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Memo To: All UH-Downtown/PS Holders UH-Downtown/PS 04.A.08
Issue No. 2
From: Dr. Loren J. Blanchard, President Effective date: 04/16/2021
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Subject: Freedom of Expression

1. PURPOSE

The University of Houston-Downtown (UHD) is committed to fostering a learning environment where free inquiry and expression are encouraged. The University expects that persons engaging in expressive activities will demonstrate civility, concern for the safety of persons and property, respect for University activities, respect for those who may disagree with their message, and compliance with University policies and applicable local, state, and federal laws. The University of Houston-Downtown maintains its right to place reasonable time, place, and manner restrictions on expressive activities.

Additionally, any activities that are unlawful or materially and substantially disruptive to the normal operations of the University will not be tolerated. The purpose of this policy is to provide for expressive activities to be conducted on University grounds in a manner consistent with these principles. Groups of individuals engaging in materially and substantially disruptive activities or failing to comply with applicable System or university policies, or applicable local, state, and federal laws may face immediate removal from the campus and/or other appropriate actions by university officials and university police.

2. DEFINITIONS

- 2.1 Amplified Sound: The use of any loudspeaker, loudspeaker system, sound amplifier or any other machine or device that produces, reproduces, or amplifies sound.
- 2.2 Decibel Level: The intensity of sound expressed in decibels read from the A-level weighting scale and the slow meter response as specified by the American National Standards Institute.
- 2.3 Expressive Activity: Any non-curriculum related rally, parade, demonstration, stationary structure or display, concert or other expressive activity, including literature distribution.
- 2.4 Non-Permitted Commercial Activities: The use of the University's facilities and/or grounds by the University of Houston-Downtown students, faculty, and staff for personal gain including distribution or posting of commercial literature or other items on campus for personal gain. Non-permitted commercial activities also include commercial use of University space by non-University affiliated individuals or groups where such use is not authorized by a written agreement with the University.
- 2.5 Official University Event or Activity: Any event, program or activity sponsored by a University department in the course of fulfilling their University mission, activities, that occur within the classroom, or events that occur within the regular or recurring sphere of activity of a University department.

- 2.6 Registered Student Organization: A student organization officially registered with the Office of Student Activities.
- 2.7 Sign: A billboard, placard, or other similar item displayed for the purpose of promoting events or activities or to convey a message or information of any type.
- 2.8 University: The University of Houston-Downtown.
- 2.9 University Department: Any academic or nonacademic unit or division or any other official University entity.
- 2.10 University Grounds: Any outdoor University-owned, leased or maintained grounds located on the University's campus, excluding all buildings and structures.

3. POLICY

- 3.1 As part of the System's commitment to fostering a learning environment, student organizations and faculty may invite speakers to speak on campus in accord with System and university policies.
- 3.2 This policy is applicable to any Expressive Activity at locations on University Grounds. This policy does not apply to any Official University Event or Activity, except as noted.
- 3.3 Common outdoor areas of the University are deemed traditional public forums. Therefore, those who wish to engage in an Expressive Activity (including literature distribution) may engage in such expressive activity in the University's common outdoor areas without prior registration or approval.
- 3.4 If an Expressive Activity attracts an audience of 50 or more people, substantially disrupts university business or classes, blocks access, or creates vehicular, pedestrian, or other traffic hazards, then the Expressive Activity may be required to be relocated to an area on campus that can better accommodate the large group or type of activity.
- 3.5 The use of amplified sound is only permitted in designated areas and times. Amplified sounds shall not exceed the levels permitted by the University. Amplified sound will be measured at the edges of the surrounding or nearest building.
- 3.6 University buildings are reserved for use by university students, faculty, and staff, except as provided herein, or otherwise permitted by policies of the University. Non-permitted commercial activities (as defined herein) are not allowed. Expressive activities permitted under this policy do not imply official endorsement by the University. Decisions to be made by the University by officials under this policy will be based on the guidelines set forth in this policy and will not be based on the content or viewpoint of a proposed expressive activity. Groups or individuals engaged in expressive activities are responsible for the content of the expression. Questions regarding this policy may be directed to the Office of the Dean of Students.

