIVITY RIGHTS

- 1.1 Any person is allowed, subject to reasonable time, place, and manner restrictions as determined by TAMIU, to engage in expressive activities on the TAMIU campus, including responding to the expressive activities of others. In general, TAMIU defines **reasonable time** as normal operating business hours as published on the TAMIU website and **reasonable place** as common outdoor areas. **Manner** restrictions include a prohibition on the use of amplification equipment or noise-generating devices in the academic quad or within 50 feet of classroom buildings outside of the quad any time classes are in session. **Manner** restrictions also encompass setting up any type of personal furnishings on TAMIU property including, but not limited to, tables, chairs, booths, canopies, tents, etc. Tables and chairs are available to rent (which includes set up and tear down) from the Office of Community Relations and Special Events. Any type of encampment is strictly prohibited.
- 1.2 Students, student organizations, and employees are allowed to invite speakers to speak on campus. Third parties are allowed to rent spaces through the Office of Community Relations and Special Events.
- 1.3 In determining the fee amount to be charged for the use of TAMIU facilities for purposes of engaging in expressive activities, TAMIU may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or non-compliance by the requesting student, student organization, employee, or third-party with this Rule and other relevant rules. See also Security Cost Protocol Appendix.
- 1.4 TAMIU may not take action against a student, student organization, or employee or deny them any benefit generally available to other students, student organizations, and employees at TAMIU on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed or expressive activity.
 - 1.4.1 The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment¹. Sanctions that may be imposed include all those enumerated in the Student Code of Conduct and/or TAMUS Regulations and/or TAMIU Rules, as applicable, including disciplinary action up to expulsion and/or termination of employment and/or criminal trespass from campus.
 - 1.4.2 Expressive activities that may result in sanctions and are not protected by this rule or the First Amendment include the following: physical abuse or assault, true

¹ This rule must be applied in a manner consistent with the [Dear Colleague Letter \(July 28, 2003\)](#) issued by the Department of Education related to First Amendment and civil rights laws compliance.

threats or disruption of the academic environment or university-sponsored extracurricular event; inciting or producing imminent lawless action; or illegal harassment.

1.4.3 Conduct described in 1.4.2 may be reviewed and adjudicated under The Texas A&M University System (A&M System) Regulation 08.01.01 *Civil Rights Compliance*, including those related to actionable discrimination or harassment based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law.² Additionally, said conduct may also be reviewed and adjudicated by the Student Conduct Office using the Student Code of Conduct when the conduct does not rise to the level of a civil rights violation.

1.5 The common outdoor areas of the TAMIU campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful and (b) does not materially and substantially disrupt the function and operations of TAMIU. Members of the TAMIU community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from TAMIU.

1.5.1 In an effort to ensure safety and to promote an environment conducive to study, advanced reservation for expressive activity is required for events or activities that are promoted in advance, sponsored by student organizations, and/or expected to draw a crowd of more than 25 people. Advanced reservation requests are made to the Office of Community Relations and Special Events.

1.6 Nothing in this Rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. GRIEVANCE PROCEDURE

2.1 Any person who believes their campus expressive activity rights, as recognized by this Rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this Rule, is subject to disciplinary action in accordance with applicable System policies/regulations and TAMIU rules and procedures.

2.2 Grievances filed by students or student organizations will be adjudicated following the General Student Complaint Procedures found in the Student Handbook.

2.3 Employees (faculty or staff) or third parties may file grievances with the Office of Compliance who will investigate the grievance and render an investigation report summarizing the findings. The investigation report will be referred to the appropriate Vice

² This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(Nov. 7, 2023\)](#) issued by the Department of Education in the wake of the tragic events of October 7, 2023.

President (VP) for adjudication. The appropriate VP will be determined by the status of the offending individual.

- a) Grievances concerning a faculty member will be referred to the Office of the Provost & VPAA.
- b) Grievances concerning staff or on-campus vendor employees will be referred to the Office of the VP for Finance and Administration.

3. DISSEMINATION

3.1 A copy of this rule must be included in the TAMIU Student Handbook.

3.2 A copy of this rule must be provided to new TAMIU students during new student orientation.

3.3 A copy of this rule must be posted to the TAMIU webpage.

4. THIRD-PARTY (EXTERNAL CLIENT) EVENTS

Events organized by a third party (external client) and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member.

Related Statutes, Policies, Regulations, or SAP's

[Texas Education Code § 51.9315, Protected Expression on Campus.](#)

Texas Government Code § 448.001.

Executive Order GA-44 (March 27, 2024).

OAG Guide to First Amendment Issues on Campus (September 7, 2018).



