Professor Douglas Laycock submitted the following proposed changes regarding the Narrative Report and Recommendations from the Task Force on Assembly and Expression (D 2203-2359). The report and the revised recommendations were endorsed by the Faculty Council at its meeting on January 27, 2003 (D 2386).

John R. Durbin, Secretary
The Faculty Council

The proposed changes were posted on the Faculty Council Web site (http://www.utexas.edu/faculty/council/) in portable document format on January 23, 2003. Paper copies are available on request from the Office of the General Faculty, FAC 22, F9500.
REVISED INSTITUTIONAL RULES OF THE NARRATIVE REPORT AND RECOMMENDATIONS FROM THE TASK FORCE ON ASSEMBLY AND EXPRESSION AT THE UNIVERSITY OF TEXAS AT AUSTIN

Proposed Chapters 6, 10, and 13

and Proposed Amendments to Chapter 11

Institutional Rules on Student Services and Activities

(Appendix C to the General Information Catalog)

With Section-by-Section Analysis of Proposed Changes

Task Force on Assembly and Expression

The University of Texas at Austin

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CHAPTER 6. STUDENT ORGANIZATIONS

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SUBCHAPTER 6-100. GENERAL PROVISIONS

SEC. 6-101. DEFINITIONS
In this chapter, unless the context requires a different meaning,
(a) "authorized representative" means a person designated to represent an organization as required in subsection 6-303(a);
(b) "dean of students" means the dean of students or any delegate or representative of the dean of students;
(c) "hearing officer" means a person appointed by the president of the university to conduct hearings of alleged violations of a regents' rule, university regulation, or administrative rule;
(d) "organization" means a student group holding a valid registration under this chapter;
(e) "student" means a person who is currently enrolled in residence at the university, or who is accepted for admission or readmission to the university, or who has been enrolled at the university in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.
(f) "university" means the University of Texas at Austin;
"weekday" means Monday through Friday except for official university holidays; "day" means calendar day.

SUBCHAPTER 6-200. REGISTRATION

SEC. 6-201. REGISTRATION REQUIRED
Any group of students that wants to exercise any of the rights and privileges listed in section 6-301 shall apply to the dean of students to be registered as an organization.

SEC. 6-202. ELIGIBILITY
An organization is eligible for registration if:
(a) three or more students sign its application for registration;
(b) it limits membership to students, faculty, and staff of the university;
(c) it does not deny membership on the basis of race, color, national origin, religion, sex, age, disability, or veteran status (but an organization created primarily for religious purposes may restrict the right to vote or hold office to persons who subscribe to the organization's statement of faith);
(d) there are no financial bars against the organization;
(e) it is not under disciplinary penalty prohibiting registration; and
(f) it conducts its affairs in accordance with local, state, and federal laws, the Regents' Rules, university regulations, and administrative rules.

SEC. 6-203. APPLICATION
A group of students that wants to become a registered student organization shall apply on a form prescribed by the dean of students. The form shall include:
(a) the name of the proposed organization;
(b) the names of at least three students and any required signatures;
(c) a description of each prior application for registration and the action taken on it;
(d) an official statement of the proposed organization's purpose and activities; and
(e) any other information reasonably required by the dean.

SEC. 6-204. USE OF UNIVERSITY NAME OR SPONSORSHIP
(a) Only an organization that is officially sponsored by the university may use the name of the university or an abbreviation of the name of the university or any of the university's trademarks or service marks as part of or in conjunction with its group name.
(b) No student, unregistered group, or registered student, faculty, or staff organization may use the name of the university or an abbreviation of the name of the university as part of its name. A student, group, or organization may use terms such as "campus" or "Texas campus" as part of its name.
(c) No student, unregistered group, or registered student, faculty, or staff organization may advertise or promote events or activities in a manner that falsely suggests that the event or activity is sponsored by the university.
SEC. 6-205. ACTION ON APPLICATION
(a) In considering a completed application, the dean of students shall not pass on the merits of the proposed organization's purpose, but shall register the applicant unless it is ineligible under section 6-202.
(b) The dean approves the registration of an organization by signing the application form and placing it on file.
(c) If an organization is refused registration, the dean shall provide the applicant with a copy of a written statement of the reasons for refusal, and the applicant may appeal in accordance with section 6-504.

SUBCHAPTER 6-300. RIGHTS AND DUTIES

SEC. 6-301. RECOGNITION AND ACTIVITIES
An organization is entitled
(a) to be listed as a registered student organization;
(b) to sponsor or present a guest speaker on university property in accordance with subchapter 13-1000;
(c) to raise funds or make other permissible solicitations on university property under section 13-205;
(d) to reserve the use of university facilities under subchapter 10-200; and
(e) to hang banners under section 13-504.

SEC. 6-302. MEMBERSHIP
(a) An organization must restrict its membership to students, faculty, and staff of the university, but it may not deny membership on any basis that violates subsection 6-202(c).
(b) Membership within groups registered as student governance organizations is limited to individual groups that are registered student organizations.

SEC. 6-303. OBLIGATIONS
(a) Every registered student organization shall furnish to the dean of students at the beginning of each semester a complete list of officers or other members of the organization who are authorized to speak for or represent the organization in its relations with the university and who are authorized to receive for the organization official notices, directives, or information from the university. Each list shall be kept current and accurate throughout the semester by the organization, and it shall be conclusively presumed that the officers or members whose names are on the list most recently filed by the organization are authorized to speak for and represent the organization in its relations with the university and are authorized to receive for the organization official notices, directives, or information from the university.
(b) At the beginning of each semester, each registered student organization must file with the
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dean of students a written statement that the organization does not, and will not during the semester:
(1) have as a member any person who is neither a student nor a member of the faculty or staff of the university, or
(2) deny membership on any basis prohibited by subsection 6-202(c).
If an organization fails or refuses to file the required statement, or if the dean determines that the statement is or has become false, disciplinary proceedings shall be initiated by the dean, after providing notice. The dean or the hearing officer may cancel the registered status of the organization or may impose other appropriate penalties.

(c) No organization may re-register or use the facilities of the university as long as it owes a monetary debt to the university and the debt is considered delinquent by the crediting university agency.

(d) Each semester every registered student organization must sign a statement acknowledging that the organization does not engage in activities that involve the subjection of a probationary member of the group to dangerous, harmful, or degrading acts. The Regents’ Rules (pt. 1, ch. VI, sec. 3.28) state that such acts are a violation with or without the consent of the probationary member.

SUBCHAPTER 6-400. FISCAL AND ACCOUNTING PROCEDURES

SEC. 6-401. ACCOUNTING PROCEDURE
(a) An organization shall deposit in the dean of student's office all funds collected on the campus, unless such receipts are deposited in a regular university account. An authorized representative of the organization shall personally deposit all money.
(b) An organization shall make deposits weekly unless receipts exceed $50 a day, in which case it shall make deposits daily.
(c) Within thirty days after the beginning of each semester, the organization shall file with the dean of students a final report, signed by an authorized representative of the organization, fully disclosing the sources and amounts of money obtained from solicitations during the preceding semester or summer session, the purposes and amounts of the expenditures made during the preceding semester or summer session, and any other information required by the dean about solicitation activities during the preceding semester.
(d) Authorized banking representatives must comply with all banking procedures as published by the dean of students.

SEC. 6-402. TICKET SALES
(a) An organization shall order through the dean of students tickets connected with fund-raising. Each ticket shall show the purchase price and shall be prenumbered unless it reserves a specific seat for a specific performance.
(b) In accordance with section 6-401, an organization shall deposit all money and checks received from ticket sales.
On or before the eleventh weekday after ticket sales end, an organization shall file in the dean's office a final report including:
(1) a list bearing the name of each recipient of a complimentary ticket;
(2) all unused tickets.

SUBCHAPTER 6-500. DISCIPLINE

SEC. 6-501. ORGANIZATIONAL RESPONSIBILITY FOR VIOLATIONS
(a) An organization violates a regents' rule, university regulation, or administrative rule when:
(1) one or more of its officers or authorized representatives acting in the scope of their organizational capacities commit the violation;
(2) one or more of its members commit the violation after the action that constitutes the violation was approved by majority vote of those members of the organization present and voting;
(3) one or more members of a committee of the organization commit the violation while acting in the scope of the committee's assignment;
(4) a member of an organization acting with apparent authority of the organization commits the violation;
(5) one or more members of an organization or its officers permit, encourage, aid, or assist any of its members in committing a violation;
(6) one or more members of an organization or its officers, under circumstances where such persons knew or should have known that an action constituting a violation was occurring or about to occur, fail to prevent that action; or
(7) one or more members of an organization fail to report to appropriate university or civil authorities promptly their knowledge or any reasonable information about a violation.
(b) When the dean of students receives information that an organization has allegedly violated a regents' rule, university regulation, or administrative rule, he or she shall investigate the alleged violation. Upon completing the investigation, the dean may:
(1) dismiss the allegation as unfounded; or
(2) summon the authorized representative(s) of the organization for a conference at which the organization can respond to the charges and, after conferring with the representative(s)
(A) dismiss the allegation; or
(B) find the organization in violation and impose a penalty.
(c) The dean of students may impose one or more of the penalties under section 6-502 when an organization fails, without good cause, to comply with a summons under subsection (b).
(d) Notwithstanding any other provision of this chapter, the dean of students or the president of the university may take immediate disciplinary action, pending a conference, against an organization that violates a rule or regulation of the university or the University of Texas System when, in the opinion of the official, the interest of the university or the University
of Texas System would be served by interim action.

e) A student may be disciplined for a violation under chapter 11 even though the organization of which the student is a member is penalized under this subchapter for the same violation or for a violation growing out of the same factual transaction.

SEC. 6-502. PENALTIES
(a) The dean of students, acting pursuant to section 6-501, or the hearing officer, after a hearing under this subchapter, may impose one or more of the following penalties for violation of a regents' rule, university regulation, or administrative rule:
(1) place the organization on probation for not more than one calendar year;
(2) suspend for not more than one calendar year the organization's right to do one or more of the following:
   (A) publicly post signs;
   (B) set up a table or exhibit;
   (C) publicly assemble or demonstrate;
   (D) publicly raise funds or make a solicitation;
   (E) reserve the use of university rooms or spaces;
   (F) participate in intramural sports tournaments and events; or
   (G) maintain a university Web site.
(3) require restitution, educational seminars, and community service;
(4) suspend for not more than one calendar year the organization's registration; or
(5) cancel the organization's registration for not less than one calendar year.
(b) The dean or the hearing officer may impose conditions related to the offense and failure to meet the conditions will be considered an additional violation.

SEC. 6-503. NOTICE
(a) The dean of students shall notify the accused organization by letter of his or her decision. The dean may send the letter to any authorized representative of the organization.
(b) The letter shall
   (1) concisely describe the dean's findings, identifying any violations and any charges on which no violation was found;
   (2) state the penalty imposed, if any; and
   (3) if any violation is found or any penalty imposed, advise the organization of its rights to appeal in accordance with section 6-504.

SEC. 6-504. GENERAL PROCEDURES FOR APPEAL
(a) An organization that has not had its registration suspended or canceled may appeal to the vice president for student affairs.
(b) An organization that has had its registration suspended or canceled may appeal to the vice president or to a hearing officer.
(c) (1) To appeal any decision, an authorized representative of the organization must give
written notice of appeal to the dean of students within ten days after the day on which the decision or action being appealed is mailed to the organization. But if the decision is mailed between semesters, the notice of appeal is due on the tenth calendar day of the following semester.

(2) The notice of appeal may be informal, but shall contain the organization's name, the date of the decision or action, the name of the organization's representative, and the reviewing authority to which the appeal is being made.

(d) Notice of appeal timely given suspends the imposition of penalty until the appeal is finally decided, but interim action may be taken as authorized under subsection 6-501(d).

(e) The organization must file all relevant documentation from the previous decision, including written arguments when appropriate, with the reviewing authority within twenty-one days after notice of appeal is given.

(f) The action of each reviewing authority shall be communicated in writing to the organization and the dean. The decision of the vice president shall be the final appellate review.

SEC. 6-505. APPEAL TO THE VICE PRESIDENT FOR STUDENT AFFAIRS
(a) In the case of an appeal to the vice president for student affairs, arguments either against or in support of the decision will be considered and, at the discretion of the vice president, will be presented in writing rather than orally.

(b) The vice president may approve, reject, or modify the decision in question, or may require that the original decision be reopened for the presentation of additional evidence and reconsideration of the decision.

SEC. 6-506. APPEAL TO A HEARING OFFICER
(a) An authorized representative of the organization may challenge the hearing officer's alleged lack of fairness or objectivity, but is not entitled to disqualify the person from serving. It shall be up to the challenged person to determine whether he or she can serve with fairness and objectivity. If the challenged person disqualifies himself or herself, another hearing officer shall be appointed.

(b) The hearing officer will review written arguments and then meet with both parties together to ask questions, seek clarification, and hear any final comments by the parties. The dean of students shall set the date, time, and place for this meeting and notify the organization.

(c) The hearing officer's meeting with the parties is informal and is closed except that, upon request of the organization, the meeting may be open. With the consent of or by invitation of the representative of the organization, the following persons may attend and may obtain (at their own expense) copies of the written documents submitted to the hearing officer:
   (1) one or two representatives of the Student Government;
   (2) one or two staff members of the Daily Texan; and
   (3) not more than five members of the organization.

(d) The criteria on which the hearing officer's decision will be based are fairness, reasonableness, and compliance with Institutional Rules. The hearing officer may approve, reject, or
modify the dean of student's decision.

