

## **Procedure VII.7003.A.a, Expressive Activities**

### **Associated Policy**

Policy VII.7003.A, Expressive Activities

### **Procedures**

#### **I. Overview**

- A.** San Jacinto College is committed to fostering a learning environment where free inquiry and expression are encouraged. The College recognizes the right to assemble, speak, carry signs, and distribute literature and petitions. In accordance with the rules specified in this Procedure, students, employees, and members of the general public, individually or in organized groups, may engage in expressive activities in the College's outdoor common areas, subject to reasonable restrictions of time, place, and manner. The College will not discriminate on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement or administration of these rules.
  
- B.** The College may not take action against a student or employee organization or deny these organizations any benefit generally available to other student or employee organizations at the College on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organizations or of any expressive activities of the organizations.
  
- C.** The College expects that persons engaging in expressive activities will demonstrate respect for the safety of persons and property, respect for those who may disagree with their message, and compliance with College policies and applicable local, state, and federal laws. As permitted by law, San Jacinto College imposes reasonable time, place, and manner restrictions on all persons engaging in expressive activities. The College will not tolerate expressive activities that are unlawful, that materially and substantially disrupt the College's activities, programs, or operations, that unduly interfere with the expressive activities of others on campus, that constitute Prohibited Expression under Section III of this Procedure, or that violate the College's policies and procedures or applicable local, state, or federal law. Individuals who violate these rules, policies, or laws are subject to immediate removal from the campus and other appropriate and lawful sanctions. See Section XIII, Violations and Sanctions.
  
- D.** The location of expressive activities will depend upon the factors listed in these rules, including the size of the audience for the activity (both participants and spectators). Decisions required to be made by College officials will be based on these rules and will not be based on the content or viewpoint of a proposed expressive activity or on any anticipated controversy related to the proposed event. Expressive activities permitted under these rules do not imply official endorsement by the College.

- E. General Prohibitions:** The Chancellor, Deputy Chancellor and College President, or other designated College representatives retain the authority to enforce this Procedure. The following rules are intended to protect the health and safety of all persons, to protect property from damage, to manage resources, and to protect the educational mission of the College. Individuals and organizations engaging in expressive activities shall not:
- interfere with the free entry to or exit from a building, structure, or facility;
  - interfere with the flow of pedestrians or vehicular traffic on sidewalks or streets or at places of ingress and egress to and from property, buildings, or facilities;
  - deny the use of offices or other facilities to the students, faculty, staff, or guests of the College;
  - threaten or endanger the safety of any person on a campus;
  - engage in conduct that is likely to result in damage or defacement to or destruction of College property or to cause disruption in utilities;
  - create a sustained or repeated noise disturbance that substantially interferes with a speaker's ability to communicate with others and/or the rights of others to listen;
  - attempt to prevent a College event or other lawful assembly by the threat or use of force or violence; or
  - use or display an open flame or fireworks.
- F. This Procedure applies to expressive activities that are not part of an official activity, program, or operation of the College or its departments. Teaching and other official functions of the College will have priority in allocating the use of space on campus.

## II. Definitions

- A. *Amplified sound:* The use of any loudspeaker, loudspeaker system, sound amplifier, or any other machine or device that produces, reproduces, or amplifies sound.
- B. *College:* The San Jacinto College and any of its campuses or buildings.
- C. *College department:* Any academic or non-academic unit or division or any other official College entity.
- D. *College grounds or premises:* Any College-owned, leased, or maintained property and buildings, including, but not limited to, the College's South Campus, Central Campus, North Campus, Maritime Campus, Generation Park Campus, and District Administration Building.
- E. *Commercial activity:* The selling or advertising of objects or services by an individual, organization, or company for personal gain or for the financial benefit of owners or investors. "Commercial activity" does not include words or symbols on an individual's personal apparel or a bumper sticker placed on a car by its owner.

