



Expressive Activities

Purpose

The purpose of this policy is to protect and regulate speech, expression, and assembly of students, faculty members, and staff of Stephen F. Austin State University (SFASU) and members of the public in a manner that encourages and facilitates speech, expression, and assembly, while at the same time ensuring that these activities do not intrude upon or interfere with academic programs, administrative processes, or other authorized activities of SFASU.

Persons Affected

Students, faculty, staff, guests, and visitors.

Definitions

Assembly: any group of persons organized and united at the same place, usually for some common purpose.

Banner: a sign hung from a structure, or between two buildings, structures, or poles. A banner posted as part of a manned exhibit may be considered to be a "sign".

Chalking: use of water-soluble sidewalk chalk on paved areas.

Demonstration: any public exhibition of the disposition, perspective, or opinion of a group of persons toward a controversial issue, or other matter, made by picketing, protesting, parading, etc.

Exhibit: a temporary outdoor display used for marketing or informational purposes. This includes all free-standing products, sandwich boards, easels, etc.

Faculty/Staff: any person employed by the university.

Handbills: a printed sheet that is distributed by hand.

Kiosk: an outdoor structure designated by the university for the posting of signs.

Petitions: any document embodying a formal written request made to an official person or organization.

Registered Student Organization: any organization recognized by the university.

Sign: any method of displaying a visual message to others, except transferring possession of a copy of the message will be considered distribution of literature and not a sign.

Student: any person registered for academic credit at 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.

University Property: all land, buildings, facilities, and other property in the possession of and/or owned, used, or controlled by the University (including adjacent streets and sidewalks).

University-sponsored: any program or event initiated, aided, authorized, or supervised by a registered student organization, faculty or staff organization.

Yard sign: a temporary outdoor sign displayed above the ground. Yard signs must not exceed 18 inches x 24 inches in size.

Policy

Assembly and Demonstrations

These rules shall govern the conduct of all assemblies and demonstrations on university property or at university-sponsored events.

- A. Assemblies and demonstrations must be conducted in compliance with these rules, all other applicable university policies, and must not:
 1. result in a breach of peace or violation of law;
 2. negatively impact the security, health and safety of persons and/or property on campus; interfere with the free and unimpeded flow of pedestrian and vehicular traffic on campus or the entry or exit into university buildings;
 3. materially and substantially disrupt the normal activities of the university; or
 4. result in damage to the university's grounds, buildings, and facilities.
- B. No person conducting or participating in an assembly or demonstration on university property or at university-sponsored events may advocate the deliberate violation of the law. For the purposes of this section, "advocate" means speech directed to inciting or producing the audience for imminent action with the likelihood of producing such action, as opposed to the abstract espousal of the moral propriety of a course of action.
- C. Individuals may assemble and demonstrate, including to distribute written material, in outdoor areas (not including university facilities) between the hours of 8 a.m. and 8 p.m. as long as the assembly and/or demonstration adheres to all applicable university policies and procedures, and a properly submitted Event Notification form has been received.
 1. Although a reservation may be requested as many times per year as desired, no single reservation request can exceed five (5) working days.
- D. The university may designate certain days in which outdoor areas may not be used. These include, but are not limited to, commencements, Showcase Saturdays or other admission events, dead week, final exam week, and new student orientation days. Appeals may be made to the Assistant Vice President of Student Affairs/Dean of Students.
- E. Persons or groups who violate this policy may, based on the severity of the offense, be restricted from using university facilities, in accordance with the Use of University Facilities policy.

Guest Speakers

These rules shall govern the invitation and presentation of guest speakers on university property or at university-sponsored events.



- A. These rules do not apply to:
 - 1. regularly scheduled classes offered for academic credit;
 - 2. professional conferences sponsored directly by a university department; or
 - 3. activities sponsored by non-university entities in rented university facilities.
- B. For the purpose of these rules, "guest speaker" means a person invited to speak on university property or at a university-sponsored event who is presently not enrolled as a student or employed by the university. If the guest speaker is a distinguished guest, the sponsoring organization must adhere to SFA HOP 01-303 Distinguished Guests.
- C. Only registered student organizations, faculty or staff organizations, or non-university entities renting university facilities may invite and present guest speakers on university property or at university-sponsored events.
- D. The organization sponsoring a guest speaker is responsible for making clear that the organization, not the university, is extending the invitation to speak and that any views or opinions the speaker expresses are those of the speaker and not necessarily those of the university.
- E. The organization sponsoring a guest speaker is responsible for the guest speaker's actions.
- F. If a guest speaker is to be paid from university funds as consideration for their speech:
 - 1. The facility in which the speech is to be delivered must be open to the public and the news media.
 - 2. The sponsoring organization must follow all applicable university procurement procedures.
- G. The presentation of guest speakers must not:
 - 1. result in a breach of peace or violation of law;
 - 2. interfere with the free and unimpeded flow of pedestrian and vehicular traffic; or
 - 3. materially disrupt or interfere with the normal activities of the university.
- H. Guest speakers may not:
 - 1. present material that is obscene or libelous; or
 - 2. advocate the deliberate violation of law.

