
AGENDA

UNIVERSITY OF HOUSTON SYSTEM BOARD OF REGENTS MEETING

DATE: Wednesday, May 15, 2024
TIME: 2:30 PM
PLACE: University of Houston-Downtown
Welcome Center Building, Third Floor
Travis & Milam Rooms
201 Girard St.
Houston, Texas 77002

Chair: Tilman J. Fertitta
Vice Chair: Alonzo Cantu
Secretary: John A. McCall Jr.

I. **Board of Regents Meeting**

A. Call to Order
Presenter: Chairman Tilman J. Fertitta

B. Open Forum
Presenter: Chairman Tilman J. Fertitta

C. Approval of Minutes

-February 21, 2024, Board of Regents Meeting

Action: Approval
Presenter: Chairman Tilman J. Fertitta

II. **Board of Regents Items**

A. Presentation by University of Houston Faculty Senate President on "Back to the Future: Reaffirming the Value of Shared Governance in Higher Education's Next Chapter" - University of Houston

Action: Information
Presenter: Dr. Susie Gronseth, President of the Faculty Senate

III. **Committee Reports Listing Consent Docket Items for Board Approval**

All action items considered and unanimously approved by the Endowment Management Committee, Item A; the Audit and Compliance Committee, Item B; the Academic and Student Success Committee, Item C; the Facilities, Construction and Master Planning Committee, Item D; and the Finance and Administration Committee, Item E, held on Wednesday, May 15, 2024, are listed under each Committee Report as Consent Docket Agenda items requiring final Board approval unless otherwise noted. Pursuant to Board By-Law 6.9, any regent may request that an individual item be removed from the Consent Docket Agenda and be considered by the full Board.

A. **Endowment Management Committee Report - May 15, 2024**

Presenter: Chair Durga Agrawal

1. Approval is requested for the annual review of the University of Houston System Board of Regents Endowment Management Committee Charter

Action: Approval

Presenter: Raymond Bartlett, Senior Vice Chancellor for Administration and Finance

B. **Audit and Compliance Committee Report - May 15, 2024**

[No items were brought forward that would require further board approval]

Presenter: Chair Greg C. King

C. **Academic, Research, and Student Success Committee Report - May 15, 2024**

Presenter: Vice Chair Durga Agrawal

1. Approval of Faculty Promotion and Tenure in Academic Rank – University of Houston System

Action: Approval

Presenter: Dr. Diane Chase, Senior Vice Chancellor for Academic Affairs and Provost

2. Approval of Faculty Emeritus Appointments – University of Houston System

Action: Approval

Presenter: Dr. Diane Chase, Senior Vice Chancellor for Academic Affairs

and Provost

3. Approval of New Academic Program(s) – University of Houston System

Action: Approval

Presenter: Dr. Diane Chase, Senior Vice Chancellor for Academic Affairs and Provost

4. Approval to delegate authority to the Chancellor to modify Test Optional Admissions standards for the campuses within the University of Houston System

Action: Approval

Presenter: Dr. Diane Chase, Senior Vice Chancellor for Academic Affairs and Provost

D. Finance, Facilities, and Administration Committee Report - May 15, 2024

Presenter: Chair Ricky Raven

1. Approval is requested for the University of Houston System FY2025 Financial Plan and Budget

Action: Approval

Presenter: Raymond Bartlett, Senior Vice Chancellor for Administration and Finance

2. Approval is requested to delegate authority to the Chancellor to negotiate and execute contracts exceeding \$1 million for the purchase of goods or services, excluding construction contracts, at the University of Houston System

Action: Approval

Presenter: Raymond Bartlett, Senior Vice Chancellor for Administration and Finance

3. Approval is requested to delegate authority to the Chancellor to negotiate and execute construction contracts exceeding \$1 million for projects at the University of Houston System

Action: Approval

Presenter: Raymond Bartlett, Senior Vice Chancellor for Administration and Finance

4. Approval is requested of the Thirty-second Supplemental Resolution to the Master Resolution authorizing the issuance of the Consolidated Revenue

Refunding Bonds, Series 2024A (tax exempt) and Consolidated Revenue Refunding Bonds, Series 2024B (taxable) - University of Houston System

Action: Approval

Presenter: Raymond Bartlett, Senior Vice Chancellor for Administration and Finance

5. Approval is requested to delegate authority to the Chancellor to negotiate and execute contracts for the design and construction of the Medical Research Building at the University of Houston

Action: Information

Presenter: Raymond Bartlett, Senior Vice Chancellor for Administration and Finance

6. Approval is requested for the annual update to the University of Houston Master Plan and presentation of the University of Houston Energy Master Plan

Action: Approval

Presenter: Raymond Bartlett, Senior Vice Chancellor for Administration and Finance

IV. **Committee Report Item(s) not Addressed in the Consent Docket but requiring Final Board Approval**

[No items were brought forward from the Committees requiring final Board approval]

Presenter: Chairman Tilman J. Fertitta

V. **Board of Regents Item(s) cont'd**

- A. Report on SB 17 Diversity, Equity, and Inclusion Compliance Implementation Initiatives – University of Houston System

Action: Information

Presenter: Dona Cornell, Vice Chancellor or Legal Affairs and General Counsel

- B. Approval is requested for the Proposed Updates to Board of Regents Bylaws – University of Houston System

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Action: Approval

Presenter: Dona Cornell, Vice Chancellor for Legal Affairs and General Counsel

- C. Approval is requested for updates to University of Houston System Policies on Freedom of Expression and Anti-Discrimination 23

Action: Approval

Presenter: Dona Cornell, Vice Chancellor for Legal Affairs and General Counsel

- D. Approval is requested for updates to the University of Houston System Board of Regents Policies 03 Equal Educational Opportunity and 53.04 Approval of Construction Projects 91

Action: Approval

Presenter: Dona Cornell, Vice Chancellor for Legal Affairs and General Counsel

- E. Resolution of Appreciation- Mielad Ziaee- University of Houston System 94

Action: Approval

Presenter: Chancellor Renu Khator

VI. **Chancellor's Report: System Profile and Accomplishments**

Presenter: Chancellor Renu Khator

VII. **Executive Session**

Presenter: Chairman Tilman J. Fertitta

A.

1. Consultation with System Attorney Regarding Legal Matters and/or Contemplated Litigation or Settlement Offers

TEXAS GOV'T CODE SECTION 551.071

- Pre-litigation and Litigation Status Update

- Other pending legal and contract matters, potential legal claims, updates, discussion and advice from General Counsel

2. Deliberations regarding the Purchase, Exchange, Sale or Value of Real Property

TEXAS GOV'T CODE SECTION 551.072

- Real Estate Matters

3. Deliberation Regarding a Prospective Gift

TEXAS GOV'T CODE SECTION 551.073

4. Personnel Matters Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of Officers or Employees including but not limited to the Chancellor, Presidents, Vice Chancellors, in the Division of Athletics and members of the Board of Regents

TEXAS GOV'T CODE SECTION 551.074

- Discussion regarding contractual matters
- Annual Evaluations of Chief Audit Officer

5. Confidentiality of government information related to security or infrastructure

issues for computers

TEXAS GOV'T CODE SECTION 552.139

VIII. **Report and Action from Executive Session**

Presenter: Chairman Tilman J. Fertitta

- A. Approval is requested to delegate authority to the Chancellor to negotiate and execute personnel contracts within the University of Houston Division of Athletics

Action: Approval

Presenter: Chairman Tilman J. Fertitta

IX. **Adjourn**

**UNIVERSITY OF HOUSTON SYSTEM
BOARD OF REGENTS AGENDA**

ITEM: Report on SB 17 Diversity, Equity, and Inclusion Compliance Implementation Initiatives – University of Houston System

DATE PREVIOUSLY SUBMITTED: N/A

SUMMARY:

VC/VP of Legal Affairs and General Counsel will provide an update on the process, procedures, and policies implemented September 1, 2023, to maintain compliance with Senate Bill 17 regarding Diversity, Equity, and Inclusion initiatives.

SUPPORTING DOCUMENTATION: Presentation

FISCAL NOTE: None

**RECOMMENDATION/
ACTION REQUESTED:** Information

COMPONENT: University of Houston System

Renu Khator

CHANCELLOR

Renu Khator

05/08/24

DATE

**UNIVERSITY OF HOUSTON SYSTEM
BOARD OF REGENTS AGENDA**

ITEM: Approval is requested for the Proposed Updates to Board of Regents Bylaws – University of Houston System

DATE PREVIOUSLY SUBMITTED: N/A

SUMMARY:

Approval is requested for proposed revisions and additions to the following BOR bylaws to better reflect current law and best practices:

1. Updated Bylaw 1.4 regarding Board Member training to match current requirements;
2. Revise Bylaw 5.2 regarding standing committees;
3. Revised Bylaw 5.2.3 regarding committee member composition and quorum;
4. Revise Bylaw 5.3 regarding name change to the committee;
5. Revise Bylaw 5.4 regarding the merger of the Finance and Administration and Facilities, Construction, and Master Planning committees;
6. Revised Bylaw 5.7 to remove committee composition requisite.

SUPPORTING

DOCUMENTATION: Redline and Clean copies of proposed updated Board of Regents Bylaws

FISCAL NOTE: None

**RECOMMENDATION/
ACTION REQUESTED:** Approval

COMPONENT: University of Houston System

Renu Khator

CHANCELLOR

Renu Khator

05/08/24

DATE

BYLAWS BOARD OF REGENTS

University of Houston System



~~August 23~~ May 15, 2024 18

BYLAWS
BOARD OF REGENTS
UNIVERSITY OF HOUSTON SYSTEM

Sec. 1 Authority and Responsibility of Governing Board

1.1 Authority – The Texas Legislature has vested the organization and control of the University of Houston System (hereafter referred to as “system”) to the Board of Regents (hereafter referred to as “board”). Section 111.11, Texas Education Code.

1.2 **Section 51.352. Responsibility of Governing Boards**, Texas Education Code, sets forth the responsibility of the board as follows:

- (a) It is the policy of this state that the governing boards of institutions of higher education, being composed of lay members, shall exercise the traditional and time-honored role for such boards as their role has evolved in the United States and shall constitute the keystone of the governance structure. In this regard each governing board:
 - 1) is expected to preserve institutional independence and to defend its right to manage its own affairs through its chosen administrators and employees;
 - 2) shall enhance the public image of each institution under its governance;
 - 3) shall interpret the community to the campus and interpret the campus to the community;
 - 4) shall nurture each institution under its governance to the end that each institution achieves its full potential within its role and mission; and
 - 5) shall insist on clarity of focus and mission of each institution under its governance.
- (b) The governing board of an institution of higher education shall provide the policy direction for each institution of higher education under its management and control.
- (c) In making or confirming appointments to a governing board, the governor and senate shall ensure that the appointee has the background and experience suitable for performing the statutory responsibility of a member of the governing board.

- (d) In addition to powers and duties specifically granted by this code or other law, each governing board shall:
 - 1) establish, for each institution under its control and management, goals consistent with the role and mission of the institution;
 - 2) appoint the chancellor or other chief executive officer of the system, if the board governs a university system;
 - 3) appoint the president or the chief executive officer of each institution under the board's control and management and evaluate the chief executive officer of each component institution and assist the officer in the achievement of performance goals;
 - 4) set campus admission standards consistent with the role and mission of the institution and considering the admission standards of similar institutions nationwide having a similar role and mission, as determined by the coordinating board; and
 - 5) ensure that its formal position on matters of importance to the institution under its governance is made clear to the coordinating board when such matters are under consideration by the coordinating board.
- (e) Each member of the governing board has the legal responsibilities of a fiduciary in the management of funds under the control of institutions subject to the board's control and management.
- (f) The governing board of each general academic teaching institution and each public junior college within a 100-mile radius of that institution shall adopt a policy to enhance the transfer of students based on the recommendations of the permanent advisory committee under Section 51.3521 of this code.

1.3 Handling Classified Information – The members of the Board shall exclude themselves both individually or collectively from access to any and all material considered classified by the federal government and/or other classified information which may be entrusted to the University and shall periodically designate appropriate officers of the University as the managerial group with full authority and responsibility for maintaining the necessary facilities clearance and negotiating, executing and administering classified contracts of the Department of Defense or other user agencies of the U.S. Government awarded to the University of Houston System.

1.4 Board Member Training – As soon as practicable after appointment, members of the Board are required to receive training in accordance with Texas Education Code (TEC) 61.084 and 61.0841; and Texas Government Code (TGC) 551.005, 552.0121, 2256, and 2054.5191. The training shall cover these topics: auditing; budgeting; enabling legislation and mission of

the University; the role of the Board, including authority, duties, and responsibilities; policy development; governance; open government; ethics and conflict of interest; student privacy laws, including FERPA; [cybersecurity](#); [public funds investment](#); and intercollegiate athletics. The minutes of the last regular meeting of the Board for the calendar year must reflect whether each Board member has completed any required training under this section as of the date of the meeting.

1.5 Annual Certifications Required of Board Members:

1.5.1 Board Expectations – Board members shall annually review and sign a statement of Board member expectations.

1.5.2 Conflict of Interest Statements – All members of the Board shall annually sign conflict of interest certification statements affirming their compliance with their official oath and specific provisions of Texas statutes related to ethical behavior.

1.5.3 Regental Disclosure Statement – Board members shall annually file with the Board office, a Regental Disclosure Statement of financial interests, in compliance with Texas Government Code § 2261.252.

1.5.4 Personal Financial Statement – Board members shall annually file a Personal Financial Statement with the Texas Ethics Commission, as required by state statute.

1.6 Removal of a Board Member – As provided by Texas Constitution Art, 15 § 9, the governor may remove a member of the board with the advice and consent of two-thirds of the members of the senate present. An impeachment proceeding involving a member of the board shall be governed by Article 15 of the Texas Constitution and Chapter 665 of the Texas Government Code.

Related Statutes, Policies, or Requirements

[Texas Constitution, Article 15, Section 3 – Oath or of Senators; Concurrence of Two-Thirds Required](#)

[Texas Constitution, Article 15, Section 9 – Removal of Public Officer by Governor with Advice and Consent of Senate](#)

[Texas Constitution, Article 16, Section 1 – Official Oath](#)

[Texas Education Code 51.352 – Responsibility of Governing Boards](#)

[Texas Education Code 51.3521 – Permanent Advisory Committees](#)

[Texas Education Code Section 61.084 – Training for Members of Governing Boards](#)

[Texas Education Code Section 61.0841 – Intensive Short Course for Appointed Members of Governing Boards](#)

[Texas Education Code Section 111.11 – Board of Regents](#)

[Texas Government Code Section 551.005 – Open Meetings Training](#)

[Texas Government Code Section 551.012 – Open Records Training](#)

[Texas Government Code Section 572.021 et seq. – Financial Statement Required](#)

[Texas Government Code Section 572.021 et seq. – Financial Statement Required](#)

[Texas Government Code Section 572.051 – Standards of Conduct; State Agency Ethics Policy](#)

[Texas Government Code Chapter 665 – Impeachment and Removal](#)

[Texas Government Code Chapter 2054.5191 – Cybersecurity Training Required: Certain Employees and Officials](#)

[Texas Government Code Chapter 2256 – Public Funds Investment](#)

[Texas Government Code Section 2261.252 – Disclosure of Potential Conflicts of Interest; Certain Contracts Prohibited](#)

Sec. 2 Responsibility and Organization of the System

2.1 The system is composed of all those institutions and entities which are currently, and which may be, from time to time, assigned by specific legislative act to be under the governance, control, jurisdiction, and management of the board. Section 111.20(a) and (b), Texas Education Code.

2.2 Section 51.353. Responsibility of System Administration, Texas Education Code, sets forth the responsibility of system administration as follows:

- (a) The system administration of each system shall coordinate the activities of component institutions within the system.
- (b) In addition to other powers and duties provided by this code or other law, each system administration shall:
 - 1) initiate, monitor, approve, and coordinate long-range planning for the system;
 - 2) approve short-range institutional plans for operations and expenditures;
 - 3) provide to component institutions technical assistance such as legal and financial services;
 - 4) evaluate each component institution and assist the institution in the achievement of performance goals; and
 - 5) perform such other duties as may be delegated to it by the governing board of its system.

2.3 Section 51.354. Institutional Responsibility, Texas Education Code sets forth the responsibility of component institutions as follows:

In addition to specific responsibilities imposed by this code or other law, each institution of higher education has the general responsibility to serve the public and, within the institution’s role and mission, to:

- (a) transmit culture through general education;
- (b) extend knowledge;
- (c) teach and train students for professions;

- (d) provide for scientific, engineering, medical, and other academic research;
 - (e) protect intellectual exploration and academic freedom;
 - (f) strive for intellectual excellence;
 - (g) provide educational opportunity for all who can benefit from post secondary education and training; and
 - (h) provide continuing education opportunities.
- 2.4 The board shall appoint a chancellor and such other executive officers of the system central administration office as may be deemed appropriate. The term of appointment, salary, and duties of each such officer shall be determined by the board. Section 111.21(b), Texas Education Code
- 2.5 The board may appoint and remove the chancellor, a president, any faculty member, or other officer or employee of the system when, in its judgment, the interest of the university requires it. The board shall fix the respective salaries and duties of the officers and employees. Section 111.19, Texas Education Code.
- 2.6 All executive management employee appointments shall be approved by the board upon the recommendation of the chancellor. The board delegates to the chancellor, or his/her designee, the authority to approve all other faculty, professional, and administrative actions.

