



Institutional Handbook of Operating Procedures Policy 02.09.02	
Section: General Administration	Responsible Vice President: Vice President, Business Operations and Facilities
Subject: Buildings and Grounds	Responsible Entity: Business Operations and Facilities

## I. Title

*Freedom of Expression*

## II. Policy

The University of Texas Medical Branch (UTMB or University) recognizes that the freedoms of speech, expression, and assembly are a central mission to higher education. UTMB is committed to fostering the free exchange of ideas and protecting the rights of freedom of speech, expression, and peaceful assembly set forth in the U. S. Constitution. Additionally, the University maintains its right to establish reasonable time, place, and manner restrictions on the expressive activities on UTMB grounds.

### A. Forums

To further the ability of members of the UTMB community to freely engage in expressive activities on UTMB's campus, including listening, observing, and responding to the expressive activities of others, UTMB provides multiple forums. These forums include:

1. **Common Outdoor Areas:** UTMB's common outdoor areas are available for lawful expressive activity, planned or spontaneous, by students enrolled at and employees of UTMB either as an individual or in small groups of 24 or less individuals at any time without the need for reservation. To ensure the use of a specific common outdoor area, interested individuals or groups are encouraged to make a reservation as described in Section III.A. Individuals or groups engaged in an expressive activity in a common outdoor area with a reservation will be given priority to those individuals without reservations and may be required to relocate.
2. **Designated public forums:** UTMB designates the following areas as public forums:
  - East Campus Greenspace (Texas Ave/6th Street)
  - John Sealy University Plaza (east of Galveston Hospitals Garage)
  - Harborside Greenspace (Harborside Drive and 11th Street)
  - Ashbel Smith Building Plaza (between Old Red and Keiller Building)
  - Moody Medical Library Plaza (north of Moody Medical Library)
  - Health Education Center Pedestrian Plaza (Mechanic between 11th and 12th streets)

Any additions to the list of designated public forums must be submitted to the University of Texas System Board of Regents for consideration and possible designation of the proposed areas on the UTMB campus as public forums, consistent with the First Amendment to the United States Constitution and Section 8, Article I, Texas Constitution.

3. **Limited Public Forums:** UTMB buildings, grounds, and facilities that are not common outdoor areas are available for use by students enrolled at and employees of UTMB. Expressive

activities may be limited for particular groups or particular topics. [IHOP – 02.06.01 – Use of UTMB Facilities](#) and [02.06.02 – Special Use Facilities](#) discuss the use and reservation of these areas.

4. **Nonpublic Forums** –All other areas of UTMB facilities and campus that are not designated for public communication are nonpublic forums. These areas will be restricted to their intended use and are not available for public expressive activity. These nonpublic forums include, but are not limited to:

- Galveston National Laboratory
- Hospital and clinic facilities
- Research facilities
- Administrative facilities
- Academic facilities
- Libraries
- Classrooms
- Faculty or staff offices

Students, student organizations, or employees who unduly interfere with the expressive activities of others on campus, violate an institution policy, or violate state law will be subject to disciplinary sanctions.

Individual or group speech, expression, or ideas during an expressive activity on UTMB properties is the viewpoint of the individual or group and not of UTMB.

Students enrolled at or employees of UTMB may be required to present proof of identity and status on request by an UTMB official on UTMB's campus engaging in an official duty.

## **B. Expression Restrictions**

UTMB will place priority in allocating the use of space on campus based upon the needs of teaching, research, providing healthcare, and other official functions of the University. Thus, distance restrictions, crowd placement restrictions, and security concerns may vary depending on security concerns for patients, faculty, staff, and students. The security concerns may be such that, whether due to disruptive activity or other extenuating security events, permitted expressive activities be relocated and/or required to cease the activity.

