



REPORT ON THE UNIVERSITY OF NORTH TEXAS IMPLEMENTATION OF SENATE BILL 18 - PROTECTED EXPRESSION ON CAMPUS

DECEMBER 1, 2020

This report is prepared and published in compliance with Texas Higher Education Code, section 51.9315 (Senate Bill 18, 86th Legislature).

Background - The University of North Texas

The University of North Texas is one of the nation's largest universities, providing access to students across the State of Texas and the world. UNT welcomes diversity, including diversity of political, religious, philosophical, ideological or academic viewpoint, recognizing that freedom of expression and public assembly are critical to the university's educational mission and to nurturing a caring and creative community that empowers students to thrive in a rapidly changing world.

The State of Texas Policy Regarding Expressive Activities at Institutions of Higher Education

In 2019, the 86th Texas Legislature, passed Senate Bill 18, which articulates the policy of the State of Texas regarding expressive activities at public colleges and universities in the state, and sets out the purpose of SB Bill 18:

It is the policy of [the State of Texas]...to protect the expressive rights of persons guaranteed by the constitutions of the United States and of this state by: (1) recognizing freedom of speech and assembly as central to the mission of institutions of higher education; and (2) ensuring that all persons may assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.¹

The University of North Texas Policy Regarding Expressive Activities on Campus

Well before adoption of SB 18, the University of North Texas, adopted a policy that protected the rights of the university community to engage in expressive activities protected by the United States and State of Texas Constitutions. As currently articulated, and in compliance with SB 18, UNT policy makes it clear that the university:

recognizes that freedom of expression and public assembly are fundamental rights of all persons and are essential components of the education process. These activities promote debate and the sharing of ideas, which are the foundation of educational institutions. The responsibility of the University to operate and maintain an effective and efficient institution of higher education requires regulation of the time, place and manner of assembly, speech, and other expressive activities on the grounds of the University. In keeping with this responsibility, students, faculty, staff and visitors are free to exercise the rights to assemble and engage in expressive activity in a constitutionally-protected manner subject only to the content-neutral regulations necessary to fulfill the mission and obligations of the University; preserve the rights of others; coordinate multiple uses of limited

¹ Senate Bill 18 is codified in Texas Education Code, section 51.9315 and can be found at <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.51.htm#51.9315>.

space; assure preservation of the campus facilities and grounds; and assure financial accountability for any damage caused by these activities.²

The University of North Texas Compliance with Senate Bill 18

Senate Bill 18 Administrative Requirements

Senate Bill 18 (Texas Education Code 51.9315) requires each public institution of higher education in the state to prepare, post on its respective website, and submit to the governor and members of the Texas legislature, a report regarding the institution's implementation of the requirements of SB 18 no later than December 1, 2020. The legislation, among other things, required institutions to "adopt a policy detailing students' rights and responsibilities regarding expressive activities on campus" and mandated that the governing body of the institution approve the policy before adoption by the campus.³

On May 14, 2020, the governing body for the University of North Texas approved the university's *Free Speech and Public Assembly on Campus Grounds* policy. President Neal Smatresk approved the policy and it took effect on May 27, 2020, prior to the bill's August 1, 2020 deadline.

University of North Texas *Policy 07.006 Free Speech and Public Assembly on Campus Grounds* is posted on the university's webpage in the UNT policy manual and is readily available to enrolled students, employees and the general public without the need for a password, code or other access number.⁴ The policy is specifically included in the student catalog and employee policy manual.⁵ Freshman and transfer students receive a copy of the policy as part of incoming-student orientation.

The university has training, protocols and procedures to provide employees who are responsible for educating and disciplining students and student organizations the information and skills necessary to administer the policy consistent with SB 18. Training also is available for employees who are responsible for administering university policies that may be directly or indirectly implicated by the *Free Speech and Public Assembly on Campus Grounds* policy and SB 18 (e.g. Facilities Use; Solicitation, Signs and Posters; etc.). In addition, UNT organized a "Rally Team", which consists of members recommended by university's Division of Student Affairs leadership, to assist during free speech events as needed. Members of the team receive training on the *Free Speech and Public Assembly on Campus Grounds* policy and SB 18 annually.

² UNT Policy 07.006 (Free Speech and Public Assembly on Campus Grounds), which can be found at https://policy.unt.edu/sites/default/files/07.006_Free%20Speech.FinalApproved1_0.pdf.

³ Texas Education Code, section 51.9315(f) <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.51.htm#51.9315>.

⁴ See https://policy.unt.edu/sites/default/files/07.006_Free%20Speech.FinalApproved1_0.pdf.

⁵ See on-line Student Catalog, "Dean of Student, Free Speech" section:

<http://catalog.unt.edu/content.php?catoid=23&navoid=2458&hl=free+speech&returnto=search>; see also university policy manual:

https://policy.unt.edu/sites/default/files/07.006_Free%20Speech.FinalApproved1_0.pdf. (The policy manual serves as the university's personnel handbook).

Senate Bill 18 Substantive Requirements

In compliance with SB 18, UNT's *Free Speech and Public Assembly on Campus Grounds* policy:

1. Includes definitions that are consistent with SB 18 (Texas Education Code 51.9315(a)).
2. Recognizes that free speech and public assembly are central to the university's educational mission as a matter of policy (Texas Education Code 51.9315(b)).
3. Allows members of the university community and visitors to assemble peaceably on campus for expressive activity (Texas Education Code 51.9315(b)(c)).
4. Implements and publishes reasonable time, place and manner restrictions that are narrowly tailored to serve the institution's interests; that are clear and are content and viewpoint neutral; and that provide alternative means of expression (Texas Education Code 51.9315(b)(c)(d)).
5. Deems common outdoor areas traditional public forums (Texas Education Code 51.9315(c)).
6. Allows members of the university community and visitors to assemble and distribute literature without the need to obtain a permit or permission from the university (Texas Education Code 51.9315(d)).
7. Allows students to engage in expressive activities across the campus subject to reasonable time, place and manner restrictions as set out in the *Free Speech and Public Assembly on Campus Grounds* policy (Texas Education Code 51.9315(e)).
8. Allows all members of the university community and visitors to respond to the expressive activities of others (Texas Education Code 51.9315(f)).
9. Allows students, faculty, staff and associated organizations to invite speakers to campus and to use university facilities for this purpose (Texas Education Code 51.9315(f)).
10. Establishes disciplinary sanctions for students, faculty, staff and associated organizations who unduly interfere with the expressive activities of others (Texas Education Code 51.9315(f)).
11. Includes a grievance procedure for addressing complaints concerning violations of the *Free Speech and Public Assembly on Campus Grounds* policy (Texas Education Code 51.9315(f)).
12. Prohibits denial of privileges and benefits and the taking of adverse action against students and student organizations on the basis of political, religious, philosophical, ideological or academic viewpoint or expressive activity (Texas Education Code 51.9315(g)).
13. Sets out viewpoint and content neutral criteria for determining whether to invite speakers to campus and in determining fees for using university facilities for expressive activities that are consistent with Texas Education Code 51.9315(h)).

Conclusion

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