

Free Speech/Freedom of Expression Frequently Asked Questions (FAQs)

Statement:

The University of Houston-Clear Lake 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 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 including classes and University business activities will not be tolerated.

1. Is there a distinction between Free Speech and Freedom of Expression?

The University of Houston-Clear Lake policy on Freedom of Expression encompasses all aspects of Free Speech. The term Freedom of Expression is generally used to convey that not all expressions of ideas or opinions are communicated through speech, but may also be communicated through other means, such as writings, drawings, or actions.

2. Where can I find the University's policy on Freedom of Expression?

The UH System Freedom of Expression policy is [SAM 01.D.15](#). The University of Houston-Clear Lake policy on Freedom of Expression, which encompasses all provisions of the SAM, can be found at [MAPP 01.D.15](#).

3. The University policy on Freedom of Expression talks about "expressive activity." What is expressive activity?

"Expressive activity" refers to any speech or expressive conduct protected by the First Amendment of the U.S. Constitution or by Section 8, Article I of the Texas Constitution. In practice, expressive activity means any non-curriculum related rally, parade, demonstration, stationary structure or display, concert or other expressive activity, including literature distribution. Under University policy, expressive activities do not include commercial speech (i.e., advertising, promises, and solicitations with the purpose of personal gain).

4. What types of expressive activity are *not* allowed?

Although the First Amendment protects a broad range of expressive activity including speech that may be controversial, hurtful, or repugnant, there are some types of expression that lose First Amendment protection and that the University will not tolerate. These types of expression include, but are not limited to:

- True threats: Those are statements in which the speaker means to communicate a serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals.
- Fighting words: Words that are likely to incite violence or imminent lawless action.
- Impeding access to any campus buildings or facility or other public spaces on campus, obstructing the free flow of vehicular or pedestrian traffic or materially and substantially disrupting University business (group can be dispersed or asked to move depending on situation).
- Violating University policies (for example, policies against open flames, littering, posting, discrimination and harassment, sexual misconduct, etc.).
- Other actions that would violate state or federal law (for example, actual violence, damaging property, selling drugs).
- Obscenity, which is defined by the U.S. Supreme Court as:
 - (a) [W]hether the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;
 - (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
 - (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- Defamatory statements. A statement may be defamatory (and unprotected) if it is an intentional and false statement about an individual communicated to a third party, resulting in damage to the individual's reputation.

5. Is "hate speech" prohibited?

Hate speech or hateful speech is generally defined as "[s]peech that demeans on the basis of race, ethnicity, gender, religion, age, disability or any other similar ground." Although some would argue or believe hate speech is not protected, that is not the case. Though offensive, it may not necessarily fall under one of the exceptions to First Amendment free speech protection listed in Answer 4 above and therefore would be allowed. In fact, on many occasions, the U.S. Supreme Court has explicitly held that prohibitions or punishments for hateful speech violate the First Amendment. Although UHCL cannot ban all hate speech on campus, UHCL does not condone or endorse hate speech. UHCL is proud of our tradition of inclusivity and diversity in every aspect of campus life.

6. Are discriminatory speech and sexual harassment protected free speech or expressive activities?

UH System 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 System policies, including, but not limited to [SAM 01.D.07 –Anti-Discrimination Policy](#), and [SAM 01.D.08 –Sexual-Misconduct Policy](#).

7. Where on campus can I engage in expressive activity?

The common areas of the UHCL campus (such as, athletic fields, grassy areas, sidewalks) can be used for expressive activity without prior registration or approval.

8. Are there Free Speech zones on campus?

No, UHCL does not limit free speech to particular zones on campus. The common areas of the UHCL campus (e.g., athletic fields, grassy areas, sidewalks) can be used for expressive activity without prior registration or approval.

If a person or group wants to reserve a particular place on campus for expressive activities, there are three areas of campus which are available for prior reservation for UHCL faculty, staff, students, and members of registered student organizations:

- Alumni Plaza: The area located between the Bayou Building and the Student Services Classroom Building with the outdoor water fountain.
- Recreation Wellness Plaza/Backyard: (Grassy area between STEM and REC).
- Athletic Fields and Courts.

These areas of campus are not available for reservation to non-University affiliated individuals or groups.

9. How do I reserve one of the reservable areas on campus for an expressive activity?

Any of the three areas of campus listed in Answer 8 above may be reserved through the appropriate office. UHCL Students can make their reservation request via the [Office of Student Involvement and Leadership](#). For anyone else seeking to reserve a space, please contact the [Scheduling Office](#).