1. No person or organization may engage in expressive activity within a 15 feet clearance around points of entry and the perimeter of all UTMB buildings.
2. Any acts that are disruptive to the normal operations of UTMB, including academic, healthcare, research, or administrative, are not permitted.
3. Expressive activities are permitted from 8:00 am to 10:00 pm.
4. No expression is permitted that may damage, deface, discolor, or alter in any way UTMB property or property of another displayed or posted on UTMB grounds.
5. Any act that obstructs or impedes the flow of vehicular or pedestrian traffic is prohibited.
6. Amplified sounds may be permitted in areas that are not disruptive to ordinary UTMB business. It is impermissible to use a device to amplify sound while engaging in expressive activities on campus during class hours if it:
  - intimidates others;
  - interferes with campus operations; or
  - interferes with an UTMB employee's or a peace officer's lawful performance

of a

duty.

7. Literature distribution is permitted; however, the distributing group will be responsible for maintaining UTMB grounds by disposing disregarded literature on University property.
8. Expressive displays, tables, and banners may be permitted when not disruptive to ordinary UTMB business, are not attached to UTMB buildings or facilities, not damaging UTMB property, and not obstructing or impeding the flow of vehicular or pedestrian traffic.
9. Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.
10. No person is permitted to engage in, display, or distribute speech on UTMB properties that is obscene, harassing, defamatory, inciting imminent violations of the law, or soliciting or commercial in nature.
11. No person or group is permitted to engage in any incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy that was committed because of antisemitism or the offender's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference.
12. No person is permitted to engage in an expressive activity that may be in violation of any other UTMB policy, state law, or may endanger the health or safety of others.
13. Expressive activities during the last two weeks of a semester or term are not permitted:
  - in the common outdoor areas of the campus in a manner that materially and substantially disrupts the functioning of UTMB;
  - if the activity includes inviting speakers to speak on campus;
  - if the activity includes using a device to amplify sound; or
  - if the activity includes using drums or other percussive instruments.
14. Camping or erecting tents or other living accommodations on campus is not permitted.
15. Wearing a disguise or other means of concealing a person's identity is not permitted while engaging in expressive activities on campus with the intent to:
  - obstruct the enforcement of UTMB's rules or the law by avoiding identification;
  - intimidate others; or
  - interfere with an UTMB employee's or a peace officer's lawful performance of a duty;
16. Lowering UTMB's flag, the flag of the United States, or the flag of this state with the intent to raise the flag of another nation or a flag representing an organization or group of people is not permitted.

### **C. Disruptive Activities**

1. Faculty, students, and staff engaging in a disruptive activity may be subject to disciplinary sanctions. Additionally, faculty, students, and staff engaging in any incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy that was committed because of antisemitism or the offender's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference will be subject to discipline, up to and including possible termination/expulsion.
2. Any registered student organization that engages in a disruptive activity may be subject to discipline. Additionally, any registered student group engaging in any incitement of violence, incitement of imminent violation of law, harassment, property damage, disruption of a university activity, or any other violation of state or federal law or university policy because of antisemitism or bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, is subject to discipline, up to and including possible loss of recognized status for the registered student group.

3. Any participant engaging in a disruptive activity may be subject to criminal charges.

### **III. Procedure**

#### **A. Reservation Requirements and Procedures for Common Outdoor Areas**

Reservations are required for particular expressive activities to ensure safety of the participants and those with ordinary business at UTMB. For reservations of limited public forums such as indoor facilities see [IHOP – 02.06.01 – Use of UTMB Facilities](#) and [02.06.02 – Special Use Facilities](#).

##### **1. Groups Requiring Reservations:**

- Expecting 25 or more in attendance;
- Requesting more than one day for activity;
- Requesting areas regularly utilized for University sponsored activities;
- Intending the utilization of amplified sound or other special equipment; and/or
- Intending to set up a display that will impede the flow of pedestrian and/or vehicular traffic.

##### **2. Reservation Procedure**

Groups required to make reservations for an expressive activity as well as individuals or groups wanting to make a non-required reservation shall follow the procedure below. Registered Student Organizations will follow the requirements and procedures provided by Student Life.

The requesting group must file a [Freedom of Expression Reservation](#) form at a minimum of two weeks prior to the proposed date.

Upon completion and submittal, the form will be routed to the Reservation Committee. This committee will coordinate with the requesting group the location, date based upon information provided, and availability. University sponsored activities will have first priority for location, and UTMB reserves the right to relocate expressive activities in the interest of safety and security of all people on UTMB property.