Related Statutes, Policies, or Requirements

- [Texas Education Code 51.353 – Responsibility of System Administration](#)
- [Texas Education Code 51.354 – Institutional Responsibility](#)
- [Texas Education Code Section 111.19 – Personnel: Appointments, Salaries, Etc.](#)
- [Texas Education Code Section 111.20 – University of Houston System](#)
- [Texas Education Code Section 111.21 – System Central Administration Office; Chief Executive Officer](#)

Sec. 3 Non-Voting Student Regent

- 3.1 Pursuant to Texas Education Code § 51.355, a student regent shall be appointed by the governor annually, to serve a one-year term, expiring on May 31st. The student regent must be enrolled as an undergraduate or graduate student at a component institution of the University of Houston System at the time of appointment and throughout the student regents’ term.
- 3.2 The student regent is not a member of the board of regents of the University of Houston System. The student regent has the same powers and duties as the members of the board of regents, including the right to attend and participate in meetings of the board of regents, except that the student regent may not vote on any matter before the board or make or second any motion

before the board. The student regent is not counted in determining whether a quorum exists for a meeting of the board or in determining the outcome of any vote before the board.

Related Statutes, Policies, or Requirements

[Texas Education Code 51.355 – Nonvoting Student Regent](#)

Sec. 4 Officers of the Board

4.1 Officers

The officers of the board shall consist of a chair, a vice chair, and a secretary who shall hold office for a term of one year from September 1 through August 31, or until his or her successor has been elected.

4.2 Election

Officers shall be elected at the regular meeting of the board in August. Fourteen days prior to this meeting, nominations shall be sent to the General Counsel in writing or by email; however, additional nominations may be made at the August meeting. A majority of votes cast by those present shall be required for election.

4.3 Duties of the Chair of the Board

The chair of the board shall:

- 4.3.1 preside at all meetings of the board;
- 4.3.2 call special meetings of the board;
- 4.3.3 review and approve the agenda for all meetings of the board;
- 4.3.4 appoint the standing and special committees of the board;
- 4.3.5 serve as the official spokesperson for the board; and
- 4.3.6 certify the minutes of the executive sessions of the board.

4.4 Duties of the Vice Chair of the Board

The vice chair of the board shall, upon the absence, death, resignation, disability or disqualification of the chair, perform the duties of the chair until the chair can resume his or her office or his or her successor shall have been elected, and such other duties as the chair may from time to time assign.

4.5 Duties of the Secretary of the Board

The secretary shall:

- 4.5.1 keep, or cause to be kept, full, accurate, and complete minutes of all meetings of the board; and
- 4.5.2 sign bond resolutions, investment resolutions, and banking resolutions executed on authority of the board.

Sec. 5 Committees of the Board

5.1 Executive Committee

- 5.1.1 The executive committee shall consist of the chair, vice chair, secretary, and, if he or she is still serving as a regent, the immediate past chair of the board. Three members shall constitute a quorum.

The executive committee shall:

- a) exercise the powers of the board when time is of the essence and a quorum of the board cannot be reasonably and practically established;
- b) keep a separate record of executive committee proceedings and submit that record for inclusion in the official record of the board at the next regular or special board meeting; and
- c) report all actions taken on behalf of the board at the next regular or special board meeting or sooner if practicable.

5.2 Standing Committees

- 5.2.1 The standing committees are Academic, Research, and Student Success, Finance, Facilities, and Administration, Audit and Compliance, ~~Facilities, Construction, and Master Planning~~, and Endowment Management. The board shall adopt a charter for each committee. The charters shall detail the specific responsibilities of the committee, which should be reviewed by the committee annually and updated as necessary subject to approval by the Board. In any case, the Board shall review the committee charters at least every seven (7) years.

- ~~5.2.2~~—The chair of the board shall appoint a chair and vice chair for each standing committee. Standing committee chairs and vice chairs shall serve one-year terms from September 1 through August 31. A vacancy in a committee chair or vice chair position shall be filled by appointment of the board chair.

5.2.2

5.2.3 Committee meetings shall be called by the committee chair and duly posted, convened, and conducted in accordance with the Texas Open Meetings Act. Any board member may attend and participate in discussions at any such committee meetings. Committees will meet no more than once monthly without prior approval from the board chair. All committees will have not less than three regents, nor more than ~~four~~six. Each committee will have a committee chair, vice chair, and ~~one-three~~ or ~~two-four~~ additional regents, all of whom shall be appointed by the chair of the board.

The chairman will serve as voting ex officio for all committees and will count for purposes of determining a quorum. A quorum is ~~three~~ four for all committees. A quorum shall be declared as soon as a majority of the committee members are in attendance at the appointed committee meeting.

A majority vote of a quorum of a committee is required for a committee recommendation from an appointed committee to be presented to the full board for consideration. A committee recommendation, however, does not constitute a final board action and therefore, does not bind the board, except as provided in 5.1.1(a).

5.2.4 One to four advisory members may be appointed to each respective committee with the unanimous approval of the chair of the board, the chancellor, and the chair of the committee. The advisory members will serve one-year terms from September 1 through August 31 and may be reappointed each year for up to three consecutive years. They may serve again after one off year. Advisory members will not have voting authority.

5.2.5 The authority of a board committee is subject to the bylaws and policies of the board. Committees shall report and make recommendations to the board. Unless specifically authorized by official action of the board, a committee shall not act for the board.

5.2.6 Official Business. No business other than that placed on the Agenda and posted as required by law shall be officially transacted at a meeting of the Board of Regents or its committees.

5.3 **Academic, Research, and Student Success Committee**

The Academic, Research, and Student Success committee has oversight of instruction, research, and service policy and performance, including review of the Chancellor's recommendations on academic programs. It also has oversight of all matters related to student success, including academic and student support programs.

5.4 Finance, ~~Facilities~~, and Administration Committee

—The ~~F~~finance, ~~F~~acilities, and ~~A~~administration committee has oversight of budget and financial recommendations, including reviewing the Chancellor’s recommendations on annual budgets and tuition and fees. ~~Additionally, the committee has oversight of physical assets, including reviewing the Chancellor’s recommendations on capital priorities, and provides oversight of physical master plans for each component university.~~

5.5 Audit and Compliance Committee

The ~~A~~audit and ~~C~~ompliance committee has oversight of all audit matters and all compliance activities, including ensuring sound fiscal and management policies and practices. It also provides oversight to help ensure full compliance with all applicable local, state, and federal laws and regulations.

~~5.6 Facilities, Construction and Master Planning Committee~~

~~The facilities, construction and master planning committee has oversight of physical assets, including reviewing the Chancellor’s recommendations on capital priorities. It also provides oversight of physical master plans for each component university.~~

5.7 Endowment Management Committee

The ~~E~~ndowment ~~M~~anagement committee has oversight of all investment assets and activities, outside investment managers, investment consultants, and any other matters pertaining to endowed and non-endowed assets for the System. It also provides oversight of investment policies and performance. ~~The chair of the Finance and Administration Committee shall be a member of this committee.~~

5.8 Special Committees

Special committees may be established by the chair of the board to report to the board, and they shall function until discharged. Membership normally will include regents and may also include persons not on the board.

5.9 Staff Services to the Board Committees

With the approval of the chair of the board, the chancellor will designate a member of his or her staff as liaison for each standing board committee and subcommittee. The administrator designated shall provide information and assistance as needed to the chair of the committee or subcommittee to prepare the agenda and conduct the business of the committee or special committee.

Sec. 6 Meetings of the Board

6.1 Procedure

Robert's Rules of Order shall govern the procedure at meetings unless modified by standing or special rules of the board or by a majority vote of a quorum.

6.2 Quorum

A quorum shall consist of a majority of the members of the board, and the action of a majority of a quorum shall be action of the board except as otherwise specified herein.

6.3 Committee Meetings

The regular meetings of the committees shall be held at such time and place the committee shall designate. Normally, committee meetings will be held quarterly for the purpose of conducting standing committee business.

6.4 Regular Meetings

The regular meetings of the board shall be held at such time and place the board shall designate. Normally, regular meetings will be held quarterly for the purpose of conducting standing committee business and board action.

6.5 Special Meetings

Special meetings of the board may be called by the chair, the vice chair when performing the duties of the chair, or upon written request of five members of the board.

6.6 Notice of Open Meetings

All meetings of the board and its committees are subject to the terms of the Open Meetings Act. The Open Meetings Act, Chapter 551 of the Texas Government Code, provides that meetings of governmental bodies must be open to the public, except for expressly authorized executive sessions, and that the public must be given notice of the time, place and subject matter of meetings of governmental bodies. Notice of a meeting must be posted with the Secretary of State's Office for at least 72 hours preceding the scheduled time of the meeting. In case of an emergency of urgent public necessity, which shall be clearly identified in the notice, it shall be sufficient if the notice is posted two hours before the meeting is convened.

6.7 Distribution of Agenda Material

Written notice of the time, place, and agenda of each regular or special meeting should be delivered to each member of the board no later than seven

(7) days before the day of such meeting. No business other than that placed on the agenda and the written notice, as required by law, shall be officially transacted at the meeting of the board or its standing committees or subcommittees.

6.8 Order of Business

Normally the order of business shall be:

- 6.8.1 Call the meeting to order;
- 6.8.2 Open Forum;
- 6.8.3 Approval of the minutes;
- 6.8.4 Resolutions, communications, petitions, and memorials;
- 6.8.5 Report and recommendations of the chair of the board;
- 6.8.6 Reports and recommendations of standing committees from the committee chair;
- 6.8.7 Reports and recommendations of special committees;
- 6.8.8 Approval of committee recommendations;
- 6.8.9 Approval of consent docket;
- 6.8.10 Reports and recommendations of the chancellor;
- 6.8.11 Executive Session
- 6.8.12 Reports and recommendations from executive session; and
- 6.8.13 Adjournment

6.9 Consent Docket

Items on the consent docket will go directly to the board for action after consideration by the standing committees at their meetings unless one or more regents request that an item(s) be removed from the docket and considered separately, in which case it will be considered by the full board outside of the consent docket. The following may be placed on the consent docket and shall be enumerated specifically on the Board's agenda:

- 6.9.1 Investment resolutions and amendments.
- 6.9.2 Banking resolutions and amendments.
- 6.9.3 Texas Public Finance Authority resolutions and amendments.

- 6.9.4 TexPool investment authorization resolutions and amendments.
- 6.9.5 Intent to finance expenditures incurred or to be incurred for a campus construction project resolutions and amendments.
- 6.9.6 Annual write-off of accounts and notes receivables.
- 6.9.7 Annual write-off of obsolete equipment and other inventory.
- 6.9.8 Staff holiday schedule.
- 6.9.9 Outside Employment or Appointments of Executive Officers
- 6.9.10 Other routine items as appropriate for the consent docket and so designated by unanimous vote of the Standing Committee for which such item is a voting item and approved by the chairman of the board.

Sec. 7 Communications with the Board

- 7.1 Board members have the right and duty to be fully informed on all matters that influence their obligations as regents. Nothing herein shall be construed to prevent them from informing themselves as they deem proper; however, they shall not interfere in the administration of the system. The board shall at all times be free to seek and receive information to ensure that its policies and directives are effectuated.
- 7.2 The regular channel of communication to and from the board shall be through the chancellor and where appropriate, the president of the respective university.
- 7.3 A maximum of thirty minutes will be set aside at regularly scheduled board meetings for a public comment session. Persons wishing to address the regents may register their request with the Executive Administrator at least 24 hours prior to the meeting. Each person will be given up to three minutes and may address the board only on those topics listed on the agenda for the meeting. Comments on topics that are not listed on the agenda shall not be allowed.
- 7.4 All proposals for consideration by the board shall be presented to the chancellor according to the published calendar. The chancellor shall consider such proposals and make recommendations thereon in the agenda prepared for the board meeting. Except in the case of an emergency, proposals not received by the chancellor within the time prescribed shall be automatically deferred for consideration until the next meeting of the board.
- 7.5 Board bylaws and policies require reports to be presented to the board and actions to be taken by the board on a periodic basis. It is the responsibility of

the executive administrator of the Board to maintain the report/action schedule and ensure that all such reports and action items are included on the agenda for the appropriate board meeting.

Sec. 8 Amendment of Bylaws

8.1 A two-thirds majority vote of all members of the board shall be required to amend these bylaws.

| **08/23/1805/15/24**

**UNIVERSITY OF HOUSTON SYSTEM
BOARD OF REGENTS AGENDA**

ITEM: Approval is requested for updates to University of Houston System Policies on Freedom of Expression and Anti-Discrimination

DATE PREVIOUSLY SUBMITTED:

SUMMARY:

Per Governor Abbot's Executive Order GA44, signed on March 27, 2024, the University of Houston System and universities are required to review and update free speech policies in regards to the rise in antisemitic speech and acts, including the incorporation of the Texas Government Code 448.001(2), which provides the definition of antisemitism to guide university personnel and students on what constitutes antisemitic speech.

**SUPPORTING
DOCUMENTATION:**

UH SAM Policy 01.D.15 Freedom of Expression
UH MAPP 01.05.01 Freedom of Expression
UH Clear Lake MAP 01.D.15 Freedom of Expression
UH Downtown PS 04.A.08 Freedom of Expression
UH Victoria MAPP Freedom of Expression
UH SAM Policy 01.D.07 Anti-Discrimination
Executive Order #GA44

FISCAL NOTE: None

**RECOMMENDATION/
ACTION REQUESTED:** Approval

COMPONENT: University of Houston System



CHANCELLOR

Renu Khator



DATE

UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM

SECTION: General Information

NUMBER: 01.D.15

AREA: Legal Affairs

SUBJECT: Freedom of Expression

1. PURPOSE

The University of Houston System (the System) is committed to fostering a learning environment where free inquiry and expression are encouraged at each of its universities. The System expects that persons engaging in expressive activities will demonstrate civility, concern for the safety of persons and property, respect for university activities, respect for those who may disagree with their message, and compliance with applicable System and university policies and applicable local, state, and federal laws. Each university maintains its right to place reasonable time, place, and manner restrictions on expressive activities.

Additionally, any activities that are unlawful or materially and substantially disruptive to the normal operations of the university will not be tolerated. The purpose of this policy is to provide for expressive activities to be conducted on university grounds in a manner consistent with these principles. Groups of individuals engaging in materially and substantially disruptive activities or failing to comply with applicable System or university policies, or applicable local, state, and federal laws may face immediate removal from the campus and/or other appropriate actions by university officials and university police. Universities within the System may establish more detailed Freedom of Expression policies for their campuses, including policies regarding the reservation of outdoor areas and the use of stationary structures/displays. Campus policies shall be consistent with this policy. Individuals should check each campus's policies for further guidance.

2. DEFINITIONS

- 2.1. Amplified Sound: The use of any loudspeaker, loudspeaker system, sound amplifier or any other machine or device which produces, reproduces, or amplifies sound.
- 2.2. Non-Permitted Commercial Activities: The use of the facilities and/or grounds of a university within the System by the university's students, faculty, and staff for personal gain including distribution or posting of commercial literature or other items on campus for personal gain. Non-permitted commercial activities also include commercial use of university space by non-university affiliated individuals or groups where such use is not authorized by a written agreement with the university.

- 2.3. Expressive Activity: Any non-curriculum related rally, parade, demonstration, stationary structure or display, concert or other expressive activity, including literature distribution.
- 2.4. Official University Event or Activity: Any event, program or activity sponsored by a university department in the course of fulfilling their university mission, activities that occur within the classroom, or events that occur within the regular or recurring sphere of activity of a university department.
- 2.5. Sign: A billboard, placard, or other writing, drawing, picture, projected image, or similar item displayed for the purpose of promoting events or activities or to convey a message or information of any type.
- 2.6. University Department: Any academic or nonacademic unit or division or any other official university entity.
- 2.7. University Grounds: Any outdoor university-owned, leased, or maintained grounds located on any university campus, excluding all buildings and structures.

3. POLICY

- 3.1. As a part of the System’s commitment to fostering a learning environment, student organizations and faculty may invite speakers to speak on campus in accord with System and university policies.
- 3.2. This policy is applicable to any Expressive Activity at locations on University Grounds. This policy does not apply to any Official University Event or Activity, except as noted.
- 3.3. Common outdoor areas of the System are deemed traditional public forums. Therefore, those who wish to engage in an Expressive Activity (including literature distribution) may engage in such expressive activity in the university’s common areas (e.g., university parks, grassy areas, and sidewalks) without prior registration or approval.
- 3.4. If an Expressive Activity attracts an audience of 50 or more people, substantially disrupts university business or classes, blocks building access, or creates vehicular, pedestrian, or other traffic hazards, then the Expressive Activity may be required to be relocated to another area on campus that can better accommodate the large group or type of activity.
- 3.5. Amplified Sound – The use of amplified sound is only permitted in designated areas and times at the universities. Amplified sounds shall not exceed the levels permitted by each university. Amplified sound will be measured at the edges of the surrounding or nearest building.

