



THE UNIVERSITY OF TEXAS RIO GRANDE VALLEY
... OFFICE OF GOVERNMENTAL RELATIONS

GUIDANCE:
ACCESS TO CAMPUS FOR POLITICAL ACTIVITY
(UPDATED 18 FEBRUARY 2020)

The Office of Governmental Relations offers the following guidance for UTRGV-affiliated organizations and departments, candidates for elected office and their staff, and persons in support or opposition to an issue or proposition on a local, state, or federal election ballot, on how to access a UTRGV campus for political activity.

As of September 1, 2019, the common outdoor areas of UTRGV are considered a traditional public forum. (See the Definitions Section at the end of this guidance for this and other key terms.) This means that any member of the general public – including candidates for elected office and their staff – may engage in expressive activity in the common outdoor areas of campus, so long as the conduct is lawful and does not materially and substantially disrupt the functioning of UTRGV. Members of the public and members of the University community are expected to abide by the time, manner, and place rules of UTRGV, which are discussed at www.utrgv.edu/freespeech.

Students, faculty, staff, and recognized student, faculty, and staff organizations are free to express their views on any topic, individually or in organized groups, in all buildings, facilities, and common outdoor areas of UTRGV, subject only to the rules necessary to preserve the equal rights of others and other functions of UTRGV. An individual invited and presented as a guest speaker by a registered student, faculty, or staff organization, or an administrative or academic unit of UTRGV, may also engage in expressive activities in UTRGV buildings and facilities.

The responsibility of UTRGV to operate and maintain an effective and efficient educational institution requires that the time, place, and manner of assembly, speech, and other activities on the grounds and in the buildings and facilities of UTRGV be regulated. Any authorized use must be conducted in compliance with the provisions of The University of Texas System Board of Regents' Rules and Regulations, the approved rules and regulations of UTRGV, and applicable federal, state, and local laws and regulations.

ACCESS TO CAMPUS FOR POLITICAL ACTIVITY & THE PERTINENT RESTRICTIONS THEREOF

1. A candidate for political office must gain access to the University's *limited public forum* spaces through the invitation of a registered student organization, faculty organization, staff organization, or student government.

2. An application for use of an institutional (university) facility to present a candidate for political office must be made to the President of the University at least 48 hours before the time the event is scheduled to take place. Approval of the application may include reasonable and nondiscriminatory time, place, and manner restrictions for the event set by the University.
 - a. If permission is granted, such activities must be conducted in a manner that does not disturb or interfere with the academic programs or administrative activities of UTRGV or any program or activity that is conducted by the UT System or UTRGV; does not interfere with entry to or exit from a building, structure, or facility; does not interfere with the flow of pedestrians or vehicular traffic on sidewalks or streets or at places of ingress or egress to and from property, buildings, or facilities; does not harass, or intimidate the person or persons being solicited; and does not violate applicable state, federal, or local laws and regulations.
 - b. To enhance event safety, law enforcement and Environmental Health, Safety and Risk Management personnel maintain the authority to prohibit or control the use of any items, devices, or liquids that may create safety hazards or the potential for injury or harm to event participants or attendees.
 - c. Cost incurred from such events shall be borne by the sponsoring campus organization. The following list contains examples of services and other costs that may be incurred:
 - i. Campus Facilities Operations (Housekeeping, Event Set-Up/Break Down, Grounds, Maintenance, etc.)
 - ii. Equipment and Furniture Rentals
 - iii. Parking and Transportation Services
 - iv. UT System Police
3. The registered University organization must retain control over the event and may not be a “front” for an off-campus person or organization.
4. The registered University organization may not co-sponsor an event with an off-campus person or organization.
5. The registered student, faculty, or staff organization must make it clear that the organization, and not the University, invited the speaker and that the views expressed do not represent the views of the University.

6. Registered student, faculty, or staff organizations that receive state funds from any source may not request others to vote for or against a candidate or a proposition on a ballot for public election. Registered student, faculty, or staff organizations that accept state resources and/or services such as furnishings, computer equipment, or campus services (to include printing, event assistance, security, etc.) are considered to have received state funds.
7. A registered student, faculty, or staff organization that does not receive state funds from any source may request others to vote for or against a candidate or proposition on a ballot for public election, subject to institutional time place, and manner restrictions. However, faculty or staff members or student employees may not conduct those activities during paid work time.
8. If a registered student, faculty, or staff organization, or a student, faculty member, or staff member makes a request for someone to support or vote for or against a candidate for an elective position or office, or for or against a proposition on a ballot for a public election, such organizations or persons are subject to the following:
 - a. They must conduct such activities in compliance with UTRGV Handbook of Operating Procedures Policy ADM 10-104 Solicitation on Campus;
 - b. They must abide by any time, place, and manner rules established of UTRGV;
 - c. They must abide by the provisions of federal, state, or local laws governing such election;
 - d. They may not use any equipment, supplies, or services of UTRGV;
 - e. They may not engage in such activities during any period that he or she is being paid to perform duties for UTRGV; and
 - f. They may not engage in such activities, if their organization receives state funds from any source.
9. Access to the University's **common outdoor areas** are open to members of the public, including candidates for elected office. Certain time, place, and manner rules apply when using common outdoor areas; by the time, manner, and place rules of UTRGV, which are discussed at www.utrgv.edu/freespeech. For members of the public, these rules are summarized below:

- a. **Distribution of Literature** - Members of the public may distribute appropriate literature in common outdoor areas, but may not sell it on campus. Literature includes typical leaflets or flyers that are distributed by candidates for public office. Any literature distributed must comply with HOP Policy ADM 10-104 Solicitation on Campus.
- b. **Signs & Banners** - Members of the public may display a sign in common outdoor areas by holding or carrying it by hand or otherwise attaching it to their person. No advance permission is required. Signs on sticks or poles or otherwise attached to any device are prohibited. The rules discussed below in the next section regarding hand-held signs also apply.

Members of the public may not post or stake signs on campus, except that when a UTRGV campus hosts a polling location for an election governed by the Texas Election Code, candidates or their paid/volunteer staff may stake signs in locations expressly designated and approved by election officials and UTRGV during any early or regular voting period.

Members of the public may display in common outdoor areas a hand-held banner carried by two or more individuals without poles. Banners on poles may not be carried on UTRGV property.

- c. **Chalking** – Members of the public are not permitted to chalk sidewalks. Only UTRGV will permit chalking of sidewalks using water-soluble chalk only by UTRGV-affiliated individuals or organizations.
- d. **Tables** - Members of the public are not permitted to set up tables in the common outdoor areas or in UTRGV’s limited public forum, with the following exception: when a UTRGV campus hosts a polling location for an election governed by the Texas Election Code, candidates or their paid/volunteer staff may set up tables in locations expressly designated and approved by election officials and UTRGV during hours the polling location is open.

Each table must have a sign or literature that identifies the individual or organization sponsoring the table.

- e. **Exhibits** - Members of the public may not erect exhibits on UTRGV property.
- f. **Amplified Sound** - With advance permission, members of the public may use amplified sound in the common outdoor areas of campus on weekends.

During a voting period for an election held at UTRGV under the Texas Elections Code, amplified sound within 1,000 feet of a campus building in which a polling place is located is prohibited if the amplified sound is for the purpose of making a political speech or for electioneering for or against any candidate, measure, or political party.

- g. **Guest Speakers** - Members of the public may present guest speakers in the common outdoor areas of campus. The presentation of guest speakers must follow the rules in HOP Policy ADM 10-104 Solicitation on campus. No reservation or prior approval is necessary; however, without a reservation of a space an individual or organization may find the space desired already in use by others.

- h. **Public Assemblies** – Members of the public may publicly assemble in the common outdoor areas of campus. No reservation or prior approval is necessary; however, without a reservation of a space an individual or organization may find the space desired already in use by others.

POSTING SIGNS AND DISTRIBUTING INFORMATION

In compliance with reasonable and nondiscriminatory time, place, and manner regulations of UTRGV, students, faculty, or staff, a students' association, or a registered student, faculty, or staff organization, may petition, post signs, distribute literature, set up tables and exhibits, or peacefully demonstrate on UTRGV property, provided that the posting of signs and the setting up of tables and exhibits may require prior authorization. Postings of signs, distribution of information, setting up of tables and exhibits must comply with the Handbook of Operating Procures series ADM 10-301 Facility Use and series ADM 10-104 Solicitation on Campus and applicable University policies, Regents Rules and Regulations, and federal and state guidelines.

Any person or organization distributing literature is responsible for pickup and disposal of any litter resulting from their activities including any copies of literature dropped on the ground and shall restore the location to its prior condition.

1. "Sign" means any method of displaying a visual message to others except that transferring possession of a copy of the message is distribution of literature and not a sign.
 - a. No advance permission is required to post signs. A UTRGV-affiliated individual or organization may display a sign by holding or carrying it, by displaying it on a table or by posting it on a bulletin board, kiosk, A-frame, or other designated location.. Signs may not be posted or staked on trees, picnic tables or benches, light poles, monuments, fountains, wayfinding signs, fences, flower beds, or mechanical/electrical equipment or other similar structures; near fire hydrants;

or in a manner that blocks other signs or impedes the flow of pedestrian or vehicle traffic.

