

Expressive Activities

Original Implementation: February 2, 2021

Last Revision: None

Freedom of expression is of critical importance. It is imperative that public institutions of higher education ensure free, robust, and uninhibited debate and deliberations. Stephen F. Austin State University (SFA) reaffirms its commitment to the freedoms of speech, expression and assembly by establishing this policy. Individuals have the right to assemble, to speak, and to attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen.

The rules articulated in this policy apply to all students, faculty, staff, and their official organizations, as well as all other persons and groups. Due to practical administrative realities, this policy does not apply to university agents and employees when they are acting in the course and scope of their agency or employment. This exception also includes the official activities of the SFA Alumni Association and the SFASU Foundation.

Common outdoor areas of SFA's campus are deemed traditional public forums. Persons not affiliated with the university are free to express their views orally, by sign or exhibit, on any topic subject to the rules stated in this policy and other applicable SFA policy and procedures.

Students, faculty and staff are free to express their views, individually or in organized groups, orally, by sign or exhibit, on any topic, in all parts of the campus, subject to the rules stated in this policy and other applicable SFA policy and procedures. Students, official organizations or employees who unduly interfere with the expressive activities of others on campus may be subject to disciplinary action

Teaching, research and other official functions of the university shall have priority in allocating the use of space on campus.

Definitions

1. "Student" shall mean any person registered for academic credit at the university.
2. "Faculty" and "Staff" shall mean any person employed by the university.
3. "Official organization" shall mean any organization recognized by the university.
4. "Traditional public forum" means 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.

5. "Assembly" shall mean a group of persons organized and united at the same place, usually for some common purpose.
6. "Demonstration" shall mean a 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.
7. "Petitions" shall mean a document embodying a formal written request made to an official person or organization.
8. "Handbills" shall mean a printed sheet that is distributed by hand.
9. "Sign" means 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.
10. "Banner" is 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".
11. "Kiosk" is an outdoor structure designated by the university for the posting of signs.
12. "Yard sign" is a temporary outdoor sign displayed above the ground. Yard signs must not exceed 18 inches x 24 inches in size.
13. "Exhibit" is a temporary outdoor display used for marketing or informational purposes. This includes all free-standing products, sandwich boards, easels, etc.
14. "Chalking" is use of water-soluble sidewalk chalk on paved areas.

Assembly and Demonstrations

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

1. Assemblies and demonstrations must be conducted in compliance with these rules, all other applicable university policies, and must not:
 - a. result in a breach of peace or violation of law;
 - b. 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;
 - c. materially and substantially disrupt the normal activities of the university; or
 - d. result in damage to the university's grounds, buildings, and facilities.
2. 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.
3. Students, faculty, staff and their official organizations may assemble and/or demonstrate,

including to distribute written material, anywhere on university grounds without a permit or permission from SFA between the hours of 8 a.m. and 7 p.m., Monday through Saturday, as long as the assembly and/or demonstration adheres to all applicable university policies and procedures.

4. All other persons and groups may assemble and demonstrate in common outdoor areas between the hours of 8 a.m. and 7 p.m., Monday through Saturday, as long as the assembly and/or demonstration adheres to all applicable university policies and procedures, and a properly submitted Grounds Reservation form has been approved.
 - a. Requests 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 assistant dean of student affairs 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. Any approval or disapproval will be made using only content-neutral and viewpoint-neutral criteria. Each form requires the applicant to provide his/her name, address and phone number, in addition to signing and dating the form.
 - b. Although a reservation may be requested as many times per year as desired, no single reservation request can exceed five (5) working days. Persons or groups reserving space and not using the space without providing notice may receive a verbal warning for their first offense, a written warning for their second offense and after a third occasion may be restricted from reserving campus grounds for a period not to exceed one year from the date of the last infraction.
5. The university may designate certain days in which outdoor spaces may not be used. These include, but are not limited to, commencements, Showcase Saturdays or other admission events, final exam week, and new student orientation days. Appeals may be made to the dean of student affairs.
6. Persons or groups who violate this policy may, based on the severity of the offense, be restricted from using university facilities or grounds. Such restriction will be made by the assistant dean of student affairs for programs and may be appealed to the dean of student affairs.

Petitions and Handbills

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

1. Students, employees, and their approved organizations may circulate and distribute petitions and handbills on university property, except in academic buildings unless otherwise authorized by law.