- F. *Common outdoor area*: Outdoor space at the College that is not being used for a College purpose or educational function or a College-sponsored or affiliated event or function, whether temporary or permanent. “Common outdoor area” generally includes plazas, sidewalks, lawns, and courtyards. “Common outdoor area” does not include the outside surface of College buildings or surfaces associated with or connected to a College building or structure or space dedicated to temporary outdoor exhibits, College structures, or College construction sites.
- G. *Expressive activity*: Any speech or expressive conduct (oral or written) protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.
- H. *Non-profit group*: A group whose purpose is to serve a public or mutual benefit other than the pursuit or accumulation of profits for owners or investors. The term includes, but is not limited to, registered student organizations, public charities, social welfare agencies, religious organizations, and organizations exempt from federal income tax.
- I. *“Off-campus person or organization” and “member of the general public”*: A person or organization that is not an academic or administrative unit or department of the College or a registered or officially recognized student, faculty, or staff organization.
- J. *Official College event or activity*: Any event, program, or activity sponsored by a College department or division in the course of fulfilling its College mission; educational activities that occur within the classroom; or events that occur within the regular or recurring sphere of activity of a College department or division.
- K. *Organized Expressive Activity*: Any rally, parade, demonstration, memorial or vigil, stationary structure or display, concert or other similar event designed to attract a gathering of twenty-five or more people during a specified period of time. The term also includes a stationary structure, display, or activity that is scheduled to be in the same location for two or more hours in a single day and that is intended to distribute or is prepared to distribute literature or materials to twenty-five or more people.
- L. *Registered student organization*: A student organization officially registered with the Office of Student Engagement & Activities at the College.

### **III. Prohibited Expression**

The following types of expression are not protected expression. Individuals and organizations that engage in Prohibited Expression are subject to removal from College grounds and are subject to other appropriate and lawful sanctions. Students and employees are subject to discipline in accordance with the regular disciplinary policies and procedures of the College.

- A. *Obscenity*: A writing, visual image, or performance is obscene as defined in Section 43.21 of the Texas Penal Code (or its successor provisions).
- B. *Incitement to imminent violations of the law*: Conduct, whether oral, written, or demonstrative, that incites or is directed at producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law.
- C. *Defamation*: Defamation is a false statement of fact about another individual that holds the individual up to hatred, ridicule, or contempt and that is not otherwise privileged. Defamation can be written (libel) or oral (slander). If the defamed person is a private individual, the question is whether the speaker knew or should have known that the statement was false. If the defamed person is a public official or public figure, the question is whether the statement was made with knowledge of the falsity or with reckless disregard of the truth.

#### **IV. Use of Outdoor Space**

##### **A. Time, Place, and Manner for Outdoor Expression**

Common outdoor areas are traditional public forums. Students, employees, student organizations, members of the general public, and off-campus organizations may engage in expressive activities in common outdoor areas without prior approval or reservation. Individuals and organizations that engage in expressive conduct shall comply with these Procedures, including the General Prohibitions in Section I. The following conduct is prohibited in outdoor common areas:

- a. The person's conduct is unlawful (see Section III, Prohibited Expression);
- b. The activity is commercial activity;
- c. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
- d. There is inclement weather, a public health warning, terror alert, or other emergency;
- e. The use would materially and substantially disrupt or disturb the regular academic program or other operations of the College;
- f. The use would result in damage to or defacement of property;
- g. The activity violates College policy or procedure or violates a local, state, or federal law.

Additionally, no person engaging in expressive activities shall engage in conduct that constitutes harassment of another person. "Harassment" in this Procedure is defined as hostile, threatening, or intimidating conduct or speech, whether oral, written, or symbolic, that is directed at specific individual(s) and is sufficiently severe, pervasive or persistent, and objectively offensive that it interferes with or diminishes the other individuals' ability to participate in or benefit from the activity, program, services, or privilege provided by the College. In addition, students and employees are subject to other policies and procedures of the College that prohibit harassment, including the College's Sexual

Misconduct Policy and Procedures (see Board Policy III.3006.D and Procedure III.3006.D.a) and policies and procedures against racial harassment and other harassment based on a protected status (see Board Policy IV-B-3-b and Complaint Procedure 300 of the Student Handbook).

The prohibition against harassing expressive activity should be interpreted as narrowly as possible to avoid chilling the exercise of protected speech. Opinions and arguments of a political, religious, ideological, or academic nature are not harassment even if some listeners are offended or upset by the opinion or argument.

