

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 to freely express oneself, UTMB provides multiple forums. These forums include:

- **Traditional Public Forums:** UTMB’s common outdoor areas are considered traditional public forums. Generally, the common outdoor areas are available for lawful expressive activity, planned or spontaneous, for individual or 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.B. 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.
- **Designated public forums:** UTMB may temporarily make limited public forums available for expressive activities as specified by UTMB. These areas while designated as such will be treated similarly to the common outdoor areas for access and expressive activity to the general public. Obstruction or impeding the flow of vehicular or pedestrian traffic is prohibited.
- **Limited Public Forums:** UTMB buildings, grounds, and facilities that are not common outdoor areas are limited public forums and the freedom of expression 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.
- **Nonpublic Forums –** Areas of UTMB facilities and campus that are not traditional public forums and are not by tradition or designated for public communication. These areas will be restricted to their intended use and not available for public expressive activity. The nonpublic forums include, but are not limited to:
 - Galveston National Lab
 - Hospital and clinic facilities
 - Research facilities
 - Administrative facilities
 - Academic facilities
 - Libraries
 - Classrooms

- Faculty or staff offices

Those individuals choosing to engage in an expressive activity and those choosing to listen to an expressive activity must recognize and respect the right and freedom to express oneself; thus faculty, staff, or students who unduly interfere with an expressive activity 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.

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.

- 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.
- Any acts that are disruptive to the normal operations of UTMB, including academic, healthcare, research, or administrative are not permitted.
- Expressive activities are permitted from 7:00 am to 7:00 pm.
- 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.
- Amplified sounds may be permitted in areas that are not disruptive to ordinary UTMB business.
- Literature distribution is permitted; however, the distributing group will be responsible for maintaining UTMB grounds by disposing disregarded literature on University property.
- 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.
- Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.
- 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.
- No person is permitted to engage in an expressive activity that may be in violation of any other UTMB policy or may endanger the health or safety of others.

C. Disruption of Expressive Activities

- Faculty, students, and staff engaging in a disruptive activity may be subject to disciplinary sanctions.
- Any participant engaging in a disruptive activity may be subject to criminal charges.

III. 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](#).

A. 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.

B. 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 dated.

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.

IV. Grievances and Appeals of Disciplinary Sanctions

Students

- 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](#).
- Students seeking to appeal disciplinary sanctions shall obtain guidance from [IHOP – 07.01.03 – Student Conduct and Discipline Policy](#).

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](#).

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](#).

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>.

V. 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.

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. Common outdoor areas are designated by state law as traditional public forums.

Off campus 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.

VI. Relevant Federal and State Statutes

[Texas Education Code § 51.9315](#)

VII. 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](#)

VIII. 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](#)

IX. Dates Approved or Amended

<i>Originated: 05/06/2020</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>

X. Contact Information

Business Operations and Facilities
(409) 772-0333