- 3.7 Grievances: Complaints of a violation under this policy may be made as follows:
- 3.7.1 Members of the University community may file a grievance regarding an alleged violation of this policy in the manner provided in [PS. 04.A.01 Student Rights and Responsibilities](#), [Faculty Handbook](#), and [Staff Handbook](#).
 - 3.7.2 Alternatively, any complaints of a violation under this policy may be made through the [University of Houston System Fraud & Non-Compliance Hotline](#).
- 3.8 Disciplinary Actions: Any person who participates in unlawful expressive activity, or that unduly interferes with the Expressive Activities of others on campus, including at an Official University Events or Activity, may be subject to disciplinary action, as outlined in [PS. 04.A.01 Student Rights and Responsibilities](#), [Faculty Handbook](#), and [Staff Handbook](#), or laws relating to visitors on campus.
- 3.9 Literature Distribution: All literature distribution must comply with the following rules:
- 3.9.1 Persons distributing information at reserved information table locations must remain within their reserved table space and displays at reserved information table locations.
 - 3.9.2 Literature or other printed materials must be distributed in person.
 - 3.9.3 Literature or other printed materials must not be forced upon others.
 - 3.9.4 The free flow of pedestrian, vehicular, or other traffic must not be obstructed at any point.
 - 3.9.5 Groups or individuals are responsible for ensuring that literature/printed materials do not litter the area.
 - 3.9.6 Literature/printed materials must not promote Non-Permitted Commercial Activities.
 - 3.9.7 This section does not apply to literature/printed material distribution related to a vote for or against a candidate for the Student Government Association (SGA) office or for or against a proposition on a ballot at an SGA election. Such distribution by registered University students may take place in areas immediately adjacent to SGA polling locations and must comply with the University's rules.
- 3.10 Signs Posed on University Grounds: The only types of signs that may be placed on University grounds are those that are sponsored by a University department and promote an Official University Event or Activity must obtain approval from the Office of Student

Activities or designee at least seven (7) days prior to the proposed display. Signs will be subject to reasonable time, place, and manner restrictions and must include the name of the university department sponsoring the activity that it promotes.

4. PROCEDURES

- 4.1 The following University-owned common outdoor areas are the outdoor expressive activity areas that may be reserved in advance. These areas may also be used for expressive activity without a reservation; however, an individual or group with a reservation will have priority over other individuals or groups and may have exclusive use of the reserved area.
- 4.1.1 South Deck: The area located on the 3rd floor (Main Street level) south of the Academic Building and One Main Building.
 - 4.1.2 Academic Deck: The area located on the 3rd floor (Main Street level) south of the South Deck.
 - 4.1.3 North Deck: The area located on the 3rd floor (Main Street level) north of the Academic Building and One Main Building.
 - 4.1.4 Portico: The area located on the 3rd floor (Main Street level) in front of the One Main Building and Metro rail.
 - 4.1.5 Shea Street Building Deck: The area located in front of the Shea Street Building.
 - 4.1.6 Commerce Street Building Patio: The area located behind the Commerce Building.
 - 4.1.7 Food Truck Plaza: The area located adjacent to the north entrance of the College of Sciences and Technology Building.
- 4.2 University faculty, staff, students, and members of a registered student organization may reserve a University-owned common outdoor area listed above in advance to conduct expressive activities in accordance to this section. Non-University affiliated individuals or groups may be eligible to reserve a University-owned common outdoor area if availability exists and could incur a fee. All reservations for the use of a University-owned common outdoor area must be submitted through the Office of Events and Conferences. Reservations are accepted on a first-come, first served basis. Reservation details and forms can be found on the [Campus Event Space Reservations webpage](#). In addition to the University-owned common outdoor area request, the requesting group or individual seeking to reserve a University-owned common outdoor area pursuant to this section must submit a completed [Expressive Activity Description Form](#) (“Form”) to the Office of Student Activities at least seven business (7) days in advance of the proposed expressive

activity. Absent extenuating circumstances, the Office of Student Activities will approve or deny the proposed expressive activity within five (5) business days of receiving the Form. In completing the Form, the following information will be required:

4.2.1 Date of application

4.2.2 Proposed date(s) of the expressive activity

4.2.3 Proposed start and finish time

4.2.4 Proposed location

4.2.5 Name of the activity

4.2.6 Anticipated attendance

4.2.7 Target audience(s)

4.2.8 Advertising methods

4.2.9 Expressive activity description (i.e., speech, rally, open microphone, display, literature distribution, etc.)

4.2.10 Campus sponsoring organization name, and if any, external sponsoring organization name (co-sponsor)

4.2.11 Contact person name, phone number, and email address

4.2.12 Applicant's signature

4.3 The following areas may also be used for outdoor expressive activities. A reservation is required of those seeking to conduct such activities in a university parking lot.