The right to engage in expressive activities does not encompass selling literature, products, or services or seeking donations. Student organizations may engage in such activities on a non-profit basis in accordance with the Student Handbook.

#### B. Gatherings of 25 or More People

If the expected attendance at an assembly or gathering is 25 or more people (see the definition of “Organized Expressive Activity” above), the persons or organizations planning the activity are encouraged to seek a reservation of an outdoor campus area that is suited to their assembly’s anticipated size (both participants and spectators) as stated in Section IV(C) below. Campus maps reflecting locations suitable for large gatherings are available from the Office of Student Engagement & Activities. Regardless of whether a person or organization seeks a reservation, they are encouraged to provide at least 48 hours’ notice to the Office of Student Engagement & Activities to enable the College to efficiently allocate resources, manage conflicting activities, and assign campus security, maintenance, and other staff as needed to maintain safety, order, and cleanliness. Contact information for the Office of Student Engagement & Activities on each campus can be found at <https://www.sanjac.edu/student-life/>.

#### C. Areas Where Outdoor Expressive Activity May Not Take Place

The College will regulate outdoor expressive activity under criteria that is content and viewpoint neutral and is narrowly tailored to serve a significant institutional interest. In addition to the prohibitions stated elsewhere in these Procedures, an outdoor expressive activity may not take place:

- a. In areas already reserved for an official College event during the specific times reserved for the official College event;
- b. In areas already reserved for an event by a person or organization that has made a reservation through the Office of Student Engagement & Activities;
- c. In areas that block free movement of pedestrian or vehicle traffic;
- d. In areas that prevent or substantially hinder entry or exit of a campus building;  
or
- e. In any areas on campus during times that the College campus is closed to the public.

#### D. Reserving Space for Expressive Activity in an Outdoor Common Area

While no approval or reservation is required to engage in expressive activity in an outdoor common area, individuals have the ability to reserve an outdoor space on campus in order to guarantee their desired space of expression is kept available to them during the specific date/time of their planned activity. A person or organization that reserves an area in advance pursuant to this Procedure has the right to the reserved space for the time covered by the reservation. Other persons or organizations using the same space without a reservation must yield the space immediately at the beginning of the other group's reserved time. A specific location may be reserved for a single day up to eight hours between the hours of 8 a.m. 6 p.m. To make reservations for an outdoor expressive activity, individuals must:

- a. Contact the Student Engagement & Activities Office on the campus of their planned activity and complete an Outdoor Expressive Activity Reservation Form. Contact information for the Student Engagement and Activities Office is found at <https://www.sanjac.edu/student-life/>.
- b. Student Engagement and Activities will verify whether the space is already reserved for the desired date/time and notify the requestor within three business days. While there is no limit to the frequency that an individual or organization may engage in expressive activity on campus, an individual or organization may reserve a specific location in advance only four times per calendar month. This rule is imposed to ensure that all eligible persons or organizations have a reasonable opportunity to reserve a space. Fostering diverse use of resources is a significant interest. Registered student organizations and/or College employees are given priority over off-campus organizations and members of the public if a campus receives two or more applications on the same day seeking to reserve the same location at the same or conflicting times. In the event of conflicting applications between multiple registered student organizations and/or College employees, applications will be selected using a neutral, random method. In the event of conflicting applications between organizations not affiliated with the College, applications will be selected using a neutral, random method.
- c. If a desired space has not been reserved, then a request for same-day usage can be submitted to the Student Engagement & Activities Office on a first-come, first-served basis. All applications actually received between 8:30 AM. and 4:00 PM. on the same day will be eligible for selection using a neutral, random method. Conflicting applications will be addressed as stated in the preceding paragraph.
- d. Individuals reserving an outdoor space may not assign or delegate any control or responsibility of that reservation to any other person, agent, or third party without prior written approval of the respective campus Student Engagement & Activities Coordinator. All individuals requesting a reservation must identify themselves to the Student Engagement & Activities Coordinator or designee, provide contact information, and serve as the contact person for the event or activity. Reservations for a space for a specific type of outdoor

expressive activity may not be used for a different activity without written approval of the respective campus Student Engagement & Activities Coordinator.

