

## POLICY LIT.1.05 FREEDOM OF SPEECH AND EXPRESSION

**SCOPE:** Students, Faculty, Staff, and Visitors

Lamar Institute of Technology (LIT) recognizes and respects the rights guaranteed by the Constitution of the United States and the Constitution of the State of Texas. Lamar Institute of Technology recognizes that freedoms of expression, speech, and assembly are fundamental rights of all people and that such freedoms are central to LIT's ability to achieve its educational mission. Enrolled students and employees of LIT are permitted to engage in expressive activities in common outdoor areas in accordance with this policy and its related procedures.

Nothing in this policy or its related procedures may be construed to limit or infringe on a person's right to freedom of speech or expression protected by the First Amendment to the United States Constitution or by Section 8, Article I of the Texas Constitution.

1. ***Expressive activities.*** Expressive activities means 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:
  - 1.1. Commercial speech;
  - 1.2. Defamation;
  - 1.3. Unlawful harassment;
  - 1.4. Incitement to imminent unlawful activity;
  - 1.5. Obscenity; or
  - 1.6. Threats to engage in unlawful activity.
2. ***Antisemitism.*** Antisemitism means 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.
3. ***Public forum area.*** The outdoor area commonly referred to as the "Quad", which is the area south of the Beeson Building seating area, adjacent to the driveway and parking lot, is designated as a public forum area. Individuals may engage in expressive activities in a designated public forum area, subject to the reasonable time, place, and manner rules described by LIT policies and procedures.
4. ***Limited Public Forum.***
  - 4.1. ***Common outdoor spaces.*** Except for any area the President designates as a public forum, all common outdoor areas of LIT are limited public forums for the expressive activities of LIT's students and employees.
  - 4.2. ***Other institutional property.*** LIT owned or occupied facilities used for dedicated institutional business are nonpublic forums, unless they are common outdoor areas or are otherwise designated a public forum by LIT. Such nonpublic spaces include, but are not limited to, residence halls, dining halls, academic and administrative buildings, athletics and recreational facilities, and parking lots.

5. ***Amplified Sound (Prohibited Use of)***. Use of amplified sound during class hours: Individuals engaging in expressive activities on campus during class hours or during scheduled final exams may not use amplified sound if such amplification interferes with campus operations, or interferes with an employee's or a peace officer's lawful performance of a duty, or effectively denies a student equal access to the institution's programs or activities (e.g., sound that is objectively intimidating or disruptive).
6. ***Identification Requirement***. All LIT students and employees must present valid identification upon request by a peace officer or authorized LIT personnel.
7. ***Time Restrictions***. Expressive activity between the hours of 10 p.m. and 8 a.m. is not permitted in an effort to ensure the health and safety of the LIT campus community.
8. ***Date Restrictions***. During the last two weeks of the Fall Semester, Spring Semester, and Summer I and Summer II terms, any person engaging in expressive activities as defined in this policy is not permitted to materially and substantially disrupt the functioning of the institution by inviting speakers to speak on campus, by using a device to amplify sound, or by using drums or other percussive instruments.
9. ***Camping (prohibition)***. Camping is prohibited pursuant to Texas Penal Code section 48.05 and this policy.
10. ***Flags (prohibition)***. Destruction, alteration, or appropriation of LIT property is strictly prohibited. For example, a person may not lower the U.S. or state flag and raise another flag in its place as doing so would constitute the unauthorized appropriation of LIT property.
11. ***Disguises (prohibition)***. A person engaged in expressive activities may not obstruct the enforcement of LIT's rules and policies, or applicable laws by avoiding identification, by intimidating others, or by interfering with LIT's employees or peace officer's lawful performance of a duty.
12. ***Disruptive Activities***. Disruptive activities are prohibited on the campus. The President shall promptly utilize all lawful measures to halt and eliminate any and all such disruptive activities occurring on LIT premises. The President's review of the alleged disruptive activities will be exercised without regard to the viewpoint of any group or individual. Disruptive activities include:
  - 12.1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of a building without the authorization of the administration of LIT;
  - 12.2. Seizing control of a building or a portion of a building to interfere with an administrative, educational, research, or other authorized activity;
  - 12.3. Preventing or attempting to prevent by force or violence or the threat of force or violence a lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;
  - 12.4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or
  - 12.5. Obstructing or restraining the passage of a person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats of force or violence the ingress or egress of a person to or from the property or campus without the authorization of the administration of LIT.

**Related Procedures:** LIT.1.05.01 Off-campus Speakers in College Facilities; LIT.1.05.02 Publications and Posters; LIT.1.05.03 Parades, Demonstrations and Rallies; LIT.1.05.04 Alleged Violations of Freedom of Speech and Expression

**Relevant Forms/Documents:**

**Relevant TSUS Policies/Forms/Documents:** TSUS Rules and Regulations Chapter VII. General Provisions for Campus Activities, Section 3. Speech and Assembly

**Relevant Statutes:** Texas Penal Code section 48.05, Texas Education Code section 51.9315, Texas Education Code 37.123

**Relevant SACSCOC Standards:**

**Document History:**

*Adopted:*

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