

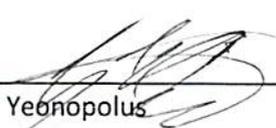


Report to the Governor of the State of Texas and the Texas Legislature – SB 18

Senate Bill 18 (R86) was adopted by the Texas State Legislature setting forth rights, responsibilities, and protections for its citizens' freedom of speech.

Central Texas College has prepared the attached Safety Policy 185 setting forth the rights, responsibilities and requirement of speakers on Central Texas College campuses as required by Senate Bill 18. This policy is designed to guide anyone who desires to utilize Central Texas College campus for speech or expression to ensure they comply with Senate Bill 18 and Central Texas College requirements while on campus. Likewise, this is a guide for Central Texas College personnel to understand the rights and responsibilities of Central Texas College and speakers. Safety Policy 185 is written in compliance with the requirements of Senate Bill 18.

Safety Policy 185 has been approved and adopted by the Central Texas College Board of Trustees and subsequently posted on the Central Texas College website, in the Student Handbook, in the Human Resources Policy Manual in addition to the Safety Policies and Procedures Manual.



Jim Yeonopolus
Chancellor

Date

1/24/21

Central Texas College District Safety Policies and Procedures Manual
Policy No. 185: Free Speech, Peaceful Assembly & Expressive Activity (Same as Human Resource Policy & Procedures, Policy # 265)

I. PURPOSE

To support and protect expressive activities including the free expression of ideas and to petition and assemble in a peaceful manner on Central Texas College District (“CTCD” or “College”) campuses. To ensure free, robust, and uninhibited debate and deliberations by students enrolled at CTCD while maintaining the integrity of the College Mission and without undue disruption to that Mission and daily College functioning.

II. SCOPE

This policy applies to all CTCD employees, students, visitors and guests at all CTCD Campuses in Texas. To the extent this policy conflicts with the policies of military installations where certain CTCD campuses reside, the policies of the military installations shall prevail.

CTCD recognizes freedom of speech as a fundamental right. Nothing in this policy is intended to limit the legal rights or responsibilities of CTCD or anyone seeking peaceful assembly or expressive activities on CTCD premises.

III. POLICY

CTCD shall work to protect the expressive rights of persons guaranteed by the constitution of the United States and the state of Texas by:

1. recognizing freedom of speech and assembly as central to the mission of CTCD; and
2. ensuring that all persons may assemble peaceably on CTCD campuses for expressive activities, including to listen to or observe the expressive activities of others.

CTCD enforces viewpoint and content neutral speech regulations. Disruption to the College’s normal operations and/or a student or employee’s ability to conduct their normal business, as determined by the Chancellor or his/her designee, is not allowed. Further limitation on employee speech may be enforced while the employee is speaking on behalf of the College.

The public may not enter CTCD campuses for the purpose of advocacy, information distribution, or speech activity without prior College approval.

IV. DEFINITIONS

- A. Campus, Premises, Facility: All real property, buildings, structures, parking lots, locations, or rooms that are owned, leased or occupied by CTCD.
- B. College-Approved: Prior approval of application for peaceful assembly or expressive activity from the College for an event or activity held on CTCD premises by the public.
- C. College-Sponsored: College hosted events by employees or students, publications and other expressive activities that specifically have the College administration's approval or can be reasonably perceived as bearing College approval. This could include, but is specifically not limited to, College curriculum, CTCD theatre productions, and approved Student Club activities with approved College employee supervision, and that uphold the College Mission, and when any of these occur in a classroom setting, on a campus, or at a CTCD facility.
- D. Disruptive Acts or Speech: Acts and/or speech that substantially disrupts or materially interferes with the College's ability to conduct business or fulfill its mission. This does not include action that is anticipated to, or does present discomfort or unpleasantness that may be experienced when unpopular or differing viewpoints are expressed.
- E. Expressive Activities: Words, symbols, pictures, and other medium that are used as modes of expression of ideas or viewpoints, to include responses to expressive activities of others that are not College-approved. 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.
- F. Peaceful Assembly: Expressive activity, assembly or demonstration that has been College approved via the peaceful assembly application or other College mechanism, for the purpose of speech and expression. Peaceful assemblies include, but are not limited to, speakers invited by student organizations or faculty, and student, employee, and third party activities or events. A peaceful assembly consists of one or more persons.
- G. Public: All individuals and/or groups who are not employees or students of CTCD.
- H. Speaker: Any individual, group, or entity who is engaging in expressive activity on Campus.
- I. Speech: Words, symbols, pictures, and other medium that are used as modes of

expression of ideas or viewpoints, to include responses to expressive activities of others.

- J. *Student Organization*: Any organization that is composed mostly of students enrolled at CTCD and that receives a benefit from the institution.
- K. *Traditional Public Forums*: All common outdoor areas of the Campus.
- L. *Viewpoint and Content Neutral*: Policies and procedures that regulate speech without consideration of the speech's content or the speaker's viewpoint on the subject. Such policies and procedures may regulate the time of speech, the location of speech and the manner of speech, but not the content of speech or the viewpoints expressed.