- e. The Student Engagement & Activities Coordinator, or his or her designee, will approve or deny a requested reservation within three business days of receiving the application. Applicants must supply the following information:
- Date of application;
  - Proposed date(s) of the reservation;
  - Proposed start and finish times;
  - Proposed location;
  - Name of the activity;
  - Anticipated attendance;
  - Advertising methods;
  - Description of the activities planned;
  - Campus sponsoring organization name, if any;
  - Contact person name, address, phone number, and email address; and
  - Applicant's signature.

An application may be denied for the following reasons:

1. the applicant failed to supply requested information on the application;
2. the requested area is not available because it has already been reserved;
3. the application contains a material misrepresentation of fact;
4. the applicant is ineligible due to a previous violation of these regulations within the previous six months (including prior non-compliance, including but not limited to, failure to remove personal items and trash during a prior expressive activity);
5. the proposed use is not suitable for the location because the anticipated attendance exceeds the reasonable capacity of the space;
6. the proposed use is not suitable for the location because the design or dimensions of the activity will substantially interfere with pedestrian access, traffic flow, or public safety;
7. the proposed use would constitute an immediate and actual danger to the peace or security of the College and/or the local community, that available law enforcement officials could not control with reasonable efforts;
8. the proposed use would constitute a material and substantial disruption to the regular academic program or other operation of the College;
9. the proposed use conflicts with previously scheduled activities and events in the same area;
10. the applicant is under disciplinary sanction for other violations of College policy or procedure that has resulted in a loss of College privileges; and/or
11. the proposed activity is commercial in nature.

The decision to grant or deny a reservation will not be based on the content or viewpoint of the organized expressive activity or upon the expected reaction of others to the

activity. If the request to reserve is denied, the applicant may appeal in writing to the Dean of Compliance and Judicial Affairs or designee who shall rule promptly in writing (generally within three business days of the appeal). The email address of Compliance and Judicial Affairs is [studentrights@sjcd.edu](mailto:studentrights@sjcd.edu). The decision of the Dean of Compliance and Judicial Affairs is final.

#### E. Other Conditions

Amplified sound is allowed in outdoor common areas, but bullhorns are prohibited. Noise levels may not unduly interfere with classes, meetings, or other activities in progress. Making sustained or repeated noise in a manner that unduly interferes with a speaker's ability to communicate his/her message is not permitted. A person responsible for a structure or display must remain with the structure or display at all times.

Should the size of any gathering exceed the maximum number of participants that is safe for a given location, including a reserved space, participants will be directed by campus officials to relocate to an area on campus that is better suited to the size of the gathering to the extent relocation is practicable.

The College may move a scheduled or reserved event to a different location upon the occurrence of:

- a. circumstances beyond the control of the College, such as facility infrastructure disruption and/or inclement weather;
- b. unanticipated needs of the College for use of the space for College purposes;
- c. substantial changes in the needs or size of the scheduled event; or
- d. subsequent disruption to previously scheduled College events.

The Student Engagement & Activities Office will consult with the organizer of the scheduled event (if available) to consider other feasible locations or the rescheduling of the event. The Student Engagement & Activities Office will move the event to an agreed-upon location or to the nearest suitable location. The College is not responsible for any costs incurred by the organizers of the scheduled event that may result from a change in location.

Each individual or organization that reserves an outdoor space is responsible for cleaning up and removing personal items, paper, and trash that is placed in the area or dropped on the ground during the activity. Failure to comply may result in loss of the privilege to reserve space for six months. Subsequent violations may result in other conditions or sanctions, including loss of the privilege to reserve space for longer than six months. Students and employees are subject to discipline pursuant to regular College disciplinary procedures.

#### V. **Distribution of Literature and Carrying Signs**



Individuals and organizations, whether or not affiliated with San Jacinto College, may distribute literature, newspapers, brochures, books, handbills, and other printed material in common outdoor areas in accordance with these Procedures. No prior approval is required.