Tx OAG AG
Handbook 2018.PDF

Definitions

The following are definitions of terms used in this Rule. The definitions includes both the singular and plural version of the term.

Antisemitism - a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or

their property or toward Jewish community institutions and religious facilities. ³ Antisemitic conduct comprised of behavior outlined in section 1.4.2 of this rule can be sanctioned by the TAMIU.

Benefit – recognized by or registered with TAMIU, the use of TAMIU facilities for meetings or speaking purposes, the use of channels of communication controlled by TAMIU, and funding sources made generally available to student organizations at TAMIU.

Campus - all land and buildings owned or leased by TAMIU.

Common Outdoor Areas – places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by TAMIU for a special event or circumstance (e.g., construction). This term does not include areas immediately adjacent to a private residence, including dormitories and on-campus apartments.

Disruptive Activity (TAMIU *Student Handbook* definition) – disruption or obstruction of teaching, research, administration, student conduct proceedings, or other University mission, process, or function including public service functions or other authorized non-University activities when conduct occurs on University premises. Such activities may include, but are not limited to:

- (1) Leading or inciting others to disrupt scheduled and/or normal activities on University premises.
- (2) Classroom behavior that seriously interferes with either the faculty member's ability to conduct the class or the ability of other students to profit from the instructional program.
- (3) Any behavior in class or out of class, which for any reason improperly interferes with class work of others, involves disorder, or otherwise disrupts the regular and essential operation of the University.

Employee – an individual employed by TAMIU.

Expressive Activity – any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

Faculty – any full or part-time employee of TAMIU holding an academic appointment.

Illegal Harassment - expressive conduct that is so severe and pervasive and objectively offensive that it denies or limits a person's ability to participate in or benefit from an educational program or activity.

Inciting or producing imminent lawless action - speech or behavior that presents a clear, present, and imminent threat of physical harm or property damage.

Materially and Substantially Disrupt – interrupting a program or activity in a significant and consequential manner (e.g., using amplification equipment or noise-generating devices in the academic quad or within 50 feet of classroom buildings outside of the quad any time classes are in session)

Person – students, student organizations, faculty, staff, and third parties.

³ Texas Government Code, Section 448.001.

Reasonable Time, Place, and Manner Restrictions – limitations that (1) are narrowly tailored to serve a significant TAMIU interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; and (3) provide for ample alternative means of expression.

Staff – an employee of TAMIU that is not a faculty member.

Student – an individual currently enrolled at TAMIU, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.

Student Organization – any TAMIU-recognized organization that is composed of students enrolled at TAMIU and that receives a benefit from TAMIU.

Third-Party (External Client) – an individual or entity that is not a student, student organization, or employee of TAMIU.

Traditional Public Forum – a place, widely recognized in law, which has been intended for the use of the public and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.

True Threats - communication of a serious expression of an intent to harm a specific person or group of people.

Appendix

Security Fee Protocol

Contact Office

Office of Compliance, 956-326-2855

SECURITY COST PROTOCOL FOR EXPRESSIVE ACTIVITY

Texas A&M International University (TAMIU) will only require security costs (including a pre-event security deposit) to be paid by the event sponsor when a proposed event presents a specific, substantial, and objectively identifiable risk to the health and safety of the applicant, the TAMIU community, or the public. In determining whether such costs must be imposed, the University must objectively consider, *in consultation with the event sponsor*, the following factors:

- (1) The facility or outdoor space to be used for the event.
- (2) The number of anticipated participants.
- (3) Any anticipated need for campus security.
- (4) Any necessary accommodations.
- (5) Compliance history of the requesting party with university rules.
- (6) Maximum occupancy of the location.
- (7) Whether the event is open to the entire university community or restricted to guests of the event sponsor.
- (8) The time of day during which the event will occur.
- (9) Whether the proposed event involves activity that poses an inherent risk of personal injury or property damage.
- (10) Whether alcoholic beverages will be served.
- (11) Duration of the event.
- (12) Presence of mechanical devices or vehicles at the event.
- (13) Whether sales or cash transactions are conducted on site.

In determining whether security costs must be imposed, and the amount of any such costs, TAMIU may not consider the content or viewpoint of the speech expressed or intended to be expressed by the event sponsor, speakers, guests, or attendees. **Costs associated with or incurred as a result of anticipated or actual reactions to the message of the speaker must not be imposed on the event sponsor unless the sponsor or the sponsor's guests engage in conduct that creates additional costs.**

TAMIU must notify the event sponsor of any decision to impose security costs for an event in writing. The notification must clearly state and explain the reasons that such costs have been imposed.