V. PROCEDURES

A. Peaceful Assembly and Expressive Activities:

All requests for peaceful assembly or expressive activity shall be submitted to the CTCD Police Department on CTCD's application for peaceful assembly.

Applications are available online on the CTCD website at <http://www.ctcfacstaff.ctcd.edu/faculty-staff/risk-management> and at the CTCD Police Department during regular business hours.

Applications should be submitted at least seven (7) business days in advance of the date for the peaceful assembly to ensure the location, date and time requested are available. Should the application be submitted less than seven (7) business days prior to the event, CTCD Police shall do all in their power to accommodate the requested location, date and time of the peaceful assembly. Modification as to location, date and time may be necessary.

Any person may engage in peaceful assembly or expressive activities in the Campus's traditional public forums provided such activities and assembly are not unlawful and do not materially and substantially disrupt the functioning of the College.

B. Time, Place and Manner Limitations:

Without regard to content or viewpoint of the intended speech or expressive activity, all peaceful assemblies will be pre-approved by CTCD Police for Central Campus. The Site Director for each Service Area location will notify the CTCD Police to ensure the time, place and manner of the activity or assembly is appropriate to the College needs. Should requested time, location, or manner of peaceful assembly be deemed to materially or substantially disrupt the functioning of the College, the Site

Director, shall strive to determine with the applicant an alternative time, place, or manner in which to allow the peaceful assembly.

All limitations on the time, place, and manner of expressive activities and peaceful assembly in the common outdoor areas shall be made in writing and delivered to the applicant. All such limitations shall be:

1. narrowly tailored to serve a significant College interest,
2. clearly define the limitations and criteria to be met to hold the Peaceful Assembly,
3. shall employ clear, published, content and viewpoint neutral criteria,
4. shall provide for ample alternative means of expression,
5. shall allow for the CTCD community to assemble or distribute written material without a permit or other permission.

To the extent this policy conflicts with the policies of military installations where certain CTCD campuses reside, the policies of the military installations shall prevail.

- C. CTCD shall not deny or take action against an individual, employee, student or a student organization, due to a political, religious, philosophical, ideological, or academic viewpoint expressed by the applicant for expressive activities, peaceful assembly or speaker.
- D. Notwithstanding the foregoing, only notice by submission of CTCD's application for peaceful assembly to the CTCD Police or Site Director is required for members of the College community to assemble or distribute written material, and no permit or prior approval is needed.
- E. Nothing in this policy is designed to limit a student's rights of expression including responding to the expressive activities of others elsewhere on Campus or at other campus locations.
- F. Nothing in this policy is designed to limit student organizations and faculty to invite speakers to speak on campus. However, CTCD may consider content-neutral and viewpoint neutral criteria related to the needs of the event including: facility use fees, the proposed venue and the expected size of the audience; any anticipated need for campus security; any necessary accommodations; and any relevant history of compliance or noncompliance by the requesting student organization or faculty member with CTCD's policy.
- G. Nothing in this policy is designed to limit or prohibit faculty from maintaining order in the classroom.

- H. Interference with College operations, activity, event, or expressive activities of others on campus, or threats, implied threats, intimidation, or any form of violent behavior may result in employee or student discipline and/or legal action against the employee, student or public.
- I. Peaceful assembly and expressive activities shall not impede or obstruct vehicle, pedestrian, or bicycle movement/traffic. Speech activities can not interfere with ingress or egress of CTCD premises, facilities, or events whether on or off campus.
- J. All persons attending a peaceful assembly or expressive activity shall at all times conduct themselves with respect for the forum and the CTCD learning environment. Voicing contrary view points shall be permitted. All speech will be done in a manner so as to not disrupt the College's normal operations or to infringe on the rights of others as outlined herein.
- K. All peaceful assemblies and expressive activities, that proceed in a lawful manner and are not in violation of this policy, shall be allowed to proceed without interference from students, student organizations, faculty, CTCD, and other persons or entities.
- L. Damage caused by Expressive Activities: Groups or individuals are responsible for any damage and harm to persons and non-CTCD property that arise from expressive activities.
- M. Withdrawal of Consent: Failure to abide by the requirements in this policy or a lawful order by law enforcement or CTCD administration will result in the withdrawal of consent to hold or continue a peaceful assembly.
 - a. Determination to withdraw consent shall be made by the Chancellor or his/her designee.
 - b. Upon determination to withdraw consent, the CTCD Police Chief, or his/her designee, will be notified and s/he shall take immediate steps to inform the peaceful assembly/expressive activity holder of the decision to withdraw consent for the event, and as necessary to disperse the assembly from Campus or CTCD facility as soon as possible. Such determination by the Chancellor shall be placed in writing and provided to the speaker and/or peaceful assembly/expressive activity holder before the event should the event consent be denied before the event has begun, or immediately upon notice by the Chief of Police or designee if consent is withdrawn after the event has begun.
 - c. Should the event holder or participants fail to cease the activities of the peaceful assembly, the CTCD Police shall escort the event holder and event attendees from Campus or CTCD facility and take any disciplinary and/or

legal action necessary to enforce the withdrawal of consent.