All literature must comply with the following rules:

- Literature or other printed materials must be distributed in person.
- Literature or other printed materials must not be forced upon others.
- Literature shall not be placed on vehicles in a College parking lot without the permission of the owner of the vehicle.
- The materials must not constitute prohibited “harassment” as defined in Section IV(A) above.
- The materials must not infringe upon intellectual property rights of the College, including College trademarks.
- The free flow of pedestrian, vehicular, or other traffic must not be obstructed at any point at any time. Entrances and exits shall not be blocked, and pedestrians shall have sufficient space to safely maneuver around the individual(s) offering literature or material.
- Groups or individuals are responsible for ensuring that literature/printed materials do not litter the area and are responsible for cleaning up discarded or leftover literature.
- Literature/printed materials cannot promote commercial activities.
- Individuals and organizations may not distribute or use confetti or glitter in outdoor common areas.

Individuals and organizations may display signs only by carrying them in their hands or otherwise attaching them to their persons or wheelchairs. No advance permission is required. Signs on sticks or poles are not allowed. Student organizations may post signs on campus as permitted by the Student Handbook.

## **VI. Reservation of Indoor Space**

The buildings and facilities owned or controlled by the San Jacinto College District generally are not traditional public forums open for assembly, debate, demonstrations, or similar activities by members of the general public or by students or employees of the College. The buildings and facilities of the College are intended primarily for the support of the instructional programs of the College and for the support of programs conducted or sponsored by the College’s academic and administrative departments or organizations affiliated with those departments. The responsibility of the College to operate and maintain an effective and efficient institution of higher education requires that the College regulate the time, place, and manner of assembly, speech, and other expressive activities inside the buildings of the College.

As used in this Procedure, buildings and facilities includes the outside surface of College buildings and surfaces associated or connected to a College building or structure, including an attached porch or portico.

#### A. Authorized Uses

The College allows the reservation of a table (also known as a booth) in certain designated areas of certain campus buildings for certain limited purposes.

Tables/booths may be reserved by individual students, student organizations, employees, and employee organizations. Tables/booths also may be reserved by non-profit organizations that are not affiliated with the College so long as their purpose is non-commercial in nature. Authorized uses include the distribution of literature to promote a College event or non-profit community event; to provide information about matters of public concern; to provide information about the organization or its activities; and to recruit new members.

Applicants may not assign or delegate any control or responsibility to any other applicant or co-sponsor, agent, or third party without prior written approval of the respective campus Student Engagement & Activities Coordinator. All individuals requesting a reservation must identify themselves, provide contact information, and serve as the contact person for the event or activity. Reservations of an indoor expressive activity space may not be used for a different activity without written approval of the respective campus Student Engagement & Activities Coordinator. Indoor site availability is determined by the days and times that the building is open to the public.

Designated indoor sites:

##### *Central Campus*

- *Newton Student Center northwest lobby*

##### *Maritime Campus*

- *First floor lobby area adjacent to the main entrance*

##### *North Campus*

- *Slovacek Student Center 1st floor west entrance*

##### *Generation Park Campus*

- *First floor lobby area adjacent to the main entrance*

##### *South Campus*

- *Bruce Student Center, 1st floor west atrium adjacent to stairway*

##### *District Building 1*

- *First Floor Lobby area outside of and adjacent to the Boardroom (A-1.104)*

#### B. Restrictions on Use of Space

The tables/booths may not be used for a commercial purpose or for selling literature, products, or services or seeking donations. Student organizations may sell goods and services or seek donations on a non-profit basis in accordance with the Student Handbook.

#### C. Table/Booth Restrictions

Persons distributing information at a reserved table/booth must remain within three feet of their reserved table space. Tables/booths may not be moved and must remain in the location designated by the College. Signs and displays at reserved tables/booths may not extend beyond three (3) feet of the reserved table space and may not exceed six (6) feet in height. Under no circumstances may any stationary display, exhibit, or structure present a significant safety hazard or threat to public safety. A member of the group reserving the table/booth must remain with the table/booth at all times.

#### D. Distribution of Printed Materials

Literature or other printed materials must be distributed in person. Individuals and organizations must comply with the rules for distributing literature as stated in Section V.

#### E. Restrictions on Amplified Sound

Amplified sound is allowed but bull-horns are prohibited. Only hand-held, portable devices are allowed, and noise levels may not unduly interfere with or disrupt classes, meetings, or other activities in progress. Amplified sound may be prohibited if the sound is audible in nearby occupied classrooms or offices with the doors closed. Making sustained or repeated noise in a manner that substantially interferes or disrupts with a speaker's ability to communicate his/her message is not permitted.

