

**Employee Rights and Privileges:
Employee Expression and Use of
College Facilities**

Freedom of Expression



Human Resources/General Counsel

Regulation No: DGC

Effective Date: October 1, 2025

1. PURPOSE

College of the Mainland (“College”) recognizes freedom of speech and expression as a fundamental right and seek to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the College and employees of the College (collectively, “College Members”). This regulation is intended to protect the expressive rights of College Members guaranteed by the constitutions of the United States and the State of Texas by recognizing freedom of speech and assembly as central to the mission of the College and ensuring that College Members may assemble peaceably on College campuses for expressive activities. For purposes of this regulation, “expressive activities” means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, of the Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions.

2. DEFINITIONS

N/A

3. REGULATION

A. Outdoor Common Area

For purposes of this regulation, Outdoor Common Areas are the generally accessible, open, outdoor spaces on a college campus such as:

1. Grassy areas and open fields.
2. Sidewalks and pedestrian walkways.

B. Limited Public Forum

In accordance with Texas Education Code, Section 51.9315, College of the Mainland has designated each Outdoor Common Area (operated and either owned or leased by the College) as a limited public forum where only College Members are permitted to engage in expressive activities, subject to the provisions of this Regulation. The College 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 and substantially disrupt the normal operations of the College’s campus are prohibited. Expressive activities on college grounds do not necessarily imply endorsement by the College.

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C. General Guidelines and Policy Regarding Expressive Activities

1. *Applicability.* This regulation applies to all expressive activities of College Members in the College's Outdoor Common Areas. This regulation does not apply to the activities of the College itself. College Members may engage in expressive activities without prior reservation, registration, or approval, provided such activities are conducted pursuant to applicable law as well as College policy.

Access to Outdoor Common Areas for expressive activity by individuals or groups who are not College Members is restricted. Such individuals may not engage in public discourse, demonstrations, or distribution of materials on college grounds. Except as stated otherwise herein, this policy does not restrict recognized College student organizations and their ability to invite guest speakers for events (e.g. talks, performances, etc.) at designated College venues, provided such actions are done in accordance with this regulation as well as College policies.

2. *Prohibited Commercial Activities.* For purposes of this regulation, expressive activities do not include commercial speech. As such, commercial activities are prohibited on college grounds without a prior written agreement with the College.
3. *Other Prohibited Activities.* For purposes of this regulation, expressive activities do not include activities which lose legal protection under the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, including commercial speech, defamation, unlawful harassment, incitement to unlawful activity, obscenity, or threats to engage in unlawful activity. Groups or individuals engaging in materially and substantially disruptive activities, or those failing to comply with applicable laws or College policy, may face immediate removal from college premises and/or other appropriate actions by college officials, including College police.
4. *Statutory Prohibitions.* For purposes of this regulation and in accordance with the Texas Education Code, College Members are legally prohibited from the following:
 - i. Use of a device to amplify sound on college property during class hours that intimidates others, interferes with college campus operations, or interferes with a college employee's or peace officer's lawful performance of duty.
 - ii. During the last two weeks of an academic semester or academic term engaging in expressive activities, including the invitation of guest speakers to speak on campus, the use of a device to amplify sound, or the use of drums or other percussive instruments in a manner that materially and substantially disrupts College campus functioning;
 - iii. Camping or erecting tents or other living accommodations on the College's campus.
 - iv. Wearing a disguise or other means of concealing the wearer's identity with an intent to obstruct the enforcement of college rules or law by

- avoiding identification, to intimidate others, or interfere with a college employee's or peace officer's lawful performance of duties.
 - v. Lowering a flag of the United States or flag of the State of Texas flown by the College with the intent to raise the flag of another nation or a flag representing an organization or group of people; and
 - vi. Engaging in expressive activities on campus between the hours of 10:00 p.m. and 8:00 a.m.
5. *Antisemitic Speech and Acts.* The College is committed to upholding principles of free speech and academic freedom as fundamental components of its mission. However, the exercise of free speech must be conducted in a manner that respects the dignity and rights of all individuals within our community. By directive of the Governor's Executive Order GA- 44, the College prohibits antisemitism. (See FLA (Local) policy)
 6. *Damage Caused by Expressive Activities.* Groups or individuals are responsible for any damage and harm to persons and property that arise from their expressive activities.
 7. *Identification.* College Members shall be required, upon request by a College official on College's campus, including College law enforcement engaging in an official duty, to present proof of identity and status at the College. Failure to present identification may result in appropriate action, including but not limited to cessation of engagement in expressive activity until such identification is sufficiently presented.