4.3.1 Daly Parking Lot

4.3.2 Lot A Parking Lot

4.3.3 Sidewalk between One Main Building and Shea Street Building

4.3.4 Sidewalk between One Main Building and Commerce Building

- 4.3.5 Lawn area in front of the South Deck
- 4.3.6 Lawn area east of the Student Life Center
- 4.3.7 Lawn in front of Willow Street Pump Station
- 4.4 The decision as to whether to approve or deny the reservation request will be based on proper and timely completion of the Form, compliance with the applicable sound and sign requirements in Section 4.7 – 4.8, and availability of space. This decision will be based only on the aforementioned criteria, and in no circumstances will any decision be based on the content or viewpoint of the Expressive Activity, or upon the expected reaction of others to the expression, except as permitted by law.
- 4.5 The requesting group or individual, if they so desire, may appeal the Office of Student Activities decision in writing to the Office of the Dean of Students within two (2) business days of the decision. The Office of the Dean of Students will render a decision within two (2) business days of receiving an appeal. Requestors are encouraged to submit their reservation requests as early as possible to allow time after the approval process to prepare for their activities.
- 4.6 The Office of Student Activities may require an expressive activity to relocate if:
 - 4.6.1 The anticipated or actual number of persons attending the event exceeds the reasonable capacity of the space intended for use and, therefore, materially interferes with the educational mission of the university.
 - 4.6.2 The activity potentially conflicts with previously scheduled activities or events.
- 4.7 Signs, Stationary Structures, Displays, Literature, and Other Items: Expressive activities involving the use of stationary structures or displays are permitted for the duration of the activity in the areas listed in 4.1.
 - 4.7.1 The only types of signs that may be placed on University grounds are those that are sponsored by a University department and promote official University sponsored events or activities.
 - 4.7.2 University departments who request to display signs on University grounds that promote official University activities and events must obtain prior approval from the Office of Student Activities or designee. Requests must be received at least seven (7) business days prior to the proposed display.
 - 4.7.3 Signs, structures, displays, literature, and other items must include the name of the University department sponsoring the activity or

event it promotes.

- 4.7.4 Signs, structures, displays, literature, and other items must be kept at least five (5) feet from all walkways.
 - 4.7.5 Signs, structures, displays, literature, and other items may not be attached to University property (e.g., buildings, light poles, benches).
 - 4.7.6 Signs, structures, displays, literature, and other items may not exceed three (3) feet in height and three (3) feet in width. A request for a size exception must be made at least seven (7) business days in advance to the Office of Student Activities.
 - 4.7.7 Signs, structures, displays, literature, and other items must not pose a significant safety hazard, and will not unduly restrict the egress or ingress of University students, faculty, or staff.
 - 4.7.8 Signs, structures, displays, literature, and other items may not be left unattended. The requesting group is responsible for the sign, structure, display, literature, and other item, and must remain with it at all times.
- 4.8 Amplified Sound: The use of amplified sound is only permitted in the reservable areas listed in section 4.4.
- 4.8.1 Amplified sounds may only occur for the duration of the event.
 - 4.8.2 Amplified sounds may not exceed 75 decibel levels.
 - 4.8.3 Amplified sound will be measured at the edges of the surrounding buildings. Decibels will be measured from the A-level weighting scale and the slow meter responses as specified by the American National Standards Institute.
- 4.9 The University reserves the right to implement and enforce reasonable time, place, and manner restrictions regarding expressive activities including, but not limited to, those set forth in this regulation. Further, activities that are unlawful or that materially substantially disrupt the normal operations of the University are prohibited. Prohibited activities include, but are not limited to, the following:
- 4.9.1 Activities that are unlawful or that materially and substantially disrupt the normal operations of the university

- 4.9.2 Activities that materially or substantially prevent other individuals or groups from carrying out an expressive activity.
 - 4.9.3 Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of University facilities.
 - 4.9.4 Activities that substantially interfere with fire protection, law enforcement, or emergency medical services.
 - 4.9.5 Activities that threaten or endanger the health and safety of any person on University grounds.
 - 4.9.6 Activities that result in damage or destruction of University property. Nothing may be affixed to or written on University property or grounds.
 - 4.9.7 Activities that inherently lose First Amendment protection (e.g., defamatory statements, true threats/fighting words, obscenity [as defined by law]).
 - 4.9.8 Expressive signage, posters, displays, or structures larger than three (3) feet in height and three (3) feet in width. Displays, literature, and other items may not be left unattended.
 - 4.9.9 Open flames on University grounds or property without the express written permission of the University.
 - 4.9.10 Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and safety of such codes and ordinances (e.g., serving food and beverages).
- 4.10 The University recognizes that some constitutionally protected speech may be considered offensive by some or all listeners. An Expressive Activity does not automatically rise to the level of denying constitutional, statutory, or legal rights of others solely because a listener is offended by the argument or idea presented. However, expressive activities that interfere with the legal rights of others will not be tolerated, and will be disciplined according to appropriate University and System policies, including, but not limited to [SAM 01.D.07, Anti-Discrimination Policy](#) and [SAM 01.D.08, Sexual Misconduct Policy](#).

5. REVIEW PROCESS

Responsible Party (Reviewer): Dean of Students

Review: Every five years on or before September 1

Signed original on file in the Office of Human Resources.

6. POLICY HISTORY

Issue #1: 01/12/21

7. REFERENCES

[PS. 04.A.01 Student Rights and Responsibilities](#)

[Faculty Handbook](#)

[Staff Handbook](#)

[University of Houston System Fraud & Non-Compliance Hotline](#)

[Campus Event Space Reservations webpage](#)

[Expressive Activity Description Form](#)

[SAM 01.D.07, Anti-Discrimination Policy](#)

[SAM 01.D.08, Sexual Misconduct Policy](#)