

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES

GD
(LOCAL)

Note: For expression and use of College District facilities and distribution of literature by students and registered student organizations, see FLA. For expression and use of College District facilities by employees and employee organizations, see DGC. For use of the College District's internal mail system, see CHE.

Authority

The Board delegates to the Chancellor its authority to designate the areas of the College District campuses that shall exist as designated public forums, as that term is defined herein, in accordance with applicable law and College District policies and procedures.

Definitions

For purposes of this policy:

1. "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.
6. A "Designated Public Forum" includes those designated areas of the College District that may become available (temporarily or permanently) for use by the public to engage in expressive activity.

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~~Common Outdoor
Area Exception~~

College District
Property

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 College District or a College District structure, are limited public forums and as such are open to students and employees to engage in expressive activity.

Public access to Common Outdoor Areas and those areas of College District property that have been designated traditional public forums by the College District for the purpose of engaging in expressive activity (a "Designated Public Forum") is subject to applicable laws and College District policies and procedures, including but not limited to, reasonable time place and manner restrictions.

College District-Sponsored events and activities shall have first priority over any non-College District-Sponsored event or activity in the use of College District property for the purpose of conducting Expressive Activity.

~~Common outdoor areas are traditional public forums and are not subject to the approval procedures. Community members and 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, as that term is defined in Texas Government Code, Section 448.001(2); [See GD(LEGAL)]~~
- ~~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;~~
- ~~3. The use would materially or substantially disrupt or disturb the regular academic program; or~~
- ~~4. The use would result in damage to or defacement of property.~~

Procedures

~~The procedures for community use of College District facilities shall be as prescribed in the Business Office Procedures Manual.~~Chancellor shall promulgate procedures to govern community expression on College District property.

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Fee Schedules

The standard schedule of fees for use of College District facilities is listed in Attachment A, Section 10 (Physical Plant), of the Business Office Procedures Manual, as amended. Additional fee guidelines are provided in Section 10.4.0 of the Business Office Procedures Manual, as amended.

Compliance

Nothing in the foregoing shall be construed to interfere with an individual's right to free speech and expression under the U.S. Constitution First Amendment and the Texas Constitution, article I, section 8.

Violations of Policy

Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, the suspension of the individual's or organization's use of College District facilities as permitted by this policy and the confiscation of nonconforming materials.

~~Interference with
Expression~~

~~Faculty members, students, or student organizations that 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]~~

Appeals

~~Decisions made by the administration in accordance with this policy may be appealed in accordance with DGBA(LOCAL), and FLD(LOCAL) as applicable.~~

Publication

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