3.6. University buildings are reserved for use by university students, faculty, and staff, except as provided herein, or otherwise permitted by policies of the university. Non-Permitted Commercial Activities (as defined in section 2.2) are not allowed. An Expressive Activity permitted under this policy does not imply official endorsement by the university. Decisions to be made by university officials under this policy will be based on the guidelines set forth in this policy and will not be based on the content or viewpoint of a proposed Expressive Activity. Groups or individuals engaged in an Expressive Activity are responsible for the content of the expression. Questions regarding this policy may be directed to the university's Dean of Students Office.

3.7. Grievances – Complaints of a violation under this policy may be made as follows:

- Members of the university community may file a grievance regarding an alleged violation of this policy in the manner provided in the applicable University Student Code of Conduct, Student Handbook, University Catalog, Faculty Handbook, or employee/personnel manual.

Alternatively, any complaints of a violation under this policy may be made through the [University of Houston System Fraud & Non-compliance Hotline](#).

3.8. Disciplinary Actions – Any person that participates in unlawful expressive activity, or that unduly interferes with the Expressive Activities of others on campus, including at an Official University Events or Activity, may be subject to disciplinary action, as outlined in the student codes of conduct, in policies relating to faculty or staff discipline, or in policies or laws relating to visitors on campus.

3.9. Literature Distribution

3.9.1 All literature distribution must comply with the following rules:

- a) Literature or other printed materials must be distributed in person.
- b) Literature or other printed materials must not be forced upon others.
- c) The free flow of pedestrian, vehicular, or other traffic must not be obstructed at any point.
- d) Groups or individuals are responsible for ensuring that literature/printed materials do not litter the area.
- e) Literature/printed materials must not promote Non-Permitted Commercial Activities.

3.9.2 This section does not apply to literature/printed material distribution related to a vote for or against a candidate for elective university Student Government Association (SGA) office or for or against a proposition on a ballot at an SGA election. Such distribution by registered university students

may take place in areas immediately adjacent to SGA polling locations and must comply with the university's rules.

3.10 Signs Posted on University Grounds

The only types of signs that may be placed on university grounds are those that are sponsored by a university department and promote an Official University Event or Activity. Signs may not be attached to university property (e.g., buildings, light poles, benches). University departments wishing to display signs on university grounds that promote an Official University Event or Activity must obtain approval from the university's Dean of Students or designee at least seven business days prior to the proposed display. Signs will be subject to reasonable time, place, and manner restrictions and must include the name of the university department sponsoring the activity that it promotes.

4. TIME, PLACE AND MANNER LIMITATIONS

4.1 The System reserves the right to implement and enforce reasonable time, place, and manner restrictions regarding expressive activities including, but not limited to, those set forth in this regulation. Further, activities that are unlawful or that materially and substantially disrupt the normal operations of the university's campus are prohibited. Prohibited activities include, but are not limited to, the following:

- 4.1.1 Activities that are unlawful or that materially and substantially disrupt the normal operations of the university.
- 4.1.2 Activities that materially and substantially prevent other individuals or groups from carrying out an expressive activity.
- 4.1.3 Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of university facilities.
- 4.1.4 Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services.
- 4.1.5 Activities that threaten or endanger the health or safety of any person on university grounds.
- 4.1.6 Activities that result in damage or destruction of university property. Nothing may be affixed to or written on university property or grounds.
- 4.1.7 Activities that inherently lose First Amendment protection (e.g., defamatory statements, true threats/fighting words, obscenity [as defined by law])
- 4.1.8 Expressive signage, posters, displays, or structures (herein "displays") larger than 3 feet in height by 3 feet in width. Displays, literature, and other items may not be left unattended.

4.1.9 Open flames on the university campus without the express written permission of the university.

4.1.10 Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and satisfy such codes and ordinances (e.g., serving food and beverages).

4.2 The System recognizes that some constitutionally-protected speech may be considered offensive by some or all listeners. An Expressive Activity does not automatically rise to the level of denying constitutional, statutory, or legal rights of others, solely because a listener is offended by the argument or idea presented. However, expressive activities that interfere with the legal rights of others will not be tolerated, and will be disciplined according to appropriate System policies, including, but not limited to SAM 01.D.07 – *Anti-Discrimination Policy* (which among other things defines a Protected Class¹), and SAM 01.D.08 – *Sexual-Misconduct Policy*.

5. REVIEW AND RESPONSIBILITY

Responsible Party: Vice Chancellor for Student Affairs and Enrollment Services

Review: Every five years

6. APPROVAL

Approved: Richard Walker
Vice Chancellor for Student Affairs and Enrollment Services

Dona Cornell
Vice Chancellor for Legal Affairs and General Counsel

¹ Protected Class is defined as a “class of persons who are protected under applicable federal or state laws against Discrimination and Harassment on the basis of race, color, sex (including gender and pregnancy), genetic information, religion, age (over 40), national origin, ethnicity, disability, military status, sexual orientation, gender identity or status, gender expression, or any other legally protected status (such as discrimination and/or retaliation based on antisemitism.” Antisemitism “means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.” TEX. GOV’T CODE § 448.001(2).

Renu Khator
Chancellor

Date: 6/10/20

References and Resources:

Texas Education Code § 51.9315 – *Protected Expression on Campus*

UNIVERSITY of HOUSTON
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: General Information
AREA: Legal Affairs

Number: 01.05.01

SUBJECT: Freedom of Expression

I. PURPOSE AND SCOPE

The University of Houston is committed to fostering a learning environment where free inquiry and expression are encouraged. The University expects that persons engaging in expressive activities will demonstrate civility, concern for the safety of persons and property, respect for University activities, respect for those who may disagree with their message, and compliance with University policies and applicable local, state, and federal laws. The University of Houston maintains its right to place reasonable time, place, and manner restrictions on expressive activities. Additionally, any activities that are unlawful or materially and substantially disruptive to the normal operations of the University, will not be tolerated. The purpose of this policy is to provide for expressive activities to be conducted on University grounds in a manner consistent with these principles. Groups of individuals engaging in disruptive activities or failing to comply with University policies and applicable local, state, and federal laws may face immediate removal from the campus and/or other appropriate actions by University officials and University police.

II. POLICY

This policy is applicable to any non-curriculum related expressive activities at locations on University grounds. This policy does not apply to any official University event or activity, except as noted. Common outdoor areas of the University are deemed traditional public forums. Therefore, those who wish to engage in an expressive activity (including literature distribution) may engage in such expressive activity in the University's common areas (e.g., University parks, grassy areas, and sidewalks) without prior registration or approval.

If any area on the University grounds has been reserved pursuant to Section V below, the individual or group who reserved the area has priority for use of the area. If an expressive activity attracts an audience of 50 or more people, substantially disrupts University business or classes, blocks building access, or creates vehicular, pedestrian, or other traffic hazards, the expressive activity may be required to relocate to another area on campus that can better accommodate the large group or type of activity.

University buildings are reserved for use by University of Houston students, faculty, and staff, except as provided herein, or otherwise permitted by policies of the University. Non-permitted commercial activities (as defined in Section III.A of this policy) are not allowed. Expressive activities permitted under this policy do not imply official endorsement by the University. Decisions to be made by University officials under this policy will be based on the guidelines set forth in this policy and in SAM 01.D.15 – *Freedom of Expression*. Decisions will not be based on the content or viewpoint of a proposed expressive activity. Groups or individuals engaged in expressive activities are responsible for the content of the expression. Questions regarding this policy may be directed to the Dean of Students Office.

III. DEFINITIONS

- A. Amplified sound: The use of any loudspeaker, loudspeaker system, sound amplifier or any other machine or device which produces, reproduces, or amplifies sound.

- B. Decibel level: The intensity of sound expressed in decibels read from the A-level weighting scale and the slow meter response as specified by the American National Standards Institute.
- C. Non-permitted commercial activities: The use of the University's facilities and/or grounds by the University of Houston students, faculty, and staff for personal gain including distribution or posting of commercial literature or other items on campus for personal gain. Non-permitted commercial activities also include commercial use of University space by non-University affiliated individuals or groups where such use is not authorized by a written agreement with the University (See [MAPP 09.03.01](#)).
- D. Expressive activity: Any non-curriculum related rally, parade, demonstration, stationary structure or display, concert or other expressive activity, including literature distribution.
- E. Official University event or activity: Any event, program or activity sponsored by a University department in the course of fulfilling their University mission, activities that occur within the classroom, or events that occur within the regular or recurring sphere of activity of a University department.
- F. Registered student organization: A student organization officially registered with the Center for Student Involvement.
- G. Sign: A billboard, placard, or other writing, drawing, picture, projected image, or similar item displayed for the purpose of promoting events or activities or to convey a message or information of any type.
- H. University: The University of Houston.
- I. University department: Any academic or nonacademic unit or division or any other official University entity.
- J. University grounds: Any outdoor University-owned, leased, or maintained grounds located on the University's main campus, excluding all buildings and structures.

IV. RESERVATION OF OUTDOOR SPACE

University of Houston faculty, staff, students, and members of registered student organizations may reserve the outdoor areas listed in Section V in advance to conduct expressive activities in accordance with this section. Non-University affiliated individuals or groups are only eligible to reserve Lynn Eusan Park (for a fee) and must follow the procedures below to do so. Individuals or groups must request the use of outdoor space through the Conference and Reservation Services Office. Reservations are accepted on a first-come first-served basis. Each outdoor space for any single user, be it a reserving group or individual, can be reserved for a total of three days in any two-week period, but overnight reservation of outdoor space is not allowed. The requesting group or individual seeking to reserve outdoor space pursuant to this section must submit a completed Expressive Activity Description Form ("Form") to the Dean of Students at least seven business days in advance of the proposed expressive activity. Absent extenuating circumstances, the Dean of Students or designee will approve or deny the proposed expressive activity within five business days of receiving the Form. In completing the Form, the following information will be required (Items A-L included on the Form):

- A. Date of application;
- B. Proposed date(s) of the expressive activity;

- C. Proposed start and finish times;
- D. Proposed location;
- E. Name of the activity;
- F. Anticipated attendance;
- G. Target audience(s);
- H. Advertising methods;
- I. Expressive activity description (i.e., speech, rally, open microphone, display, literature distribution, etc.);
- J. Campus sponsoring organization name and. If any, external sponsoring organization name (co-sponsor);
- K. Contact person name, phone number, and e-mail address; and
- L. Applicant's signature.

The decision as to whether to approve or deny the reservation request will be based on proper and timely completion of the Form, compliance with the applicable sound and sign requirements, and availability of space. This decision will be based only on the aforementioned criteria, and in no circumstances will any decision be based on the content or viewpoint of the expressive activity, or upon the expected reaction of others to the expression, except as permitted by law.

The requesting group or individual, if they so desire, may appeal the Dean of Students' or designee's decision in writing to the Vice President of Student Affairs and Enrollment Services within two business days of the decision. The Vice President of Student Affairs and Enrollment Services will render a decision within two business days of receiving an appeal. Requestors are encouraged to submit their reservation requests as early as possible to allow time after the approval process to prepare for their activities.

The Dean of Students or designee may require an expressive activity to relocate if: (1) the anticipated or actual number of persons attending the event exceeds the reasonable capacity of the space intended for use and, therefore, materially interferes with the educational mission of the University; or (2) the activity potentially conflicts with previously scheduled activities and events.

V. OUTDOOR EXPRESSIVE ACTIVITY AREAS THAT MAY BE RESERVED IN ADVANCE

The areas marked A, B, C, D, E, and F on the campus map (Addendum A) and provided below are the six (6) outdoor expressive activity areas that may be reserved in advance. These six areas may also be used for expressive activity without a reservation; however, an individual or group with a reservation will have exclusive use and priority over other individuals or groups.

- A. Lynn Eusan Park: The park area located northwest of the Hilton College of Hotel and Restaurant Management and southeast of the Ezekiel Cullen Building (Area A on the campus map). This is the only area of the six areas that is available for non-University affiliated individuals or groups to reserve and such individuals or groups must pay any applicable fees.
- B. Student Center Plaza: The paved area located on the western half of the space between Student Center South and Student Center North (Area B on the campus map).

- C. Student Center North Lawn: The area located on the north side of the Student Center North, surrounded by the M.D. Anderson Library to the west, University Classroom and Business Building to the north and Melcher Hall to the east (Area C on the campus map).
- D. Butler Plaza: The plaza bounded by the Ezekiel Cullen Building, M. D. Anderson Library, the Technology Annex, and Phillip G. Hoffman Hall (Area D on the campus map).
- E. Cougar Woods Arboretum: The grassy area located west of the Cougar Woods Dining Hall between the Dining Hall and Cullen Boulevard (Area E on the campus map).
- F. Student Center Circle: The area in front of the Student Center South (Area F on the campus map).

VI. USE OF AMPLIFIED SOUNDS AND STATIONARY STRUCTURES/DISPLAYS

- A. Stationary Structures/Displays: Expressive activities involving the use of stationary structures or displays are permitted only from 7:00 a.m. to 7:00 p.m. and only in the reservable areas (See Section V) marked A, B, C, D, E, and F on the campus map.

Stationary structures or displays must be kept at least five feet from all walkways.

In no circumstances may any stationary display or structure exceed fifteen feet in length, width, or height, nor may any display or structure present a significant threat to public safety. The requesting group or individual may apply for a limited exception to these size restrictions, which the University shall grant only upon a compelling demonstration to the University that the proposed structure or display will be safe, will pose no significant safety hazard, and will not unduly restrict the egress or ingress of students, faculty, or staff. Any such request for a size exception must be made at least ten business days in advance. A student, faculty member, or staff member responsible for the structure or display must remain with it at all times.

- B. Amplified Sound: The use of amplified sound is only permitted in the reservable areas (see Section V) marked A, B, C, E, and F on the campus map, but is not permitted in Butler Plaza (Area D on the campus map). Amplified sounds may only occur from 11:30 a.m. to 1:30 p.m. and from 4:00 p.m. to midnight on class days, and from 8:00 a.m. to midnight on non-class days. Amplified sounds shall not exceed 75 decibels levels.

Amplified sound will be measured at the edges of the surrounding buildings. For the purposes of this policy, dB shall mean the intensity of sound expressed in decibels read from the A-level weighting scale and the slow meter response as specified by the American National Standards Institute.

VII. LITERATURE DISTRIBUTION

All literature distribution must comply with the following rules:

- A. Persons distributing information at reserved information table locations must remain within their reserved table space and displays at reserved information table locations do not exceed beyond the dimensions of the width reserved table space and may not exceed seven feet in height.
- B. Literature or other printed materials must be distributed in person.
- C. Literature or other printed materials must not be forced upon others.
- D. The free flow of pedestrian, vehicular, or other traffic must not be obstructed at any point.

- E. Groups or individuals are responsible for ensuring that literature/printed materials do not litter the area.
- F. Literature/printed materials must not promote non-permitted commercial activities.

Registered student organizations may reserve information tables located in the Phillip G. Hoffman (PGH) Building Breezeway, the Agnes Arnold (AH) Building Breezeway, and the Student Center Information tables in between the Student Center South and the Student Center North for the purpose of distributing literature/printed materials or for other permitted activities. Designated representatives of registered student organizations wishing to reserve these information tables must request the use of space through the Conference and Reservation Services Office. Amplified sound of any type is prohibited in the PGH Breezeway, the AH Breezeway, Student Center Information tables in between the Student Center South and the Student Center North.

This section does not apply to literature/printed material distribution related to a vote for or against a candidate for elective University of Houston Student Government Association (SGA) office or for or against a proposition on a ballot at an SGA election. Such distribution by registered University of Houston students may take place in areas immediately adjacent to SGA polling locations and must comply with the rules cited in the SGA Election Code.

The posting of flyers on outside university kiosks by University of Houston registered student organizations, campus departments, faculty members, staff members, and students is governed by [MAPP 03.01.05](#).

Individuals, groups, or representatives of non-University affiliated entities wishing to reserve information tables must request the use of space through the Conference and Reservation Services Office. The reservation for the use of space is subject to applicable usage fees and associated charges.

VIII. SIGNS POSTED ON UNIVERSITY GROUNDS

The only types of signs that may be placed on University grounds are those that are sponsored by a University department and promote official University-sponsored events or activities. Signs may not be attached to University property (e.g., buildings, light poles, benches.) University departments wishing to display signs on University grounds that promote official University activities and events must obtain approval from the Dean of Students or designee at least seven business days prior to the proposed display. Signs will be subject to reasonable time, place, and manner restrictions and must include the name of the University department sponsoring the activity that it promotes.

IX. TIME, PLACE AND MANNER RESTRICTIONS

- A. The President or designated University representatives shall have the authority to take such steps to prevent expressive activities that materially interfere with the educational mission of the University. Further, activities that are unlawful or that materially and substantially disrupt the normal operations of the University campus are prohibited. Prohibited activities include, but are not limited to, the following:
 1. Activities that are unlawful or that materially and substantially disrupt the normal operations of the university.
 2. Activities that materially and substantially prevent other individuals or groups from carrying out an expressive activity.
 3. Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of university facilities.

4. Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services.
 5. Activities that threaten or endanger the health or safety of any person on university grounds.
 6. Activities that result in damage or destruction of university property. Nothing may be affixed to or written on university property or grounds.
 7. Activities that inherently lose First Amendment protection (e.g., defamatory statements, true threats/fighting words, obscenity [as defined by law])
 8. Expressive signage, posters, displays, or structures (herein “displays”) larger than 3 feet in height by 3 feet in width. Displays, literature, and other items may not be left unattended.
 9. Open flames on the university campus without the express written permission of the university.
 10. Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and satisfy such codes and ordinances (e.g., serving food and beverages).
- B. The University recognizes that some constitutionally-protected speech may be considered offensive by some or all listeners. An Expressive Activity does not automatically rise to the level of denying constitutional, statutory, or legal rights of others, solely because a listener is offended by the argument or idea presented. However, expressive activities that interfere with the legal rights of others will not be tolerated, and will be disciplined according to appropriate University policies, including, but not limited to SAM 01.D.07 – *Anti-Discrimination Policy* (which among other things defines a Protected Class¹), and SAM 01.D.08 – *Sexual-Misconduct Policy*.
- X. ENFORCEMENT
- A. Grievances – Complaints of a violation under this policy may be made as follows:
- Members of the university community may file a grievance regarding an alleged violation of this policy in the manner provided in the applicable UH [Student Code of Conduct](#), [Student Handbook](#), University Catalog, [Faculty Handbook](#), or employee/personnel manual.

¹ Protected Class is defined as a “class of persons who are protected under applicable federal or state laws against Discrimination and Harassment on the basis of race, color, sex (including gender and pregnancy), genetic information, religion, age (over 40), national origin, ethnicity, disability, military status, sexual orientation, gender identity or status, gender expression, or any other legally protected status (such as discrimination and/or retaliation based on antisemitism.” Antisemitism “means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.” TEX. GOV’T CODE § 448.001(2).

Alternatively, any complaints of a violation under this policy may be made through the [University of Houston System Fraud & Non-compliance Hotline](#).

- B. Disciplinary Actions – Any person that participates in unlawful expressive activity, or that unduly interferes with the Expressive Activities of others on campus, including at an Official University Events or Activity, may be subject to disciplinary action, as outlined in the student codes of conduct, in policies relating to faculty or staff discipline, or in policies or laws relating to visitors on campus.

XI. REVIEW AND RESPONSIBILITY

Responsible Party: Vice President for Legal Affairs and General Counsel
Associate Vice President for Student Affairs and Dean of Students

Review: Every five years

XII. APPROVAL

/Daniel M. Maxwell/

Interim Vice President for Student Affairs

/Dona Cornell/

Vice President for Legal Affairs and General Counsel

/Renu Khator/

President

Date of President's Approval: December 12, 2023

XIII. REFERENCES AND RESOURCES

[Texas Education Code § 51.9315 – Protected Expression on Campus](#)

[SAM 01.D.15 – Freedom of Expression](#)

[MAPP 03.01.05 – Posting Flyer Information On Outside University Kiosks](#)

[MAPP 09.03.01 – Event Reservations and Rental of University Facilities](#)

Freedom of Expression Campus Map (Addendum A)

[Expressive Activity Description Form](#)

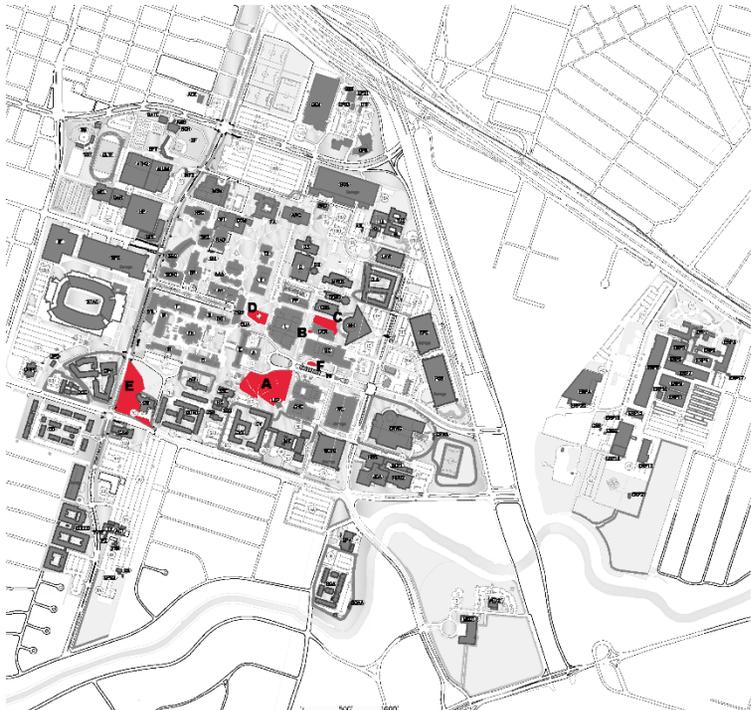
UNIVERSITY of HOUSTON
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: General Information
AREA: Legal Affairs

Number: 01.05.01

SUBJECT: Freedom of Expression

Addendum A: Campus Map



University of Houston Clear Lake

MEMORANDUM OF ADMINISTRATIVE POLICY

SECTION: General Administration

Number: 01.D.15

AREA: Legal Affairs

SUBJECT: Freedom of Expression

I. PURPOSE

The University of Houston - Clear Lake (hereinafter referred to as University) is committed to fostering a learning environment where free inquiry and expression are encouraged at each of its universities. The University expects that persons engaging in expressive activities will demonstrate civility, concern for the safety of persons and property, respect for university activities, respect for those who may disagree with their message, and compliance with applicable System and university policies and applicable local, state, and federal laws. The University of Houston-Clear Lake maintains its right to place reasonable time, place, and manner restrictions on expressive activities.

Additionally, any activities that are unlawful or materially and substantially disruptive to the normal operations of the university will not be tolerated. The purpose of this policy is to provide for expressive activities to be conducted on university grounds in a manner consistent with these principles. Groups of individuals engaging in materially and substantially disruptive activities or failing to comply with applicable System or university policies, or applicable local, state, and federal laws may face immediate removal from the campus and/or other appropriate actions by university officials and university police.

II. DEFINITIONS

- 2.1 Amplified sound: The use of any loudspeaker, loudspeaker system, sound amplifier or any other machine or device which produces, reproduces, or amplifies sound.
- 2.2 Decibel level: The intensity of sound expressed in decibels read from the A-level weighting scale and the slow meter response as specified by the American National Standards Institute.
- 2.3 Non-permitted commercial activities: The use of the University's facilities and/or grounds by the University of Houston - Clear Lake students, faculty, and staff for personal gain including distribution or posting of commercial literature or other items on campus for personal gain. Non-permitted commercial activities also include commercial use of University space by non-University affiliated individuals or groups where such use is not authorized by a written agreement with the University

- 2.4 Expressive activity: Any non-curriculum related rally, parade, demonstration, stationary structure or display, concert or other expressive activity, including literature distribution.
- 2.5 Official University event or activity: Any event, program or activity sponsored by a University department in the course of fulfilling their University mission, activities that occur within the classroom, or events that occur within the regular or recurring sphere of activity of a University department.
- 2.6 Student organization: A student organization officially registered with the Student Life Office.
- 2.7 Sign: A billboard, placard, or other writing, drawing, picture, projected image, or similar item displayed for the purpose of promoting events or activities or to convey a message or information of any type.
- 2.8 University: The University of Houston - Clear Lake
- 2.9 University department: Any academic or nonacademic unit or division or any other official University entity.
- 2.10 University grounds: Any outdoor University-owned, leased, or maintained grounds, excluding all buildings and structures.

III. POLICY

- 3.1. As a part of the University's commitment to fostering a learning environment, student organizations and faculty may invite speakers to speak on campus in accord with System and university policies.
- 3.2. This policy is applicable to any Expressive Activity at locations on University Grounds. This policy does not apply to any Official University Event or Activity, except as noted.
- 3.3. Common outdoor areas of the System are deemed traditional public forums. Therefore, those who wish to engage in an Expressive Activity (including literature distribution) may engage in such expressive activity in the university's common areas (e.g., university parks, grassy areas, and sidewalks) without prior registration or approval.
- 3.4. If an Expressive Activity attracts an audience of 50 or more people, substantially disrupts university business or classes, blocks building access, or creates vehicular, pedestrian, or other traffic hazards, then the Expressive Activity may be required to be relocated to another area on campus that can better accommodate the large group or type of activity.

Amplified Sound Amplified sound shall not exceed 68 decibel levels near University buildings, as measured at the outdoor edge of such buildings closest to the amplified sound. Advance reservation is required before amplified sound may be used on campus grounds and is only permitted in Alumni Plaza (4.5). Amplified sound may only occur from 4:00 p.m. to midnight on class days, and from 8:00

a.m. to midnight on non-class days. Students, employees and visitors may use amplified sound on campus grounds only at the locations and times published by the Dean of Students. Amplified sound areas may be reserved on a first-come, first-served basis and are subject to the reservation procedures published by the Dean of Students and this policy.

- 3.5. University buildings are reserved for use by university students, faculty, and staff, except as provided herein, or otherwise permitted by policies of the university. Non-Permitted Commercial Activities (as defined in section 2.3) are not allowed. An Expressive Activity permitted under this policy does not imply official endorsement by the university. Decisions to be made by university officials under this policy will be based on the guideline set forth in this policy and will not be based on the content or viewpoint of a proposed Expressive Activity. Groups or individuals engaged in an Expressive Activity are responsible for the content of the expression. Questions regarding this policy may be directed to the university's Dean of Students Office.

- 3.6. Grievances- Complaints of a violation under this policy may be made as follows:

Members of the university community may file a grievance regarding an alleged violation of this policy in the manner provided in the applicable University Student Code of Conduct, Student Handbook, University Catalog, Faculty Handbook, or employee/personnel manual.

Alternatively, any complaints of a violation under this policy may be made through the [University of Houston System Fraud & Non-compliance Hotline](#).

- 3.7. Disciplinary Actions - Any person that participates in unlawful expressive activity, or that unduly interferes with the Expressive Activities of others on campus, including at an Official University Events or Activity, may be subject to disciplinary action, as outlined in the student codes of conduct, in policies relating to faculty or staff discipline, or in policies or laws relating to visitors on campus.

- 3.8. Literature Distribution

3.8.1 All literature distribution must comply with the following rules:

- 3.8.1.1 Literature or other printed materials must be distributed in person.
- 3.8.1.2 Literature or other printed materials must not be forced upon others.
- 3.8.1.3 The free flow of pedestrian, vehicular, or other traffic must not be obstructed at any point.

- 3.8.1.4 Groups or individuals are responsible for ensuring literature/printed materials do not litter the area.
- 3.8.1.5 Literature/printed materials must not promote Non-Permitted Commercial Activities.

3.8.2 This section does not apply to literature/printed material distribution related to a vote for or against a candidate for elective university Student Government Association (SGA) office or for or against a proposition on a ballot at an SGA election. Such distribution by registered university students may take place in areas immediately adjacent to SGA polling locations and must comply with the university's rules.

3.9 Signs Posted on University Grounds

The only types of signs that may be placed on university grounds are those that are sponsored by a university department and promote an Official University Event or Activity. Signs may not be attached to university property (e.g., buildings, light poles, benches). University departments wishing to display signs on university grounds that promote an Official University Event or Activity must obtain approval from the university's Dean of Students Scheduling Office and/or the Marketing and Communications Office or designee at least seven business days prior to the proposed display. Student Organizations must request approval through the Student Life Office or designee at least seven business days prior to the proposed display. Signs will be subject to reasonable time, place, and manner restrictions and must include the name of the university department sponsoring the activity that it promotes.

IV. TIME, PLACE AND MANNER LIMITATIONS

4.1 The University reserves the right to implement and enforce reasonable time, place, and manner restrictions regarding expressive activities including, but not limited to, those set forth in this policy. Further, activities that are unlawful or that materially and substantially disrupt the normal operations of the university's campus are prohibited. Prohibited activities include, but are no, limited to, the following:

- 4.1.1 Activities that are unlawful or that materially and substantially disrupt the normal operations of the university.
- 4.1.2 Activities that materially and substantially prevent other individuals or groups from carrying out an expressive activity.
- 4.1.3 Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of university facilities.
- 4.1.4 Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services.
- 4.1.5 Activities that threaten or endanger the health or safety of any person on university grounds.

- 4.1.6 Activities that result in damage or destruction of university property. Nothing may be affixed to or written on university property or grounds.
- 4.1.7 Activities that inherently lose First Amendment protection (e.g., defamatory statements, true threats/fighting words, obscenity [as defined by law])
- 4.1.8 Expressive signage, posters, displays, or structures (herein "displays") larger than 3 feet in height by 3 feet in width. Displays, literature, and other items may not be left unattended.
- 4.1.9 Open flames on the university campus without the express written permission of the university.
- 4.1.10 Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and satisfy such codes and ordinances (e.g., serving food and beverages).
- 4.1.11 Amplified sound that exceeds the levels permitted by the university.
- 4.2 The University recognizes that some constitutionally-protected speech may be considered offensive by some or all listeners. An Expressive Activity does not automatically rise to the level of denying constitutional, statutory, or legal rights of others, solely because a listener is offended by the argument or idea presented. However, expressive activities that interfere with the legal rights of others will not be tolerated, and will be disciplined according to appropriate System policies, including, but not limited to SAM 01.D.07 - Anti- Discrimination Policy (which among other things defines a Protected Class¹), and SAM 01.D.08 - Sexual-Misconduct Policy.
- 4.3 The Dean of Students or designee may require an expressive activity to relocate if: (1)the anticipated or actual number of persons attending the event exceeds the reasonable capacity of the space intended for use and, therefore, materially interferes with the educational mission of the University; or (2) the activity potentially conflicts with previously scheduled activities and events.
- 4.4 RESERVATION OF OUTDOOR SPACE
- University of Houston - Clear Lake faculty, staff, students, and members of registered student organizations may reserve the outdoor areas listed in Section in advance to conduct expressive activities in accordance with this section.

¹ Protected Class is defined as a “class of persons who are protected under applicable federal or state laws against Discrimination and Harassment on the basis of race, color, sex (including gender and pregnancy), genetic information, religion, age (over 40), national origin, ethnicity, disability, military status, sexual orientation, gender identity or status, gender expression, or any other legally protected status (such as discrimination and/or retaliation based on antisemitism.” Antisemitism “means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.” TEX. GOV’T CODE § 448.001(2).

Non-University affiliated individuals or groups are only eligible to reserve the outdoor spaces listed in 4.5 (for a fee) and must follow the procedures below to do so. Individuals or groups must request the use of outdoor space through the Scheduling Office. Reservations are accepted on a first-come first-served basis.

In addition, the requesting group or individual seeking to reserve outdoor space pursuant to this section must submit a completed Expressive Activity Description Form ("Form") to the Dean of Students at least seven business days in advance of the proposed expressive activity. Absent extenuating circumstances, the Dean of Students or designee will approve or deny the proposed expressive activity within five business days of receiving the Form. In completing the Form, the following information will be required (Items A-L included on the Form):

- 4.4.1 Date of application;
- 4.4.2 Proposed date(s) of the expressive activity;
- 4.4.3 Proposed start and finish times;
- 4.4.4 Proposed location;
- 4.4.5 Name of the activity; Anticipated attendance;
- 4.4.6 Target audience(s);
- 4.4.7 Advertising methods;
- 4.4.8 Expressive activity description (i.e., speech, rally, open microphone, display, literature distribution, etc.)
- 4.4.9 Campus sponsoring organization name and if any, external sponsoring organization; name (co-sponsor);
- 4.4.10 Contact person name, phone number, and e-mail address; and
- 4.4.11 Applicant's signature.

4.5 OUTDOOR EXPRESSIVE ACTIVITY AREAS THAT MAY BE RESERVED IN ADVANCE

The areas listed below are the University's outdoor expressive activity areas that may be reserved in advance by University of Houston - Clear Lake faculty, staff, students, and members of registered student organizations. These areas may also be used for expressive activity without a reservation; however, an individual or group with a reservation will have exclusive use and priority over other individuals or groups.

- 4.5.1 Alumni Plaza (UHCL Campus): The area located between the Bayou Building and the Student Services Classroom Building with the outdoor water fountain.
- 4.5.2 Recreation Wellness Plaza/Backyard (UHCL Campus): (Grassy area between STEM and REC)
- 4.5.3 Outdoor Athletic Fields and Courts (UHCL Campus)
- 4.5.4 Wilson Park (UHCL Campus): The area is located next to the Entrance 1 Horsepen Bayou Bridge/pond.
- 4.5.5 Pearland Campus Courtyard (Pearland Campus)

[Student Organizations Handbook](#)

[Expressive Activity Description Form](#) - Dean of Students Office

REVISION LOG

References may be added to MAP documentation before listing the Revision Log at the Subject Matter Expert's discretion.

Revision Number	Approved Date	Description of Changes
1	01/23/2021	Initial version
2	03/11/2024	No changes made.

E
Memo To: All UH-Downtown/PS Holders UH-Downtown/PS 04.A.08
From: Dr. Loren J. Blanchard, President Issue No. 2
Subject: Freedom of Expression Effective date: 04/16/2021
Page 1 of 9

1. PURPOSE

The University of Houston-Downtown (UHD) is committed to fostering a learning environment where free inquiry and expression are encouraged. The University expects that persons engaging in expressive activities will demonstrate civility, concern for the safety of persons and property, respect for University activities, respect for those who may disagree with their message, and compliance with University policies and applicable local, state, and federal laws. The University of Houston-Downtown maintains its right to place reasonable time, place, and manner restrictions on expressive activities.