(e) Either the organization or the dean may appeal the decision of the hearing officer to the vice president for student affairs. The party appealing shall give notice of appeal and file the documents from the earlier decision as provided in section 6-504. If the dean is the appellant, the notice of appeal shall be filed with the vice president, and on the same day, a copy shall be given or mailed to the organization.
CHAPTER 10. USE OF UNIVERSITY PROPERTY, ROOMS, AND SPACES

Subchapter 10-100. General Provisions
   Sec. 10-101. Purpose and Application
   Sec. 10-102. General Definitions -- Categories of Speakers and Users
   Sec. 10-103. Other General Definitions

Subchapter 10-200. Reservation of a Room or Space on University Property
   Sec. 10-201. Permission to Use
   Sec. 10-202. Application
   Sec. 10-203. Consideration of Application

Subchapter 10-300. Regulations Applicable to University Property
   Sec. 10-301. Identification
   Sec. 10-302. Use of Alcoholic Beverages

Subchapter 10-400. Appeal
   Sec. 10-401. Procedures for Appeal
   Sec. 10-402. Further Review by Petition

SUBCHAPTER 10-100. GENERAL PROVISIONS

SEC. 10-101. PURPOSE AND APPLICATION
(a) The university permits the orderly use of rooms and spaces on its property, as provided in this chapter, to further the educational process. The university does not endorse any statement or activity that does not represent official university action.

(b) This chapter authorizes and regulates the reservation of university rooms and spaces; the identification of persons present on university property; and the use of alcoholic beverages on university property. Speech, assembly, and expression by students, faculty, and staff on university property is further protected and regulated in chapter 13.

(c) No person or organization may use a university facility for any purpose other than in the course of the regular mission of the university or the University of Texas System unless authorized by the Regents' Rules. Any authorized use must be conducted in compliance with the provisions of the Regents' Rules, the approved rules and regulations of the university, and applicable federal, state, and local laws and regulations.

SEC. 10-102. GENERAL DEFINITIONS -- CATEGORIES OF SPEAKERS AND USERS
   As used in this chapter, unless the context requires a different meaning,
   (a) "Academic or administrative unit" means any office or department of the university.
   (b) "Faculty member and staff member" includes any person who is employed by the university.
   (c) "Registered student, faculty, or staff organization" includes a registered student organization under chapter 6, a faculty or staff organization under the Regents' Rules (pt. 1, ch. III, sec.
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34), and Student Government and any unit or subdivision thereof.
(d) "Registered student organization" includes a student organization registered under chapter 6; the phrase also includes Student Government and any subdivision thereof.
(e) "Student" means a person who is currently enrolled in residence at the university, or who is accepted for admission or readmission to the university, or who has been enrolled at the university in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows, or who is attending an educational program sponsored by the university while that person is on campus.

SEC. 10-103. OTHER GENERAL DEFINITIONS
As used in this chapter:
(a) "dean of students" means the dean of students or the dean's delegate or representative;
(b) "room or space" includes any room or space, indoors or outdoors, owned or controlled by the university;
(c) "university" means the University of Texas at Austin; and
(d) "weekday" means Monday through Friday except for official university holidays; "day" means calendar day.

SUBCHAPTER 10-200. RESERVATION OF A ROOM OR SPACE ON UNIVERSITY PROPERTY

SEC. 10-201. PERMISSION TO USE
(a) Academic and administrative units, and registered student, faculty, and staff organizations, may reserve the use of a room or space on university property for purposes permitted by the Regents' Rules. Academic and administrative units of the university shall have priority in reserving the use of rooms and spaces, except that they shall not have priority in the use of weekday amplified sound areas defined in section 13-802. Organizations may not reserve the Main Plaza between 8:00 a.m. and 5:00 p.m. on weekdays; during that time, it is reserved for university-sponsored events and for unscheduled uses.

(b) An organization with a reservation has the right to the reserved room or space for the time covered by the reservation. Any person or organization using or occupying the room or space without a reservation must yield control of the room or space in time to permit any organization with a reservation to begin using the room or space promptly at the beginning of its reserved time.

(c) Reservations are not required but are strongly encouraged. A person or organization planning to use a room or space without a reservation may find the facility locked or in use by another person or organization. The University Police rely on a list of scheduled events, and a large group without a reservation is likely to attract their courteous but inquiring attention.

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SEC. 10-202. APPLICATION
(a) (1) All organizations wishing to reserve an outdoor space, including academic and administrative units, shall apply to the dean of students on a form prescribed by the dean.
(2) Registered student organizations wishing to reserve a general purpose classroom, shall apply to the dean of students on a form prescribed by the dean. Faculty and staff, registered faculty and staff organizations, and academic and administrative units wishing to reserve a general purpose classroom shall apply to the registrar on a form prescribed by the registrar.
(3) Reservations for rooms and spaces controlled by academic or administrative units other than the registrar and the dean of students shall be made through the unit that controls the room or space. These rooms and spaces controlled by other units include Special Use Facilities (the Texas Student Union, the Performing Arts Center, the Erwin Special Events Center), athletic facilities, classrooms that are not general purpose classrooms, many conference rooms, reception areas, and the like, and other specialized rooms and spaces. Some of these rooms and spaces are dedicated to special purposes and are subject to special rules. Academic and administrative units are encouraged to make the rules and procedures for reserving rooms and spaces, and a list of the rooms and spaces that may be reserved, readily available on a website or on a flyer or pamphlet conveniently available at the unit's office.
(b) The dean of students shall maintain, on a website or on a flyer or pamphlet conveniently available at the dean's office:
(1) the procedures for reserving outdoor spaces, or for registered student organizations reserving general purpose classrooms, and any additional rules applicable to such reservations; and
(2) a list of general purpose classrooms.

SEC. 10-203. CONSIDERATION OF APPLICATION
(a) The dean of students shall approve a properly completed application to reserve an outdoor space, and shall facilitate a properly completed application to reserve a general purpose classroom, unless the dean finds that:
(1) the proposed use of the room or space would violate one or more of the general rules in subchapters 13-200 and 13-300;
(2) another event or exhibit has been scheduled for the proposed time and location, or so near that there is a practical conflict;
(3) the room or space requested is inadequate to accommodate the proposed use;
(4) the proposed use of the room or space would violate reasonable and nondiscriminatory fire, health, or safety standards;
(5) the proposed use of the room or space would constitute an immediate and actual danger to students, faculty, or staff, or to the peace or security of the university that available law enforcement officials could not control with reasonable effort;
(6) the applicant is under a disciplinary penalty prohibiting reserving the use of a university room or space, or prohibiting the proposed use of the room or space; or
(7) the applicant owes a monetary debt to the university and the debt is considered delinquent by the crediting agency.

SUBCHAPTER 10-300. REGULATIONS APPLICABLE TO UNIVERSITY PROPERTY

SEC. 10-301. IDENTIFICATION
(a) Any person shall identify himself or herself when requested by an institutional representative while on any property or in any building owned or controlled by the university or the University of Texas System. A person identifies himself or herself by (1) giving his or her name and complete address substantiated by a current driver's license, voter registration card, or other official documentation; and (2) stating truthfully whether he or she is a student or employee of the university or University of Texas System.
(b) An "institutional representative" is any Regent, executive officer, administrative officer, attorney, peace officer, or security officer of the university or of the University of Texas System.
(c) Any person who refuses to identify himself or herself in accordance with subsection (a) may be convicted of a misdemeanor punishable by a fine of not more than $200.
(d) Any student, faculty member, or staff member who refuses to identify himself or herself in accordance with subsection (a) is subject to disciplinary action, including expulsion from the university in the case of a student.

SEC. 10-302. USE OF ALCOHOLIC BEVERAGES
The use of alcoholic beverages is prohibited on property and in buildings and facilities owned or controlled by the university or the University of Texas System. However, the chief administrative officer of the university or the System may waive this prohibition with respect to any specific event sponsored by the university or the University of Texas System. Meetings or events sponsored by registered faculty, staff, or student organizations are not events sponsored by the university or the University of Texas System. State law relating to alcoholic beverages will be strictly enforced at all times on property controlled by the System and its component institutions.

SUBCHAPTER 10-400. APPEAL

SEC. 10-401. PROCEDURES FOR APPEAL
(a) An organization aggrieved by a decision under this chapter is entitled to appeal to the vice president for student affairs by giving written notice to the dean of students on or before the fifth weekday after the day the decision is announced. The notice may be informal, but
shall contain the organization's name and mailing address, a concise description of the decision complained of, the organization's reasons for disagreeing with the decision, and the date the decision was announced.

(b) When timely notice of appeal is received, the dean of students shall prepare and send to the vice president for student affairs a copy of the written statement of the reason given for the dean's decision. The vice president shall provide the organization with an opportunity for a hearing and the organization shall be notified at least one weekday before the date of the hearing.

SEC. 10-402. FURTHER REVIEW BY PETITION

The dean of students or the organization may petition in writing through the vice president for student affairs to the president of the university to review the decision being appealed. The president may establish an ad hoc committee to review the appeal and make recommendations regarding it. The president reviews appeals solely at his or her discretion.
CHAPTER 11. STUDENT DISCIPLINE AND CONDUCT

[Proposed amendments to this chapter shown by striking through proposed deletions and underlining proposed insertions. Portions of chapter 11 to which no amendments are proposed are not reprinted here.]

SUBCHAPTER 11-500. PENALTIES

SEC. 11-501. AUTHORIZED DISCIPLINARY PENALTIES

. . . .

(b) If a violation of a regents' rule, university regulation, or administrative rule, other than section sections 11-804(a)(12) or 13-204, is committed because of the race, color, or national origin of a student or students directly harmed by the violation, such a discriminatory purpose shall be treated as an aggravating factor for the purpose of determining the appropriate penalty under section 11-501(a). For a complete set of cross-references to all regulation of harassment on the campus, see section 13-204(c).

SUBCHAPTER 11-800. STUDENT STANDARDS OF CONDUCT

SEC. 11-804. CERTAIN OTHER OFFENSES

(a) Notwithstanding any action taken by civil authorities or agencies charged with the enforcement of criminal laws on account of the violation, the dean may initiate disciplinary proceedings under subchapter 11-300 against a student who

. . . .

(12) engages in harassment. Harassment is defined as conduct that is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the university. For a complete set of cross-references to all harassment policies on the campus, see section 13-204(c);
CHAPTER 13. SPEECH, EXPRESSION, AND ASSEMBLY

Subchapter 13-100. Governing Principles
   Sec. 13-101. Freedom of Speech, Expression, and Assembly
   Sec. 13-102. Scope of This Chapter and Related Provisions
   Sec. 13-103. General Definitions -- Categories of Speakers
   Sec. 13-104. Other General Definitions

Subchapter 13-200. Prohibited Expression
   Sec. 13-201. Obscenity
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SUBCHAPTER 13-100. GOVERNING PRINCIPLES

SEC. 13-101. FREEDOM OF SPEECH, EXPRESSION, AND ASSEMBLY

(a) The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the university. Students, faculty, and staff 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.

(b) Students, faculty, and staff are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic, in all parts of the campus, subject only to rules necessary to preserve the equal rights of others and the other functions of the university. Teaching, research, and other official functions of the university shall have priority in allocating the use of space on campus.

(c) Except as expressly authorized by subchapter 13-200, the university shall not discriminate
on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement and administration of these rules or otherwise.

**SEC. 13-102. SCOPE OF THIS CHAPTER AND RELATED PROVISIONS**

(a) This chapter protects and regulates speech, expression, and assembly of students, faculty, and staff that is not part of the teaching, research, or other official functions of the university, not otherwise sponsored by the university or any academic or administrative unit, and not submitted for academic credit.

(b) This chapter also regulates certain speech that is part of the teaching, research, or other official functions of the university:

1. Section 13-204 on Harassment applies to all speech on campus.
2. This entire chapter applies to speech by academic and administrative units, and speech that is submitted for academic credit, in outdoor locations on the campus. The dean of students administers and schedules outdoor signs, tables, exhibits, public assemblies, and amplified sound, even for faculty, staff, and administrative and academic units, because scheduling through a single office is necessary to avoid conflicts.

(c) Any program or event sponsored by an academic or administrative unit of the university shall have priority in the use of space and facilities over any speech, expression, and assembly that is not sponsored by an academic or administrative unit, except that programs or events sponsored by an academic or administrative unit shall not have priority in the use of weekday amplified sound areas defined in section 13-802. This chapter does not limit other existing authority of university officials to authorize programs and events sponsored by an academic or administrative unit and not provided for in this chapter.

(d) Additional rules concerning free speech and academic freedom of faculty are found in the Regents' Rules (pt. 1, ch. III, secs. 7 and 8).

(e) Underlying rules concerning free speech of students are found in the Regents' Rules (pt. 1, ch. VI, secs. 6 and 7). This chapter implements those provisions and applies them to the Austin campus.

(f) Rules restricting access to the campus and restricting speech on the campus by persons who are not students, faculty, or staff are found in the Regents' Rules (pt. 1, ch. VI, sec. 6).

(g) Rules protecting and regulating speech on university computer networks are promulgated by Information Technology Services, and are currently found in ITS Policies, Responsible Use of Information Technology, <www.utexas.edu/its/policies/responsible.html>.

(h) Rules requiring university employees to make clear that controversial statements are in their personal capacity are found in the Regents' Rules (pt. 1, ch. 1, sec. 8.8). Rules restricting use of university equipment, supplies, services, and working hours for political activities are found in the Regents' Rules (pt. 1, ch. 3, sec. 35).
SEC. 13-103. GENERAL DEFINITIONS -- CATEGORIES OF SPEAKERS
As used in this chapter:
(a) "Academic or administrative unit" means any office or department of the university.
(b) "Faculty member and staff member" includes any person who is employed by the university.
(c) "Off-campus person or organization" means any person, organization, or business that is not an academic or administrative unit, a registered student, faculty, or staff organization, or a student, faculty member, or staff member.
(d) "University person or organization" includes academic and administrative units, registered student, faculty, and staff organizations, and individual students, faculty members, and staff members. This phrase describes the most inclusive category of potential speakers on campus; all persons and organizations of any kind are either an "off-campus person or organization" or a "university person or organization".
(e) "Registered student, faculty, or staff organization" includes a registered student organization under chapter 6, a faculty or staff organization under the Regents' Rules (pt. 1, ch. III, sec. 34), and Student Government and any unit or subdivision thereof;
(f) "Student" means a person who is currently enrolled in residence at the university, or who is accepted for admission or readmission to the university, or who has been enrolled at the university in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows, or who is attending an educational program sponsored by the university while that person is on campus.

