



DENISE M. TRAUTH
PRESIDENT

Institutional Report¹

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TO: The Honorable Greg Abbott, Governor of Texas
Texas Legislature

FROM: Denise M. Trauth, President
Texas State University

DATE: November 13, 2020

RE: Compliance with Texas Education Code § 51.9315

DMT/ma

In the interest of protecting the expressive activity rights guaranteed by the Constitution of the United States, Texas Education Code § 51.9315(k) requires Texas State University to submit a one-time report regarding Texas State University's compliance with § 51.9315. To that end, we submit the following information.

Texas State University is a member institution of The Texas State University System (TSUS) and under the organization, control, and management of The TSUS Board of Regents.² The Texas State University System *Rules and Regulations* specifically address expressive activities on all component university campuses, including Texas State University:

- Chapter VII, Subparagraph 3.1 deems the grounds of all system university components as traditional public fora.³
- Chapter VII, Subparagraph 3.4 permits any group or person to assemble and engage in expressive activities, subject to reasonable time, place, and manner restrictions.⁴
- Chapter VII, Subparagraph 3.3 permits all students, faculty, and staff to invite speakers to speak on campus, subject to reasonable time, place, and manner restrictions.⁵
- Chapter V, Subparagraph 2.133 provides for the dismissal of any employee, including a member of the faculty, who obstructs or disrupts any activity authorized to be held on a component university campus.⁶
- Chapter VI, Subparagraphs 5.41(3), 5.6, and 6.45 establish the System's prohibition against, and disciplinary procedures for, interference with the expressive activity rights of others by students or student organizations.

¹ This report is available online on Texas State University's Free Speech webpage at <https://www.dos.txstate.edu/freespeech>.

² Tex. Educ. Code § 96.61; see also § 95.01.

³ See § 51.9315(c)(1).

⁴ See §§ 51.9315(c)(2), (d), and (f)(1)(A).

⁵ See § 51.9315(f)(1)(B)

⁶ See § 51.9315(f)(2); see also TSUS *Rules and Regulations* Chapter V, Subparagraph 4.51(7).

The above [Texas State University System Rules and Regulations](#) are posted on The TSUS website and the Texas State University Policy and Procedure Statements website at <https://policies.txstate.edu/>.

Texas State University's campus-specific procedures are also available on the University's Policy and Procedure Statements website at <https://policies.txstate.edu/>. Any applicable time, place, and manner restrictions therein comply with the specific requirements of § 51.9315(d) because they:

- (1) are narrowly tailored to serve a significant institutional interest;
- (2) employ clear, published, content-neutral, and viewpoint-neutral criteria;
- (3) provide for ample alternative means of expression; and
- (4) allow members of the University community to assemble and distribute written material without permit or other permission from the University.

Texas State University reviews its policies on an on-going basis and will continue to modify applicable policies as necessary to ensure continued compliance with the requirements of Texas Education Code § 51.9315. Texas State University has launched a Free Speech webpage detailing students' rights and responsibilities regarding expressive activities and such is posted on <https://www.dos.txstate.edu/freespeech>. All policies pertaining to the requirements of § 51.9315 are made available to students during freshman and transfer student orientations and are included in Texas State University's Student Handbook.

Faculty and staff personnel handbooks refer employees to The TSUS Rules and Regulations and to the University's Policy and Procedure Statements website at <https://policies.txstate.edu/>, where policies that pertain to the requirements of § 51.9315 are located.

Texas State University has developed procedures to ensure that employees responsible for educating or disciplining students understand the requirements of Texas Education Code § 51.9315 and the University's internal policies.