10. Where can I hand out flyers or pamphlets?

Flyers or pamphlets can be handed out in the common areas of the UHCL campus, such as grassy areas and sidewalks. The flyers or pamphlets must be handed out in person, and cannot be forced upon people.

11. Are protests allowed on campus?

The University recognizes and supports the constitutional rights of free speech and peaceful assembly. Public assemblies (protests, picketing, etc.) are allowed. The University encourages all who engage in protest activity to do so safely and in a manner that respects a culture of inclusivity as well as the rights of others with differing opinions. In addition to other time, place, and manner rules discussed in these FAQs and other UHCL policies, below are some rules and reminders for engaging in protest activity safely:

- All activities should be peaceful, non-violent, and non-threatening.
- Refrain from any activity that infringes on the rights of others, such as blocking and preventing the movement or access of others, or that materially and substantially disrupts University business.
- Avoid conduct which unduly interferes with the expressive activities of others on campus, such as disrupting a speaker's ability to be heard at a scheduled event.
- Follow the lawful instructions of University administrators or police, such as staying behind barricades, dispersing from an area declared an unlawful assembly, or not resisting arrest. It is against the law to disobey a lawful order by a police officer.
- Leave the area where others are engaging in illegal activities or acts of violence. Remaining in the area could be interpreted as your choosing to participate in the illegal activities or acts of violence, even if that is not your intent.
- Refrain from speech that incites others to commit acts of violence such as pushing, kicking, or spitting on others, destruction of property, or other unlawful actions.
- Carrying an open flame is prohibited unless approval is granted in advance by the Director of Environmental Health, Safety, and Risk Management, or designee.

12. Do I need prior approval to engage in expressive activities?

No, unless you want to reserve an area for your activity or group or in certain instances for amplified sound.

13. Can I use amplified sound on campus, like bullhorns or microphones?

It depends. Amplified sound may be used in the following circumstances:

The use of amplified sound is permitted in the reservable areas listed in Answer 8 above. Amplified sound may only occur from 11:30 a.m. to 1:30 p.m. and from 4:00 p.m. to midnight on class days, and from 8:00 a.m. to midnight on non-class days. Amplified sound may not exceed 75 decibels levels.

Amplified sound will be measured at the edges of the surrounding buildings. For the purposes of this policy, dB shall mean 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.

14. Is chalking allowed on campus?

No. Chalking, or any other form of writing or drawing on any surface (sidewalks, streets, statues, benches, etc.) is not allowed on campus.

15. Can I be in violation of University policy even if I have not broken a law?

Yes. Individuals or groups of individuals engaging in activities that are materially and substantially disruptive to the normal operations of the University including classes and University business activities, or who fail to comply with University policies and applicable local, state, and federal laws may face immediate removal from the campus and/or other appropriate actions by University officials and University police.

Additionally, any person that participates in unlawful expressive activity, or that unduly interferes with the Expressive Activities of others on campus, including at an Official University Event or Activity, may be subject to disciplinary action, as outlined in the student codes of conduct, in policies relating to faculty or staff discipline, or in policies or laws relating to visitors on campus.

16. How do I file a grievance if I see a violation of the Freedom of Expression policy?

Members of the University community may file a grievance regarding an alleged violation of this policy in the manner provided in the applicable University Student Code of Conduct, Student Handbook, University Catalog, Faculty Handbook, or employee/personnel manual. Alternatively, any complaints of a violation under this policy may be made through the University of Houston System Fraud & Non-compliance Hotline.

17. What should I do if I feel threatened by someone else’s expressive activity?

Contact the UHCL Police Department at 281-283-2222 , or call 911 from a campus phone. The non-emergency email contact is policechief@uhcl.edu.

18. Can the University relocate a group that is involved in an expressive activity?

In some situations it can, such as when an expressive activity:

- is not conducted in a University common area,
- attracts an audience of 50 or more people,
- materially and substantially disrupts University business or classes,
- blocks building access, or
- creates traffic hazards.

In such instances, the expressive activity may be required to relocate to another area on campus that can better accommodate the large group or type of activity. Additionally, individuals or groups who fail to comply with University policies and applicable laws may face immediate removal from the campus and/or other appropriate actions by University officials and University police.

19. What other University policies relate to free speech or expressive activity?

- [SAM 01.D.15 Freedom of Expression](#)
- [MAPP 01.D.15 Freedom of Expression](#)
- [UHCL Student Code of Conduct](#)
- [SAM 01.D.07 Discrimination and Harassment Policy](#)