
Note: For expression and use of College District facilities and grounds by students and registered student organizations, see FLA. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD. For use of the College District's internal mail system, see CHE.

Definitions

For purposes of this policy,:

1. ~~“antisemitism”~~ Antisemitism shall have the meaning prescribed by Texas Government Code, Section 448.001(2). [See DGC(LEGAL)]
2. “College District Property” includes property owned or leased by the College District.
3. “Common Outdoor Area” means outdoor space that is not regularly used for College business and that does not have an educational or administrative function.
4. “Expressive Activity” means any speech or expressive conduct protected by the U.S. and Texas Constitution and includes assemblies, protests, speeches, the distribution of written materials, the carrying of signs and the circulation of petitions. Expressive Activity does not include commercial speech, defamation, unlawful or prohibited harassment (to include discriminatory harassment or antisemitism), incitement to imminent unlawful activity, obscenity or threats to engage in unlawful activity.
5. “Limited Public Forum” refers to College District property, both indoors and outdoors, that is **not** a designated public forum. [See GD (LOCAL)]
6. A “Designated Public Forum” includes those designated areas of the College District that may become temporarily available for use by the public to engage in expressive activity.

Limited Public Forums

Unless otherwise provided by College District policies and procedures, Common Outdoor Areas of the College District, as well as College District buildings, including their outside surface, surfaces associated with or connected to a building owned or leased by the

Limitations on
Content

**Time, Place, and
Manner Restrictions**

College District or a College District structure, are limited public forums and as such are open to the expressive activities of employees, unless

1. The person's conduct infringes on the rights of others or is otherwise unlawful, including, but not limited to, speech or expressive conduct that does not constitute Expressive Activity.;
2. The use would constitute an immediate and actual danger to the peace and/or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt, disturb, or interfere with the functions and activities of the College District; or
4. The use would result in damage to or defacement of College District property.

In addition to the limitations imposed by limited public forums, the College District prohibits distribution of materials on College District property that: ~~Materials shall not be distributed by an employee or employee organization on College District property if:~~

- ~~1.—The materials are obscene;~~
- ~~2.—The materials contain defamatory statements about public figures or others;~~
- ~~3.—The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action;~~
- ~~4.—The materials are or contain expression that is unlawful or disruptive to the operations of the College District, including, but not limited to, materials or expression that is considered prohibited harassment (to include discriminatory harassment) or antisemitism;~~
1. The materials constitute impermissible solicitation; or
2. The materials infringe upon intellectual property rights of the College District [see CT].

~~Distribution of materials shall be conducted in a manner that:~~

- ~~1.—Is not disruptive to College District operations;~~
- ~~2.—Does not impede reasonable access to College District facilities;~~

**Use of Facilities and
Grounds**

- ~~3.— Does not result in damage to College District property;~~
- ~~4.— Does not interfere with the rights of others; and~~
- ~~5.— Does not violate local, state, or federal laws or College District policies and procedures.~~

~~The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.~~

~~The Chancellor or designee shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by employees or employee organizations to employees or others in College District facilities and areas that are not considered common outdoor areas.~~

The facilities and grounds of the College District shall be made available to employees or employee organizations in accordance with applicable laws and College District policies and procedures and when such use does not conflict with the mission, programs or activities of ~~use by, or any of the policies and procedures of,~~ the College District. College District-Sponsored events and activities shall have priority over any non-College District-Sponsored event or activity in the use of College District property for the purpose of conducting Expressive Activity. The requesting employees or employee organization shall pay all expenses incurred by their use of the facilities in accordance with a fee schedule developed by the Board.

An “employee organization” is an organization composed only of College District faculty and staff or an employee professional organization.

Requests

To request permission to meet or host a speaker in College District facilities, interested employees or employee organizations shall file a written request with the Chancellor or designee in accordance with administrative procedures.

The employees or the employee organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Approval

The Chancellor or designee shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the employees’ or employee organization’s use of the facility.

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Approval shall not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes impermissible solicitation;
4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property;
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group; or
9. The proposed use would constitute expression that is unlawful or disruptive to the operations of the College District, including, but not limited to, ~~expression speech or expressive conduct that is considered prohibited harassment (to include discriminatory harassment) or antisemitism.~~ does not constitute Expressive Activity.

