

STEPHEN F. AUSTIN STATE UNIVERSITY



Senate Bill 18
Compliance Report
October 2020

Requirements

According to Texas Educational Code (TEC) 51.9315(f), each institution of higher education must “protect the expressive rights of persons guaranteed by the constitutions of the United States and of this state by (1) recognizing freedom of speech and assembly as central to the mission of institutions of higher education; and, (2) ensuring that all persons may assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.”

Further, “An institution of higher education shall: (1) ensure that the common outdoor areas of the institution's campus are deemed traditional public forums; and, (2) permit any person to engage in expressive activities in those areas of the institution's campus 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.

“Institutions of Higher Education must also make the institution’s policies adopted in accordance with this section available to students enrolled at and employees of the institution by: (1) Including the policies in the institution’s student handbook and personnel handbook; (2) Providing a copy of each policy to students during the institution’s freshman or transfer student orientation; and, (3) Posting the policies on the institution’s Internet website.”

Additionally, “Each institution of higher education shall develop materials, programs, and procedures to ensure that the institution’s employees responsible for educating or disciplining students understand the requirements of this section and all policies adopted by the institution in accordance with this section.”

Finally, “Not later than December 1, 2020, each institution of higher education shall prepare, post on the institution's Internet website, and submit to the governor and the members of the legislature a report regarding the institution's implementation of the requirements under this section.”

Certification of Compliance

Stephen F. Austin State University is in full compliance with Senate Bill 18 and TEX 51.9315(f). University Policy 16.4 governs “Assemblies and Demonstrations” on campus and was established in July 1980 and amended to comply with SB-18 and TEX 51.9315(f) by SFA’s governing board on July 23, 2019.

The following section will demonstrate our compliance with each requirement individually:

Recognize freedom of speech and assembly as central to the mission of institutions of higher education.

SFA’s Policy 16.4 (section 1) states, “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.”

Ensure that all persons may assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

SFA's Policy 16.4 (section 1) states, "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."

Ensure that the common outdoor areas of the institution's campus are deemed traditional public forums.

SFA's Policy 16.4 (section 3) states, "Common outdoor areas of SFA's campus are deemed traditional public forums."

Permit any person to engage in expressive activities in those areas of the institution's campus freely, as long as the person's conduct is not unlawful and does not materially and substantially disrupt the functioning of the institution.

SFA's Policy 16.4 (III) states, "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 or, c. materially and substantially disrupt the normal activities of the university."

Include policies in the institution's student handbook and personnel handbook.

A link to policy 16.4 is included on page 29 of SFA's Student Handbook. That document can be found here: <http://www.sfasu.edu/docs/orientation-programs/jack-camp-orientation-guide.pdf>

SFA does not maintain a personnel handbook. But notice of the revised policy was sent to all employees in July 2019.

Provide a copy of each policy to students during the institution's freshman or transfer student orientation.

This year's orientation program was held primarily online due to the global COVID-19 pandemic. A digital copy of the Student Handbook was provided to each student as part of this program. A digital link to policy 16.4 is included on page 29 of that document.

On August 10, an email was sent to all SFA students with the subject line "Expressive Activities on Campus." This email read:

Dear Lumberjacks,

Freedom of expression is of critical importance in an academic community. It is imperative that public institutions of higher education ensure free, robust, and uninhibited debate and deliberations. Stephen F. Austin State University (SFA) affirms its commitment to the freedoms of speech, expression and assembly. 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.

Students, official organizations or employees who unduly interfere with the expressive activities of others on campus may be subject to disciplinary action.

To become knowledgeable about the issue of free speech on our campus, please familiarize yourself with these policies:

Assemblies and Demonstrations (16.4)

<http://www.sfasu.edu/policies/assembly-and-demonstrations-16.4.pdf>

Petitions and Handbills (16.19)

<http://www.sfasu.edu/policies/petitions-and-handbills-16.19.pdf>

Signs and Exhibits (16.24)

<http://www.sfasu.edu/policies/signs-and-exhibits-16.24.pdf>

Use of Amplified Sound (16.31)

<http://www.sfasu.edu/policies/use-of-amplified-sound-on-campus-grounds-16.31.pdf>

If you have any questions, do not hesitate to contact my office.

All the best,

Dr. Peck

A digital copy of policy 16.4 was sent to all students on August 24 in an email titled "Policies of Interest to SFA Students."

A forum titled "Free Speech on Campus" was held on September 25. This forum addressed these questions: "Why is free speech essential in higher education? Why does SFA allow controversial speakers? What are the benefits of free speech, and what are the costs?"

Post the policies on the institution's Internet website.

A digital copy of policy 16.4 is included in SFA's online policy manual located at <http://www.sfasu.edu/policies>

Each institution of higher education shall develop materials, programs, and procedures to ensure that the institution's employees responsible for educating or disciplining students understand the requirements of this section and all policies adopted by the institution in accordance with this section.

Upon revision in July 2019, a notice and updated version of the policy was sent to all faculty and staff members of the university.

Not later than December 1, 2020, each institution of higher education shall prepare, post on the institution's Internet website, and submit to the governor and the members of the legislature a report regarding the institution's implementation of the requirements under this section.

This report completes SFA's compliance requirements related to SB-18 and TEC 51.9315(f)