**External Speakers Using University UPPS No. 07.04.04**

**Facilities Issue No. 2**

 **Effective Date: 01/08/2021**

 **Next Review Date: 01/01/2023 (E2Y)**

**Senior Reviewer: Associate Vice President for Student Success and Dean of Students**

1. **POLICY STATEMENTS**

01.01 Freedom of inquiry and discussion is basic and essential to intellectual development, provided such freedoms are exercised in a manner that does not unlawfully derogate the rights of others or interfere with the academic programs and administrative processes of Texas State University.

01.02 The purpose of this policy and procedure statement is to establish policies for considering external (not current faculty, staff, or students) speakers requesting the use of university facilities at Texas State San Marcos or Round Rock campuses.

* 1. Texas State is a public institution and supports freedom of speech, freedom of assembly, freedom of inquiry, and freedom of dissent. The grounds of Texas State are traditional public forums, subject to such reasonable time, place, and manner restrictions as the president, or designee, may impose, in accordance with the [Texas State University System (TSUS) Rules and Regulations, Chapter VII, Paragraph 3.3](https://gato-docs.its.txstate.edu/jcr%3A34a3f1a1-48af-4b2b-9abb-42921fb9ae23/Rules%20and%20Regulations%20May%202018.pdf).
	2. Approved external speakers shall speak in a facility that is open to the public.
	3. This policy does not apply when the intended use is to benefit students, faculty, staff, and invited guests, such as classes, colloquia, dialogue series, lecture series, seminars, symposia, performances, exhibits, and conferences.
	4. No person may obstruct or lessen in any way the opportunity for the audience to see and hear the speaker.
	5. The number of students, faculty, staff, and guests attending an event to hear an external speaker may be limited to prevent a hazard to the safety of the audience.
1. **DEFINITIONS**

02.01 External Speaker – an individual who is not a current student, faculty, or staff member at Texas State.

02.02 University-Owned or Leased Property – any facility or property owned or leased by Texas State.

* 1. Recognized Sponsoring Organization – any organization or entity hosting an external speaker which includes one of the three organizations below:
1. registered and chartered student organizations;
2. faculty and staff recognized organizations; and
3. university academic or administrative units.
4. **MAJOR RESPONSIBILITIES**

03.01 The associate vice president for Student Success and dean of Students is responsible for updating this policy.

03.02 All Texas State community members and affiliates must share responsibility to maintain an atmosphere conducive to scholarly, creative, and educational pursuits; to adhere to the core values of the university; and to respect the free speech rights of others, even those with whom they disagree.

03.03 Sponsoring organizations are responsible for following all appropriate policies and procedures that are in effect to make sure the event is successful. It is their responsibility to complete all necessary paperwork and timely ensure that all appropriate policies are followed (for more information, contact the Dean of Students Office).

**04. PROCEDURES FOR SPONSORING EXTERNAL SPEAKERS**

04.01 The freedom of speech and assembly guaranteed by the First and Fourteenth Amendments of the United States Constitution shall be enjoyed by students, faculty, and staff of Texas State with respect to the opportunity to invite and hear external speakers.

04.02 Time, Place, and Manner Restrictions

 While freedom of speech and assembly rights guaranteed by the First Amendment are not absolute, the president, or designee, may adopt reasonable, nondiscriminatory rules and regulations as to time, place, and manner.

04.03 Clear and Present Danger

 A proposed speech by an external speaker that constitutes a clear and present danger to the university’s orderly operation by a speaker’s advocacy may be prohibited. In determining the existence of a clear and present danger, the president, or designee, may consider all relevant factors, including whether, within the past five years, such speaker has incited violence resulting in the destruction of property at any public institution or has willfully caused the forcible disruption of regularly scheduled classes or other educational functions at any institution. There must be not only advocacy to action but also demonstrable evidence of imminent harm to the essential functions and purposes of Texas State, not simply abstract statements of possible harm.

04.04 If a sponsoring organization is presenting an external speaker, the organization has the responsibility to advertise that they invited the speaker and that the views of the guest speaker do not necessarily represent the views of Texas State or TSUS.

04.05 Students, faculty, staff, and registered organizations campaigning for public office on behalf of candidates for public office must abide by the provisions of [UPPS No. 07.04.02](https://policies.txstate.edu/university-policies/07-04-02.html), Posting/Distribution of Literature, Informational Booths & Banners on Campus (see Section 05.).

04.06 External speakers who have not been sponsored or invited by a registered student, faculty, staff organization, or Texas State administration, shall be prohibited from speaking to groups in university-owned or leased facilities unless the speaker is speaking to an off-campus organization that has been authorized to meet on the campus. Individuals not affiliated with the university may not invite an external speaker to use university facilities or buildings.

04.07 With the prior written approval of the president, or designee, the university may, at its sole discretion, lease or rent space in the student center or other appropriate buildings or grounds for political rallies and meetings, provided that space is made available to political candidates in a nondiscriminatory fashion, and the rent for such space is based on a fair market value.

**05. PROCEDURES FOR ISSUING INVITATIONS TO EXTERNAL SPEAKERS**

05.01 A request to invite an external speaker will be considered by Texas State only when made by a registered student, faculty, or staff organization. Sponsoring organizations shall abide by and follow such time, place, and manner as the president, or designee, may impose.

05.02 No invitation will be extended to an external speaker without prior written approval by the president, or designee.

05.03 A [External Speaker Request form](http://sa.txstate.edu/pps/upps070404ExternalSpeaker.pdf) must be electronically submitted to the president, or designee, by an officer of a registered student, faculty, or staff organization, or by an administrative department head desiring to sponsor a proposed external speaker, no later than 10 class days prior to the date of the proposed speaking engagement.

05.04 A request made by a recognized sponsoring organization may be denied only if the president, or designee, determines, after proper inquiry and consultation with the TSUS Office of General Counsel, that the proposed speech will constitute a clear and present danger to Texas State’s orderly operation.

05.05 When a request for an external speaker is approved by the president, or designee, and the speaker accepts the invitation, the sponsoring organization shall inform the president, or designee, immediately in writing of such acceptance. The president, or designee, may require that a statement be made at the meeting or event that the views presented are not necessarily those of the university, TSUS, or of the sponsoring organization. By accepting the invitation to speak, the external speaker shall assume full responsibility for any infraction of civil or criminal law committed by the external speaker while on campus.

**06. PROCEDURES FOR EXTERNAL SPEAKER PROTESTS**

06.01 Any person who chooses to protest an external speaker shall not impair the ability of any other person to see and hear the speech, performance, or event. Impairment includes, but is not necessarily limited to heckling, drowning out, or otherwise materially disrupting the speech, performance, or event.

06.02 Anyone impairing the speech, performance, or event will be asked, no more than twice, to cease the disruptive behavior. If the disruptive behavior continues, the university will employ all lawful measures to halt and eliminate the disruption. The offender may be subject to disciplinary action, civil action, or criminal prosecution.

1. **REVIEWERS OF THIS UPPS**

07.01 Reviewers of this UPPS include the following:

Position Date

Associate Vice President for Student January 1 E2Y

Success and Dean of Students

Director, University Police January 1 E2Y

The TSUS Office of General Counsel January 1 E2Y

1. **CERTIFICATION STATEMENT**

This UPPS has been approved by following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Associate Vice President for Student Success and Dean of Students; senior reviewer of this UPPS

Vice President for Student Success

President