SEC. 13-104. OTHER GENERAL DEFINITIONS
(a) "Amplified sound" means sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting and group chanting are not amplified sound and are not subject to the special rules on amplified sound, but are subject to general rules on disruption.
(b) "Dean of students" means the dean of students or any delegate or representative of the dean of students.
(c) "Main Plaza" means the area bounded by the south wall of the Tower, the line of the first north-south hedge immediately west of Garrison Hall, the north edge of Inner Campus Drive, and the line of the first north-south hedge immediately east of Battle Hall. The Main Plaza includes the south steps and south porches of the Tower.
(d) "Room or space" includes any room or space, indoors or outdoors, owned or controlled by the university.
(e) "University" means The University of Texas at Austin.
(f) "Weekday" means Monday through Friday except for official university holidays; "day" means calendar day.
SUBCHAPTER 13-200. PROHIBITED EXPRESSION

SEC. 13-201. OBSCENITY

No person or organization shall distribute or display on the campus any writing or visual image, or engage in any public performance, that is obscene. A writing, image, or performance is "obscene" if it is obscene as defined in Texas Penal Code section 21.08 or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.
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SEC. 13-202. DEFAMATION
(a) No person shall make, distribute, or display on the campus any statement that unlawfully defames any other person.
(b) A statement unlawfully defames another person if it is false, if the false portion of the statement injures the reputation of the other person, and if the speaker has the constitutionally required state of mind as set forth in decisions of the United States Supreme Court.

SEC. 13-203. INCITEMENT TO IMMINENT VIOLATIONS OF LAW
No person shall make, distribute, or display on the campus any statements directed to inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law.

SEC. 13-204. HARASSMENT
(a) No person shall make, distribute, or display on the campus any statement that constitutes verbal harassment of any other person. This section applies to all speech on the campus, including speech that is part of teaching, research, or other official functions of the university.
(b) (1) "Verbal harassment" means hostile or offensive speech, oral, written, or symbolic, that:
   (A) personally describes or is personally directed to one or more specific individuals; and
   (B) is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the victim's ability to participate in or benefit from the services, activities, or privileges provided by the university; and
   (C) is not necessary to the expression of any idea described in paragraph (2) of this subsection.
(2) To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not verbal harassment, even if some listeners are offended by the argument or idea. The categories of sexually harassing speech set forth in Policy 4.A.3 of the Handbook of Operating Procedures are rarely, if ever, necessary to argument for or against the substance of any political, religious, philosophical, ideological, or academic idea.
(3) Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech set forth in Policy 4.A.3 of the Handbook of Operating Procedures, and is often based on the victim's appearance, personal characteristics, or group membership, including but not limited to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, ideology, political views, or political affiliation.
(c) Harassment can also consist of nonverbal conduct, such as hazing, practical jokes, damage to

For enhanced penalties for disciplinary offenses motivated by the race, color, or national origin of a student harmed by the offense, see section 11-501(b). To the extent of any conflict in the definition of verbal harassment, the more detailed definition in this section controls.

(d) The harassment that this section prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense, and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within the university and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules.

(e) Verbal harassment has been interpreted very narrowly by the federal courts. Many university policies on verbal harassment or hate speech have been held unconstitutional, either because they prohibited harassment only when it was based on race, sex, and similar categories, or because they failed to protect the expression of potentially offensive ideas. This policy should be interpreted as narrowly as need be to preserve its constitutionality.

(f) (1) A student who believes he or she has been harassed should report the alleged violation to the dean of students.

(2) A faculty member or staff member who believes he or she has been harassed should report the alleged violation to the Office of Equal Opportunity Services.

(3) Alternatively, any person who believes he or she has been harassed may report the alleged violation to the Office of Equal Opportunity Services or to any university official, administrator, or supervisor. A faculty member is not an "official, administrator, or supervisor" for this purpose unless that faculty member holds an administrative position.

(4) Any university official, administrator, or supervisor who receives a report of alleged harassment shall promptly refer that report and the complainant to the Office of Equal Opportunity Services, or to the dean of students, as appropriate. A complainant whose report is not forwarded to the Office of Equal Opportunity Services, or to the dean of students, has not initiated proceedings for providing a remedy to the complainant or for imposing discipline on the alleged harasser.

(5) Investigation of the information provided, and any remedial or disciplinary proceedings, shall proceed under the procedures set out in the harassment policies cross referenced in section 13-204(c).
SEC. 13-205. SOLICITATION
(a) (1) No person shall make, distribute, or display on the campus any statement that offers or advertises any product or service for sale or lease, or requests any gift or contribution, except as authorized in paragraph (b), by section 13-403, or by the Regents' Rules.
(2) Words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle, are not solicitation within this definition.
(3) Unadorned acknowledgements or thanks to donors are not solicitation within this definition.
(b) (1) A registered student, faculty, or staff organization may advertise or sell merchandise, publications, food, or nonalcoholic beverages, or request contributions, for the benefit of the organization, for the benefit of another registered student, faculty, or staff organization, or for the benefit of an organization that is tax-exempt under section 501(c)(3) of the Internal Revenue Code. No organization may sell items obtained on consignment. No organization may request contributions for an off-campus tax-exempt organization for more than fourteen days in any fiscal year.
(2) Registered student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature that contains advertising subject to the limits in section 13-403. Individual students, faculty members, and staff members may distribute or display such literature, but may not sell it.
(3) Individual students, faculty members, and staff members may post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used, but only on a bulletin board designated for that purpose by an academic or administrative unit in space that the unit occupies or controls. Any unit that designates a bulletin board for this purpose may regulate that bulletin board under the procedures set forth in section 13-506.
(4) A resident of a university residence hall or apartment building may occasionally invite one or more salespersons to come to the resident's room or apartment, and in that room or apartment, the salesperson may offer products or services for sale to other residents of that residence hall or apartment building.
(5) A registered student, faculty, or staff organization may collect admission fees for programs scheduled in advance under chapter 10; provided, that neither university persons nor organizations may collect admissions fees for the exhibition of movies on the campus.
(6) A registered student, faculty, or staff organization may collect membership fees or dues at meetings of the organization scheduled in advance under chapter 10.
(7) A registered student, faculty, or staff organization may sell charitable raffle tickets on behalf of an organization that is authorized to conduct a charitable raffle under the Texas Charitable Raffle Enabling Act, Texas Occupations Code chapter 2002, or successor provisions.
(c) A registered student organization that receives funds from solicitations under this section
shall deposit and account for such funds under the rules in section 6-401(a).

(d) More detailed regulation of solicitation appears in the Regents' Rules (pt. 1, ch. VI, sec. 6.6). The provisions most relevant to students, faculty, and staff have been incorporated here.

**SUBCHAPTER 13-300. GENERAL RULES ON MEANS OF EXPRESSION**

**SEC. 13-301. DISRUPTION**

(a) Except as expressly authorized in section 13-802, or by an authorized university official responsible for a program or event sponsored by an academic or administrative unit, no speech, expression, or assembly may be conducted in a way that disrupts or interferes with any:

1. teaching, research, administration, or other authorized activities on the campus;
2. free and unimpeded flow of pedestrian and vehicular traffic on the campus; or
3. signs, tables, exhibits, public assemblies, distribution of literature, guest speakers, or use of amplified sound by another person or organization acting under the rules in this chapter.

(b) (1) The term "disruption" and its variants, as used in this rule, are distinct from and broader than the phrase "disruptive activities," as used in the Regents' Rules (pt. 1, ch. 3, sec. 6.5; and pt. 1, ch. 6, sec. 13). This rule is concerned not only with deliberate disruption, but also with scheduling and coordination of events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity.

2. Except in the most extreme cases, interference and disruption are unavoidably contextual. Intentional physical interference with other persons is nearly always disruptive in any context. Interfering with traffic depends on the relation between the volume of traffic and the size of the passageway left open. Disruptive noise is the most contextual of all, because it depends on the activity disrupted. Any distracting sound may disrupt a memorial service. Any sound sufficiently loud or persistent to make concentration difficult may disrupt a class or library. Occasional heckling in the speaker's pauses may not disrupt a political speech, but persistent heckling that prevents listeners from hearing the speaker does disrupt a political speech. These illustrations may be helpful, but none of them includes enough context to be taken as a rule. We cannot escape relying on the judgment and fairness of university authorities in particular cases. In this context where difficult enforcement judgments are unavoidable, it is especially important to remind administrators and law enforcement officials that their judgments should not be influenced by the viewpoint of those claiming disruption or of those allegedly disrupting.

(c) Potentially disruptive events can often proceed without disruption if participants, administrators, and law enforcement officials cooperate to avoid disruption without stopping the event. In cases of marginal or unintentional disruption, administrators and law
enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the event or resorting to disciplinary charges or arrest.

SEC. 13-302. DAMAGE TO PROPERTY
(a) No speech, expression, or assembly may be conducted in a way that damages or defaces property of the university or of any person who has not authorized the speaker to damage or deface his or her property.
(b) No person may damage, deface, or interfere with any sign, table, or exhibit posted or displayed by another person or organization acting under the rules in this chapter.

SEC. 13-303. COERCING ATTENTION
(a) No person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication.
(b) No person may persist in requesting or demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication.

SEC. 13-304. COSPONSORSHIP
(a) Neither registered student, faculty, or staff organizations, nor individual students, faculty, or staff, may cosponsor any event on campus with an off-campus person or organization. Only academic or administrative units with authority delegated from the president of the university may cosponsor events with an off-campus person or organization.
(b) An event is a prohibited cosponsorship if an individual or a student, faculty, or staff organization:
   (1) Depends on an off-campus person or organization for planning, staffing, or management of the event; or
   (2) Advertises the event as cosponsored by an off-campus person or organization; or
   (3) Operates the event as agent of, or for the benefit of, an off-campus person or organization, except for solicitation of charitable contributions under the authority of section 13-205(b)(1); or
   (4) Distributes any proceeds of the event to an off-campus person or organization, except for:
      (A) the proceeds of charitable contributions solicited under the authority of section 13-205(b)(1); or
      (B) payment of a fair market price for goods or services provided to the university person or organization; or
   (5) Reserves a room or space for the use of an off-campus person or organization; or
   (6) Engages in any other behavior that persuades the dean of students that an off-campus person or organization is in fact responsible for the event, in full or in substantial part.
(c) The following facts do not, in and of themselves, indicate a prohibited cosponsorship:
(1) That a university person or organization endorses an off-campus person or organization or its message;
(2) That a university person or organization sells, distributes, or displays literature prepared by an off-campus person or organization or containing contact information for an off-campus person or organization;
(3) That a university person or organization has purchased goods or services from an off-campus provider;
(4) That a registered student, faculty, or staff organization has invited a guest speaker under subchapter 13-1000;
(5) That a registered student, faculty, or staff organization has received financial contributions to support the event from an off-campus donor.

(d) The purpose of this rule is to preserve the limited space on campus for the use of students, faculty, and staff, and the rule shall be interpreted to serve that purpose. It is not the purpose of this rule to prevent students, faculty, or staff from exercising their right to associate with other persons or organizations holding views similar to their own.

**SEC. 13-305. OTHER RULES WITH INCIDENTAL EFFECTS ON SPEECH**

(a) Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to compile or cross-reference here. For example, libraries typically have highly restrictive rules concerning noise; laboratories and rooms containing the electrical and mechanical infrastructure of the university typically have safety rules and rules excluding persons without specific business there; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways. Speech within classrooms is generally confined to the subject matter of the class; the right to attend a class at all is subject to registration and payment of tuition; individual professors may have rules of decorum in their classroom. These kinds of rules limit the right of students, faculty, and staff to enter and speak in the places to which these rules apply.

(b) Reasonable and nondiscriminatory rules of this kind generally control over the rights of free speech guaranteed in this chapter. But even these kinds of rules are subject to the constitutional right of free speech. Such rules must be viewpoint neutral. Such rules cannot regulate speech more restrictively than they regulate other activities that cause the problems to be avoided by the rule. Such rules should not restrict speech more than is reasonably necessary to serve their purpose. Such rules cannot ban unobtrusive forms of communication with no potential for disruption even in the specialized environment subject to the localized rule. Thus, for example, means of silent expression or protest confined to the speaker's immediate person, such as armbands, buttons, and t-shirts, are nearly always protected because they are rarely disruptive in any environment.
SUBCHAPTER 13-400. DISTRIBUTION OF LITERATURE

SEC. 13-401. GENERAL RULE ON DISTRIBUTION OF LITERATURE
(a) Registered student, faculty, and staff organizations, and academic and administrative units, may sell, distribute, or display literature on campus, subject to the rules in this subchapter and to the general rules in subchapters 13-200 and 13-300. Individual students, faculty members, and staff members may distribute or display literature but may not sell it. In either case, no advance permission is required.
(b) "Literature" means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informal matter, that is produced in multiple copies for distribution to potential readers.

SEC. 13-402. NOT-FOR-PROFIT LITERATURE ONLY
(a) Except as expressly authorized by the Regents' Rules or by contract with the university, no person or organization may sell, distribute, or display on campus any publication operated for profit. A registered student, faculty, or staff organization may sell publications operated for profit as part of a fundraiser authorized by, and subject to the limits of, section 13-205(b)(1).
(b) A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, inures to the benefit of any private shareholder or individual.