Additionally, any activities that are unlawful or materially and substantially disruptive to the normal operations of the University will not be tolerated. The purpose of this policy is to provide for expressive activities to be conducted on University grounds in a manner consistent with these principles. Groups of individuals engaging in materially and substantially disruptive activities or failing to comply with applicable System or university policies, or applicable local, state, and federal laws may face immediate removal from the campus and/or other appropriate actions by university officials and university police.

2. DEFINITIONS

- 2.1 Amplified Sound: The use of any loudspeaker, loudspeaker system, sound amplifier or any other machine or device that produces, reproduces, or amplifies sound.
- 2.2 Decibel Level: The intensity of sound expressed in decibels read from the A-level weighting scale and the slow meter response as specified by the American National Standards Institute.
- 2.3 Expressive Activity: Any non-curriculum related rally, parade, demonstration, stationary structure or display, concert or other expressive activity, including literature distribution.
- 2.4 Non-Permitted Commercial Activities: The use of the University's facilities and/or grounds by the University of Houston-Downtown students, faculty, and staff for personal gain including distribution or posting of commercial literature or other items on campus for personal gain. Non-permitted commercial activities also include commercial use of University space by non-University affiliated individuals or groups where such use is not authorized by a written agreement with the University.
- 2.5 Official University Event or Activity: Any event, program or activity sponsored by a University department in the course of fulfilling their University mission, activities, that occur within the classroom, or events that occur within the regular or recurring sphere of activity of a University department.

- 2.6 Registered Student Organization: A student organization officially registered with the Office of Student Activities.
- 2.7 Sign: A billboard, placard, or other similar item displayed for the purpose of promoting events or activities or to convey a message or information of any type.
- 2.8 University: The University of Houston-Downtown.
- 2.9 University Department: Any academic or nonacademic unit or division or any other official University entity.
- 2.10 University Grounds: Any outdoor University-owned, leased or maintained grounds located on the University's campus, excluding all buildings and structures.

3. POLICY

- 3.1 As part of the System's commitment to fostering a learning environment, student organizations and faculty may invite speakers to speak on campus in accord with System and university policies.
- 3.2 This policy is applicable to any Expressive Activity at locations on University Grounds. This policy does not apply to any Official University Event or Activity, except as noted.
- 3.3 Common outdoor areas of the University are deemed traditional public forums. Therefore, those who wish to engage in an Expressive Activity (including literature distribution) may engage in such expressive activity in the University's common outdoor areas without prior registration or approval.
- 3.4 If an Expressive Activity attracts an audience of 50 or more people, substantially disrupts university business or classes, blocks access, or creates vehicular, pedestrian, or other traffic hazards, then the Expressive Activity may be required to be relocated to an area on campus that can better accommodate the large group or type of activity.
- 3.5 The use of amplified sound is only permitted in designated areas and times. Amplified sounds shall not exceed the levels permitted by the University. Amplified sound will be measured at the edges of the surrounding or nearest building.
- 3.6 University buildings are reserved for use by university students, faculty, and staff, except as provided herein, or otherwise permitted by policies of the University. Non-permitted commercial activities (as defined herein) are not allowed. Expressive activities permitted under this policy do not imply official endorsement by the University. Decisions to be made University by officials under this policy will be based on the guidelines set forth in this policy and will not be based on the content or viewpoint of a proposed expressive activity. Groups or individuals engaged in expressive activities are responsible for the content of the expression. Questions regarding this policy may be directed to the Office of the Dean of Students.

- 3.7 Grievances: Complaints of a violation under this policy may be made as follows:
- 3.7.1 Members of the University community may file a grievance regarding an alleged violation of this policy in the manner provided in [PS. 04.A.01 Student Rights and Responsibilities](#), [Faculty Handbook](#), and [Staff Handbook](#).
 - 3.7.2 Alternatively, any complaints of a violation under this policy may be made through the [University of Houston System Fraud & Non-Compliance Hotline](#).
- 3.8 Disciplinary Actions: Any person who participates in unlawful expressive activity, or that unduly interferes with the Expressive Activities of others on campus, including at an Official University Events or Activity, may be subject to disciplinary action, as outlined in [PS. 04.A.01 Student Rights and Responsibilities](#), [Faculty Handbook](#), and [Staff Handbook](#), or laws relating to visitors on campus.
- 3.9 Literature Distribution: All literature distribution must comply with the following rules:
- 3.9.1 Persons distributing information at reserved information table locations must remain within their reserved table space and displays at reserved information table locations.
 - 3.9.2 Literature or other printed materials must be distributed in person.
 - 3.9.3 Literature or other printed materials must not be forced upon others.
 - 3.9.4 The free flow of pedestrian, vehicular, or other traffic must not be obstructed at any point.
 - 3.9.5 Groups or individuals are responsible for ensuring that literature/printed materials do not litter the area.
 - 3.9.6 Literature/printed materials must not promote Non-Permitted Commercial Activities.
 - 3.9.7 This section does not apply to literature/printed material distribution related to a vote for or against a candidate for the Student Government Association (SGA) office or for or against a proposition on a ballot at an SGA election. Such distribution by registered University students may take place in areas immediately adjacent to SGA polling locations and must comply with the University's rules.
- 3.10 Signs Posed on University Grounds: The only types of signs that may be placed on University grounds are those that are sponsored by a University department and promote an Official University Event or Activity must obtain approval from the Office of Student

Activities or designee at least seven (7) days prior to the proposed display. Signs will be subject to reasonable time, place, and manner restrictions and must include the name of the university department sponsoring the activity that it promotes.

4. PROCEDURES

- 4.1 The following University-owned common outdoor areas are the outdoor expressive activity areas that may be reserved in advance. These areas may also be used for expressive activity without a reservation; however, an individual or group with a reservation will have priority over other individuals or groups and may have exclusive use of the reserved area.
- 4.1.1 South Deck: The area located on the 3rd floor (Main Street level) south of the Academic Building and One Main Building.
 - 4.1.2 Academic Deck: The area located on the 3rd floor (Main Street level) south of the South Deck.
 - 4.1.3 North Deck: The area located on the 3rd floor (Main Street level) north of the Academic Building and One Main Building.
 - 4.1.4 Portico: The area located on the 3rd floor (Main Street level) in front of the One Main Building and Metro rail.
 - 4.1.5 Shea Street Building Deck: The area located in front of the Shea Street Building.
 - 4.1.6 Commerce Street Building Patio: The area located behind the Commerce Building.
 - 4.1.7 Food Truck Plaza: The area located adjacent to the north entrance of the College of Sciences and Technology Building.
- 4.2 University faculty, staff, students, and members of a registered student organization may reserve a University-owned common outdoor area listed above in advance to conduct expressive activities in accordance to this section. Non-University affiliated individuals or groups may be eligible to reserve a University-owned common outdoor area if availability exists and could incur a fee. All reservations for the use of a University-owned common outdoor area must be submitted through the Office of Events and Conferences. Reservations are accepted on a first-come, first served basis. Reservation details and forms can be found on the [Campus Event Space Reservations webpage](#). In addition to the University-owned common outdoor area request, the requesting group or individual seeking to reserve a University-owned common outdoor area pursuant to this section must submit a completed [Expressive Activity Description Form](#) (“Form”) to the Office of Student Activities at least seven business (7) days in advance of the proposed expressive activity. Absent extenuating circumstances, the Office of Student Activities will approve

or deny the proposed expressive activity within five (5) business days of receiving the Form. In completing the Form, the following information will be required:

- 4.2.1 Date of application
 - 4.2.2 Proposed date(s) of the expressive activity
 - 4.2.3 Proposed start and finish time
 - 4.2.4 Proposed location
 - 4.2.5 Name of the activity
 - 4.2.6 Anticipated attendance
 - 4.2.7 Target audience(s)
 - 4.2.8 Advertising methods
 - 4.2.9 Expressive activity description (i.e., speech, rally, open microphone, display, literature distribution, etc.)
 - 4.2.10 Campus sponsoring organization name, and if any, external sponsoring organization name (co-sponsor)
 - 4.2.11 Contact person name, phone number, and email address
 - 4.2.12 Applicant's signature
- 4.3 The following areas may also be used for outdoor expressive activities. A reservation is required of those seeking to conduct such activities in a university parking lot.
- 4.3.1 Daly Parking Lot
 - 4.3.2 Lot A Parking Lot
 - 4.3.3 Sidewalk between One Main Building and Shea Street Building
 - 4.3.4 Sidewalk between One Main Building and Commerce Building
 - 4.3.5 Lawn area in front of the South Deck

- 4.3.6 Lawn area east of the Student Life Center
- 4.3.7 Lawn in front of Willow Street Pump Station
- 4.4 The decision as to whether to approve or deny the reservation request will be based on proper and timely completion of the Form, compliance with the applicable sound and sign requirements in Section 4.7 – 4.8, and availability of space. This decision will be based only on the aforementioned criteria, and in no circumstances will any decision be based on the content or viewpoint of the Expressive Activity, or upon the expected reaction of others to the expression, except as permitted by law.
- 4.5 The requesting group or individual, if they so desire, may appeal the Office of Student Activities decision in writing to the Office of the Dean of Students within two (2) business days of the decision. The Office of the Dean of Students will render a decision within two (2) business days of receiving an appeal. Requestors are encouraged to submit their reservation requests as early as possible to allow time after the approval process to prepare for their activities.
- 4.6 The Office of Student Activities may require an expressive activity to relocate if:
 - 4.6.1 The anticipated or actual number of persons attending the event exceeds the reasonable capacity of the space intended for use and, therefore, materially interferes with the educational mission of the university.
 - 4.6.2 The activity potentially conflicts with previously scheduled activities or events.
- 4.7 Signs, Stationary Structures, Displays, Literature, and Other Items: Expressive activities involving the use of stationary structures or displays are permitted for the duration of the activity in the areas listed in 4.1.
 - 4.7.1 The only types of signs that may be placed on University grounds are those that are sponsored by a University department and promote official University sponsored events or activities.
 - 4.7.2 University departments who request to display signs on University grounds that promote official University activities and events must obtain prior approval from the Office of Student Activities or designee. Requests must be received at least seven (7) business days prior to the proposed display.
 - 4.7.3 Signs, structures, displays, literature, and other items must include the name of the University department sponsoring the activity or event it promotes.

- 4.7.4 Signs, structures, displays, literature, and other items must be kept at least five (5) feet from all walkways.
 - 4.7.5 Signs, structures, displays, literature, and other items may not be attached to University property (e.g., buildings, light poles, benches).
 - 4.7.6 Signs, structures, displays, literature, and other items may not exceed three (3) feet in height and three (3) feet in width. A request for a size exception must be made at least seven (7) business days in advance to the Office of Student Activities.
 - 4.7.7 Signs, structures, displays, literature, and other items must not pose a significant safety hazard, and will not unduly restrict the egress or ingress of University students, faculty, or staff.
 - 4.7.8 Signs, structures, displays, literature, and other items may not be left unattended. The requesting group is responsible for the sign, structure, display, literature, and other item, and must remain with it at all times.
- 4.8 Amplified Sound: The use of amplified sound is only permitted in the reservable areas listed in section 4.4.
- 4.8.1 Amplified sounds may only occur for the duration of the event.
 - 4.8.2 Amplified sounds may not exceed 75 decibel levels.
 - 4.8.3 Amplified sound will be measured at the edges of the surrounding buildings. Decibels will be measured from the A-level weighting scale and the slow meter responses as specified by the American National Standards Institute.
- 4.9 The University reserves the right to implement and enforce reasonable time, place, and manner restrictions regarding expressive activities including, but not limited to, those set forth in this regulation. Further, activities that are unlawful or that materially substantially disrupt the normal operations of the University are prohibited. Prohibited activities include, but are not limited to, the following:
- 4.9.1 Activities that are unlawful or that materially and substantially disrupt the normal operations of the university

- 4.9.2 Activities that materially or substantially prevent other individuals or groups from carrying out an expressive activity.
 - 4.9.3 Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of University facilities.
 - 4.9.4 Activities that substantially interfere with fire protection, law enforcement, or emergency medical services.
 - 4.9.5 Activities that threaten or endanger the health and safety of any person on University grounds.
 - 4.9.6 Activities that result in damage or destruction of University property. Nothing may be affixed to or written on University property or grounds.
 - 4.9.7 Activities that inherently lose First Amendment protection (e.g., defamatory statements, true threats/fighting words, obscenity [as defined by law]).
 - 4.9.8 Expressive signage, posters, displays, or structures larger than three (3) feet in height and three (3) feet in width. Displays, literature, and other items may not be left unattended.
 - 4.9.9 Open flames on University grounds or property without the express written permission of the University.
 - 4.9.10 Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and safety of such codes and ordinances (e.g., serving food and beverages).
- 4.10 The University recognizes that some constitutionally protected speech may be considered offensive by some or all listeners. An Expressive Activity does not automatically rise to the level of denying constitutional, statutory, or legal rights of others solely because a listener is offended by the argument or idea presented. However, expressive activities that interfere with the legal rights of others will not be tolerated, and will be disciplined according to appropriate University and System policies, including, but not limited to [SAM 01.D.07, Anti-Discrimination Policy \(which among other things defines a Protected Class¹\)](#), and [SAM 01.D.08, Sexual Misconduct Policy](#).

¹ Protected Class is defined as a “class of persons who are protected under applicable federal or state laws against Discrimination and Harassment on the basis of race, color, sex (including gender and pregnancy), genetic information, religion, age (over 40), national origin, ethnicity, disability, military status, sexual orientation, gender identity or status, gender expression, or any other legally protected status (such as

5. REVIEW PROCESS

Responsible Party (Reviewer): Dean of Students

Review: Every five years on or before September 1

Signed original on file in the Office of Human Resources.

6. POLICY HISTORY

Issue #1: 01/12/21

7. REFERENCES

[PS. 04.A.01 Student Rights and Responsibilities](#)

[Faculty Handbook](#)

[Staff Handbook](#)

[University of Houston System Fraud & Non-Compliance Hotline](#)

[Campus Event Space Reservations webpage](#)

[Expressive Activity Description Form](#)

[SAM 01.D.07, Anti-Discrimination Policy](#)

[SAM 01.D.08, Sexual Misconduct Policy](#)

discrimination and/or retaliation based on antisemitism.” Antisemitism “means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.” TEX. GOV’T CODE § 448.001(2).

1. PURPOSE AND SCOPE

The University of Houston-Victoria is committed to fostering a learning environment where free inquiry and expression are encouraged. The University expects that persons engaging in expressive activities will demonstrate civility, concern for the safety of persons and property, respect for University activities, respect for those who may disagree with their message, and compliance with University policies and applicable local, state, and federal laws. The University of Houston-Victoria maintains its right to place reasonable time, place, and manner restrictions on expressive activities. Additionally, any activities that are unlawful or materially and substantially disruptive to the normal operations of the University, will not be tolerated. The purpose of this policy is to provide for expressive activities to be conducted on University grounds in a manner consistent with these principles. Groups of individuals engaging in disruptive activities or failing to comply with University policies and applicable local, state, and federal laws may face immediate removal from the campus and/or other appropriate actions by University officials and University police.

2. POLICY

This policy is applicable to any non-curriculum related expressive activities at locations on University grounds. This policy does not apply to any official University event or activity, except as noted. Common outdoor areas of the University are deemed traditional public forums. Therefore, those who wish to engage in an expressive activity (including literature distribution) may engage in such expressive activity in the University's common areas (e.g., Kay's Grove, grassy areas, and sidewalks) without prior registration or approval.

If any area on the University grounds has been reserved pursuant to Section V below, the individual or group who reserved the area has priority for use of the area. If an expressive activity attracts an audience of 50 or more people, substantially disrupts University business or classes, blocks building access, or creates vehicular, pedestrian, or other traffic hazards, the expressive activity may be required to relocate to another area on campus that can better accommodate the large group or type of activity.

University buildings are reserved for use by University of Houston-Victoria students, faculty, and staff, except as provided herein, or otherwise permitted by policies of the University. Non-permitted commercial activities (as defined in Section III.A of this policy) are not allowed. Expressive activities permitted under this policy do not imply official endorsement by the University. Decisions to be made by University officials under this policy will be based on the guidelines set forth in this policy and in SAM 01.D.15 – Freedom of Expression. Decisions will not be based on the content or viewpoint of a proposed expressive activity. Groups or individuals engaged in expressive activities are responsible for the content of the expression. Questions regarding this policy may be directed to the Student Affairs, Vice President’s Office.

3. DEFINITIONS

- a. **Amplified sound:** The use of any loudspeaker, loudspeaker system, sound amplifier or any other machine or device which produces, reproduces, or amplifies sound.
- b. **Decibel level:** The intensity of sound expressed in decibels read from the A-level weighting scale and the slow meter response as specified by the American National Standards Institute.
- c. **Non-permitted commercial activities:** The use of the University’s facilities and/or grounds by the University of Houston-Victoria students, faculty, and staff for personal gain including distribution or posting of commercial literature or other items on campus for personal gain. Non-permitted commercial activities also include commercial use of University space by non-University affiliated individuals or groups where such use is not authorized by a written agreement with the University (See MAPP 09.03.01).
- d. **Expressive activity:** Any non-curriculum related rally, parade, demonstration, stationary structure or display, concert or other expressive activity, including literature distribution.
- e. **Official University event or activity:** Any event, program or activity sponsored by a University department in the course of fulfilling their University mission, activities that occur within the classroom, or events that occur within the regular or recurring sphere of activity of a University department.
- f. **Registered student organization:** A student organization officially registered with Student Life.
- g. **Sign:** A billboard, placard, or other writing, drawing, picture, projected image, or similar item displayed for the purpose of promoting events or activities or to convey a message or information of any type.