The Chancellor or designee shall provide the applicant a written statement of the grounds for rejection if a request is denied.

*Common
Outdoor Area
Exception*

~~Common outdoor areas are traditional public forums and are not subject to the approval procedures. Employees and employee organizations may engage in expressive activities in common outdoor areas, unless:~~

- ~~1. The person's conduct is unlawful, including, but not limited to, expression that is considered prohibited harassment (to include discriminatory harassment) or antisemitism;~~
- ~~2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;~~

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	<p>3.—The use would materially or substantially disrupt or disturb the regular academic program; or</p> <p>4.—The use would result in damage to or defacement of property.</p>
Announcements and Publicity	In accordance with administrative procedures, all employees and employee organizations shall be given access <u>on the same basis to College District resources for the purpose of</u> making announcements and publicizing their meetings and activities.
Identification	Employees and employee organizations using College District facilities must provide identification when requested to do so by a College District representative.
<u>Time, Place, and Manner Restrictions</u>	<p><u>Employees engaging in Expressive Activity while on College District Property shall be subject to the following restrictions:</u></p> <ol style="list-style-type: none"><u>1. To ensure the safety of the College District community, employees' use of College District property for the purpose of engaging in Expressive Activity is restricted to the hours of 8 a.m. to 10 p.m., unless such use occurs with prior approval of the College District and in accordance with College District policies and procedures and applicable laws.</u><u>2. Expressive Activity, including but not limited to the distribution of materials on College District property, shall be conducted in a manner that does not:</u><ol style="list-style-type: none"><u>a. Disrupt College District operations;</u><u>b. Impede reasonable access to College District facilities;</u><u>c. Result in damage to College District property. Distributors shall clean the area around which the literature was distributed of any materials that were discarded or leftover;</u><u>d. Interfere with the rights of others; or</u><u>e. Coerce, badger, or intimidate a person;</u><u>f. Violate local, state, or federal laws or College District policies or procedures.</u><u>3. To ensure the continuity of instruction:</u><ol style="list-style-type: none"><u>a. The use of amplified sound is restricted to designated times and locations, not to include hours during which College District classes are conducted or noise-sensitive locations, as prescribed by College District procedures, if the sound intimidates others, interferes with College Dis-</u>

	<p><u>strict operations, or interferes with a College District employee or peace officer's lawful performance of duty. Advance notice and reservation of such use is required.</u></p> <p><u>b. During the last two weeks of a semester or term of the College District, Expressive Activity is restricted in any area of College District property that qualifies as a common outdoor area, as that term is defined herein, if the activity is conducted in a manner that materially and substantially disrupts the College's District's functions by using percussive instruments (e.g., cymbals, drums).</u></p> <p><u>4. No employee may camp or erect a tent or other living accommodations on College District property.</u></p> <p><u>5. As required by Texas law, the College District prohibits the lowering of the College District's U.S. or Texas flag with the intent of raising another nation's flag or the flag representing an organization or group of people as a form of expression.</u></p> <p><u>6. All other applicable policies and procedures of the College District.</u></p>
<u>Identification</u>	<p><u>Employees on campus or using College District facilities shall provide identification when requested to do so by a College District representative.</u></p>
<u>Compliance</u>	<p><u>Nothing in the foregoing shall be construed to interfere with an employee's right to free speech and expression under the U.S. Constitution First Amendment and the Texas Constitution, article I, section 8.</u></p>
Violations	<p>Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, suspension of an employee's or employee organization's use of College District facilities as permitted by this policy and/or other disciplinary action, up to and including termination of employment.</p>
Interference with Expression	<p>Faculty, students, or student organizations<u>Employees or students, including their respective organizations, that</u> who interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures. [See DH, FM, and FMA]</p>
Appeals	<p>Decisions made by the <u>College District</u> administration under this policy may be appealed in accordance with DGBA(LOCAL) and FLD(LOCAL) as applicable.</p>
Publication	

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This policy and associated procedures must be posted on the College District's website and distributed in the employee and student handbooks and other appropriate publications.