D. Reasonable Time, Place, and Manner Restrictions

1. *Reasonable Time, Place, and Manner Restrictions.* The following reasonable time, place, and manner restrictions are applicable to expressive activities in college outdoor common areas:
 - i. Activities that are unlawful or that materially and substantially disrupt the normal operations of the College are prohibited.
 - ii. Activities that materially and substantially prevent other College Members from carrying out an expressive activity are prohibited.
 - iii. Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of college facilities are prohibited.
 - iv. Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services are prohibited.
 - v. Activities that threaten or endanger the health or safety of any person on college grounds are prohibited.
 - vi. Activities that result in damage or destruction of college property are prohibited. Nothing may be affixed to or written on college property or grounds.
 - vii. Activities that inherently lose First Amendment protection (e.g., defamatory statements, true threats/fighting words, obscenity [as defined by law]) are prohibited.
 - viii. Expressive signage, posters, displays, or structures (herein "displays") must be hand- held. Displays, literature, and other items may not be left unattended.

- ix. Amplified sound shall not exceed eighty (80) decibel levels near college buildings, as measured at the outdoor edge of such buildings closest to the amplified sound. Any amplification device must be hand-held.
 - x. No open flames are permitted on the College campus without the express written permission of the College.
 - xi. Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and satisfy such codes and ordinances (e.g., serving food and beverages).
- 2. *Additional Restrictions.* The above list of reasonable time, place, and manner restrictions is not intended to be all-inclusive. The College reserves the right, as necessary, to impose additional reasonable time, place, and manner restrictions as circumstances arise.
 - 3. *Restrictions Are Viewpoint-Neutral.* The College's decisions will not be based on political, religious, philosophical, ideological, or academic viewpoints.
 - 4. *Relocation, Limitation, and Prohibition.* The College reserves the right to relocate, limit, or prohibit College Members engaged in expressive activities in college outdoor common areas based on reasonable time, place, and manner restrictions.

E. Speaker Fees and Approval

College faculty, staff, and student organizations have the right to invite speakers to college forums to speak. When reviewing speakers, the College will not consider any anticipated controversy related to the event. The College will consider content-neutral and viewpoint neutral criteria including, but not limited to, the following when reviewing speakers:

- i. Proposed venue and the size of the expected crowd;
- ii. Anticipated needs for security;
- iii. Any other necessary accommodations the College deems necessary for the speaker; and
- iv. Relevant history of compliance or noncompliance with college policies by the speaker or the requestor.

F. Disciplinary Sanctions

- 1. Students, student organizations, faculty, or staff who unduly interfere with the expressive activities of other College Members on campus or who have been found to violate System or College policies and procedures, or other applicable laws, rules, and regulations may be subject to the disciplinary policies and procedures, to include possible expulsion or termination, as applicable, outlined in the applicable College Student Code of Conduct, Student Handbook, College Catalog, or College policies and procedures.
- 2. Violation of this regulation may also constitute a breach of applicable criminal law. In such circumstances, the Penal Code and Code of Criminal Procedure will apply.

G. Grievances

College Members may file a grievance regarding an alleged violation of this regulation in the manner provided in the applicable Student and/or Employee Code of Conduct, Student/Employee Handbooks or College policy.

H. Free Speech

Nothing in this Regulation 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, Texas Constitution.

4. REGULATION OWNER

Human Resources/General Counsel

5. FORMS/REFERENCE/EXHIBITS

N/A