For the purposes of this section, "advocate" means speech directed to inciting or producing imminent lawless action that is likely to incite or produce such action, as opposed to the abstract espousal of the moral propriety of a course of action.

Amplified Sound

In general, amplified sound equipment will not be approved for use on campus grounds if such use would be disruptive to the learning and work environment. Amplified sound will not be approved before 8:00 p.m. or after 11:00 p.m., Monday through Thursday, or anytime classes are in session, unless approved by the Executive Director of Student Life, or their designee. This rule does not apply to the university and its agents or employees, acting in the course and scope of their agency or employment; nor does it apply to the SFASU Alumni Association or the SFASU Foundation.

Petitions and Handbills

These rules shall govern the circulation and distribution of all petitions and handbills on



university property.

- A. Individuals may circulate and distribute petitions and handbills on university property, except in university buildings unless otherwise authorized by law or university policy.
- B. No person or organization may circulate or distribute a petition or handbill that:
 - 1. violates the university's policy on solicitation;
 - 2. contains material that is obscene or libelous; or
 - 3. advocates the deliberate violation of law. For the purposes of this section "advocacy" means preparing the group addressed for imminent action and directing it to such action with the likelihood of producing that action, as opposed to the abstract espousal of the moral propriety of a course of action.
 - 4. Handbills may not be placed on parked vehicles or any other stationary object, (i.e., table, bench, etc.) as a means of distribution.
- C. Circulation and distribution by all parties must be conducted in compliance with these rules and university policy and must not:
 - 1. result in a breach of peace or violation of law;
 - 2. interfere with the free and unimpeded flow of pedestrian and vehicular traffic; or
 - 3. materially and substantially disrupt the normal activities of the university.
- D. The person or organization circulating or distributing these materials shall clean and remove any litter which results from this activity.
- E. In addition to these rules, petitions and handbills to be circulated and distributed in:
 - 1. residence halls must comply with the rules governing residence halls; and
 - 2. University facilities must comply with the rules governing that facility.

Signs and Exhibits

All individuals or groups may display a sign as part of an assembly or demonstration. Signs on sticks, poles, or otherwise attached to any device are prohibited.

A. Posting Signs on Kiosks

- 1. No person may post any sign advertising goods or services for sale except as allowed by SFA HOP 05-409 Solicitation on Campus.
- 2. Due to space considerations, no sign posted on a kiosk may be larger than 11 inches by 17 inches.
- 3. Each sign must state the date the sign was posted or the date of the event being advertised.
- 4. Students, faculty, staff and their official organizations must take care to use the names and marks of the university on postings only in ways that are allowable and never in a way that would give the impression an event was sponsored by the university if that is not the case.
- 5. Signs may not be posted more than 14 days before the date of the event they advertise.
- 6. The person or organization that posts a sign on a kiosk must remove that sign no later than 14 days after it was posted, or 24 hours after the event it advertised has concluded, whichever is earlier. The university reserves the right to remove sign from kiosks after the date of the event has passed.
- 7. No sign may be posted on a kiosk over another properly posted sign.
- 8. No person or organization may post more than two of the same signs on any one kiosk



at the same time. If space is limited, the university reserves the right to remove multiple signs for the same event, program, or service, or signs sponsored by the same individual or organization, even if each is materially different.

B. Signs in Other Designated Locations

Each academic or administrative unit of the university may authorize the posting of signs in spaces that unit occupies and controls. The use of posting space controlled by academic or administrative units may be limited to official statements or business of the unit, or to certain subject matters of interest within the unit, or to signs posted by persons or organizations affiliated with the unit.

C. Removal of Signs

The Director of Student Engagement, or their designee, may remove any sign that violates any of the rules outlined in this policy, or any sign that meets the legal standards below:

1. A sign may be removed if it contains expressions that are an incitement to imminent lawlessness. Such removals may be conducted only with the advice of the vice president and general counsel and approval of the vice president for university affairs. Careful consideration must be given to the actual circumstances surrounding such expression, and removal can only occur if it appears that such provocation causes an immediate likelihood of violence or illegal acts. Advocacy of lawlessness is insufficient, and the speech must be directed to inciting or producing imminent lawless action and likely to incite or produce such action.
2. A sign may be removed if it contains "fighting words" expressions. Such removals may be conducted only with the advice of the vice president and general counsel and approval of the vice president for university affairs. "Fighting words" are similar to expressions of imminent lawlessness, except they are addressed to individuals on a personal scale. Only those "fighting words" that pose an immediate likelihood to provoke the average person to retaliation and thereby cause a breach of the peace should be considered under this exception. Again, careful consideration must be given to the actual circumstances surrounding such expression.
3. Signs may be removed if they contain obscenity. Such removals may be conducted only with the advice of the vice president and general counsel and approval of the Vice President of Student Affairs. In determining what constitutes obscene material, a three-part test applies:
 - a. The average person applying contemporary community standards would find that the work taken as a whole, appeals to the prurient interest;
 - b. The work depicts or describes in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
 - c. The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

F. Banners, Yard Signs and Exhibits

Banners, yard signs and exhibits may be posted and displayed only by academic or administrative departments of the university unless required by law. Those that do not clearly identify the sponsoring department may be removed.

G. Tables

Students, employees and their official organizations may set up tables from which to display literature and disseminate information, subject to this policy.

H. Locations



Students, employees and their official organizations may set up tables in any outdoor location on the campus and in any indoor location subject to the rules governing the building housing this location. Persons not affiliated with the university may set up tables in designated locations outdoors on campus and in indoor locations subject to the rules governing the building or grounds of the location.

I. Table Reservations by Student Organizations

1. Restrictions

- a. Tables may not disrupt university functions and/or interfere with vehicular and pedestrian traffic.
- b. Tables may not be set up on the lower level of Centennial Plaza.
- c. Tables may only be set up inside any building with permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time. Academic or administrative units may specify additional rules by restricting tables to reasonable locations in spaces occupied by that unit.
- d. Each table must have a sign or literature that identifies the sponsor of the table.
- e. Any person or organization sponsoring a table shall remove litter from the area that resulted from tabling activity.
- f. Students, faculty, staff and their official organizations may supply their own tables.

J. Chalking

Chalking is permitted by students, faculty, staff, and their official organizations in approved designated areas.

Procedures

Assembly and Demonstration

Notifications by outside groups to reserve campus grounds for an assembly and/or demonstration, including to distribute written material, must be made in writing using the appropriate form. These forms are available in the Office of Student Engagement and on the Student Engagement website. The completed form must be submitted to the Director of Student Engagement, or their designee, for programs for approval and must be received at least forty-eight (48) hours in advance of the activity. This advance notice allows the university to review whether such assembly or demonstration will be in compliance with these rules and to arrange for adequate security. Each form requires the applicant to provide his/her name, address and phone number.

Guest Speakers

Registered student organizations, faculty or staff organizations, and non-university entities may be permitted the use of university facilities to present guest speakers on university property or at university-sponsored events pursuant to the SFA HOP 05-413 Use of University Facilities. An application for the use of the university facility to be used for the speaker's presentation must be made to the appropriate university official at least forty-eight (48) hours before the time the event is scheduled to take place.

Amplified Sound

Applications to use amplified sound on campus shall be made to the Office of Student Engagement at least forty-eight (48) hours in advance of the proposed use.



Table Reservations by Student Organizations

Tables may be reserved through the Office of Student Engagement. Tables may also be available on a first-come, first-served basis.

Related Statutes or Regulations, Rules, Policies, or Standards

Regents' *Rules and Regulations*, Rule 10701, Policy Against Discrimination

Regents' *Rules and Regulations*, Rule 30103, Standard of Conduct

Regents' *Rules and Regulations*, Rule 30105, Sexual Harassment, Sexual Misconduct, and Consensual Relationships

Regents' *Rules and Regulations*, Rule 31004, Rights and Responsibilities of Faculty Members

Regents' *Rules and Regulations*, Rule 40201, Registered Organizations

Regents' *Rules and Regulations*, Rule 40501, Speech and Assembly

Regents' *Rules and Regulations*, Rule 50101, Student Conduct and Discipline

Regents' *Rules and Regulations*, Rule 50202, Student Organizations

Regents' *Rules and Regulations*, Rule 60306, Use of University Resources

Regents' *Rules and Regulations*, Rule 80101, Categories of Facilities and Authorized Users

Regents' *Rules and Regulations*, Rule 80103, Solicitation

Regents' *Rules and Regulations*, Rule 80104, Use of Facilities

Regents' *Rules and Regulations*, Rule 80105, Joint Sponsorship of the Use of Property or Buildings

Regents' *Rules and Regulations*, Rule 80106, Special Use Facilities

SFA HOP 05-413 Use of University Facilities

SFA HOP 05-409 Solicitation on Campus Policy

SFA HOP 01-303 Distinguished Guests

Responsible Executive

Vice President of Student Affairs

Forms

Event Notification Form

Revision History

September 1, 2023 (original)