

**PRAIRIE VIEW A&M UNIVERSITY
UNIVERSITY RULE**



08.99.99.P1 **Expressive Activity on Campus**
Approved May 14, 2020
Revised June 25, 2024
Next Scheduled Review: June 1, 2029

Rule Summary

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 Senate Bill 18, “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 should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.”

This rule has been amended to comply with Governor Greg Abbott's Executive Order GA-44, dated March 27, 2024.

Rule Statement

Prairie View A&M University (PVAMU) is committed to providing an environment where issues can be openly discussed and explored. The university expects that persons engaging in expressive activities will demonstrate civility, concern for the safety of persons and property, respect for university activities, and compliance with university policies and applicable local, state, and federal laws.

This rule will detail the policies and procedures that will govern all expressive activities on campus.

Definitions

The definition 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. (Texas Government Code, Chapter 448, Section 448.001) Antisemitic conduct comprised of behavior expressed in section 2.3.2 of this rule can be sanctioned by the university.

Benefit - recognition by or registration with the university, the use of the university's facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.

Campus - all land and buildings owned or leased by the university.

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 the university for a special event. This term does not include areas immediately adjacent to a private residence.

Employee - an individual employed by the university.

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 the university 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.

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

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

Staff - an employee of the university that is not a faculty member.

Student - an individual currently enrolled at the university, 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 organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.

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

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.

Official Procedures and Responsibilities

1. GENERAL POLICY

- 1.1 The First Amendment to the United States Constitution protects students' rights to engage in all sorts of expressive conduct on college campuses – including oral speech, leaflets, signs, displays, concerts, visual performing arts, and even silence. PVAMU, a Texas public university, has set forth the following policies and procedures to protect the freedom of speech for all students, employees, or any persons, and to provide the safest environment for expressive activities to take place.
- 1.2 This rule is in place to provide a community environment in which open discussion can occur without disrupting the academic mission or daily university functions, and without unconstitutionally interfering with the rights of others.
- 1.3 The university does not impose any restrictions to control the point of view expressed by speakers or others engaged in expressive activities.
- 1.4 The contents of expressive activities allowed on campus should not be interpreted as any shared opinion, endorsement, or concurrence by the university.
- 1.5 Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

2. EXPRESSIVE ACTIVITY RIGHTS

- 2.1 Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities in the common outdoor areas on the PVAMU campus, including by responding to the expressive activities of others.
- 2.2 Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for use of the university's facilities for purposes of engaging in expressive activities, the university 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 noncompliance by the requesting student organization or employee with this rule and other relevant policies and procedures. The university may not consider any anticipated controversy related to the event.
- 2.3 The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university based on a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.

- 2.3.1 The university may take action against individuals or groups that engage in expressive activity that is not protected by this rule or the First Amendment. Sanctions that may be imposed include all those enumerated in the disciplinary sanctions section of the [PVAMU Student Code of Conduct](#).
 - 2.3.1.1 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.
- 2.3.2 Expressive activities that may result in sanctions are not protected by this rule or the First Amendment including the following: physical abuse or assault, true threats, disruption of the academic environment or university-sponsored extracurricular event, inciting or producing imminent lawless action; or illegal harassment.
- 2.3.3 Conduct described in 2.3.2 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. Additionally, said conduct may also be reviewed and adjudicated by the Office of Student Conduct using the Student Code of Conduct when the conduct does not rise to the level of a civil rights violation.
 - 2.3.3.1 This includes unprotected activities motivated by antisemitism and other forms of shared ancestry discrimination as listed in the [Dear Colleague Letter \(November 7, 2023\)](#) issued by the Department of Education in the wake of the tragic events of October 7, 2023).
- 2.4 The common outdoor areas of the university's 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 functioning of the institution. Members of the university community may distribute written material in common outdoor areas as long as they are not substantially disrupting classes, forcing people to take material, or obstructing passageways. Permission is not needed from the institution to distribute materials.
- 2.5 Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.
- 2.6 Spontaneous Expressive Activity
 - 2.6.1 PVAMU understands that many forms of assembly, protest, and demonstrations may occur spontaneously. Proper decorum and good behavior are expected in indoor areas and are meant to permit a respectful exchange of ideas and opinions during expressive activities. For outdoor campus facilities and areas, students, student organizations, employees, and their sponsored guests may freely engage in spontaneous

expressive activities. Traditional public forums include the university's public streets, sidewalks, parks, and similar common areas. These areas are generally available for expressive activity, planned or spontaneous, for the individual or small groups (where an event is not promoted in advance and/or when a student organization does not sponsor an event) at any time without the need for reservation, or prior approval. Spontaneous expressive activities may not: block access to campus buildings; obstruct vehicular or pedestrian traffic; substantially disrupt previously scheduled campus events; substantially disrupt college operations; constitute unlawful activity; or create a clear and present threat to public safety.

- 2.6.2 PVAMU personnel may not impose restrictions on an individual or group who are engaging in spontaneous expressive activities due to the content or viewpoint of their expression or the possible reaction to that expression unless there is a violation of section 2.3.1 of this rule.

3. REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS

- 3.1 Activities that are unlawful or that materially and substantially disrupt the normal operations of the university's campus are prohibited. Expressive activities on university grounds do not imply endorsement by the university.
- 3.2 The following is a list of parameters for the time, place, and manner restrictions of activities that apply to all expressive activities on campus:
 - 3.2.1 The activity may not violate local ordinances or state or federal laws.
 - 3.2.2 The activity may not unduly disrupt traffic, either vehicular or pedestrian, or interfere with the ingress or egress to or from any building.
 - 3.2.3 The activity may not create unreasonable safety risks.
 - 3.2.4 Weapons are prohibited unless in accordance with the university's established guidelines for the carrying of concealed handguns by a holder of a license to carry a handgun on PVAMU owned or leased premises. For additional information, please reference University rule 34.06.02.P1 Carrying Concealed Handguns on Campus and University Administrative Procedure 34.06.02.P0.01 Concealed Carry Prohibition.

4. EXPRESSIVE ACTIVITY RESERVATIONS

- 4.1 Requests for reserving an area for expressive activity should be submitted to the Office of Student Engagement via PV PawLink.
 - 4.1.1 In an effort to ensure safety and to promote an environment conducive to study, advance reservation for expressive activity is required for events or activities that are promoted in advance, and/or sponsored by student organizations, and/or expected to draw a crowd of more than 25 people. Advance reservation is also required for activities near intersections, and/or in close proximity to academic buildings anytime classes, and/or study activities, and/or research are taking place. Requests for reservations should be made through the Office of Student Engagement via PV PawLink.

- 4.1.2 The outside street area adjacent to the Willie A. Tempton, Sr. Memorial Student Center, located at L.W. Minor Street, is the primary area to reserve for expressive activity (designated public forum) and will be reserved at the request of students and non-students for expressive activity. Other locations are available upon request. The act of confirming a reservation will ensure the availability of space. A reservation is not required, except as described in the reservation procedures.
- 4.2 University employees, students, and student organizations have the right to invite speakers to university forums to speak. When reviewing speakers, PVAMU will not consider any anticipated controversy related to the event.

5. SECURITY COST PROTOCOL FOR EXPRESSIVE ACTIVITY

- 5.1 All expressive activity requiring advance reservation must complete and submit security requests to the University Police Department no less than two weeks before the scheduled event to allow for sufficient planning. Requests made with less than two weeks' notice are not guaranteed police or security services. Fees for event security services vary. The University Police Department's Event Security Request form can be found in the Appendix of this rule.

6. DISCIPLINARY SANCTIONS

- 6.1 Students, student organizations, employees, or any persons who unduly interfere with the expressive activities of others on campus will be subject to the disciplinary policies and procedures outlined in the applicable Student Code of Conduct, Faculty Handbook, or university policies and procedures.
- 6.2 Violation of this rule may also constitute a breach of applicable criminal law. In such circumstances, Texas Penal Code and Texas Code of Criminal Procedure will apply.

7. GRIEVANCE PROCEDURE

- 7.1 Prairie View A&M University ensures the right of any person, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus. PVAMU will directly address any violation of this premise. Individuals or groups wishing to make their concerns or potential violations known should utilize the *Expressive Activity on Campus Complaint Form* located on the [Complaints & Appeals](#) website. The appropriate campus entity will promptly address the inquiry/concern/complaint.
- 7.2 Any person who believes that 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.
- 7.3 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 under the university's applicable rules and administrative procedures. The Office of University Compliance will investigate the grievance and draft a report summarizing its findings. If a violation of this rule is

found to have occurred, the report will be referred to the appropriate office for further action. The status of the offending individual will determine the referral office. Complaints concerning: (a) faculty will be referred to the Office of the Provost; (b) students will be referred to the Office of Student Conduct, and; (c) staff and third parties will be referred to the Office of Human Resources.

8. IMPLEMENTATION

- 8.1 A copy of this rule must be included in the Student Code of Conduct.
- 8.2 A copy of this rule must be provided to students during the university's new student and transfer student orientation programs.
- 8.3 A copy of this rule must be posted in the university's Policy Library.

9. EXTERNAL CLIENT EVENTS

Events organized by an external party 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, and Rules

[Texas Education Code § 51.9315](#)

[Texas Government Code § 448.001](#)

[Executive Order GA-44](#)

[Senate Bill No. 18](#)

[System Regulation 07.03.01 Political Campaign Events on Property under the Control of The Texas A&M University System](#)

[University Rule 07.03.01.P1 Political Campaign Events on Property under the Control of Prairie View A&M University](#)

[System Regulation 08.01.01 Civil Rights Compliance](#)

[University Rule 08.01.01.P1 Civil Rights Compliance](#)

[System Policy 12.01 Academic Freedom, Responsibility and Tenure](#)

[University Administrative Procedure 12.01.99.P0.01 Academic Freedom, Responsibility and Tenure](#)

[System Policy 13.02 Student Rights and Obligations](#)

[System Regulation 32.01.01 Complaint and Appeal Procedures for Faculty Members](#)

[University Administrative Procedure 32.01.01.P0.01 Complaint and Appeal Procedures for Faculty Members](#)

[System Regulation 32.02.02 Discipline and Dismissal of Nonfaculty Employees](#)

[University Administrative Procedure 32.02.02.P0.01 Compliant and Appeal Process for Nonfaculty Members](#)

[System Regulation 34.06.02 Weapons](#)

[University Rule 34.06.02.P1 Carrying Concealed Handguns on Campus](#)

[University Administrative Procedure 34.06.02.P0.01 Concealed Carry Prohibition](#)

[University Administrative Procedure 41.01.01.P0.01 Use of Facilities](#)

[University Administrative Procedure 61.99.99.P0.03 Freedom of Expression](#)

[OAG Guide to First Amendment Issues on Public College Campuses](#)

Appendix

Event Security Protocol – [Event Security Request](#)

Contact Office

Office of University Compliance 936-261-2144