2. An academic or administrative unit of the University may designate a common area for official postings related to that unit or affiliated student organizations. If such an area is designated, the unit must also provide reasonable posting space in a prominent location open to all University persons or organizations.
3. Signs may not interfere with traffic, restrict access to University facilities, damage property, or create safety concerns.
4. Each sign, except hand-held signs, must identify the University person or organization that posted the sign and contact information.
5. Signs must display the posting date.
6. Signs advertising an event must contain the contact information for requesting special accommodations in accordance with the Americans with Disabilities Act.
7. The person or organization that posts a sign must remove that sign no later than 72 hours after the event advertised or within one month of posting.
8. No sign may be posted on top of another properly posted sign.
9. Signs in poor condition may be removed by the dean of students or his designee.
10. UTRGV reserves the right to remove signs for violations of University policy, for safety-related reasons, or to prevent any confusion regarding official University events. Signs in poor condition also may be removed by UTRGV.

HAND-HELD SIGNS

UTRGV-affiliated individuals and organizations may display a sign on campus by holding or carrying it by hand or otherwise attaching it to their person. No advance permission is required.

1. Any person holding or carrying a sign shall exercise due care to avoid bumping, hitting, or injuring another person.
2. Any person holding or carrying a sign at a speech, performance, or other event shall exercise due care to avoid blocking the view of any other person observing the speech,

performance, or event. Depending on the venue, this may mean that signs may be displayed only around the perimeter or a room or audience.

3. Authorized personnel of UTRGV (including law enforcement or those authorized by officials responsible for managing the venue) may warn any person that their sign is being handled in violation of University policy. If the violation persists after a clear warning, the authorized personnel may take necessary steps to enforce the rules, including confiscating the sign.

CHALKING

In order to facilitate communication, speech and expression the University will permit chalking of sidewalks by UTRGV-affiliated individuals and organizations.

1. Chalking shall be limited to sidewalks. Thus, chalking may not occur in areas inaccessible to rain such as the inside or outside walls of university buildings, vertical portions of stairs, columns, under covered walkways and other similar areas.
2. The only material that may be used to mark on the sidewalks shall be water-soluble chalk. The following materials shall not be allowed on sidewalks:
 - a. Oil-based chalk;
 - b. Paint (including water-based, oil-based, and acrylics);
 - c. Hairspray or lacquer (sometimes used as a fixative); or
 - d. Any other permanent material.
3. The message/artwork must be signed or otherwise identify the member of the university community or organizations sponsoring it.
4. Members of the university community and organizations are responsible for removing chalking when it falls into disrepair and can request physical plant remove the chalking for a charge.

TABLES

UTRGV-affiliated individuals or organizations may set up tables from which to display literature and disseminate information and opinions. No advance permission is required but shall be in accordance with these guidelines and ADM 10-301 Facility Use and ADM 10-104 Solicitation on Campus.

1. Subject to the restrictions in this policy and subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic, UTRGV-affiliated individuals and organizations may set up tables in any outdoor location on the campus

that has not already been reserved for use by another academic or administrative unit or by a registered faculty, staff, or student organization.

2. If any table is set up in a prohibited or disruptive location, any University employee pointing out the violation shall also point out other locations, as nearby as is reasonably possible, where the table is permitted.
3. Any person or organization sponsoring a table shall make a good faith effort to remove litter from the area around the table at the end of the day.
4. Persons and organizations may supply their own tables.

HOSTING A GUEST SPEAKER

Guest speaker means a speaker or performer who is not a student, faculty member, or staff member.

1. Registered student organizations, faculty or staff organizations, system-owned dormitories, academic administrative units and student governments may present guest speakers on university property. Prior permission and campus facility reservation is required. Individuals may not present a guest speaker.
2. A guest speaker may distribute literature to persons who attend the speech, performance, or discussion.
3. A guest speaker may not:
 - a. Sell merchandise or take donations/collections;
 - b. Accost potential listeners who have not chosen to attend the speech, performance, or discussion;
 - c. Distribute literature to persons who have not chosen to attend the speech, performance, or discussion; nor
 - d. Help staff a table or exhibit set up unless accompanied by a member of the university organization, department, or student organization sponsoring that guest speaker.
4. A student, faculty, or staff organization and academic and administrative units that present a guest speaker must make clear that the organization, and not the University,

invited the speaker and that the views expressed by the speaker are his or her own and do not necessarily represent the views of the University.