#### F. Space Availability

The space available for reserved tables/booths is limited. Other than the designated table/booth located in the student centers, all other indoor areas on campus may only be reserved by official College departments or organizations. To ensure that all eligible groups have a reasonable opportunity to reserve a table/booth, eligible individuals and organizations will be limited to a maximum of four advance reservations per space each month. Eligible individuals or a group may inquire with the Student Engagement & Activities Coordinators/Event Services Coordinator about same-day table/booth availability beginning at 8:30 AM. If the designated space has not been reserved then an application for that same-day usage can be submitted and accepted on a first-come, first-served basis. All applications actually received between 8:30 AM. and 4:00 PM. on the same day will be eligible for selection using the neutral, random method.

## G. Application Process

Eligible individuals or groups may request the use of indoor space by completing an application. Applications are available at the Student Engagement & Activities Offices. The requesting group or individual must submit a completed Application to Reserve Indoor Space for Organized Expressive Activity to the relevant campus. Reservations must be made at least five business days in advance of the planned event but no more than sixty days in advance of the planned event. Reservations are accepted on a first-come, first-served basis. An application is “received” for purpose of this section if it is actually received between the hours of 8:30 AM. and 4:00 PM. Reservations may be sent via email, but such reservations are not considered received until opened. Registered student organizations and/or College employees are given priority over off-campus organizations and members of the public if a campus receives two or more applications on the same day seeking to reserve the same location at the same or conflicting times. In the event of conflicting applications between multiple registered student organizations and/or College employees, applications will be selected using a neutral, random method. In the event of conflicting applications between organizations not affiliated with the College, applications will be selected using a neutral, random method.

The Student Engagement & Activities Coordinator, or his or her designee, will approve or deny a requested reservation within three business days of receiving the application. Applicants must supply the following information:

- Date of application;
- Proposed date(s) of the reservation;
- Proposed start and finish times;
- Proposed location;
- Name of the activity;
- Anticipated attendance;
- Advertising methods;
- Description of the activities planned for the table/booth and the dimensions of any display or exhibit;
- Campus sponsoring organization name, if any;
- Contact person name, address, phone number, and email address; and
- Applicant’s signature.

An application may be denied for the following reasons:

- the applicant failed to supply requested information on the application;
- the requested space is not available because it has already been reserved;
- the application contains a material misrepresentation of fact;
- the applicant is ineligible due to a previous violation of these regulations within the previous six months (including prior non-compliances, including

but not limited to, failure to remove personal items and trash during prior expressive activity requests);

- the proposed use is not suitable for the location because the anticipated attendance exceeds the reasonable capacity of the space;
- the proposed use is not suitable for the location because the design or dimensions of the display will substantially interfere with pedestrian access, traffic flow, or public safety;
- the proposed use would constitute an immediate and actual danger to the peace or security of the College and/or the local community, that available law enforcement officials could not control with reasonable efforts;
- the proposed use would constitute a material and substantial disruption to the regular academic program or other operation of the College;
- the proposed use conflicts with previously scheduled activities and events in the same area; and/or
- the proposed activity is commercial in nature.

Additionally, the campus Administration may move a scheduled event to a different location upon the occurrence of:

- circumstances beyond the control of the College, such as facility infrastructure disruption and/or inclement weather;
- unanticipated needs of the College for use of the space for College purposes;
- substantial changes in the needs or size of the scheduled event; and/or
- disruption to previously scheduled College events.

The Administration will consult with the organizer of the scheduled event to consider other feasible locations. The Administration will move the event to an agreed-upon location or to the nearest suitable location, which may include an outdoor location if available. The College is not responsible for any costs incurred by the organizers of the scheduled event that may result from a change in location.

The decision to grant or deny a reservation will not be based on the content or viewpoint of the organized expressive activity or upon the expected reaction of others to the activity. If the request to reserve is denied, the applicant may appeal in writing to the Dean of Compliance and Judicial Affairs who shall rule promptly in writing (generally within three business days of the appeal).