SEC. 13-403. LIMITS ON ADVERTISING
Literature distributed on campus may contain the following advertising
(a) advertising for a registered student, faculty, or staff organization, or an academic or administrative unit;
(b) advertising for an organization that is tax exempt under section 501(c)(3) of the Internal Revenue Code;
(c) paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising; and
(d) other advertising expressly authorized by the Regents' Rules or by contract with the university.
All other advertising in literature distributed on campus is prohibited.

SEC. 13-404. IDENTIFICATION
All literature distributed on campus must identify the university person or organization responsible for its distribution.

SEC. 13-405. CLEAN UP OF ABANDONED LITERATURE
Any person or organization distributing literature on campus shall pick up all copies dropped on the ground in the area where the literature was distributed.
SUBCHAPTER 13-500 SIGNS AND BANNERS

SEC. 13-501. GENERAL RULE ON SIGNS
(a) "Sign" means any method of displaying a visual message to others, except that transferring possession of a copy of the message is distribution of literature and not a sign.
(b) Subject to the rules in this subchapter and to the general rules in subchapters 13-200 and 13-300, a university person or organization may display a sign by holding or carrying it, by displaying it at a table (see subchapter 13-600), or by posting it on a kiosk, bulletin board, or other designated location. Signs may not be posted in any other location.

SEC. 13-502. HAND-HELD SIGNS
(a) Students, faculty, and staff may display a sign on campus by holding or carrying it by hand or otherwise attaching it to their person. No advance permission is required.
(b) Any person holding or carrying a sign shall exercise due care to avoid bumping, hitting, or injuring any other person.
(c) Any person holding or carrying a sign at a speech, performance, or other event shall exercise due care to avoid blocking the view of any other person observing the speech, performance, or event. Depending on the venue, this may mean that signs may be displayed only around the perimeter of a room or an audience.
(d) A law enforcement officer or the dean of students, or an usher or other university employee if authorized by officials responsible for managing the venue, may warn any person that his or her sign is being handled in violation of paragraphs (b) or (c). If the violation persists after a clear warning, the law enforcement officer, dean, authorized usher, or other authorized employee may confiscate the sign.

SEC. 13-503. SIGNS ON KIOSKS
(a) A kiosk is an outdoor structure, attached to the ground in a fixed location, designed for the posting of signs.
(b) University persons and organizations may post signs on kiosks. No advance permission is required. Individuals may not post on kiosks any sign advertising goods or services for sale (see section 13-205).
(c) No sign posted on a kiosk may be larger than 11 inches by 17 inches.
(d) Each sign posted on a kiosk must identify the University person or organization that posted the sign, and must state the date the sign was posted or the date of the event being advertised. No sign advertising an event may be posted on a kiosk more than fourteen days before the date of the event.
(e) The person or organization that posts a sign on a kiosk must remove that sign not later than fourteen days after it was posted, or twenty-four hours after the event it advertised, whichever is earlier.
(f) No sign may be posted on a kiosk on top of another properly posted sign.
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(g) No person or organization may post more than two signs on the same kiosk at the same time.

(h) The dean of students may remove any sign that violates any of the rules in this section.

SEC. 13-504. BANNERS

(a) "Banner" means a sign hung from a structure, or between two buildings, structures, or poles.

(b) (1) The dean of students shall designate places where banners may be hung in outdoor locations not occupied or controlled by any other academic or administrative unit.

(2) Other academic and administrative units may designate one or more places where banners may be hung in indoor or outdoor locations that the unit occupies or controls.

(c) (1) Academic and administrative units and registered student, faculty, and staff organizations may hang banners in locations designated under paragraph (b). Individuals may not hang banners.

(2) Advance permission is required from the unit administering the location, and usually, advance reservations are required. Academic and administrative units advertising official university events or programs may be given priority. In locations administered by academic or administrative units other than the dean of students, organizations affiliated with the unit administering the location may be given priority.

(d) (1) In locations administered by the dean of students, each banner may be hung for one week. The banner may be renewed from week to week if space is available, but usually, other organizations are waiting their turn and renewal is not possible.

(2) Other units administering a location for banners may limit the time each banner may hang. Any such time limit shall be applied without discrimination to all organizations, except that academic and administrative units may be given preference.

(e) The dean of students shall maintain, on a website or on a flyer or pamphlet conveniently available at the dean's office:

(1) a list of outdoor locations where banners may be hung;

(2) the academic or administrative unit that administers banners at each outdoor location;

(3) a current description of the rules and procedures for reserving the right to hang a banner in locations administered by the dean of students.

(f) The unit administering a banner location may require that the physical work of hanging the banners be performed only by employees of Physical Plant or other appropriate university personnel.

SEC. 13-505. A-FRAMES

(a) "A-frame" means a movable and self-supporting sign board designed to stand on the ground.

(b) A-frames are subject to the rules on exhibits in subchapter 13-700.
SEC. 13-506. SIGNS IN OTHER DESIGNATED LOCATIONS (INCLUDING DEPARTMENTAL BULLETIN BOARDS)

(a) Each academic or administrative unit of the university may authorize the posting of signs in spaces that unit occupies and controls. Such authorization may be granted by general rule, by stamping or initialing individual signs, or by longstanding tradition.

(b) Signs in spaces occupied by academic or administrative units may be:
   (1) confined to bulletin boards or other designated locations;
   (2) subjected to viewpoint-neutral rules limiting the size of signs, limiting how long they may be posted, requiring each sign to show the date it was posted and the name of the person or organization who posted it, and similar rules designed to facilitate fair and equal opportunities to post signs;
   (3) confined 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) Each academic or administrative unit shall post on or near each bulletin board or other designated location that it administers:
   (1) either the rules applicable to that bulletin board or location, or a particular office or website where the rules applicable to that bulletin board or location may conveniently be found; and
   (2) if a stamp or initials are required on signs before they are posted on that bulletin board or location, the name and office location of the person whose stamp or initials are required.

This notice shall be posted in the upper left corner of each bulletin board or other designated location for posting signs, or conspicuously in another nearby location. If no such notice is posted, then the only applicable rules are those contained in subchapters 13-200 and sections 13-301 to 13-304.

(d) Within the scope of the subject matters permitted on a particular bulletin board or other designated location, no academic or administrative unit shall discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed on a sign.

(e) This section does not apply to any enclosed bulletin board or display case that is accessible only to authorized personnel for official university business.
SEC. 13-601. GENERAL RULE ON TABLES
University persons or organizations may set up tables from which to display literature and disseminate information and opinions, subject to the rules in this subchapter and to the general rules in subchapters 13-200 and 13-300. No advance permission is required.

SEC. 13-602. LOCATIONS
(a) Subject to the restrictions in paragraph (b) and subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic (see section 13-301), university persons and organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location.

(b) (1) Tables may not be set up on the Main Plaza.
(2) Tables may not be set up inside any library, classroom, laboratory, performance hall, stadium, or office, or in any hallway less than ten feet wide, without 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.
(3) An academic or administrative unit may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. Academic and administrative units are encouraged to clearly state any such rules in writing, and to publish those rules on a website or on a flyer or pamphlet conveniently available at the chief administrative office of the unit.

(c) If any table is set up in a prohibited or disruptive location, any university employee pointing out the violation shall also point out other locations, as nearby as is reasonably possible, where the table is permitted.

SEC. 13-603. IDENTIFICATION
Each table must have a sign or literature that identifies the University person or organization sponsoring the table.

SEC. 13-604. CLEAN UP AROUND TABLES
Any person or organization sponsoring a table shall remove litter from the area around the table at the end of each day.

SEC. 13-605. SOURCES OF TABLES
Persons and organizations may supply their own tables. In addition, the dean of students maintains a supply of tables that may be reserved and checked out for use on campus. The dean of students shall maintain, on a website or on a flyer or pamphlet conveniently available at the dean's office, a current description of the rules and procedures for reserving and checking out tables.

SUBCHAPTER 13-700. EXHIBITS AND A-FRAMES
SEC. 13-701. GENERAL RULE ON EXHIBITS
(a) "Exhibit" means an object or collection of related objects, designed to stand on the ground or on a raised surface, that is not a table, and that is designed for temporary display and is not permanently attached to the ground. An A-frame sign (see section 13-505) is an exhibit.
(b) University persons and organizations may erect exhibits, subject to the rules in this subchapter and to the general rules in subchapters 13-200 and 13-300. Advance permission is required from the dean of students, except that an academic unit may authorize indoor exhibits in a space that it occupies and controls. Exhibits may not be erected on the Main Plaza between 8:00 a.m. and 5:00 p.m. on weekdays.

SEC. 13-702. APPLICATION PROCESS
A person or organization desiring to erect an exhibit shall apply on a form prescribed by the dean of students.

SEC. 13-703. CRITERIA FOR APPROVAL
(a) The dean of students shall authorize an exhibit described in a completed application under section 13-702 unless the dean finds that use of the proposed space for the proposed exhibit must be disapproved under the criteria in section 10-203.
(b) The dean shall specify the location of each exhibit to reduce the hazard to visually impaired pedestrians.
(c) The dean shall advise each applicant how to correct, if possible, any conditions that preclude approval of his or her application. Even if an applicant is entitled to have its application approved as submitted, the dean may give advice about other possible locations, or about modifications to the exhibit, that would avoid potential problems or make the proposed exhibit more workable.

SEC. 13-704. TIME LIMITS
(a) In locations administered by the dean of students, each exhibit may be displayed for fourteen days. The exhibit may be renewed for an additional fourteen days if space is available.
(b) The exhibit must be removed at the end of each day and may be erected each morning. However, the vice president for student affairs or the dean of students may authorize overnight exhibits in designated locations. Overnight exhibit locations shall be listed on a website, or on a flyer or pamphlet conveniently available in the dean's office.

SEC. 13-705. CLEAN UP AROUND EXHIBITS
Any person or organization sponsoring an exhibit shall remove litter from the area around the exhibit at the end of each day.
SEC. 13-706. LIABILITY

Any person or organization sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. The university shall not be liable for any damage that may occur to the exhibit, and any person or organization sponsoring the exhibit shall indemnify the university for any claims arising from the exhibit’s presence on campus.

SUBCHAPTER 13-800. AMPLIFIED SOUND

SEC. 13-801. GENERAL RULE ON AMPLIFIED SOUND

University persons and organizations may use amplified sound on campus at designated times and locations, subject to the rules in this subchapter and to the general rules in subchapters 13-200 and 13-300. Advance permission is required. This subchapter creates limited exceptions to the general rule on disruption in section 13-301.

SEC. 13-802. LOCATION AND TIMES OF WEEKDAY AMPLIFIED SOUND AREAS

(a) (1) The West Mall Amplified Sound Area is the extreme east end of the West Mall, adjacent to the west steps of the Tower.

(2) University persons and organizations may use amplified sound in this area from 11:30 a.m. to 1:30 p.m. Monday through Friday.

(b) (1) The Union Patio Amplified Sound Area is the flagstone area between the Texas Union and the Flawn Academic Center.

(2) University persons and organizations may use amplified sound in this area from 11:30 a.m. to 1:30 p.m. Monday through Friday.

(c) (1) The East Bus Circle Amplified Sound Area is the grassy area south of the East Mall Fountain and east of Steindam Hall.

(2) University persons and organizations may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. Monday through Friday.

(d) (1) The East Mall Amplified Sound Area is the area bounded by the west side of Speedway Avenue, by the south end of Welch Hall, by the top of the steps at the east side of Inner Campus Drive, and by the north end of Waggener Hall.

(2) Permanent speakers will be installed in the planters in this area. This area may not be used until those speakers are installed. Thereafter, university persons and organizations may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. Monday through Friday.

(e) (1) The Battle Oaks Amplified Sound Area is the area bounded by the north wall of Hogg Auditorium, by an extension drawn northward from the east wall of the Texas Union, by the south edge of the sidewalk on the south side of 24th Street, and by the west edge of the sidewalk on the west side of Inner Campus Drive.

(2) University persons and organizations may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. Monday through Friday.

(f) (1) The Mustangs Amplified Sound Area is the area bounded by the sidewalk on the east
side of San Jacinto Boulevard, by the west wall of the Texas Memorial Museum, and by the outer edge of the two stairways on either side of the lawn.

(2) University persons and organizations may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. Monday through Friday.

(g) (1) The San Jacinto Amplified Sound Area is the area bounded by the south wall of the Art Building, by the east edge of the sidewalk on the east side of San Jacinto Boulevard, by the north edge of the sidewalk on the north side of 23rd Street, and by the west edge of the sidewalk on the west side of Trinity Avenue.

(2) University persons and organizations may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. Monday through Friday.

(h) (1) The LBJ Fountain Amplified Sound Area is the area bounded by the east edge of Robert Dedman Drive, by the first sidewalk north of the LBJ Fountain, by a line drawn tangent to the west side of the LBJ Fountain and parallel to Robert Dedman Drive, and by the base of the hill on the south side of the Fountain.

(2) University persons and organizations may use amplified sound in this area from 8:00 a.m. to 5:00 p.m. Monday through Friday.

(i) (1) The vice president for student affairs may designate additional areas for weekday use of amplified sound.

(2) If the dean of students concludes that it is unworkable to use the Union Patio Amplified Sound Area and the Battle Oaks Amplified Sound Area at the same time, the dean may close the Union Patio Amplified Sound Area or refuse to schedule simultaneous events in the two areas.

SEC. 13-803. REGULATION AND SCHEDULING OF WEEKDAY AMPLIFIED SOUND

(a) The dean of students may prescribe rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of weekday amplified sound areas, to mediate any conflict with university functions and other nearby activities, and to manage environmental impact. All such rules shall be reasonable and nondiscriminatory.

(b) (1) Persons or organizations wishing to use a weekday amplified sound area must reserve a particular area at a particular time. Reservations must be made with the dean of students on a form prescribed by the dean. The dean of students shall approve a properly completed application to reserve an amplified sound area, unless the application must be disapproved under the criteria in section 10-203 or under rules promulgated by the dean under the authority of this section.

