

PEACEFUL PUBLIC ASSEMBLY

This policy protects and regulates speech, expression, and assembly of students, faculty members, staff members, and members of the public that are not part of the teaching, research, or other official functions of The University of Texas at San Antonio (UTSA or University), not otherwise sponsored by the University or any of its academic or administrative units, and not submitted for academic credit.

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, when not operating in their official capacity, and members of the public, have the right to assemble in University Common Outdoor Areas, which are outdoor spaces not used for dedicated University business or an event, an educational function, or a research function on either a permanent or temporary basis. The right to assemble includes the right to speak, and the corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen. The University is committed to these freedoms and has adopted the free speech policy statement produced by the Committee on Freedom of Expression at the University of Chicago. A link to the University's statement can be found here: <http://www.utsa.edu/president/campusandcommunity/cde/commitment.html>.

However, these activities are subject to the well-established right of colleges and universities to regulate time, place, and manner so that the activities do not intrude upon or interfere with the academic programs, administrative processes or other authorized activities of the University. The University shall not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person. Further, no 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 person engaging in expression or assembly to damage or deface his or her property.

In furtherance of the University's educational mission, the University buildings including their outside surfaces, surfaces associated with or connected to a University building, or a University structure are limited public forums open only to the expressive activities of faculty, staff, and students as set forth in this policy. Members of the public may engage in expressive activities only in the Common Outdoor Areas at the University in accordance with the time, place, and manner rules contained in this policy. Student, faculty, and staff organizations may not invite the public at large to events in University buildings, facilities, or locations that are not a Common Outdoor Area.

University staff, faculty and students may peaceably assemble and engage in expressive activity anywhere on the UTSA campuses that they are otherwise permitted to be without advanced permission, subject to the time, place and manner rules necessary to preserve the equal rights of others and the other functions of the University, and so long as they do not disrupt University business or operations. In keeping with the University's mission, 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. Members of the public are able to engage in expressive activities only in Common Outdoor Areas of UTSA campuses, subject to the time, place, and manner rules in this policy necessary to preserve the functions of the University.

No person, including a student or University employee, shall distribute any petition, handbill, object, or piece of literature; post or carry any sign, placard, or banner; or engage in speech or conduct on property or in buildings or facilities owned or controlled by UTSA if it is obscene, unlawfully defamatory, or directed to inciting or producing imminent lawless action and is likely to incite or produce such action. Further, no person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication or persist in 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. Persons or organizations who are planning a public assembly are strongly encouraged to notify and consult with Events Management and Conference Services (EMCS) as soon as practicable. EMCS has 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. EMCS can help identify appropriate space and potentially conflicting events, as well as help the planners avoid unintended disruption or other violations.

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 in this policy. For example, libraries typically have highly restrictive rules concerning noise; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways; classroom speech may be confined to the subject matter of the class; and individual professors may have rules of decorum in their classroom. Such rules must be viewpoint neutral and should not restrict speech more than is reasonably necessary to serve their purpose.

For full and complete information, see Section 9.37(II) (<https://www.utsa.edu/hop/chapter9/9-37.html>) of the UTSA Handbook of Operating Procedures.