N. Grievance Procedure/Appeal:

- a. Denial of an application, complaint of a violation of expressive activities, or withdrawal of consent, prior to the peaceful assembly or expressive activity may be appealed by sending a written request to the Chancellor or his/her designee for review;
- b. The appeal must be in writing and signed by the applicant for peaceful assembly or speaker;
- c. The appeal shall fully explain the need for the exceptions to this policy and/or the steps that will be taken to ensure violations of policy and/or law do not occur.
- d. The appeal shall be delivered to the Chancellor or his/her designee within ten (10) business days of receipt of the notice denying or withdrawing consent for the peaceful assembly. The notice shall be deemed received on the date it was hand delivered, on the date recorded as delivered by the US Post Office or other courier when proof of delivery is utilized, the date it was sent by e-mail with delivery receipt, or on the fifth (5th) calendar day following the date of the notice if such notice is sent regular US mail;
- e. Decisions of the Chancellor or his/her designee of the appeal shall be rendered within three (3) business days of submission of all information needed to make a decision and written notice shall be provided to the peaceful assembly applicant or speaker in a manner designed to notify them as soon as possible;
- f. All decisions of the Chancellor or his/her designee hearing the appeal shall be final.

O. Costs:

With some exceptions, including but not limited to a. – d. below, events held during regular business hours, (Monday – Thursday 7:30 am – 5:30 pm; Friday 7:30am – 11:30am) shall not be charged a fee for Police/Safety Officer presence.

- a. All events held outside of normal business hours will be charged at the rate set forth in the application for peaceful assembly.
- b. Speakers on Campus may be charged a Police/Security Officer fee as set forth in the application for peaceful assembly. Determination to be made based on the anticipated need for, and number of, Police/Safety Officers, and relevant history of compliance or noncompliance to this policy and all CTCD policies,

by those requesting a peaceful assembly. Determination to be made by the CTCD Police Chief and the Chancellor or his/her designee.

- c. Speakers on Campus may be charged the current facilities use fees as set by the College and may consider proposed venue, expected size of audience, anticipated need for campus security, necessary accommodations, and relevant history of compliance. Such facility use fees can include, but are not limited to room rental costs, equipment use charges, set-up and take-down fees, and reasonable fees for special accommodations as needed for the expressive activities or peaceful assembly. Determination to be made by the CTCD Associate Deputy Chancellor, Facilities and Construction and the Chancellor or his/her designee.
- d. Speaker and/or peaceful assembly holder shall be responsible for repair or replacement, at CTCD's discretion, of all damaged CTCD personal and real property.
- e. Fee determination shall not take into consideration the content or viewpoint of the speaker and/or peaceful assembly and shall not take into account any anticipated controversy associated with the speaker and/or peaceful assembly.

P. Prohibited Acts on all CTCD Campuses, Premises and Facilities:

- No use of any tobacco or nicotine product, including electronic cigarettes except for inside the enclosed cab of a personally owned vehicle;
- No alcoholic beverages or drug sales, possession or use;
- No unauthorized weapons;
- No illegal activity or disorderly conduct;
- No political fund raising or advertising activities on Campus;
- No fighting;
- No unauthorized vehicles on grass: all vehicles must remain on paved roads and be parked legally;
- No use of Campus grounds as a restroom;
- No trash or litter left behind following peaceful assembly or expressive activity;
- No concessions of any kind (food or drink); and
- No marking or graffiti on Campus grounds, buildings, premises or facilities.

Q. Required Acts:

- Leave all CTCD premises, buildings, rooms, courts, grounds, fields and equipment (i.e. room, grass, fences, bleachers, sidewalks, trash cans, etc.) in good condition;
- Immediately notify CTCD Police of any issues or concerns, to include CTCD

property damage, illegal acts, violation of CTCD policies, or personal injury to anyone;

- Be respectful of CTCD students, employees and property;
- Use Gun-Free Zone signs in required areas as directed by CTCD Police Department;
- Adhere to the requirements set forth in this policy and all CTCD Safety Policies found at <http://www.ctcfacstaff.ctcd.edu/faculty-staff/risk-management> .

VI. DISCIPLINARY ACTION

Violation of this policy may result in withdrawal of consent to remain on Campus or utilize CTCD premises or facilities. Violation of this policy and/or failure to leave, or to reenter without consent following CTCD's withdrawal of consent for a peaceful assembly or expressive activity, could further result in issuance of a trespass warning, criminal legal action and/or discipline up to and including termination of employment and/or expulsion from the College.