- h. **University:** The University of Houston-Victoria.
- i. **University department:** Any academic or nonacademic unit or division or any other official University entity.
- j. **University grounds:** Any outdoor University-owned, leased, or maintained grounds located on the University's main campus, excluding all buildings and structures.

4. RESERVATION OF OUTDOOR SPACE

University of Houston-Victoria faculty, staff, students, and members of registered student organizations may reserve the outdoor areas listed in advance to conduct expressive activities in accordance with this section. Non-University affiliated individuals or groups are only eligible to reserve the same areas listed in Section V (for a fee) and must follow the procedures below to do so. Individuals or groups must request the use of outdoor space by submitting the [Facilities and Grounds Reservation Form](#). Reservations are accepted on a first-come first-served basis. Each outdoor space for any single user, be it a reserving group or individual, can be reserved for a total of three days in any two-week period, but overnight reservation of outdoor space is not allowed. The requesting group or individual seeking to reserve outdoor space pursuant to this section must submit a completed **Expressive Activity Description Form** to the Office of the Vice President for Student Affairs at least seven business days in advance of the proposed expressive activity. Absent extenuating circumstances, the Vice President for Student Affairs or designee will approve or deny the proposed expressive activity within five business days of receiving the Form. In completing the Form, the following information will be required (Items A-L included on the Form):

- a. Date of application;
- b. Proposed date(s) of the expressive activity;
- c. Proposed start and finish times;
- d. Proposed location;
- e. Name of the activity;
- f. Anticipated attendance;
- g. Target audience(s);
- h. Advertising methods;
- i. Expressive activity description (i.e., speech, rally, open microphone, display, literature distribution, etc.);
- j. Campus sponsoring organization name and. If any, external sponsoring organization name (co-sponsor);
- k. Contact person name, phone number, and e-mail address; and
- l. Applicant's signature.

The decision as to whether to approve or deny the reservation request will be based on proper and timely completion of the Form, compliance with the applicable sound and sign

requirements, and availability of space. This decision will be based only on the aforementioned criteria, and in no circumstances will any decision be based on the content or viewpoint of the expressive activity, or upon the expected reaction of others to the expression, except as permitted by law.

The requesting group or individual, if they so desire, may appeal the Vice President's or designee's decision in writing to the President of within two business days of the decision. The President will render a decision within two business days of receiving an appeal. Requestors are encouraged to submit their reservation requests as early as possible to allow time after the approval process to prepare for their activities.

The Vice President for Student Affairs or designee may require an expressive activity to relocate if: (1) the anticipated or actual number of persons attending the event exceeds the reasonable capacity of the space intended for use and, therefore, materially interferes with the educational mission of the University; or (2) the activity potentially conflicts with previously scheduled activities and events.

5. OUTDOOR EXPRESSIVE ACTIVITY AREAS THAT MAY BE RESERVED IN ADVANCE

Kay's Grove and Pyramid Row can be reserved for outdoor expressive activity. These areas may also be used for expressive activity without a reservation; however, an individual or group with a reservation will have exclusive use and priority over other individuals or groups.

6. USE OF AMPLIFIED SOUNDS AND STATIONARY STRUCTURES/DISPLAYS

A. Stationary Structures/Displays: Expressive activities involving the use of stationary structures or displays are permitted only from 7:00 a.m. to 7:00 p.m. Stationary structures or displays must be kept at least five feet from all walkways. In no circumstances may any stationary display or structure exceed fifteen feet in length, width, or height, nor may any display or structure present a significant threat to public safety. The requesting group or individual may apply for a limited exception to these size restrictions, which the University shall grant only upon a compelling demonstration to the University that the proposed structure or display will be safe, will pose no significant safety hazard, and will not unduly restrict the egress or ingress of students, faculty, or staff. Any such request for a size exception must be made at least ten business days in advance. A student, faculty member, or staff member responsible for the structure or display must remain with it at all times.

B. Amplified Sound: Amplified sounds may only occur from 11:30 a.m. to 1:30 p.m. and from 4:00 p.m. to midnight on class days, and from 8:00 a.m. to midnight on non-class days. Amplified sounds shall not exceed 75 decibels levels. Amplified sound will be measured at the edges of the surrounding buildings. For the purposes of this policy, dB shall mean the intensity of sound expressed in decibels read from the A-level weighting scale and the slow meter response as specified by the American National Standards Institute.

7. LITERATURE DISTRIBUTION

All literature distribution must comply with the following rules:

- A. Persons distributing information at reserved information table locations must remain within their reserved table space and displays at reserved information table locations do not exceed beyond the dimensions of the width reserved table space and may not exceed seven feet in height.
- B. Literature or other printed materials must be distributed in person.
- C. Literature or other printed materials must not be forced upon others.
- D. The free flow of pedestrian, vehicular, or other traffic must not be obstructed at any point.
- E. Groups or individuals are responsible for ensuring that literature/printed materials do not litter the area.
- F. Literature/printed materials must not promote non-permitted commercial activities.

Registered student organizations may reserve tables through the Office of Student Life. Representatives of registered student organizations wishing to reserve these tables must separately request the use of space.

This section does not apply to literature/printed material distribution related to a vote for or against a candidate for elective University of Houston-Victoria Student Government Association (SGA) office or for or against a proposition on a ballot at an SGA election. Such distribution by registered University of Houston-Victoria students may take place in areas immediately adjacent to SGA polling locations and must comply with the rules cited in the SGA Election Code.

The posting of flyers by University of Houston-Victoria registered student organizations, campus departments, faculty members, staff members, and students is governed by the [Poster Guidelines & Location Checklist](#).

Individuals, groups, or representatives of non-University affiliated entities wishing to reserve information tables must request the use of space by submitting the [Facilities and Grounds Reservation Form](#). The reservation for the use of space is subject to applicable usage fees and associated charges.

8. SIGNS POSTED ON UNIVERSITY GROUNDS

The only types of signs that may be placed on University grounds are those that are sponsored by a University department and promote official University-sponsored events or activities. Signs may not be attached to University property (e.g., buildings, light poles, benches). University departments wishing to display signs on University grounds that promote official University activities and events must obtain approval from the respective Vice President at least seven business days prior to the proposed display. Signs will be subject to reasonable time, place, and manner restrictions and must include the name of the University department sponsoring the activity that it promotes.

9. TIME, PLACE AND MANNER RESTRICTIONS

A. The President or designated University representatives shall have the authority to take such steps to prevent expressive activities that materially interfere with the educational mission of the University. Further, activities that are unlawful or that materially and substantially disrupt the normal operations of the University campus are prohibited. Prohibited activities include, but are not limited to, the following:

1. Activities that are unlawful or that materially and substantially disrupt the normal operations of the university.
2. Activities that materially and substantially prevent other individuals or groups from carrying out an expressive activity.
3. Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of university facilities.
4. Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services.
5. Activities that threaten or endanger the health or safety of any person on university grounds.
6. Activities that result in damage or destruction of university property. Nothing may be affixed to or written on university property or grounds.

7. Activities that inherently lose First Amendment protection (e.g., defamatory statements, true threats/fighting words, obscenity [as defined by law])
 8. Expressive signage, posters, displays, or structures (herein “displays”) larger than 3 feet in height by 3 feet in width. Displays, literature, and other items may not be left unattended.
 9. Open flames on the university campus without the express written permission of the university.
 10. Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and satisfy such codes and ordinances (e.g., serving food and beverages).
- B. The University recognizes that some constitutionally-protected speech may be considered offensive by some or all listeners. An Expressive Activity does not automatically rise to the level of denying constitutional, statutory, or legal rights of others, solely because a listener is offended by the argument or idea presented. However, expressive activities that interfere with the legal rights of others will not be tolerated, and will be disciplined according to appropriate University policies, including, but not limited to SAM 01.D.07 – Anti-Discrimination Policy (which among other things defines a Protected Class¹), and SAM 01.D.08 Sexual-Misconduct Policy.

¹ Protected Class is defined as a “class of persons who are protected under applicable federal or state laws against Discrimination and Harassment on the basis of race, color, sex (including gender and pregnancy), genetic information, religion, age (over 40), national origin, ethnicity, disability, military status, sexual orientation, gender identity or status, gender expression, or any other legally protected status (such as discrimination and/or retaliation based on antisemitism.” Antisemitism “means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.” TEX. GOV’T CODE § 448.001(2).

10. ENFORCEMENT

A. Grievances – Complaints of a violation under this policy may be made as follows:

- Members of the university community may file a grievance regarding an alleged violation of this policy in the manner provided in the applicable [UHV Student Code of Conduct](#), [Student Handbook](#), [University Catalog](#), Faculty Handbook, or employee/personnel manual.

Alternatively, any complaints of a violation under this policy may be made through the [University of Houston System Fraud & Non-compliance Hotline](#).

B. Disciplinary Actions – Any person that participates in unlawful expressive activity, or that unduly interferes with the expressive activities of others on campus, including at an Official University event or activity, may be subject to disciplinary action, as outlined in the student codes of conduct, in policies relating to faculty or staff discipline, or in policies or laws relating to visitors on campus.

11. REVIEW AND RESPONSIBILITY

Responsible Party: Vice President for Student Affairs

Review: Every five years

12. APPROVAL

Vice President for Student Affairs

Date

**UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM**

SECTION: General Administration

NUMBER: 01.D.07

AREA: Legal Affairs

SUBJECT: Anti-Discrimination

1. PURPOSE

- 1.1. This Policy provides the exclusive mechanism for the University of Houston System and its universities (“University”) to manage the reporting of unlawful Discrimination and Harassment, as defined in this Policy, by providing a prompt, fair, and impartial investigation and resolution process. This Policy does not address allegations of sexual misconduct, which includes sexual harassment. (Please see [SAM 01.D.08 \(Sexual Misconduct\)](#), the applicable policy that addresses prohibited sexual misconduct and establishes a mechanism for processing complaints of sexual misconduct.)
- 1.2. Consistent with its commitment to addressing unlawful Discrimination and Harassment, the University complies with multiple laws that prohibit Discrimination and Harassment including, but not limited to, Title VII of the Civil Rights Act of 1964 (“Title VII”), Title IX of the Education Amendments of 1972 (“Title IX”), The Rehabilitation Act of 1973, The Americans with Disabilities Act of 1990, as amended, The Age Discrimination Act of 1975, and relevant state and local laws.

2. POLICY

- 2.1. The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, visitors, and applicants for admission or employment are free from Discrimination and Harassment of any kind. Discrimination and Harassment are antithetical to the standards and ideals of the University. The University will take appropriate action in an effort to eliminate Discrimination and Harassment from occurring, prevent their recurrence and address their effects.
- 2.2. The University is also committed to protecting, maintaining and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service, and research (see [SAM 01.D.15 \(Freedom of Expression\)](#)).

3. GENERAL DEFINITIONS

3.1. Complainant – An individual who may have experienced Discrimination, Harassment, or Retaliation by a Member of the University Community based on their Protected Class. Bystanders who are not a member of the Protected Class may make reports of alleged Discrimination or Harassment per Section 6 of this Policy but are not considered Complainants under this Policy.

3.2. Discrimination – Treating an individual or members of a Protected Class less favorably because of their membership in that class or having a policy or practice that has a disproportionately adverse impact on Protected Class members.

For examples of Discrimination, see Section 5.

3.3. Equal Opportunity Coordinator – The person who is designated to coordinate efforts to comply with and implement this Policy. The Equal Opportunity Coordinator (or their designee) is responsible for conducting the administrative investigation of reports of Discrimination or Harassment and is available to discuss options, provide support, explain University policies and procedures, and provide education on relevant issues.

The Equal Opportunity Coordinators for each university are located at the following Equal Opportunity offices:

- University of Houston System/University of Houston
Office of Equal Opportunity Services
713-743-8835
- University of Houston – Downtown
Office of Title IX/Equal Opportunity Services
713-221-5771
- University of Houston – Clear Lake
Office of Title IX and Equal Opportunity Services
281-283-2305
- University of Houston – Victoria
Office of Title IX and Equal Opportunity
(361) 570-4835

In the event that there is a conflict of interest for a University’s Equal Opportunity Coordinator, the UH System Equal Opportunity Coordinator will appoint another University’s Equal Opportunity Coordinator or designee to serve in their place. If the System Equal Opportunity Coordinator has a conflict of interest, the Vice Chancellor for Legal Affairs will appoint another University’s Equal Opportunity Coordinator to serve in their place.

3.4. Formal Complaint – A document filed by a Complainant and accepted by the Equal Opportunity Coordinator alleging Discrimination or Harassment against a Respondent and requesting that the University investigate the allegation(s).

3.5. Harassment – is either:

- Subjecting an employee on the basis of their membership in a Protected Class to unwelcome conduct that is severe or pervasive enough to alter the conditions of the employee’s employment and create a hostile or abusive working environment; or
- Subjecting a student on the basis of their membership in a Protected Class to severe, pervasive, and objectively offensive treatment that denies the student equal access to education.

For examples of Harassment, see Section 5.

3.6. Member of the University Community – Members of the University Community include:

- University faculty, staff, administrators, employees, and contractors;
- University students;
- Volunteers and participants in any University program or activity;
- Applicants for admission and/or employment; and
- Guests and visitors to campus, to any property owned or leased by the University, or to any property owned or leased by any University-Affiliated organization or group.

3.7. Personal Advisor – An individual serving as a personal advisor or support person to a named party in a report of Discrimination, Harassment, or Retaliation. Any named party is entitled to have one (1) Personal Advisor of their choice present during any meeting or proceeding related to the investigation. This advisor may be an attorney, provided at their own expense, with no cost to the University. Personal Advisors may attend any meeting, proceeding or hearing related to the investigation, but may not speak on behalf of the individual they are advising or be a witness.

3.8. Protected Class – A class of persons who are protected under applicable federal or state laws against Discrimination and Harassment on the basis of race, color, sex (including gender and pregnancy), genetic information, religion, age (over 40), national origin, ethnicity, disability, military status, sexual orientation, gender identity or status, gender expression, or any other legally protected status (such as discrimination and/or retaliation based on antisemitism¹).

¹ Antisemitism “means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.” TEX. GOV’T CODE § 448.001(2).

- 3.9. Resolution Agreement – As part of the informal resolution process, when a report alleges a non-violent violation of this Policy, the Complainant and Respondent may resolve the report by agreement. Under a Resolution Agreement, the Respondent will participate in training or other conditions as set forth in the Resolution Agreement. The Resolution Agreement is not an admission of guilt or responsibility by the Respondent, and neither party has the right to appeal. The Equal Opportunity office will document that the terms of the Agreement have been met and update the parties as appropriate.
- 3.10. Respondent – A party or person who is designated to respond to a report or Formal Complaint. Generally, the Respondent is the person alleged to be responsible for the prohibited Discrimination, Harassment, or Retaliation alleged in the complaint. The term “Respondent” may also be used to designate persons with administrative responsibility for procedures and policies in those areas covered in a complaint.
- 3.11. Retaliation – Retaliation has the meaning set forth in Section 5.2.A of this Policy.
- 3.12. Student – A person who: (a) is currently enrolled at the University; (b) is accepted for admission or readmission to the University; (c) has been enrolled at the University in a prior semester or summer term and is eligible to continue enrollment in the semester or summer term that immediately follows; (d) is attending an educational program sponsored by the University while that person is on University Premises; or (e) has engaged in prohibited conduct at a time when he/she met the criteria of (a), (b), (c), or (d).
- 3.13. University-Affiliated Activity – Any activity that is initiated, aided, authorized or supervised by the University or by an officially-recognized organization of the University. This also includes activities performed within the scope of employment.
- 3.14. University Premises – Buildings or grounds owned, leased, operated, controlled or supervised by the University.

4. JURISDICTION

The University has jurisdiction over, and will respond to, allegations of Discrimination or Harassment occurring on the University’s Premises, at University-Affiliated Activities, and where either the Complainant or Respondent is a student, faculty member, or staff member. In addition, if conduct occurs off University Premises between two University-Affiliated individuals, the University has jurisdiction. Other than the University Police Department which may conduct a criminal investigation as appropriate, the University does not have jurisdiction over allegations between visitors or non-affiliated persons under this Policy.

4.1. Allegations Involving University-Affiliated Organizations

- A. If a Formal Complaint is made alleging that a University-Affiliated organization has violated this Policy, the Equal Opportunity office will notify the appropriate administrative department and/or adjudicative body

over that organization to ensure a timely, equitable process to determine if a University-Affiliated Organization violated relevant University policies.

- B. The Equal Opportunity office will work in partnership with the appropriate adjudicative body should there be concurrent investigations involving individuals and organizations, including, but not limited to, sharing information with appropriate University administrators who have a legitimate need to know.
- C. If a report is made involving a University-Affiliated Organization, the Equal Opportunity office will seek to identify any individuals who may be involved. The Equal Opportunity office will, in collaboration with the alleged victim whenever possible, determine whether a Formal Complaint will be filed against any identified individuals, as per this Policy.

