



## Texas Education Code 51.9315 Protected Expression on Campus Compliance Report

Tyler Junior College (TJC) submits the following report to demonstrate compliance with the requirements of Texas Education Code 51.9135, which define the laws and rules for “Protected Expression on Campus.”

### Overview

Texas Education Code 51.9315 protects the expressive rights of persons guaranteed by the constitutions of the United States and of the State of Texas by

1. Recognizing freedom of speech and assembly as central to the mission of institutions of higher education; and
2. Ensuring that all persons may assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

### Requirements

Section C states that an institution of higher education shall:

1. Ensure that the common outdoor areas of the institution’s campus are deemed traditional public forums; and
2. Permit any person to engage in expressive activities in those areas of the institution’s campus freely, as long as the person’s conduct:
  - a. Is not unlawful; and
  - b. Does not materially and substantially disrupt the functioning of the institution.

Tyler Junior College’s Board Policy GD(Local) meets the requirements of Section C (excerpt below is from GD(Local)):

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Community members and organizations may engage in expressive activities in common outdoor areas, unless:

1. The person’s conduct is unlawful;
2. The use would constitute an immediate and actual danger to the peace and security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program;
4. The use would result in damage to or defacement of property; or
5. The speaker uses amplified sound that disrupts College District business, classes, meetings, or other functions.

Section D states that notwithstanding section C, an institution of higher education may adopt a policy that imposes reasonable restrictions on the time, place, and manner of expressive activities in the common outdoor areas of the institution’s campus if those restrictions:

1. Are narrowly tailored to serve a significant institutional interest;



2. Employ clear, published, content-neutral, and view-point neutral criteria;
3. Provide for ample alternative means of expressions; and
4. Allow members of the university community to assemble or distribute written material without a permit or other permission from the institution.

Tyler Junior College's Board Policy GD(Local) meets the requirements of Section D (excerpt below is from GD(Local)):

Distribution of materials shall be conducted in a manner that:

1. Is not disruptive;
2. Does not impede reasonable access to the College District facilities;
3. Does not result in damage to College District property;
4. Does not coerce, badger, or intimidate a person;
5. Does not interfere with the rights of others;
6. Does not violate local, state, or federal laws or College District policies and procedures; and
7. Does not use amplified sound that disrupts College District business, classes, meetings, or other functions.

Section E states that subsections C and D do not:

1. Limit the right of student expression at other campus locations; or
2. Prohibit faculty members from maintaining order in the classroom.

Tyler Junior College's Board Policy GD(Local) meets these requirements in both cases as it requires that the restrictions not be disruptive or impede access to the College District facilities.

Section F states that each institution of higher education shall adopt a policy detailing students' rights and responsibilities regarding expressive activities at the institution. The policy must:

1. Allow:
  - a. Any person to, subject to reasonable restrictions adopted under subsection D, engage in expressive activities on campus, including by responding to the expressive activities of others; and
  - b. Student organizations and faculty to, subject subsection H, invite speakers on campus
2. Establish disciplinary sanctions for students, student organizations, or faculty who unduly interfere with expressive activities of others on campus;
3. Include a grievance procedure for addressing complaints of a violation of this section;
4. Be approved by a majority vote of the institution's governing board before final adoption; and
5. Be posted on the institution's website.

Tyler Junior College's Board Policy GD(Local) meets these requirements. Students rights are governed by GD(Local) and FLA(Local). Both policies allow persons (including students, faculty, and community) to engage in expressive

activities on campus. Board Policy GD(Local) sets out disciplinary sanctions for students, student organizations, or faculty who unduly interfere with expressive activities of others on campus. In addition, a grievance procedure for addressing complaints and appeals may also be made using referenced Board Policies (GB(Local), DGBA(Local), and FLD(Local) as applicable). GD(Local), GB(Local), DGBA(Local), and FLD(Local) were all approved by the Board of Trustees by a majority of the Board members. All Board Policies are posted on the College's website (<https://pol.tasb.org/Home/Index/1076>).

Section G states that an institution of higher education may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the institution on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.

Tyler Junior College's Board Policy GD(Local) meets these requirements. Faculty members, students, or student organizations may not interfere with the expressive activities. Tyler Junior College supports the rights of the community to engage in free expression without prejudice.

Section H states that when determining whether to approve a speaker to speak on campus or in determining the amount of a fee to be charged for use of the institution's facilities for purposes of engaging in expressive activities, an institution of higher education:

1. May consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, such as:
  - a. The proposed venue and the expected size of the audience;
  - b. Any anticipated need for campus security;
  - c. Any necessary accommodations; and
  - d. Any relevant history of compliance or noncompliance by the requesting student organization or faculty member with the institution's policy adopted under Subsection (f) and any other relevant policies; and
2. May not consider any anticipated controversy related to the event.

Tyler Junior College's Board Policy GD(Local) meets these requirements. The Policy states that approval shall not be granted when the college official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is subject to a sanction prohibiting the use of the facility;
3. The proposed 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;
4. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
5. The proposed activity would disrupt or disturb the regular academic program;
6. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property;
7. The application is not complete or contains false information; or



8. The proposed use would obstruct or restrain passage into or out of buildings.

Section I requires that each institution of higher education make the institution's policies adopted in accordance with this section available to students enrolled at and employees of the institution by:

1. Including the policies in the institution's student handbook and personnel handbook;
2. Providing a copy of each policy to students during the institution's freshman or transfer student orientation;  
and
3. Posting the policies on the institution's internet website.

Tyler Junior College meets this requirement as information regarding Board Policy GD(Local) is included in the Employee Handbook, Student Handbook, and Faculty Handbook. In addition, the Policy and all handbooks are located on the College's website in the Board Policy Manual. The New Student Orientation process has changed to include sending these policies via email to all students new to the College.

Section J requires that each institution of higher education develop materials, programs, and procedures to ensure that the institution's employees responsible for educating or disciplining students understand the requirements of this section and all policies adopted by the institution in accordance with this section.

Tyler Junior College has developed a procedure to ensure that the institution's employees responsible for educating or disciplining students understand the requirements and all policies adopted by TJC in accordance with Texas Education Code 51.9315. Training materials have been developed so that all employees understand the requirements of Texas Education Code 51.9315.