Approval or denial of a reservation request will be based upon completion of form, timeliness of the request, and availability. The committee will not consider nor base their decision on the content or viewpoint of the expressive activity or the expected reaction of others. The committee will communicate a confirmation or denial of reservation request in writing. Those who receive a denial may file an appeal.

#### **B. Grievances and Appeals of Disciplinary**

##### **1. Sanctions Students**

- a. Students seeking to file a grievance for undue interference with an expressive activity as governed by this policy shall obtain guidance from [IHOP – 07.01.13 – Student General Grievance Policy](#).
- b. Students seeking to appeal disciplinary sanctions shall obtain guidance from [IHOP – 07.01.03 – Student Conduct and Discipline Policy](#).

##### **2. Faculty Members**

Faculty members seeking to file a grievance for undue interference with an expressive activity as governed by this policy or for disciplinary sanctions shall follow guidance and procedures set forth in [IHOP – 05.03.08 – Faculty Grievance Policy](#).

### 3. Staff Members

Staff members seeking to file a grievance for undue interference with an expressive activity as governed by this policy or for certain disciplinary sanctions (e.g. verbal warning, written warning, or final written warning) shall follow guidance and procedures set forth in [IHOP – 03.01.10 – Grievance Policy](#).

Classified Employees seeking to appeal certain disciplinary sanctions (e.g. suspension without pay, demotion, or termination) shall seek guidance from [IHOP – 03.01.09 – Discipline, Dismissal, and Appeal for Classified Employees](#).

### 4. Non-UTMB Person or Organization

Any non-UTMB person or organization may file a grievance for noncompliance of this policy with the Office of Institutional Compliance by contacting the Fraud, Abuse, and Privacy Hotline at (800) 898-7679 or via internet at <https://www.reportlineweb.com/UTMB>.

## IV. Definitions

Amplified sound - sound where volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on amplified sound but are subject to general rules on disruption.

Antisemitism- a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

Common outdoor area - outdoor space that is not used for dedicated UTMB business or an event, an educational function, or a research function on either a permanent or temporary basis. It does not include the outside surfaces of a UTMB building, surfaces associated with or connected to a University building, surfaces or grounds enclosed within a barrier created to restrict entrance to property owned or controlled by UTMB, a University structure, spaces dedicated to temporary outdoor banners, spaces dedicated to temporary outdoor exhibits, or any other space within the University's limited public forum.

Expressive activities - any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include:

- commercial speech;
- defamation;
- unlawful harassment;
- incitement to imminent unlawful activity;
- obscenity; or
- threats to engage in unlawful activity.

Non-UTMB person or organization - 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.

Room or space - includes any room or space, indoors or outdoors, owned or controlled by UTMB.

Registered student, faculty and/or staff organization - An organization whose members consist of current UTMB students, faculty and/or staff that has completed the necessary registration criteria as outlined in the Student Organizations Handbook, published by the Office of Student Life. The organization may be profession and discipline specific, cultural, religious or social.

**V. Relevant Federal and State Statutes**

[Texas Education Code § 51.9315](#)

**VI. Relevant System Policies and Procedures**

[Regents' Rules and Regulations, Rule 30103](#)

[Regents' Rules and Regulations, Rule 31004](#)

[Regents' Rules and Regulations, Rule 40201](#)

[Regents' Rules and Regulations, Rule 40501](#)

[Regents' Rules and Regulations, Rule 80103](#)

[Regents' Rules and Regulations, Rule 80104](#)

**VII. Related UTMB Policies and Procedures**

[IHOP – 02.06.01 – Use of UTMB](#)

[Facilities IHOP – 02.06.02 – Special Use](#)

[Facilities](#)

[IHOP – 02.06.04 – Registering a Faculty, Staff, or Student Organization](#)

**VIII. Dates Approved or Amended**

<i>Originated: 05/06/2020</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>
6/18/2024	
08/27/2025	

**IX. Contact Information**

Business Operations and Facilities  
(409) 772-0333