- 4.2. The process outlined in this Policy is separate from any criminal proceeding related to the reported behavior and may occur while criminal proceedings are ongoing.
- 4.3. Proceedings under this Policy will not be dismissed or delayed because criminal prosecution is pending, criminal charges have been dismissed, or the criminal charges have been reduced.
- 4.4. Proceedings may also continue if a party is no longer employed with or a Student of the University.
- 4.5. To the extent that a concern is raised in an untimely manner (more than 180 calendar days from the last incident of Discrimination or Harassment) it is within the Equal Opportunity office's discretion not to pursue the matter.
- 4.6. Reports Outside of University Jurisdiction

If the University is notified that a Member of the University Community has reported an incident of Discrimination or Harassment, but the action occurred outside of the University's jurisdiction as described in this Section, the University will still take reasonable steps to ensure the individual's safety while on University Premises and to offer the individual information about resources both on and off University Premises.

5. PROHIBITED CONDUCT

5.1. Discrimination and Harassment

Discrimination and Harassment are violations of this Policy and will not be tolerated. The University prohibits Discrimination and Harassment against any Member of the University Community based on their membership in a Protected Class.

- A. Examples of Discrimination include, but are not limited to: denying an applicant employment because of their membership in a Protected Class, taking adverse employment or academic action against a person because of their Protected Class; denying admission to a University activity based on a person's Protected Class; failing to provide reasonable accommodations to a person with a documented disability, for pregnancy or related medical conditions (See SAM 01.D.16), and for a sincerely held religious belief.
- B. Examples of Harassment include, but are not limited to: epithets or slurs, threatening, intimidating or hostile acts or statements, and display or circulation (including through e-mail or virtual platforms) of written or graphic material in the learning, living, or working environment, as long as the conduct rises to the level where it is actionable under Section 3.5.
- C. An individual's subjective belief that behavior is intimidating, hostile, or offensive, in and of itself, is not sufficient to establish Discrimination or Harassment. The behavior must satisfy the standard for Discrimination or Harassment from both a subjective and objective perspective. In determining whether Discrimination or Harassment has occurred, the university will examine the context, nature, scope, frequency, duration, and location of incidents, as well as the relationships of the individuals involved, and apply the appropriate standard according to the applicable complaint resolution procedures.
- D. A minor verbal and nonverbal slight, snub, annoyance, insult or isolated incident including, but not limited to a microaggression, is not sufficient to establish Discrimination or Harassment. General concerns of unprofessionalism should be addressed per normal departmental operating procedures. The Equal Opportunity office may refer concerns of general professionalism back to the supervisor(s) to review and address as appropriate.

5.2. Retaliation

- A. Retaliation under this Policy includes, but is not limited to, any adverse employment or educational action taken for making a report of unlawful Discrimination or Harassment, making or filing a charge under this Policy, testifying, assisting or participating in any manner in an investigation, proceeding or hearing under this Policy, or for otherwise participating under this Policy ("Retaliation").
- B. The University takes reports of Discrimination and Harassment very seriously and will not tolerate Retaliation against those who make reports of Discrimination or Harassment or who participate in the investigation or adjudication process.
- C. Any actual or threatened retaliation or any act of intimidation to prevent or otherwise obstruct the reporting of Discrimination or Harassment or the

participation in proceedings relating to Discrimination or Harassment, may be considered a separate violation of this Policy and may result in disciplinary sanctions.

6. REPORTING INCIDENTS

- 6.1. Any person, regardless of whether they are the person being subjected to Discrimination or Harassment, may report Discrimination, Harassment, or Retaliation to the Equal Opportunity Coordinator in person, by mail, by electronic mail, by telephone, or by the University's electronic reporting system.

An individual should contact their University's Equal Opportunity Coordinator as close to the date of the incident(s) as possible. An individual should be aware that by contacting the Equal Opportunity Coordinator, they are placing the University on notice of alleged Discrimination, Harassment, or Retaliation and, depending on the facts and circumstances of the case, the Equal Opportunity office may not be able to keep the information confidential and may be obligated to act.

6.2. Required Reporting

- A. All employees, students, and third parties are encouraged to take reasonable and necessary action to prevent unlawful Discrimination, Harassment, and Retaliation and to report the conduct to the Equal Opportunity Coordinator.
- B. Employees in a supervisory capacity have a duty to act to not only prevent unlawful Discrimination, Harassment, and Retaliation, but to also report the conduct and behavior to the Equal Opportunity Coordinator. A supervisor who fails to act may be found to have violated this Policy, even if the underlying event does not constitute unlawful Discrimination and Harassment.
- C. All supervisors who receive a report of Discrimination or Harassment must share that information with the Equal Opportunity Coordinator and cannot maintain confidentiality, with the exception of:
 - 1. The staff of a counseling or health center acting in their capacity as a counseling or health provider, and
 - 2. Individuals who are associated with the University in the role of a pastoral counselor or confidential advisor acting in that capacity.
- D. In addition, some individuals who are not supervisors who must share reports of Discrimination or Harassment with the Equal Opportunity Coordinator include, but are not limited to:
 - 1. Academic Advisors

2. Resident Advisors
3. Elected members of Student Government Associations, and
4. Individuals, including students, serving as supervisors, even if they are volunteers, at a University-Affiliated activity. These individuals could be teaching, graduate assistants, research assistants, chaperones, peer mentors, or retreat counselors.

These individuals are required to report because they are either in a position to do something about the alleged actions, may be perceived to be able to do something about the alleged action, or would otherwise have to report known or suspected incidents of Discrimination or Harassment.

6.3. Anonymous Reporting

- A. Alleged victims and others not required to report may submit a report through the [Fraud and Non-Compliance Hotline](#), which allows the option of anonymity. The University will work with anyone who is identified via a Fraud and Non-Compliance report or subsequent investigation to provide anonymity to the full extent possible under this Policy.
- B. Upon receipt of an anonymous report that implicates this Policy, the Equal Opportunity Coordinator will notify the reporter of possible options including the process to submit a Formal Complaint.
- C. Where the University cannot take formal disciplinary action because of an individual's insistence on anonymity or confidentiality, the University may pursue other steps to limit the effects of the alleged Discrimination or Harassment and attempt to prevent its recurrence.

6.4. Reporting to Outside Entities

An individual wishing to make a complaint may also contact the U.S. Department of Education, Office for Civil Rights (OCR)

Office for Civil Rights
U.S. Department of Education
1301 Young Street, Suite 1169
Dallas, TX 75202
Phone: (800) 537-76970
FAX: (214) 767-0432

Employees may also contact the U.S. Equal Employment Opportunity Commission to complain of Discrimination or Harassment:

U.S. Equal Employment Opportunity Commission
Houston District Office
1919 Smith Street, 6th Floor

Houston, TX 77002
Phone: (800) 669-4000
FAX: (713) 651-4987
TTY: (800) 669-6820
ASL Video Phone: (844) 234-5122

The Equal Opportunity office shall maintain documents related to reports and Formal Complaints under this Policy as required by law.

7. CONFIDENTIALITY

The confidentiality of a report or Formal Complaint under this Policy and all documents relating to the investigation will be maintained on a business need-to-know basis to the extent permitted by law.

8. PRELIMINARY RESPONSE PROCEDURES

8.1. When a report is received alleging a violation of this Policy, the University will take appropriate steps to assess whether additional actions, beyond a formal investigation and possible disciplinary sanctions, are appropriate. These actions may be implemented regardless of whether a Formal Complaint is filed and regardless of whether a finding of a violation is made.

8.2. A report of a violation of this Policy does not automatically begin the formal grievance procedures outlined in this Policy. Complainants may request informal services such as confidential support resources or an informal resolution (see Appendix A). Complainants may also seek a formal grievance process by filing a Formal Complaint as described in Appendix B.

8.3. When the Equal Opportunity office receives a report regarding an alleged violation of this Policy, it will take reasonable measures to do the following:

- Contact the Complainant and the Respondent to notify them of their rights and options under this Policy as appropriate;
- Implement any appropriate Supportive Measures;
- Conduct a preliminary investigation, as appropriate; and
- Advise the appropriate department(s) on the results of any preliminary investigation and responsibilities per this Policy, if applicable.

9. REQUIRED EMPLOYEE TRAINING

- 9.1. Equal Opportunity Coordinators and their designees will receive training at least annually on issues related to Discrimination and Harassment and how to conduct the processes outlined in this Policy while being both trauma-informed and impartial, protecting the safety of involved parties, and promoting accountability.
- 9.2. Members of the Equal Opportunity hearing board will receive training at least annually on issues related to Discrimination and Harassment. These individuals will also receive training on the role of the Equal Opportunity office to enforce this Policy, best practices for hearings and hearing panelists, and their role in ensuring and promoting safety, due process, and accountability.
- 9.3. The University will provide training for all incoming students and new employees that increase their knowledge about this Policy, their rights, and resources, as well as strategies to prevent violence, promote safety, and reduce perpetration. Employees will receive initial mandatory training within thirty (30) days after their hire date and supplemental training every two (2) years.
- 9.4. The University will provide on-going prevention and awareness campaigns for students and employees that will increase their knowledge about this Policy, their rights and resources, as well as strategies to prevent violence, promote safety, and reduce perpetration.

10. ACCOMMODATIONS

- 10.1. The University prohibits discrimination against any student, faculty, or staff member based on their religion. Reasonable workplace accommodations will be made for persons with sincerely-held religious beliefs. Students should make requests for religious accommodation directly to their instructor (See [Religious Holy Days](#)). Employees should make requests for religious accommodation directly to their supervisor. If there are any concerns by any party, please contact the applicable Equal Opportunity Coordinator.
- 10.2. Pregnant and parenting students and employees should refer to [SAM 01.D.16 \(Pregnant and Parenting Student and Employee Accommodations\)](#) for information regarding accommodations for pregnant and parenting students and employees.
- 10.3. Employees who have a disability should refer to [SAM 02.E.09 \(Reasonable Workplace Accommodations for Employees With Disabilities\)](#) for information regarding the workplace accommodation process.
- 10.4. Students who have a disability should refer to [SAM 01.D.09 \(Student Academic Accommodations\)](#) for information on the academic accommodation process.

11. REVIEW AND RESPONSIBILITY

Responsible Party: Vice Chancellor for Legal Affairs and General Counsel

Review: Every five years

12. APPROVAL

Approved: /Dona Cornell/
Vice Chancellor for Legal Affairs and General Counsel

 /Renu Khator/
Chancellor

Date: November 19, 2023

13. RELATED STATUTES, POLICIES, OR REQUIREMENTS

- [Equal Pay Act of 1963](#)
- [Title VI & VII of the Civil Rights Act of 1964](#)
- [Age Discrimination in Employment Act of 1967](#)
- [Title IX of the Education Amendments of 1972](#)
- [Equal Employment Opportunity Act of 1972](#)
- [Section 503 & 504 of Rehabilitation Act of 1973](#)
- [Vietnam Era Veterans' Readjustment Assistance Act of 1974](#)
- [Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008](#)
- [Civil Rights Act of 1991](#)
- [Executive Order 11246](#)
- [Genetic Information Nondiscrimination Act of 2008](#)

[TX Executive Order GA-44 \(Abbott\), March 27, 2024](#)

APPENDIX A – INFORMAL PROCESS

1. Individuals may contact the Equal Opportunity office to discuss issues relating to unlawful Discrimination, Harassment, and Retaliation with or without filing a Formal Complaint.
2. Either party can request an informal resolution to resolve a report. The Equal Opportunity office will determine whether informal resolution is an appropriate mechanism of potential resolution based on the nature of the allegations. Informal resolution requires the consent of both parties. The parties may agree upon a variety of resolutions such as modification of work assignment, training for a department, or an apology. If the parties are unable to reach a resolution, a Formal Complaint may be filed under Appendix B, Section 1 – Formalizing the Complaint.
3. The Equal Opportunity office may also respond to the specific needs of impacted persons and/or may address the needs of the University community.
 - Actions may include extending interim measures provided to impacted persons such as those listed in Appendix B, Section 4 – Consideration of Interim Measures or new actions taken to respond to immediate and long-term concerns regarding personal safety, academic success, and emotional well-being.
 - Actions to address the needs of the University community may include, but are not limited to, training (both targeted training and campus-wide programs), campus safety assessments, campus climate surveys, and evaluation of policies and procedures.
4. The Equal Opportunity office will consider informal measures as appropriate. Outcomes may include, but are not limited to:
 1. Maintaining documentation regarding the allegations and providing Policy information to the Complainant;
 2. Consultation with appropriate officials to provide notice of a concern, suggestions to prevent escalation, a reminder of reporting obligations, and other Policy information as appropriate;
 3. Referral to support services on or off University Premises;
 4. Safety planning;
 5. Educational conversation with Respondent; and/or
 6. Resolution Agreement

APPENDIX B – FORMAL COMPLAINT PROCESS

1. Formalizing the Complaint

- A. If an individual wishes to formalize a complaint, they will be asked to complete a Formal Complaint Questionnaire with their Equal Opportunity Coordinator. The filing of a complaint of Discrimination, Harassment, or Retaliation under this Policy will not stop or delay any disciplinary action related to the Complainant or Respondent who has been found to not be performing up to acceptable standards or who has violated University rules, policies, or procedures.
- B. The deadline for filing a Discrimination or Harassment complaint is 180 calendar days from the date of the alleged incident(s). It is within the Equal Opportunity Coordinator's discretion to pursue a matter that is untimely filed if the Equal Opportunity office receives sufficient information that demonstrates the reason for the delay as a result of extraordinary circumstances. It should be noted that once a complaint is filed, if the Complainant decides to withdraw the complaint, the University's investigation may still proceed.

If the alleged Complainant does not wish to pursue a Formal Complaint:

1. The University may determine that it will serve as the Complainant.
2. The decision for the University to file a complaint with the University as Complainant is not taken lightly and will be based on various factors including, but not limited to, the type of allegations alleged in the report, prior reports received, potential for repeated behavior, multiple Complainants, and/or potential on-going risk to the victim or the University Community.
3. When the University serves as a Complainant, it will work with the alleged victim to the extent they would like to participate.
4. Alleged victims who decline to serve as a Complainant will maintain certain rights as per this Policy. However, Non-Complainant alleged victims do not have appeal rights as per this Policy.

2. Complaint Evaluation

- A. The Equal Opportunity office reserves the right to not proceed with a Formal Complaint for the following, non-exclusive reasons:
- If a complaint is not filed timely;
 - If the complaint on its face does not provide sufficient details or facts for a finding to be made under the Policy;

- If the complaint does not provide facts which link the alleged conduct to a Protected Class category;
 - If the Complainant expressly or by action declines to cooperate with the investigation;
 - If an appropriate resolution or remedy has already been achieved;
 - If the conduct/behavior described in the complaint is not covered by a policy enforced by the Equal Opportunity office;
 - If the University no longer has jurisdiction over the Respondent and, when appropriate, remedies have been offered to the Complainant.
- B. If the Equal Opportunity Coordinator decides to not proceed with a Formal Complaint, they will notify the Complainant within five (5) business days of the decision explaining the reason(s) for this decision. This notification will also include a statement informing the Complainant of their ability to refile their complaint if they have additional or new information and that this new complaint will be assessed on its own merits.
- C. Upon dismissal of a Formal Complaint, the Complainant may appeal the dismissal by notifying the Equal Opportunity Coordinator within five (5) business days. The Equal Opportunity Coordinator will forward the appeal to the System Equal Opportunity Coordinators, who will conduct a documentary review of the complaint. The System Equal Opportunity Coordinators will inform the Equal Opportunity Coordinator of their majority decision to support the dismissal or remand for further review. The Equal Opportunity Coordinator will inform the Complainant of the decision in writing. If the decision to dismiss is upheld, that decision is final.
- D. Within five (5) business days after receiving and accepting a Formal Complaint, the Equal Opportunity Coordinator or their designee will provide a copy of the complaint to the Respondent(s).

3. Response to a Formal Complaint

- A. A Respondent's response to the complaint is due to the Equal Opportunity office within five (5) business days from the Respondent's receipt of the complaint. Extensions may be granted for good cause.
- B. The response should address and respond to the specific allegations made in the complaint and can include any other rebuttal information.
- C. A response may be provided in writing or through an in-person interview with the investigator(s).

- D. While a Respondent is not required to provide a response to the complaint or answer questions related to the investigation, this will not stop the Formal Complaint process from proceeding.
- E. A Respondent's failure to acknowledge the receipt of the complaint may be considered a violation of relevant University policies and could result in additional disciplinary action.

4. Consideration of Interim Measures

- A. The Equal Opportunity office will consider interim measures and requests for support services when a Formal Complaint has been filed to protect involved parties while the incident is investigated and adjudicated under this Policy.
- B. The Equal Opportunity office and other appropriate University administrators will work together to identify alternative arrangements that will preserve the rights of both the Complainant and the Respondent(s), as well as provide a safe overall educational or working environment while the complaint is investigated and adjudicated.
- C. Failure to adhere to the parameters of any interim measure may be considered a separate violation of this Policy and may result in disciplinary action.
- D. Non-Complainant alleged victims always maintain the right to reasonable interim measures.