(2) The dean may limit the number or frequency of reservations for each person or organization to ensure reasonable access for all persons and organizations desiring to use amplified sound on weekdays.

(3) In the Union Patio or Battle Oaks Amplified Sound Area, the dean shall reserve some time slots each week for emergency reservations by persons or organizations responding to events that have occurred, or issues that have arisen, since the
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preceding week.

(c) Amplified sound in the West Mall and Union Patio Amplified Sound Areas is in fact disruptive of teaching, administration, and research in the Tower, in the Flawn Academic Center, in Parlin Hall, and in Battle Hall. The disruption inherent in this use of amplified sound is expressly authorized, but no other disruption is authorized. Disruption is permitted to this extent because otherwise, it would be necessary to ban all use of amplified sound in and near the center of campus during working hours. The hours are limited because otherwise, work in these important buildings would be continuously disrupted.

(d) Between 8:00 a.m. and 5:00 p.m. Monday through Friday, all persons and organizations must use sound equipment owned or controlled by the university. Some sound equipment may be borrowed, and other sound equipment may be rented for a nominal fee, from the dean of students.

(e) Persons and organizations using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area.

(f) Any designations of additional areas, any additional rules regulating the designated areas, and the rules and procedures for reserving the right to use a designated area, shall be clearly stated on a website or on a flyer or pamphlet conveniently available at the dean of student's office.

SEC. 13-804. AMPLIFIED SOUND ON EVENINGS AND WEEKENDS

(a) With advance permission, university persons and organizations may use amplified sound in any outdoor location on campus, including the weekday amplified sound areas designated in section 13-802, after 5:00 p.m. Monday through Friday, and after 8:00 a.m. Saturday and Sunday, except for the early morning hours excluded in paragraph (b).

(b) If amplified sound is authorized for an event on a Sunday, Monday, Tuesday, Wednesday, or Thursday evening, the sound must be turned off by 1:00 a.m. on the following day. If amplified sound is authorized for an event on a Friday or Saturday evening, the sound must be turned off by 2:00 a.m. on the following day.

(c) On evenings and weekends, speakers may provide their own sound equipment. Some sound equipment may be borrowed, and other sound equipment may be rented for a nominal fee, from the dean of students.

(d) The dean of students may prescribe reasonable and nondiscriminatory rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of amplified sound on evenings and weekends, to mediate any conflict with university functions and other nearby activities, and to manage environmental impact.

(e) Use of amplified sound on evenings and weekends requires advance permission from the dean of students. Persons and organizations shall apply on a form prescribed by the dean. The dean shall authorize amplified sound as described in a completed application unless the dean finds that the application must be disapproved under the criteria in section 10-203 or under
rules promulgated by the dean under the authority of this section. The dean shall advise each applicant how to correct, if possible, any conditions that preclude approval of its application. Even if an applicant is entitled to have its application approved as submitted, the dean may give advice about other possible locations, or about modifications to the proposed event, that would avoid potential problems or make the proposed event more workable.

SEC. 13-805. AMPLIFIED SOUND INDOORS
Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the dean of students may limit or prohibit sound that would be disruptive outside the room. Reservations may be required. Rules concerning use of university buildings are contained in chapter 10.

SUBCHAPTER 13-900. PUBLIC ASSEMBLIES WITHOUT AMPLIFIED SOUND

SEC. 13-901. GENERAL RULE ON PUBLIC ASSEMBLIES
(a) "Publicly assemble" and "public assembly" include any gathering of persons, including discussions, rallies, and demonstrations. The rules of subchapter 13-800 apply to any use of amplified sound at a public assembly.

(b) University persons and organizations may publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules in this subchapter, to the general rules in subchapters 13-200 and 13-300, and to the rules on use of university property in chapter 10. No advance permission is required.

SEC. 13-902. RESERVATION OF SPACE
(a) University persons or organizations who wish to publicly assemble in a particular room or space at a particular time may reserve the room or space under the provisions in subchapter 10-200.

(b) An organization with a reservation has the right to the reserved room or space for the time covered by the reservation. Any person or organization using or occupying the room or space without a reservation must yield control of the room or space in time to permit any organization with a reservation to begin using the room or space promptly at the beginning of its reserved time.

(c) Reservations are not required but are strongly encouraged. A person or organization planning to use a room or space without a reservation may find the facility locked or in use by another person or organization. The University Police rely on a list of scheduled events, and a large group without a reservation is likely to attract their courteous but inquiring attention.
SEC. 13-903. NOTICE AND CONSULTATION
Persons or organizations who are planning a public assembly with more than fifty participants are strongly encouraged to notify and consult with the dean of students as soon as practicable after the point at which the planners anticipate or plan for more than fifty participants. Persons or organizations planning smaller assemblies are encouraged to consult the dean of students if there is uncertainty about applicable university rules, the appropriateness of the planned location, or possible conflict with other events. The dean has much experience in helping student organizations structure events in ways that both comply with the university's rules and achieve the organization's goals for the event. The dean can help identify appropriate space and potentially conflicting events. The dean can help the planners avoid unintended disruption or other violations that may result in subsequent discipline or subsequent interference with the assembly by campus authorities.

SUBCHAPTER 13-1000. GUEST SPEAKERS

SEC. 13-1001. DEFINITIONS
"Guest speaker" means a speaker or performer who is not a student, faculty member, or staff member.

SEC. 13-1002. WHO MAY PRESENT
Registered student, faculty, and staff organizations, and academic and administrative units, may present guest speakers on university property. In the case of registered student organizations, advance permission from the dean of students is required. Individuals may not present a guest speaker.

SEC. 13-1003. LOCATION AND FORM OF PRESENTATION
(a) A guest speaker may present a speech or performance, or lead a discussion, at a time announced in advance, in a fixed indoor location, or in a fixed outdoor location approved by the dean of students. A guest speaker may distribute literature to persons who attend the speech, performance, or discussion.
(b) A guest speaker may not:
   (1) accost potential listeners who have not chosen to attend the speech, performance, or discussion; or
   (2) distribute literature to persons who have not chosen to attend the speech, performance, or discussion; or
   (3) help staff a table or exhibit set up under subchapter 13-600 or 13-700.

SEC. 13-1004. APPLICATION
(a) A registered student organization that wishes to present a guest speaker shall apply to the dean of students, on a form prescribed by the dean, at least forty-eight hours before the scheduled event or any planned advertising for the event, whichever is earlier. The
application shall be combined with an application under section 10-202 to reserve the use of a university room or space for the event.

(b) The dean shall approve an application properly made under subsection (a) unless it must be disapproved under the criteria in section 10-203.

SEC. 13-1005. OBLIGATIONS OF PRESENTING ORGANIZATION

A student, faculty, or staff organization that presents a guest speaker must make clear that:

(a) the organization, and not the university, invited the speaker; and

(b) the views expressed by the speaker are his or her own and do not necessarily represent the views of the university, The University of Texas System, or any component institution.

SUBCHAPTER 13-1100. RESPONDING TO SPEECH, EXPRESSION, AND ASSEMBLY

SEC. 13-1101. GENERAL RULE ON RESPONDING

University persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this chapter.

SEC. 13-1102. APPLICATIONS OF SECTION 13-1101

(a) Responders may not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants, or prevent speakers from being heard.

(b) Means of response that are permitted in many locations and without advance permission or reservation, such as signs, tables, distribution of literature, and public assembly without amplified sound, may be used immediately and in any location authorized in this Policy.

(c) Means of response that require advance permission or reservation, such as banners, A-frames, exhibits, and amplified sound, may be used as soon as the needed permission or reservation may be arranged. Banner space and some amplified sound areas may be unavailable on short notice because of earlier reservations, but the dean of students shall expedite approval of A-frames, exhibits, and available banner space and amplified sound areas where necessary to permit appropriate response to other speech, assembly, or expression.

(d) Means of response that are confined to authorized locations, such as banners and amplified sound, may be used only in those locations. It is not possible to respond to amplified sound with amplified sound in the same location; similarly if an exhibit or public assembly is in a location where amplified sound is not permitted, it is not possible to respond with amplified sound in that location. In either case, it is possible to respond with amplified sound in another location and to use signs or distribution of literature to advertise the response at the other location.
SUBCHAPTER 13-1200. ENFORCEMENT AND APPEALS

SEC. 13-1201. POLICE PROTECTION

(a) It is the responsibility of the university to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, persons staffing or viewing exhibits, and other events. The normal patrolling of officers during regular duty areas in the area of such events will be at the cost of the university. When the magnitude, timing, or nature of an event requires overtime hours from police officers (including contract hours for officers hired from other departments or private security agencies), the university will, to the extent specified in subsections (b) and (c), charge the cost of overtime or contract officers to the person or organization sponsoring the event or exhibit that requires overtime police protection. The purpose of subsections (b) and (c) is to charge for police overtime where reasonably possible, but not to charge for police overtime made necessary by the content of speech at the event or by the controversy associated with any event.

(b) A reasonable and nondiscriminatory fee for overtime police work will be charged for events that require overtime police protection, and

(1) charge a price for admission, or
(2) pay a speaker, band, or other off-campus person or organization for services at the event.

Persons or organizations planning such events should budget for the cost of police protection.

(c) The university shall have the sole power to decide, after reasonable consultation with the person or organization planning the event, whether and to what extent overtime police protection is required. No fee shall be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event. All fees shall be based on the number of officers required for an uncontroversial event of the same size and kind, in the same place and at the same time of day, handling the same amount of cash.

(d) Nothing in this section applies to any interdepartmental charge or transfer among units or accounts funded by the university.

SEC. 13-1202. RESPONSE TO VIOLATIONS

(a) A student who violates a prohibition in this chapter may be disciplined under the procedures in chapter 11.

(b) A faculty member who violates a prohibition in this chapter may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by faculty members shall be referred to the Office of the Executive Vice President and Provost.

(c) A staff member who violates a prohibition in this chapter may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by staff members shall be referred to Human Resource Services.

(d) Authorized university personnel may prevent imminently threatened violations, or end
ongoing violations, of a prohibition in this chapter, by explanation and persuasion, by reasonable
physical intervention, by arrest of violators, or by any other lawful measures. Alternatively
or additionally, they may initiate disciplinary proceedings under paragraph (a), (b), or (c).
Discretion regarding the means and necessity of enforcement shall be vested in university
personnel designated by the president of the university, but such discretion shall be exercised
without regard to the viewpoint of any speaker.
(c) Persons and organizations on the campus shall comply with instructions from university
administrators and law enforcement officials at the scene. A person or organization that
complies with an on-the-scene order limiting speech, expression, or assembly may test the
propriety of that order in an appeal under section 13-1203.

SEC. 13-1203. APPEALS
(a) A person or organization that is denied permission for an activity requiring advance
permission under this chapter may appeal the denial of permission.
(b) A person or organization that complies with an on-the-scene order limiting speech,
expression, or assembly may, on or before the fifth weekday after complying with the order,
file an appeal to determine the propriety of the order limiting the speech, expression, or
assembly. The question on appeal shall be whether, under the circumstances as they
reasonably appeared at the time of the order, the appellant's speech, expression, or assembly
should have been permitted to continue. Such an appeal may be useful to clarify the
meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to
resume the speech, expression, or assembly that was limited by the order.
(c) An appeal authorized by this section shall be heard under the procedures set out in
subchapter 10-400.
APPENDIX

SECTION-BY-SECTION ANALYSIS
OF PROPOSED CHANGES TO
INSTITUTIONAL RULES ON STUDENT SERVICES AND ACTIVITIES

The proposed rules in this document, consisting of a substantial recodification of Chapters 6 and 10, amendments to Chapter 11, and a new Chapter 13, of the Institutional Rules on Student Services and Activities, (Appendix C to the General Information Catalog), constitute the principal recommendations of the Task Force. Because these rules also regulate faculty and staff, to some extent in the existing version and to a greater extent in our proposed version, we propose putting these rules in the Handbook of Operating Procedures (H.O.P.). They should also remain in the Institutional Rules (I.R.), which are more accessible to students. Future amendments should change both versions, unless there is a carefully considered decision to change only one.

H.O.P. and I.R. have different organizations, resulting in different numbers for I.R. "chapters" and H.O.P. "parts" and "policies." We have conformed to each numbering system, but within chapters and policies, we have used the same numbering system for sections. Thus an informal reference to section 304 of the free speech rules will accurately identify I.R. section 13-304 and H.O.P. Policy 13.A.1, section 304.

This Appendix briefly explains our proposed changes, section by section. It identifies the existing rule for comparison to each proposed rule, and it briefly explains substantive changes and their rationale. References to existing rules are to I.R. unless otherwise indicated; corresponding references to H.O.P. are given in headings.
The proposed changes to Chapter 6 (to be inserted in the H.O.P. as Policy 12.B.1) conform that chapter to the proposed rules on free speech, and make simple editing changes for clarity. We have not undertaken substantive review, nor a systematic editorial review, of policies unrelated to free speech.

SEC. 6-101. DEFINITIONS (H.O.P. 12.B.1-101)
Mostly from existing 6-101; definition of "authorized representative" from existing 10-102(1). Minor editing for clarity. No substantive change.

SEC. 6-201. REGISTRATION REQUIRED (H.O.P. 12.B.1-201)
From existing 6-201(c). Minor editing for clarity. No substantive change.
Existing 6-201(a) now dealt with in proposed Chapter 13 (H.O.P. Policy 13.A.1).
Existing 6-201(b) moved to proposed 6-202 on eligibility.
Existing 6-201(d) deleted as possibly unconstitutional under Healy v. James, 408 U.S. 169 (1972). Issue now dealt with in proposed 6-202(f).