CAMPUS FACILITY RESERVATION REQUESTS BY REGISTERED STUDENT ORGANIZATIONS

Registered student organizations may refer to the Student Organization Handbook for information regarding Campus Facility Reservations.

1. All organizations wishing to reserve a space should complete the Event Request Form through V Link (www.utrgv.edu/vlink), ten business days before the event takes place.
2. The Student Involvement department will facilitate the process of reserving facilities, requesting permission for an off-campus speaker, and obtaining services from University departments.
3. Organizations must follow all rules and policies for facility use by the managing departments.
4. For help completing an event request form, or any additional help with event planning, please contact Student Involvement at (956) 665-2660 or (956) 882-5111.

ON CAMPUS POLLING PLACES AND CAMPAIGNING DURING EARLY VOTING PERIODS

The UTRGV campus, at times, serves as a polling place during the Early Voting periods and on an Election Day.

1. During such times, UTRGV reserves the right to designate an area in the vicinity of the polling place for candidates to display their signs and distribute materials and for electioneering generally.
2. Candidates and their representatives may be present only in designated areas while the polls are open, except:
 - a. that candidates (and the public generally) are allowed in the common outdoor areas as authorized above in paragraph 9 of the "ACCESS TO CAMPUS FOR POLITICAL ACTIVITY & THE PERTINENT RESTRICTIONS THEREOF" section; and
 - b. that candidates and their representatives are allowed beyond designated areas for electioneering if accompanied by a recognized student, staff or faculty organization that has satisfied the procedures for bringing a campus speaker to campus (as described in this Guidance).

3. Candidates and their representatives must abide by both Hidalgo and Cameron County Election Department guidelines for polling places as well as the Texas Election Code (TITLE 6. CONDUCT OF ELECTIONS).
4. Signage may be staked in the ground in designated areas only when UTRGV campuses serve as Early Voting and Election Day polling places.
 - a. Signs may not be higher than 3 feet from the ground and may not be staked more than 14 inches in depth.
 - b. Signage that violates this size limitation will be removed at the expense of the candidate.
 - c. All signage must be removed within 48 hours of the closing of Election Day.

DEFINITIONS

1. Amplified sound - refers to sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chants, and the playing of acoustic musical instruments are not considered amplified sound.
2. Common outdoor area – refers to outdoor space of UTRGV property that is not used on either a temporary or permanent basis for dedicated UTRGV business or events, an educational function, or a research function. The term also does not include outdoor surfaces of UTRGV buildings, surfaces associated with or connected to UTRGV buildings, UTRGV structures, spaces dedicated to temporary outdoor banners or exhibits, or any space within UTRGV’s limited public forum.
3. Exhibit - means an object or collection of related objects designed to stand on the ground or on a raised surface other than a table; is designed for temporary display; and is not permanently attached to the ground.
4. Guest Speaker - means a speaker or performer who is not a student, faculty member, or staff member.
5. Limited public forum – means UTRGV property, both indoors and outdoors, that is not part of the common outdoor area. This includes the outside surfaces of a UTRGV building, a UTRGV structure, spaces dedicated to temporary outdoor banners or exhibits, and residential outdoor spaces managed by Residence Life.
6. Literature – means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informal matter, that is produced in multiple copies for distribution to potential readers.
7. Regents’ Rules – The *Rules and Regulations* of the Board of Regents of The University of Texas System.

8. Registered student, faculty, or staff organization – an organization established and currently registered under applicable UTRGV policies.
9. Room or space – includes any room or space, indoors or outdoors, owned or controlled by UTRGV.
10. Solicitation – the sale, lease, rental or offer for sale, lease, rental of any property, product, merchandise, publication, or service, whether for immediate or future delivery; an oral statement or the distribution or display of printed material, merchandise, or products that is designed to encourage the purchase, use or rental of any property, product, merchandise, publication, or service; the receipt of or request for any gift or contribution; or the request to support or oppose or to vote for or against a candidate, issue, or proposition appearing on the ballot at any election held pursuant to State or federal law or local ordinances.
 - a. Engaging in expressive activities as defined in Section 51.9315(a)(2) of the Texas Education Code in a common outdoor area of campus does not constitute solicitation within this definition.
 - b. Words or symbols on personal apparel, or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle are not solicitation within this definition.
 - c. Unadorned acknowledgments or thanks to donors are not solicitation within this definition.

RELATED RULES AND OTHER REFERENCE

- The University of Texas System Board of Regents Rules: 40501, 80101, and 80103;
- University of Texas System Memorandum, October 1, 2019 re: Political Activity on Campus; and
- The University of Texas Rio Grande Valley Handbook of Operating Procedures Sections ADM 10-104 and ADM 02-300.