## **VII. Presenting Identification to College Officials**

The College respects the right of individuals to engage in expressive activities in an anonymous manner. However, there are occasions when it is necessary for a College official to ask an individual to identify himself or herself. These occasions could include, for example, taking action to preserve the peace, to quell a disturbance, to investigate noncompliance with these Procedures, to confirm or modify a reservation

for a gathering, or to obtain information regarding violations of other College policies or procedures.

Pursuant to the authority conferred upon the Board of Trustees by Texas Education Code Section 51.209, in order to protect the safety and welfare of students, employees, and other participants in the programs and activities of San Jacinto College and to protect the property and buildings of the College, it shall be a violation of these Procedures for any person who is on any property or in a building owned or controlled by San Jacinto College to refuse to identify himself or herself in response to a request by an authorized representative or any peace officer of San Jacinto College acting pursuant to authority of Texas law. An “institutional representative” is any member of the Board of Trustees; any College administrator or manager; or any peace officer or security officer of the College acting pursuant to authority of Texas law.

A person identifies himself or herself by stating truthfully: (1) his or her name and complete address, as substantiated by a current driver’s license or other official documentation, and whether they are a student or employee of the College; and (2) his or her legitimate business on San Jacinto College. Legitimate business includes engaging in assembly, speech, and other expressive activities as authorized by law or this Procedure.

A person who refuses to identify themselves in accordance with this Procedure may be required to leave the premises and may be subject to arrest for trespass. Students, faculty, or staff who refuse to identify themselves in accordance with this Procedure also are subject to disciplinary action pursuant to the College’s regular disciplinary procedures.

Additionally, as stated in Section 51.232 of the Texas Education Code, during periods of disruption, as determined by the Chancellor, Deputy Chancellor, Associate Vice Chancellor of Student Services, or other official designated by the Chancellor, to maintain order on the campus or facility, the College may require that any person on the campus or facility present evidence of his or her identification, or if the person is a student or employee of the institution, his student or employee official institutional identification card, or other evidence of the individual’s relationship with the College. If a person refuses or fails upon request to present evidence of their identification, and if it reasonably appears that the person has no legitimate reason to be on the campus or facility, the person may be ejected from the campus or facility.

College officials will not discriminate on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by any person, either in the enforcement or administration of these rules.

## **VIII. Violations and Sanctions; Discipline Procedures and Appeals**

When a College employee observes a violation of these Procedures, the preferred first step is for the employee to encourage the alleged violator to comply with the rule being violated, especially in instances in which public safety is not threatened. If an individual continues to violate a rule or procedure after receiving a warning, but the activity is otherwise peaceful, staff and campus police should evaluate all facts and circumstances and determine whether to intervene immediately. For example, if the activity is about to end, intervention may be more disruptive than allowing the activity to end on its own. The decision whether and when to intervene shall be made without consideration of the viewpoint of the speaker.

Students who violate these Procedures are subject to discipline under the Code of Student Handbook. Sanctions may include loss of privileges, suspension, and expulsion. Employees who violate these Procedures are subject to discipline under the College’s applicable employment procedures, and sanctions may include loss of privileges, suspension, and termination. A violation of this Procedure includes unduly interfering with the lawful expressive activities of others.

Students who wish to file a complaint alleging a violation of this Procedure may file a complaint with the Office of Compliance and Judicial Affairs under Complaint Procedure 200 in the Student Handbook. Employees who wish to file a complaint alleging a violation of this Procedure may file a complaint under Human Resources Procedure 3-19. A student or employee who complies with an on-the-scene order or directive that limits or prevents an expressive activity may test the propriety of the order or directive by filing a grievance or complaint.

Members of the public and off-campus organizations that violate these Procedures are subject to criminal trespass charges, arrest, and other lawful measures. Members of the public and off-campus organizations who wish to file a complaint alleging a violation of this Procedure may file a complaint with the Office of Compliance and Judicial Affairs at [studentrights@sjcd.edu](mailto:studentrights@sjcd.edu). The decision of the Dean of Compliance and Judicial Affairs is final.

Date of SLT Approval	December 20, 2021
Effective Date	December 20, 2021
Associated Policy	Policy VII.7003.A, Expressive Activities
Primary Owner of Policy Associated with the Procedure	Deputy Chancellor & President
Secondary Owner of Policy Associated with the Procedure	Associate Vice Chancellor, Student Services