SEC. 6-202. ELIGIBILITY (H.O.P. 12.B.1-202)
From existing 6-202 and 6-201(b). Minor editing for clarity.
One important substantive change in proposed 6-202(c), permitting religious organizations to require a statement of faith for voting and office holding. This is not invidious discrimination, but rather a core exercise of religious liberty and protective of the organization's mission. Political organizations can insist on loyalty to their cause without running afoul of discrimination rules, and religious organizations should have the same right. Organizations committed to a message or to a political or religious goal have a constitutional right to insist at least that their leaders, and perhaps their members, adhere to the organization's message or goal. This right has been recognized in such cases as Boy Scouts v. Dale, 530 U.S. 640 (2000); Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, 515 U.S. 557 (1995); and Democratic Party v. Wisconsin, 450 U.S. 107 (1981). These principles were applied to on-campus religious groups in Hsu v. Roslyn Union Free School District No. 3, 85 F.3d 839 (2d Cir. 1996).

SEC. 6-203. APPLICATION (H.O.P. 12.B.1-203)
From existing 6-203. Minor editing for clarity. No substantive change.

SEC. 6-204. USE OF UNIVERSITY NAME OR SPONSORSHIP (H.O.P. 12.B.1-204)
From existing 6-204. Minor editing for clarity. No substantive change.
The Task Force did not consider the merits of this section. Another committee is actively considering existing policy on use of the University's trademarks by student, faculty, and staff
organizations. When that committee reports, it should revise this section as necessary in both the H.O.P. and the I.R.

**SEC. 6-205. ACTION ON APPLICATION (H.O.P. 12.B.1-205)**
From existing 6-205. Cross-references updated. No substantive change.

**SEC. 6-301. RECOGNITION AND ACTIVITIES (H.O.P. 12.B.1-301)**
From existing 6-301. Minor editing for clarity. Reference to public performance or exhibition deleted. Subsection (e) added for clarity, but this is not a substantive change.

**SEC. 6-302. MEMBERSHIP (H.O.P. 12.B.1-302)**
From existing 6-302. Minor editing for clarity. One substantive change, already discussed under 6-202.

**SEC. 6-303. OBLIGATIONS (H.O.P. 12.B.1-303)**
From existing 6-304. Minor editing for clarity. One substantive change, already discussed under 6-202.
Existing 6-303 moved to proposed 6-401.

**SEC. 6-401. ACCOUNTING PROCEDURE (H.O.P. 12.B.1-401)**
From existing 6-303 and 10-502. Minor editing for clarity and to eliminate duplication. No substantive change.

**SEC. 6-402. TICKET SALES (H.O.P. 12.B.1-402)**
From existing 10-503. Cross-reference updated. No other change.

**SEC. 6-501. ORGANIZATIONAL RESPONSIBILITY FOR VIOLATIONS (H.O.P. 12.B.1-501).**
From existing 6-401, unchanged. Section title changed for clarity.

**SEC. 6-502. PENALTIES (H.O.P. 12.B.1-502)**
From existing 6-402. Reference to "booth" changed to "table or exhibit" for clarity. No other change.

**SEC. 6-503. NOTICE (H.O.P. 12.B.1-503).**
From existing 6-403. Minor editing for clarity. No substantive change.

**SEC. 6-504. GENERAL PROCEDURES FOR APPEAL (H.O.P. 12.B.1-504)**
From existing 6-404(a), (b), (c), (d), (i), and (j). Existing 6-404(e) and (f) moved to proposed 6-505. Existing 6-404(g) and (h) moved to proposed 6-506. Minor editing for clarity. No substantive change.
SEC. 6-505. APPEAL TO THE VICE PRESIDENT FOR STUDENT AFFAIRS (H.O.P. 12.B.1-505).
   From existing 6-404(e) and (f). Minor editing for clarity. No substantive change.

SEC. 6-506. APPEAL TO A HEARING OFFICER (H.O.P. 12.B.1-506)
   From existing 6-404(g) and (h) and 6-405. Minor editing for clarity. No substantive change.
USE OF UNIVERSITY PROPERTY, ROOMS, AND SPACES
INSTITUTIONAL RULES CHAPTER 10
PROPOSED HANDBOOK OF OPERATING PROCEDURES POLICY 2.B.1

Existing Chapter 10 on University facilities includes most rules on speech, assembly, and expression, conceived as rules about what people can say and do in and on University facilities. The Task Force proposes to move the free speech rules to a new I.R. Chapter 13 (H.O.P. Policy 13.A.1), which will make them easier to find and which makes it easier to organize those rules more clearly. This leaves in Chapter 10 the rules that are primarily about University facilities.

As with Chapter 6, we did not undertake a substantive review, or a systematic editorial review, of policies unrelated to free speech. But the large removals of material from Chapter 10 require significant amendments for organization and clarity in the material that remains. The revised Chapter 10 is also to be inserted in the Handbook of Operating Procedures as Policy 2.B.1.


From existing 10-101. Existing 10-101(c) moved to proposed 13-203 (H.O.P. 13.A.1-203); other references to speech moved to appropriate sections in proposed Chapter 13 (H.O.P. Policy 13.A.1). Cross-references added. Exclusion of Texas Union deleted; Union and other facilities not subject to centralized scheduling now expressly provided for in 10-202(a)(3). No substantive change.

SEC. 10-102. GENERAL DEFINITIONS -- CATEGORIES OF SPEAKERS AND USERS (H.O.P. 2.B.1-102)

From existing 10-102. Minor editing for clarity. No substantive change. Some phrases are newly defined to distinguish various categories of speakers: "academic or administrative unit," "faculty member and staff member," and "registered student, faculty, or staff organization."

SEC. 10-103. OTHER GENERAL DEFINITIONS (H.O.P. 2.B.1-103)

From existing 10-102. Minor editing for clarity. The phrase "room or space" is substituted for "university facility," which several members found confusing. No substantive change.

SEC. 10-201. PERMISSION TO USE (H.O.P. 2.B.1-201)

Proposed 10-201(a) from existing 10-201(a). Subsection expanded to introduce general guide, by rule or cross-reference, to all room reservations on campus, including by academic and administrative units and by faculty and staff organizations. Explicitly states priority of academic and administrative units, except in weekday amplified sound areas. Explicitly states the longstanding but unwritten administrative rule that the Main Plaza is not available for reservation, for events not sponsored by the university, during weekdays. To the Task Force, this rule partly reflects an aesthetic judgment that is important to many members of the university community, partly a judgment about preserving the Main Plaza for the many spontaneous activities that go on there,
partly a judgment that there are ample other locations for speech activities on the campus, and partly the weight of tradition.

Proposed 10-201(b) is based on current administrative practice; it explicitly states the rights and priorities of an organization with a reservation.

Proposed 10-201(c) explains to users the advantage of reserving a room or space instead of simply using one that appears empty.

Existing 10-201(b) moved to proposed 10-202(a).
Existing 10-201(c) moved to proposed 13-304(a) (H.O.P. 13.A.1-304(a).

SEC. 10-202. APPLICATION (H.O.P. 2.B.1-202)
From existing administrative practice, which is partly stated in existing 10-201(a) and 10-202(a), and existing Old H.O.P. 6.06 (which will be moved to new H.O.P. Policy 2.B.2). Expanded to explain who controls reservations for which rooms, and where each set of users should go to make reservations. No substantive change.
Requires Dean of Students, and encourages academic and administrative units, to create transparent reservation processes. It is not feasible for the Dean of Students to list all rooms and who administers them, but she can prominently publish list of general purpose classrooms, and users can infer that rooms not listed are controlled by some nearby unit.
Omits details of Dean of Students' application form.
Existing 10-202(b) moved to proposed subchapter 13-1000.

SEC. 10-203. CONSIDERATION OF APPLICATION (H.O.P. 2.B.1-203)
From existing 10-203. Minor editing for clarity; cross-references added. Criteria for approval slightly expanded to cover other requests for permission; this section is incorporated in sections on exhibits (13-703), amplified sound (13-803 and 13-804), and guest speakers (13-1004). Subparagraph (4) refers to generally applicable safety rules; subparagraph (5) refers to safety problems arising from conduct of the particular event. More time is now allowed for explaining disapproval.

SEC. 10-301. IDENTIFICATION (H.O.P. 2.B.1-301)
From existing 10-204. Edited for clarity. No substantive change.

SEC. 10-302. USE OF ALCOHOLIC BEVERAGES (H.O.P. 2.B.1-302)
From existing 10-205. No change.

SEC. 10-401. PROCEDURES FOR APPEAL (H.O.P. 2.B.1-401)
From existing 10-601. Minor editing for clarity. No substantive change.

SEC. 10-402. FURTHER REVIEW BY PETITION (H.O.P. 2.B.1-402)
From existing 10-602. Minor editing for clarity. No substantive change.
MISSING SECTIONS

Existing subchapter 10-300 (student advocacy) moved to proposed Chapter 13 (H.O.P. Policy 13.A.1), generally reorganized, and substantially rewritten.

Existing 10-301 (petitions, handbills, and literature) mostly moved to proposed subchapter 13-400.

Existing 10-302, 10-303, and 10-304 (signs) mostly moved to proposed subchapter 13-500.

Existing 10-305 (booths) mostly moved to proposed subchapter 13-600.

Existing 10-306 (public demonstrations) mostly moved to proposed subchapter 13-900.

Existing 10-307 (designated areas) mostly moved to proposed subchapter 13-800.

Restrictions on speech in existing sections mostly consolidated in proposed subchapters 13-200 and 13-300.

Existing subchapter 10-400 is eliminated. The categories of "public performance" and "public exhibition" were undefined, and generally unused. Anything that might have fallen in these categories is dealt with in proposed subchapters 13-1000 on guest speakers, 13-800 on amplified sound, and 13-900 on public assemblies.

Existing subchapter 10-500 moved to proposed 13-205.
The proposed amendments to Chapter 11 are essentially cross-references, connecting existing rules to related rules in the Task Force proposals. The student disciplinary rules are not to be incorporated into the Handbook of Operating Procedures.

SEC. 11-501. AUTHORIZED DISCIPLINARY PENALTIES

The proposed amendment inserts a cross-reference to harassment rules into the existing rule providing enhanced penalties for racially motivated offenses. No substantive change.

SEC. 11-804. CERTAIN OTHER OFFENSES.

The proposed amendment inserts a cross-reference to the full set of harassment rules into the existing disciplinary rule that prohibits harassment in somewhat conclusory terms. No substantive change in the cross-reference; substantive clarification in the harassment rules that are cross-referenced.
PROPOSED INSTITUTIONAL RULES CHAPTER 13
PROPOSED HANDBOOK OF OPERATING PROCEDURES POLICY 13.A.1

Proposed I.R. Chapter 13 (H.O.P. Policy 13.A.1) is a complete reorganization and rewriting of the rules on speech, expression, and assembly.

We have attempted to consolidate all restrictions on the content of speech in subchapter 13-200, and all the general restrictions on the means of speech in subchapter 13-300. These two subchapters apply to all speech within the scope of this chapter. The succeeding subchapters deal with particular forms of speech: distribution of literature, signs and banners, tables, exhibits, amplified sound, public assemblies, guest speakers, and responses. The final subchapters deal with enforcement and appeals.


Entirely rewritten for clarity and emphasis. Similar statements of the University's commitment to free speech and of the essential limits on that commitment appear in existing 6-201(a) and 10-307(a), and the *Regents' Rules* (pt. 1, ch. VI, secs. 6.1 and 7.1).


SEC. 13-102. SCOPE OF THIS CHAPTER AND RELATED PROVISIONS (H.O.P. 13.A.1-102)

This proposed section is mostly new, but the substance of what it explains is not new. It explains that this chapter deals with speech that is not officially sponsored by the University, and also with most official speech that occurs outdoors or is alleged to be harassing. It explains why faculty, staff, and even academic units sometimes have to schedule through the Dean of Students, as provided in existing Old H.O.P. section 6.06. It cross-references other regulations of speech on campus.

The priority for official events, stated in proposed 13-102(c), and again with respect to reservation of rooms and spaces in proposed 10-201(a), is stated in the existing *Regents' Rules* (pt. 1, ch. VI, sec. 6.95 and 7.1).

SEC. 13-103. GENERAL DEFINITIONS -- CATEGORIES OF SPEAKERS (H.O.P. 13A.1-103)

Definitions used in more than one subchapter appear here and in 13-104. They are generally taken from existing 10-102, with minor editing for clarity but no substantive change. Some phrases are newly defined to distinguish various categories of speakers: "academic or administrative unit," "faculty member and staff member," "off-campus person or organization,"
"registered student, faculty, or staff organization," and "university person or organization."

SEC. 13-104. OTHER GENERAL DEFINITIONS (H.O.P. 13.A.1-104)
From existing 10-102. Minor editing for clarity. No substantive change. The definition of "amplified sound" is new. The definition does not include raising or combining human voices; every other form of sound amplification is within these rules. The phrase "room or space" is substituted for "university facility," which several members found confusing.

SEC. 13-201. OBSCENITY (H.O.P. 13.A.1-201)
From existing 10-301(a), 10-303(a), and 10-305(d)(6). Expanded for clarity and made generally applicable. The proposed section omits the prohibition on vulgarity in the existing sections. The term has no settled legal meaning; its prohibition is of doubtful constitutionality under Papish v. University of Missouri, 410 U.S. 667 (1973), and Cohen v. California, 403 U.S. 15 (1971); and the Task Force thought the prohibition was unnecessary.

From existing 10-301(a), 10-303(a), and 10-305(d)(6). Expanded for clarity and made generally applicable. The required mental state is not set out, because it varies depending on the victim and subject matter of the defamation, and many words would be required to state it accurately and precisely.

SEC. 13-203. INCITEMENT TO IMMINENT VIOLATIONS OF LAW (H.O.P. 13.A.1-203)
This standard is taken from Brandenburg v. Ohio, 395 U.S. 444 (1969). It appears in existing 10-101(c) and 11-804(a)(10), and in several places in the Regents' Rules. No substantive change.