2. Visitors, defined as any persons who are not presently enrolled as a student nor are presently employed by the university, may circulate and distribute petitions and handbills as part of an assembly or demonstration.
3. Students, employees, and their approved organizations shall require no previous approval to circulate or distribute petitions and handbills on university property so long as the individual or group(s) sponsoring the petitions or handbills is clearly identified in writing on the material itself.
4. All persons or organizations seeking to distribute a petition or handbill without identifying information must complete a registration form with the Office of Student Engagement and deposit a true and correct copy of the petition or handbill to be circulated or distributed.
5. Areas and times of circulation and/or distribution are as follows:
 - a. Students, employees, and their approved organizations may circulate and distribute properly registered (if required by this policy) petitions and handbills on university property at any time and in any location, except in academic buildings unless otherwise authorized by law.
 - b. Visitors with an approved grounds form may circulate and distribute handbills in common outdoor areas between the hours of 8 a.m. and 7 p.m., Monday through Saturday.
 - c. Handbills may not be placed on parked vehicles or any other stationary object, (i.e., table, bench, etc.) as a means of distribution.
6. Circulation and distribution by all parties must be conducted in compliance with these rules and university policy and must not:
 - a. result in a breach of peace or violation of law;
 - b. interfere with the free and unimpeded flow of pedestrian and vehicular traffic; or
 - c. materially and substantially disrupt the normal activities of the university.
7. The person or organization circulating or distribution these materials shall clean and remove any litter which results from this activity.
8. No person or organization may circulate or distribute a petition or handbill that:
 - a. violates the university's policy on solicitation;
 - b. contains material that is obscene or libelous; or
 - c. 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.
9. In addition to these rules, petitions and handbills to be circulated and distributed by students, faculty, and staff, and their approved organizations, in:
 - a. residence halls must comply with the rules governing residence halls; and
 - b. the Baker Pattillo Student Center must comply with the rules governing this building.

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. Only students, faculty, staff and their official organizations may post signs on kiosks. No advance permission is required so long as the sponsoring individual or person is clearly identified in writing on the material. Each sign posted on a kiosk must identify the student, employee or organization that posted the sign by using the full name of the individual or organization and contact information.
2. All persons or organizations seeking to display a sign without identifying information must complete a registration form with the Office of Student Engagement and deposit a true and correct copy of the sign to be displayed.
3. Students and employees posting signs as individuals may not post any sign advertising goods or services for sale except at locations designated for that purpose [see Solicitation on Campus (16.25)].
4. Due to space considerations, no sign posted on a kiosk may be larger than 11 inches by 17 inches.
5. Each sign must state the date the sign was posted or the date of the event being advertised.
6. 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.
7. Signs may not be posted more than 14 days before the date of the event they advertise.
8. 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.
9. No sign may be posted on a kiosk over another properly posted sign.
10. 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.
11. A list of all officially designated kiosks and of locations where students, faculty and staff may post signs advertising goods or services for sale will be available in the student engagement office and on their website.

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 dean of student affairs, 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 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 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 general counsel and approval of the vice president for university 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.

II. 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.

III. Tables

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

A. 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.

B. Table Reservations

Tables may be reserved using the event checklist form. This form is available in the student engagement office and on the student engagement website. Tables may also be available on a first-come, first-served basis.

C. Restrictions

1. Tables may not disrupt university functions and/or interfere with vehicular and pedestrian traffic.
2. Use of amplified sound at tables is governed by policy 16.31, Use of Amplified Sound on Campus Grounds.
3. Tables may not be set up on the lower level of the Stephen F. Austin statue plaza.
4. 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.
5. Each table must have a sign or literature that identifies the sponsor of the table.
6. Any person or organization sponsoring a table shall remove litter from the area that resulted from tabling activity.
7. Students, faculty, staff and their official organizations may supply their own tables.

IV. Chalking

Chalking is permitted by students, faculty, staff, and their official organizations in approved designated areas as indicated on event checklist form.

Cross Reference: Solicitation on Campus (16.25); Use of Amplified Sound on Campus Grounds (16.31); U.S. Const. amend. I; U.S. Const. amend. XIV, § 1; Tex. Educ. Code § 51.9315.

Responsible for Implementation: President

Contact for Revision: Dean of Student Affairs

Forms: SFA Group Grounds Reservation Form; Outside Group Grounds Reservation Form

Board Committee Assignment: Building and Grounds Committee

Revision History: None