SEC. 13-204. HARASSMENT (H.O.P. 13.A.1-204)
This section is new. Proposed 13-204(a) prohibits harassing speech, and applies that prohibition to all speech on campus. The rest of this chapter applies only to speech that occurs outdoors or that is not part of the official work of the University.

The University has multiple harassment policies, cross-referenced in proposed 13-204(c). None of them attempt the difficult task of clearly defining the boundary between harassment and free speech. Proposed 13-204(b)(1) begins a definition, focusing on hostile speech directed at individual victims; proposed 13-204(b)(2) clarifies that definition by affirmatively stating the substance of the principal free-speech limit on harassment rules; proposed 13-204(b)(3) attempts to further clarify that definition with examples. The principal free speech limit in proposed 13-204(b)(2) is that the harassing speech not be necessary to the argument for any political, religious, philosophical, ideological, or academic idea. The concept of speech "not essential to any exposition of ideas" has a long history in Supreme Court cases. We have specified broad categories of ideas, to avoid the circular argument that "my idea was to harass and abuse the victim." We have also specified that the illustrations in the existing policy on sexual harassment, which involve various
forms of sexual propositions or verbal sexual titillation, are rarely if ever necessary to the expression of ideas within the meaning of this policy. We are confident from context that when the Supreme Court talked about speech "essential to any exposition of ideas," it did not mean to include personal abuse or sexual imposition as protected ideas.

The illustrative list of categories in proposed 13-204(b)(3) lists all the categories in existing Policy 4.B.1 of the Handbook of Operating Procedures. It adds ideology, political views, and political affiliation, and makes clear that the list is illustrative rather than exclusive. These changes are designed to comply with *R.A.V. v. City of St. Paul*, 505 U.S. 377 (1992). *R.A.V.* held unconstitutional a ban on hate speech that was confined to the traditional civil rights categories; to protect minorities from harassing speech, we must protect everybody from harassing speech.

Proposed 13-204(b)(1)(B) is taken verbatim from existing 11-804(a)(12). Proposed 13-204(d) is based on existing Policy Memorandum 4.120. The University can exhort its community to a higher standard of civility than it can impose by disciplinary rule. We minimize misunderstanding by putting the narrow disciplinary rule and the broader exhortation in the same section and stating the relationship between them.

The Task Force did not attempt a general review or consolidation of existing harassment policies. We do propose amending each of those policies to cross-reference this section, which will become the primary treatment of non-sexual verbal harassment. In our Narrative Report, we recommend repeal of existing Policy Memoranda 4.120 and 4.121 (Appendices E and I to the General Information Catalog), because they add little to existing and proposed rules. The provision in Policy Memorandum 4.121, providing a greater penalty for offenses motivated by race, color, ethnicity, or national origin, also appears in the student disciplinary rules (in 11-501(b)), and should remain there.

Proposed 13-204(e) is partly a guide to interpretation and partly an explanation to students who might have unrealistic expectations about the kinds of speech that harassment rules can reach.

Proposed 13-204(f) restates and clarifies reporting rules. For reasons of simplification, we have proposed encouraging students to report all claims of harassment or discrimination through the Dean of Students; existing H.O.P. Policies 4.A.3 and 4.B.1 direct some student complaints to the Dean of Students and some to the Office of Equal Opportunity Services. Those policies also provide that complaints may be directed to any "official, administrator, or supervisor." To avoid misunderstanding, we have clarified that a faculty member is not an "official, administrator, or supervisor" for reporting purposes.

SEC. 13-205. SOLICITATION (H.O.P. 13.A.1-205)

From existing subchapter 10-500, which tracks the Regents' Rules (pt. 1, ch. VI, sec. 6.6). The definition of solicitation has been simplified for clarity. The numerous exceptions that pertain principally or exclusively to off-campus commercial interests have been omitted, again in the interest of clarity.

The omitted provisions will still be in the Regents' Rules, and will still in be in effect, but they rarely regulate the speech of students, faculty, and staff. Proposed 13-205(d) cross-references the omitted provisions for those who need them.
The definitional exclusions in proposed 13-205(a)(2) and (3) codify longstanding practice. All the exceptions are based on subsections of existing 10-501(b). Most of these exceptions have been edited for clarity; two have been substantively amended; one is new.

Proposed 13-205(b)(1) is from existing 10-501(b)(6). The proposed authorization to sell publications for fundraising purposes is new and must await amendment of the Regents' Rules. Publications may be included in the existing authorization for the sale of "merchandise," but in light of existing 10-501(b)(18), that has not been the administrative interpretation. The Task Force saw no reason to treat publications less favorably than other merchandise.

Proposed 13-205(b)(2) (together with proposed 13-403, which it cross-references) substantially amends existing 10-501(b)(18). These changes depend on proposed amendments to existing Regents' Rule 6.61(r). Existing 10-501(b)(18) permits free distribution of literature but not sale of literature, and it permits distribution only of literature produced by students, faculty, and staff. Thus, a campus organization cannot distribute literature from an off-campus organization whose goals it shares, and it cannot recoup the cost of producing or acquiring the literature it distributes. The Task Force believes these rules are unduly restrictive and that they may infringe the students' right to associate for political, religious, and similar purposes. The Task Force heard testimony from student organizations whose principal political literature is prohibited by these rules.

The important restriction common to both the existing rules and the proposed rules is that no person or organization acting under this rule may sell, distribute, or display any publication produced or distributed for profit, except as part of a fundraiser for a not-for-profit organization. The definition of not-for-profit is the standard definition in section 501(c)(3) of the Internal Revenue Code.

Proposed 13-205(b)(3) is new, based on a proposed Regents' Rule 6.61(x). All over campus there are bulletin boards advertising for roommates and subleases, and offering old furniture and computers for sale. No one complains about these ads, which serve an important purpose in the student economy, yet all are prohibited solicitation under the existing Regents' Rules. The Task Force has proposed amending the Regents' Rules to permit these ads when authorized by individual departments, which administer most bulletin boards on campus. The limitation to "used goods that the seller has personally owned or used" is designed to prohibit students from operating a small business on these bulletin boards.

Proposed 13-205(b)(4) is from existing 10-501(b)(10). Think of it as the Tupperware Party exception. The need for this exception was suggested by State University of New York v. Fox, 492 U.S. 469 (1989). No substantive change.

Proposed 13-205(b)(5) is from existing 10-501(b)(8). Cross-references updated. No substantive change.

Proposed 13-205(b)(6) is from existing 10-501(b)(7). Cross-references updated. Admission fees for movies are excluded from the proposed rule; this is a change from the existing written rule but conforms to existing practice.

Proposed 13-205(b)(7) is from existing 10-501(b)(14). The statutory cross-reference has been corrected. No substantive change.
Proposed 13-205(c) is from existing 6-303. Minor editing for clarity. No substantive change. Other provisions on accounting procedures in existing 10-501(d), 10-502, and 10-503 have been consolidated in proposed subchapter 6-400.

Existing 10-501(c) on penalties for solicitation has been consolidated into proposed 13-1202(a).

SEC. 13-301. DISRUPTION (H.O.P. 13.A.1-301)

From existing 10-301(a), 10-305(d)(8), 10-306(c)(4) and (5), and 10-307(c). Expanded, consolidated, and made generally applicable. Clarifies that no one may disrupt the speech of another person or group. Attempts to give guidance to administrative judgment in assessing borderline disruption, but ultimately relies on good judgment of administrative and law enforcement officers.

SEC. 13-302. DAMAGE TO PROPERTY (H.O.P. 13.A.1-302)

From existing 10-305(d)(8). Expanded and made generally applicable. Clarifies that property of other persons, including property used for speech, is protected. Authorization to damage or deface property with permission permits destruction of props and the like for dramatic effect.


Based on existing 10-301(c) and 10-305(g), and on existing Regents' Rules (pt. 1, ch. VI, sec. 6.61), with substantive amendments. Existing 10-301(c) and 10-305(g) prohibit "accosting," "hawking," or "shouting." This is unrealistic and of doubtful constitutionality; speakers must be able to make reasonable efforts to attract the attention of an audience.

The existing Regents' Rule prohibits "harass[ing]," "embarrass[ing]," and "intimidat[ing]." This comes much closer to the real problem. The Supreme Court's longstanding view, applied in many contexts, is that the speaker has a right to try to attract a potential listener's attention, and the potential listener has the right to say no. A recent case that clearly states the point is Hill v. Colorado, 530 U.S. 703, 716-17 (2000).

Proposed 13-303 states the rule in terms of coercion, intimidation, badgering, and persistence after a clear refusal to attend to the message. The Task Force is also proposing to amend the Regents' Rule to eliminate "embarrass," which is overbroad.


Based on existing 10-201(c) and existing administrative practice of the Dean of Students, with some substantive amendment. The ban on cosponsorship is essential to preserve the availability of University facilities for students, faculty, and staff, but existing rules state the ban only in the most general terms.

Proposed 13-304(a) clearly states the general principle.

Proposed 13-304(b) and (c) generally codify the Dean of Students' existing practice for identifying cosponsorships. Proposed 13-304(b)(6) gives the Dean of Students ample authority in case someone discovers a loophole in the proposed codification.
Proposed 13-304(c)(2) is a substantive change from existing administrative practice. As discussed in connection with proposed 13-205(b)(2), the Task Force thought it unreasonable to prohibit students from distributing literature for causes they support. The outside organization that prepared the literature occupies no space on campus and consumes no campus resources. This modification of the cosponsorship rules does not affect the separate ban in the solicitation rules on literature produced or distributed for profit.

Proposed 13-304(d) explains the purpose of the rule and is an aid to interpretation, especially of proposed 13-304(b)(6).

SEC. 13-305. OTHER RULES WITH INCIDENTAL EFFECTS ON SPEECH (H.O.P. 13.A.1-401)

This rule is new, but its substance is not. Numerous safety rules and other rules about the operation of particular campus functions have incidental effects on speech. This section acknowledges the general priority of those rules, and provides guidance to persons creating such rules about the extent of that priority and the protected rights of speakers on the campus.

SEC. 13-401. GENERAL RULE ON DISTRIBUTION OF LITERATURE (H.O.P. 13.A.1-401)

Based on existing 10-301(a). Clarified and expanded. The proposed changes in the solicitation and cosponsorship rules, permitting literature produced by off-campus organizations, means that a broader range of literature can now be distributed.

Proposed 13-401(a) authorizes the sale of literature. This is a substantive change, as discussed under the solicitation rules. Individuals may distribute or display literature but may not sell it, because the profits of sale cannot go to an individual. Not-for-profit sales must be conducted through organizations.

The definition in proposed 13-401(b) is expanded and clarified from existing 10-301(a).

SEC. 13-402. NOT-FOR-PROFIT LITERATURE ONLY (H.O.P. 13.A.1-402)

This section is new, stated here for clarity and emphasis. The rule is in fact a longstanding corollary of the solicitation rules, and is a specific application of proposed 13-205.

SEC. 13-403. LIMITS ON ADVERTISING (H.O.P. 13.A.1-403)

Advertising is a form of solicitation, and the permitted forms of advertising must be drawn out of the many exceptions in existing subchapter 10-500.

Proposed 13-403(a) is based principally on existing 10-501(6).

Proposed 13-403(b) is based on existing 10-501(9).

Proposed 13-403(c) is based on existing 10-501(18), with substantive amendment. The scope of permitted advertising is not changed, but the scope of publications that may be distributed is expanded. This proposed change is incorporated into proposed 13-205(b)(2), thus expanding the range of permitted literature.

Proposed 13-403(d) conforms these rules to the Regents’ Rules, which contain many advertising provisions that permit performance of contracts between the University and vendors.
from off-campus.

From existing 10-301(b).  Minor editing for clarity.  No substantive change.

From existing 10-301(c).  Minor editing for clarity.  No substantive change.

From existing 10-302 and 10-303, reorganized and edited for clarity.  The definition of "sign" in proposed 13-501(a) is new; the definition in existing 10-302(a) is a list of examples.

Expanded and substantively amended from existing 10-303(c), which prohibits carrying signs indoors.  The Task Force thought that restriction unreasonable and counter-productive. Quietly holding up a sign is an effective form of protest, much less disruptive than alternatives such as heckling or shouting at the speaker.  Proposed 13-502(b), (c), and (d) respond to legitimate concerns about signs in crowded places and blocking the view of others.

Proposed 13-502(a) provides for signs attached to the person, such as sandwich boards and messages on t-shirts.

SEC. 13-503. SIGNS ON KIOSKS (H.O.P. 13.A.1-503)  
Expanded and clarified from existing 10-304(b).  Modest substantive change:  the existing rule against tacks and staples, which has never been enforced, is eliminated.  The rule that individuals may not post advertisements (except for certain ads on designated bulletin boards) is found in the proposed 13-205 on solicitation.  It is restated here because it is easily overlooked by persons focused only on whether they can post a kiosk sign.

SEC. 13-504. BANNERS (H.O.P. 13.A.1-504)  
From the existing practice of the Dean of Students office, described in the Student Organization Handbook (pp. 6-7).  There is no existing formal rule.  The Handbook provisions have been expanded and clarified.

Proposed 13-504(b)(2) takes account of banner sites administered by other academic and administrative units.  Proposed 13-504(d) makes those sites generally available to all users, but official events and organizations affiliated with the unit administering the site may be given priority.

Proposed 13-504(f) is a safety rule and is based on existing practice.

This section is new, and functions essentially as a cross-reference.  A-frames fall within the definition of signs, but they are functionally like exhibits and have been so treated under existing practice.
SEC. 13-506. SIGNS IN OTHER DESIGNATED LOCATIONS (H.O.P. 13.A.1-506)

From existing 10-304(a). Expanded and clarified, with substantive amendments.

Much free speech occurs on bulletin boards administered by academic and administrative units. The existing rules for these bulletin boards are largely unknowable. This proposed section addresses that problem in ways designed to minimize any burden on departments.

Some departments permit signs to be posted on walls or windows. Proposed 13-506(a) ratifies this practice in departments that permit it.

Proposed 13-506(b) authorizes departments to restrict signs to bulletin boards, and to restrict its bulletin boards to departmental users or to subjects of departmental interest.

Proposed 13-506(c) provides a simple procedure for making such rules known to potential users, and requires departments to use that procedure if they want authority to enforce restrictive rules. Many bulletin boards are operated informally, and have been confined to certain uses by custom, without the need for formal rules. So long as persons posting signs voluntarily comply with custom, these departments need do nothing. But to have enforceable rules, or authority to remove signs that violate those rules, the rules must be written down and made available to users.

Proposed 13-506(d) restates the general prohibition on viewpoint discrimination (in proposed 13-101(c)) in the particular context of departmental bulletin boards. This is for emphasis and because departments may not know the rule. Bulletin boards may be limited to certain persons, to certain subjects, or to official business, but within the scope of whatever private postings are permitted, the Constitution generally prohibits viewpoint discrimination.

SEC. 13-601. GENERAL RULE ON TABLES (H.O.P. 13.A.1-601)

Rewritten and clarified, with substantive amendment, from existing 10-305. In existing rules, tables are called "booths," a term that also includes "a temporary structure." The Task Force found the term confusing and has abandoned it.

Under existing 10-305, advance permission is required. Proposed 13-601 drops the advance permission requirement; the potential for disruption from a folding table is simply too small to justify an advance permission requirement.


Expanded and clarified from existing 10-305(d)(2).

The Main Plaza is marked in blue on the maps attached to the Narrative Report. The exclusion of tables from the Main Plaza reflects judgments similar to those that support the Plaza's unavailability for reservations (see analysis of proposed 10-201). Existing administrative practice has been to exclude tables from the Main Plaza, but this rule has never been written down. No other change.

SEC. 13-603. IDENTIFICATION (H.O.P. 13.A.1-603)

From existing 10-305(e). Minor editing for clarity. No substantive change.
   From existing 10-305(f). Edited for clarity. No substantive change.

SEC. 13-605. SOURCES OF TABLES (H.O.P. 13.A.1-605)
   This section is new. It acknowledges the Dean of Students' existing administrative practice, and requires transparency in that practice. In practice, a large majority of student organizations obtain their tables from the Dean of Students.

SEC. 13-701. GENERAL RULE ON EXHIBITS (H.O.P. 13.A.1-701)
   The vocabulary in this section is new. Existing rules provide for exhibits, if at all, as "a temporary structure . . . for other forms of expression," a form of booth under existing 10-305(a). Authorization to install such booths is in existing 10-305(b). The Dean of Students has more explicitly provided for exhibits in the Student Organization Handbook (pp. 8-9), and a remarkable variety of exhibits are displayed on campus, from small art projects to the Sailing Club's sailboat to the Justice for All exhibit.

   The proposed definition makes "exhibit" the catch-all category; if it is not a table, and it is not permanently attached to the ground, it is an exhibit. Any University person or organization may erect an exhibit with advance permission.

   The exclusion of exhibits from the Main Plaza during weekdays codifies longstanding administrative practice, and is a corollary of the rule that space on the Main Plaza may not be reserved during weekdays (see analysis of proposed 10-201).

   Based on existing 10-305(c). Omits details of the Dean of Students' application form.

SEC. 13-703. CRITERIA FOR APPROVAL (H.O.P. 13.A.1-703)
   Based on existing 10-305(c) and existing practice. Edited for clarity and cross-references updated.

   Replaces existing 10-305(f), which provides a one-semester time limit and allows overnight exhibits with permission. The proposed 14-day time limit with overnight exhibits only in designated locations is based on the existing actual practice of the Dean of Students, summarized in the existing Student Organization Handbook (p. 8).

SEC. 13-705. CLEAN UP AROUND EXHIBITS (H.O.P. 13.A.1-705)
   From existing 10-305(f). Edited for clarity. No substantive change.

SEC. 13-706. LIABILITY (H.O.P. 13.A.1-706)
   From existing 10-305(h). Edited for clarity. No substantive change.
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SEC. 13-801. GENERAL RULE ON AMPLIFIED SOUND (H.O.P. 13.A.1-801)

There is no existing rule on amplified sound. The administrative practice of the Dean of Students is set out in the Student Organization Handbook (p.9). Amplified sound is broadly defined in proposed 13-104(a).

SEC. 13-802. LOCATION AND TIMES OF WEEKDAY AMPLIFIED SOUND AREAS (H.O.P. 13.A.1-802)

This proposed section applies the term "amplified sound areas" to what are called "rally areas" in the existing Student Organization Handbook (p.9), "designated areas" in existing 10-307, and "free speech areas" in now-repealed rules that linger in informal vocabulary. What is special about these areas is that amplified sound may be used there during business hours on weekdays.

Proposed 13-802(a), (b), and (c) codify existing practice for the West Mall, Union Patio, and East Bus Circle Amplified Sound Areas. In the Student Organization Handbook, the stated hours for the Union Patio area no longer reflect actual practice.

Proposed 13-802(d), (e), (f), (g), and (h) create five new amplified sound areas. Proposed 13-802(i) authorizes the Vice President for Student Affairs to create still more amplified sound areas, and authorizes the Dean of Students to resolve any conflict between the existing Union Patio Amplified Sound Area and the proposed Battle Oaks Amplified Sound Area.


Proposed 13-803(a) gives the Dean of Students ample authority to regulate the use of amplified sound areas.

Proposed 13-803(b)(1) and (2) codify existing practice on reservations, and incorporates the general rules in proposed 10-203 for refusing a requested reservation. Proposed 13-803(b)(3), requiring that some time slots be held for response to current events, is new.

Proposed 13-803(c) is explanatory. The West Mall and Union Patio Amplified Sound Areas are a compromise between free speech and disruption. They are not a measure of what counts as disruption, and they are not a precedent for allowing similar disruption elsewhere or for longer hours.

Proposed 13-803(d) reflects existing practice. Requiring the use of University-owned equipment makes it easier to control excessive volumes. Such requirements were upheld against constitutional challenge in Ward v. Rock Against Racism, 491 U.S. 781 (1989). A limit of 84 decibels on the A-meter, stated in the existing Student Organization Handbook, has been abandoned as unworkable and not well adapted to the actual problem of disruption.

Proposed 13-803(e) is new. Especially the West Mall and East Mall Amplified Sound Areas carry large volumes of pedestrian traffic, and the crowd listening to amplified sound must maintain a passageway.

Proposed 13-803(f) requires transparency in any additional rules regulating amplified sound areas.

This section provides general authorization for amplified sound, with advance permission, on evenings and weekends. This codifies the existing practice of the Dean of Students, which, so far as the Task Force can tell, is not written down anywhere.

Proposed 13-804(a) provides the general authorization. Proposed 13-804(b) limits late night hours. Proposed 13-804(c) authorizes speakers to provide their own equipment; some after-hours equipment is available from the Dean of Students.

Proposed 13-804(d) delegates the details of the application to the Dean of Students, incorporates objective criteria for approving applications from proposed 10-203, and encourages cooperative consultation between applicants and the Dean.
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SEC. 13-805. AMPLIFIED SOUND INDOORS (H.O.P. 13.A.1-805)
   This section codifies existing unwritten practice with respect to amplified sound indoors. Sound appropriate to a room depends partly on the room's size and partly on its structure. Some rooms are built with soundproofing to hold in sound; most are not. The proposed standard is disruption outside the room.

SEC. 13-901. GENERAL RULE ON PUBLIC ASSEMBLIES (H.O.P. 13.A.1-901)
   The definition in proposed 13-901(a) is new; public assembly and public discussion are undefined in existing rules. The proposed definition is all inclusive, but public assemblies without amplified sound are largely deregulated. Two people gathered together are a public assembly; ten thousand people at a political rally are also a public assembly.
   Proposed 13-901(b) is derived from existing 10-306(a), with an important substantive change. Existing 10-306(a) requires advance permission for a public assembly or demonstration. Existing 10-307(b)(1) implies a requirement of advance permission for public discussion. These advance permission requirements are abandoned, for reasons stated in the Narrative Report of the Task Force.

SEC. 13-902. RESERVATION OF SPACE (H.O.P. 13.A.1-902)
   This is essentially a cross-reference to the reservation procedures in chapter 10 (proposed H.O.P. 2.B.1). Reservations are optional but encouraged; they have many advantages but they are not required.

SEC. 13-903. NOTICE AND CONSULTATION (H.O.P. 13.A.1-903)
   This section is new, and substitutes for the advance permission process in existing 10-306(b) and (c). The section strongly encourages consultation with the Dean of Students concerning assemblies with more than fifty participants and in other cases where the Dean can help anticipate and resolve potential problems.

   Definition of guest speaker derived from existing 10-202(b). Also incorporates guest performers, dealt with in existing subchapter 10-400 on public performances and exhibitions.

SEC. 13-1002. WHO MAY PRESENT (H.O.P. 13.A.1-1002)
   From existing 10-202(b). Expanded to state all groups that may invite a guest speaker; these clarifications make no substantive change. Other editing for clarity.

SEC. 13-1003. LOCATION AND FORM OF PRESENTATION (H.O.P. 13.A.1-1003)
   This section is new. It confines guest speakers to a fixed location at an announced time, and prohibits them from approaching persons who have not chosen to attend their presentation. This section is aimed at an unwritten practice that has been tolerated but appears to be unauthorized by the Regents' Rules, under which some organizations have been bringing volunteers from off-campus
to staff tables or distribute literature, sometimes registering these persons as guest speakers. If this practice became widespread, the distinction between on-campus and off-campus speakers would largely break down.

SEC. 13-1004. APPLICATION (H.O.P. 13.A.1-1004)

From existing 10-202(b) and 10-203. Omits details of Dean of Students' application form. Uses cross-reference to consolidate existing 10-303 (criteria for approving speaker) with existing 10-203 (criteria for approving facility reservation). Single application form and list of criteria include appropriateness of facility for proposed use.

SEC. 13-1005. OBLIGATIONS OF PRESENTING ORGANIZATION (H.O.P. 13A.1-1005)

From existing Regents' Rules (pt. 1, ch. VI, sec. 7.22). No amendment to the Regents' Rule is proposed; this section makes the rule more visible. No substantive change.

SEC. 13-1101. GENERAL RULE ON RESPONDING (H.O.P. 13.A.1-1101)

This section states no additional rule. It simply emphasizes that all the rules regulating speech apply to persons responding to the speech of others. This was a point of controversy or confusion in the response to the Justice for All exhibit.


This section is also principally for clarification and emphasis. It applies each of the principal proposed rules to the case of responders, clarifying what they may and may not do. Proposed 13-1102(c) does state a new rule, imposing a duty on the Dean of Students.

Proposed 13-1102(a) reminds responders that they cannot disrupt the speech to which they are responding.

Proposed 13-1102(b) reminds responders that they can immediately respond with signs, tables, literature, and public assembly without amplified sound.

Proposed 13-1102(c) reminds responders that they cannot respond with banners, exhibits, A-frames, or amplified sound until they get the necessary permission from the Dean of Students. The Dean of Students is directed to expedite these requests.

Proposed 13-1102(d) reminds responders that they can respond with banners and amplified sound only in locations authorized for banners and amplified sound, and points out permitted methods to address the problem if their amplified sound response must be at a distance from the exhibit to which they are responding.


This section is new. It codifies an existing practice that is not well defined; we are probably proposing some substantive change.

The University decides for itself how much security is needed. The University has charged for security at scheduled events; it is generally impractical to charge for security at events not scheduled in advance. The University waived security charges for Justice for All, and undoubtedly, it
has waived or failed to collect security charges for other events that required large amounts of police overtime.

Proposed 13-1201(a) explains the basic policy considerations. 13-1201(b) identifies the two categories of events for which it is feasible to charge for security. These categories are based on the exchange of money, which is an objective criterion that requires no difficult judgments. But they have the effect of excluding most political rallies from the events for which the University will charge for overtime.

Proposed 13-1201(c) specifies that the charge will not vary on the basis of any controversy associated with the event. This limitation is required by Forsyth County v. Nationalist Movement, 505 U.S. 123 (1992). The authorized charge may vary with other distinctions in the kind of event. For example, a thousand undergraduates attending a dance, with the latest band playing until the early morning hours, may require a different level of police protection than a thousand persons of all ages attending an academic lecture in the late afternoon, and the need for additional police protection would be unrelated to any controversy of the kind described in this section.

SEC. 13-1202. RESPONSE TO VIOLATIONS (H.O.P. 13.A.1-1202)

This section codifies existing practice with respect to students. The University may respond to violations of these rules by immediate intervention to end the violation, by subsequent disciplinary proceedings, or both.

Enforcement procedures against faculty and staff are unclear, at least to the Task Force. Until and unless a clear enforcement procedure is created, faculty violations are referred to the Provost, and staff violations to Human Resource Services.

Proposed 13.1202(e) is based on existing 11-804(d), which would be retained.

SEC. 13-1203. APPEALS (H.O.P. 13.A.1-1203)

This section functions as a cross-reference to appeal procedures in existing and proposed chapter 10.

It also creates a new category of appeal. In dealing with apparent rule violations and potential disruption, administrators must often make on-the-scene decisions and order persons to stop or modify their activities. Existing 11-804(d), and proposed 13-1202(e), require persons on the campus to obey such commands. Persons who disobey such a command are thus subject to discipline. The innovation here is that persons who comply are entitled to appeal, under the simple appeal procedures provided for denial of advance permission for activities that require advance permission. This both increases the rewards to compliance and provides a mechanism by which students, faculty, and staff can get a ruling in the event of disputes about the scope of permitted speech activities.