5. Formal Investigation

- A. Absent extenuating circumstances, an investigation will begin upon receipt of a complaint of alleged Discrimination, Harassment, or Retaliation which may be prior to receiving a response from a Respondent.
- B. The investigator(s) will attempt to interview the Complainant, the Respondent(s), and any witnesses, as appropriate.
- C. The investigator(s) will also gather and review any information they deem pertinent, as well as any information submitted by the Complainant, the Respondent(s), and/or any witnesses.
- D. Both Complainant and Respondent will be provided equal opportunity to identify witnesses and provide other inculpatory and exculpatory evidence.
- E. If during the course of an investigation additional actions that may constitute a violation of Policy are identified, the University will determine on a case-by-case basis whether and how to investigate those allegations. Facts used to make this determination include, but are not limited to, the type of action identified and whether the actions occurred during the same incident or during a separate incident.

- F. Each investigation will be completed in the time necessary to ensure a thorough and fair process.
- G. After reviewing all available evidence, the Equal Opportunity office will prepare a draft investigative report for review by the parties. The parties have ten (10) business days to submit any comments about the report, if they so choose.
- H. The Complainant and Respondent(s) should be provided updates on the progress of the investigation and issuance of the report.

6. Finding

- A. After consideration of any comments submitted by the parties, the Equal Opportunity office will issue a Notice of Finding simultaneously in writing to both parties and notify them of any appeal rights under this Policy.
- B. The finding(s) in the Notice of Finding will be determined using a preponderance of the evidence standard, that is, whether it is more likely than not that a Respondent violated this Policy.
- C. If it is determined that this Policy was violated, appropriate University action will be recommended in an effort to eliminate Discrimination, Harassment, or Retaliation, prevent its recurrence, and address its effects.
- D. Even if it is determined that there was not sufficient evidence to support a violation under this Policy, a recommendation may be made that a Respondent undertake educational initiatives and/or trainings.
- E. After a Notice of Finding has been issued, any party to the complaint may request to meet with the investigator(s) to discuss the investigation, finding(s), and/or to inspect the investigative file.

7. New Information

- A. If a party has new information they believe would have significantly impacted the finding(s) (e.g., witness testimony, documents, or other tangible evidence), they may submit that information to the Equal Opportunity Coordinator.
- B. If the Equal Opportunity Coordinator determines that the submitted information should be reviewed and the information was not available for the party to present during the investigation, the case may be re-opened.
- C. The Equal Opportunity Coordinator will inform the party(ies) who did not bring forth the new evidence of the request to re-open the investigation and the basis for the request. These parties will have the opportunity to respond to this information, and the Equal Opportunity Coordinator will consider the response(s) in deciding whether to re-open the investigation.

- D. If the Equal Opportunity Coordinator decides to re-open the investigation, the parties will be notified, and the process will resume at the formal investigation stage set forth in Section 5 – Formal Investigation above.

8. Appeal

A. Filing an Appeal

- 1. An appeal of the finding(s) must be submitted in writing to the Equal Opportunity Coordinator within five (5) business days of receiving the finding(s).
- 2. The Complainant and the Respondent(s) have the right to appeal a finding for any error or procedural defect occurring during the investigation that could have significantly impacted the finding.
- 3. An appeal is not a new investigation of the complaint.
- 4. A non-appealing party does not have to participate.
- 5. The appellant may seek to withdraw an appeal by submitting a request in writing to the Equal Opportunity Coordinator prior to the scheduled start of the hearing. A withdrawn appeal or the expiration of the appeal period, whichever is longer, will conclude the matter and the finding(s) will be final.

B. Composition of the Board and Hearing Panel

- 1. Members of the Board are selected from recommendations from the University’s Faculty Senate, Staff Council, and Student Affairs departments/offices, who shall each recommend at least five (5) individuals to the University’s President. The President shall then select a Board of eight (8) with representation from each group recommended. Except for the first Board, members shall serve staggered terms of three (3) years.
- 2. Upon the Equal Opportunity Coordinator’s receipt of the appeal, they will take a poll to identify four (4) Board members to hear the appeal and compose the hearing panel (three (3) members of the hearing panel will serve as voting members and one (1) will serve as an alternate, non-voting member).
- 3. A selected hearing panel member may request in writing not to serve on a panel based on a conflict of interest, and another board member may be substituted.

C. Responsibilities of the Hearing Panel

1. The hearing panel will make decisions using a preponderance of the evidence standard.
2. The role of the hearing panel is to accept, remand, or reject the finding(s).
3. The hearing panel can only recommend remanding the finding(s) if:
 - a. an error or procedural defect occurred during the investigation that could have significantly impacted its finding(s), or
 - b. further investigation is warranted for any other material reason.
4. The hearing panel can only recommend rejecting the finding(s) if:
 - a. the weight of the evidence does not support or is contrary to the finding(s), or
 - b. an error or procedural defect that significantly impacted the finding(s) is discovered and the error cannot be remedied.
5. While the hearing panel will have the opportunity to review any evidence presented on appeal, their role is not to reinvestigate the original complaint or to review allegations that would otherwise constitute a new complaint under this Policy or any other University policy.

D. Preparing for a Hearing

1. Absent extenuating circumstances, the Equal Opportunity Coordinator will schedule a hearing within fifteen (15) business days from the filing of the appeal, or as soon as practicable.
2. Once the hearing is scheduled, requests to reschedule the hearing must be submitted in writing to the Equal Opportunity Coordinator.
3. The Complainant and Respondent(s) will be notified of the composition of the hearing panel for their hearing. Within five (5) business days of this notification, the Complainant and Respondent(s) have the opportunity to object in writing to a panel member for cause. The Equal Opportunity Coordinator will consider any objection and replace the Panel member if appropriate.
4. Each party may bring one (1) Personal Advisor of their choosing to the hearing.

5. No later than five (5) business days prior to the hearing, all materials that will be used at the hearing must be submitted to the Equal Opportunity Coordinator or their designee, who will forward the materials to the hearing panel and will simultaneously make available for inspection or provide the materials to both parties. The materials must include:
 - a. All documents and other tangible evidence that will be used as evidence during the hearing;
 - b. The names of any witnesses and a brief summary concerning the subject matter of the witness' expected testimony; and/or
 - c. The name of any advisor to be in attendance at the hearing and whether that person is an attorney.
6. No advisor, witness, document, or tangible evidence will be permitted at the hearing unless such information was timely submitted.
7. No new information as described in Section 7 – New Information will be presented to the hearing panel before or during the hearing.
8. It is the responsibility of the party wanting to present a witness to secure that witness.

9. Hearing

- A. Prior to the beginning of a hearing, the members of a hearing panel will select a Chairperson for the hearing (the “Panel Chairperson”).
- B. During the hearing, the Panel Chairperson may impose the following guidelines:
 1. Impose reasonable time limits on any stage of the hearing.
 2. Determine the relevance of, and place restrictions on, any witness or information presented.
- C. The Panel Chairperson and/or Panel may question any individual at any time during the hearing.
- D. The parties may question their own witnesses, but they cannot directly question each other or any other party's witnesses.
- E. The parties may request that the Panel Chairperson ask questions of another party or their witnesses by submitting proposed questions to the Panel Chairperson in writing either prior to or during the hearing.
- F. The Panel Chairperson may determine which questions are relevant, and the Panel Chairperson has the discretion to revise a question or to decline to ask the question.

- G. An audio recording of the hearing will be kept for the use of the Panel and for any appeal.
- H. In cases where an appellant or an appellee does not participate in or attend the hearing, the Panel will convene and make a decision based on the evidence and testimony available to the Panel. Any party who declines to participate in a hearing waives any additional right to appeal.
- I. This hearing process is an internal University process and not a formal courtroom process in which rules of evidence and courtroom procedures apply.
- J. If the Equal Opportunity Coordinator, their designee, or Panel determines it is necessary or advisable, alternative testimony options will be available such as allowing a witness to appear via other virtual means (e.g., via telephone).

10. Panel Decision

- A. After the hearing has concluded, the three voting members of the Panel will deliberate in private.
- B. The Panel's decision(s) as discussed in Section 8.C.2 – Responsibilities of the Hearing Panel will be by majority vote.
- C. The Panel will communicate its decision by completing the Hearing Decision Form and forwarding it to the Equal Opportunity Coordinator within three (3) business days of the hearing. If the decision is to remand the case to correct an investigative error(s), the Panel will indicate the error(s) to be corrected.
- D. The Equal Opportunity Coordinator will then provide a copy of the decision simultaneously to all parties involved in the complaint.
- E. If the case is remanded to correct an investigative error, the Equal Opportunity office will investigate and submit an Amended Report of Finding(s) to the same hearing panel for review. This Amended Report of Finding(s) will include the actions taken to correct the investigative error. The review process will then restart at Section 8.D.1 – Preparing for a Hearing.
- F. At the second hearing, testimony will begin with the Equal Opportunity office's presentation, and all parties will be given the opportunity to respond to the new information provided by the Equal Opportunity office, ask the Equal Opportunity office questions, and present any relevant witnesses and/or information.
- G. If the Panel accepts or rejects the finding(s), any party or the Equal Opportunity office may appeal the Panel's decision to the appropriate administrator.
- H. Any appeal must be filed with the Equal Opportunity office in writing within five (5) business days of the Panel's decision. The Equal Opportunity office will

forward the appeal to the appropriate administrator for review. If no appeal is filed by the deadline, the Panel's recommendation(s) become final.

11. Final Appeal to Appropriate Administrator

- A. The role of the appropriate administrator is to accept, reject, or remand the Panel's recommendation(s).
- B. If an appeal is filed, the appropriate administrator will review the record on appeal which may include the case file, appeal documentation, and hearing recording, and will render a decision within fifteen (15) business days from the date that the appeal is filed.
- C. If the appropriate administrator extends the fifteen (15) day deadline, they must provide an explanation to the parties and the Equal Opportunity Coordinator in writing by that deadline and every ten (10) business days thereafter.
- D. The appropriate administrator can only recommend remanding the case back to the Equal Opportunity Coordinator if they find:
 - 1. an error or procedural defect occurred during the investigation that could have significantly impacted the finding(s), or
 - 2. further investigation is warranted for any other material reason.
- E. The appropriate administrator can only reject the finding(s) if they find:
 - 1. the weight of the evidence does not support or is contrary to the finding(s), or
 - 2. an error or procedural defect that significantly impacted the finding(s) is discovered and the error cannot be remedied.
- F. The appropriate administrator can remand the case back to the Panel if they find an error or procedural defect occurred during the hearing:
 - 1. that could have significantly impacted the Panel's recommendation(s), or
 - 2. which caused harm to the appellant or appellee.
- G. If the appropriate administrator accepts or rejects the Panel's recommendation(s), the decision becomes final.

12. Sanctions and Remedies

- A. If there is a finding of a violation of this Policy, and any appeal of the finding has been exhausted, the Equal Opportunity Coordinator will recommend that

appropriate University action be taken, and any sanction imposed on the Respondent(s) will be determined by and implemented by the appropriate administrator after consultation with the Equal Opportunity Coordinator.

1. If there is a finding of a violation of this Policy against a faculty member, any sanctions imposed on the faculty member will be determined by and implemented by the appropriate administrator after consultation with the Equal Opportunity Coordinator and consistent with the University's faculty handbook/manual.
 2. If there is a finding of a violation of this Policy against a non-faculty University employee, any sanction imposed on the employee will be determined by and implemented by the appropriate administrator after consultation with the Equal Opportunity Coordinator and consistent with the University's policies and procedures related to employee discipline.
 3. If there is a finding of a violation of this Policy against a student, any sanction imposed on the student will be determined by and imposed by the Dean of Student's Office or its equivalent after consultation with the Equal Opportunity Coordinator and consistent with the University's policies and procedures related to student conduct/discipline.
- B. The sanctions for committing an act of Discrimination or Harassment will be commensurate with the offense and may include, but are not limited to, the following:
- Probation (including disciplinary probation)
 - Temporary or permanent ban from campus locations (such as residence hall communities)
 - Ban from participating in campus organizations or activities
 - Disqualification from employment or student leadership positions
 - Withholding of transcripts, grades, diploma, or degree
 - Partial or full criminal trespass
 - Suspension from employment and/or enrollment
 - Revocation of admission and/or degree
 - Termination of employment
 - Expulsion
- C. If a party is dissatisfied with a sanction determined by the appropriate administrator under Section 12 – Sanctions and Remedies, they may appeal the sanction as follows:

1. Any appeal to the sanction against a faculty member must be addressed through the University's faculty handbook/manual;
 2. Any appeal to the sanction against a non-faculty University employee must be addressed through the University's policies and procedures related to employee grievances;
 3. Any appeal to the sanction against a student must be addressed through the appeal process in the University's Student Code of Conduct or its equivalent.
- D. Interim Sanctions – The University may impose interim sanctions on a Respondent found to have violated the Policy while the appeal process is pending.
- E. Remedies – Regardless of the finding(s), and in addition to sanctions that may be imposed pursuant to the appropriate disciplinary policy, the University will take appropriate action(s) to resolve complaints of Discrimination or Harassment, prevent any recurrence and, as appropriate, remedy any effects. These actions may include, but are not limited to, the following:
1. Determining whether Discrimination or Harassment adversely affected the Complainant's University standing;
 2. In conjunction with University leaders, conducting a University climate check to assess the effectiveness of efforts to ensure that the University is free from Discrimination or Harassment, and using that information to inform future proactive steps that the University will take;
 3. Providing targeted group training;
 4. Issuing policy statements or taking other steps to clearly communicate that the University does not tolerate Discrimination or Harassment and will respond to any incidents and to any individual who reports such incidents.

These remedies are separate from, and in addition to, any interim measures that may have been provided before the end of the University's investigation. If the Complainant did not take advantage of a specific service (e.g., counseling) when offered as an interim measure, the Complainant should still be offered, and is still entitled to, appropriate final remedies that may include services the Complainant declined as an interim measure.

13. Notification of Outcomes

- A. The Equal Opportunity office will simultaneously notify the Complainant and the Respondent(s) in writing of the outcome of the following stages of the process:
1. The initial finding(s), including a rationale

2. The procedures to appeal a finding
 3. The outcome of any appeal, including any changes to the finding(s)
 4. Any interim sanctions imposed
 5. Any changes to interim sanctions
 6. The final outcome of the complaint
 7. Any imposed sanctions
 8. Changes to sanctions related to the party once the outcome is finalized
 9. Any additional remedies per Section 12(E) – Remedies.
- B. These notifications may be combined if they occur at the same time.



GOVERNOR GREG ABBOTT

March 27, 2024

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:15 AM O'CLOCK

The Honorable Jane Nelson
Secretary of State
State Capitol, Room 1E.8
Austin, Texas 78701

MAR 27 2024

Secretary of State

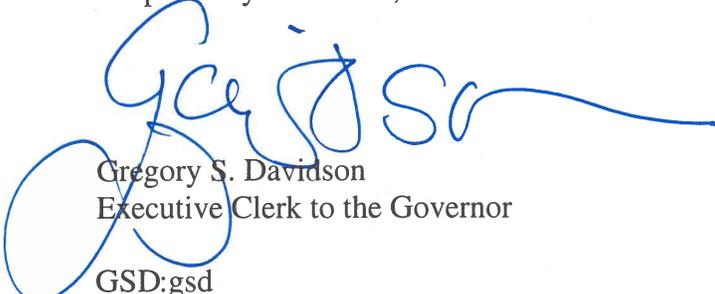
Dear Secretary Nelson:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-44 relating to addressing acts of antisemitism in institutions of higher education.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD:gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
March 27, 2024

EXECUTIVE ORDER GA 44

Relating to addressing acts of antisemitism in institutions of higher education.

WHEREAS, on October 7th of last year, the terrorist group Hamas committed unspeakable and heinous acts when they launched a surprise attack on Israel; and

WHEREAS, this attack killed over 1,200 innocent civilians including women, children, and approximately 30 American citizens, and Hamas took over 250 individuals hostage, including at least 10 Americans; and

WHEREAS, immediately after the October 7th attack, Governor Abbott reiterated his longstanding support for Israel and the Texas Jewish community and took initial steps to address acts of antisemitism in Texas, including authorizing \$4 million in additional grant funds to protect synagogues and Jewish schools, prohibiting state agencies from purchasing goods from the Gaza Strip or entities that support Hamas, and directing the Texas Education Agency and the Texas Holocaust, Genocide, and Antisemitism Advisory Commission to educate Texans about the Israel–Hamas War and antisemitism; and

WHEREAS, Texas will continue to stand with Israel and support our Jewish neighbors in Texas; and

WHEREAS, incidents of antisemitism have increased since Hamas' attack, and the proliferation of antisemitism at public universities is particularly concerning; and

WHEREAS, while many Texas universities have acted quickly to condemn antisemitism and foster appropriate discourse on the terrorist attacks against Israel and the ensuing Israel–Hamas War, some radical organizations have engaged in unacceptable actions on university campuses; and

WHEREAS, protected free speech areas on Texas university campuses, as well as the buildings and parking lots of Jewish student organizations, have been covered in antisemitic graffiti; and

WHEREAS, multiple protests and walkouts have been staged by universities' student organizations, with students chanting antisemitic phrases such as “from the river to the sea, Palestine will be free,” which has long been used by Hamas supporters to call for the violent dismantling of the State of Israel and the destruction of the Jewish people who live there; and

WHEREAS, Texas supports free speech, especially on university campuses, but that freedom comes with responsibilities for both students and the institutions themselves; and

WHEREAS, such speech can never incite violence, encourage people to violate the law,

harass other students or other Texans, or disrupt the core educational purpose of a university; and

WHEREAS, Section 51.9315(f) of the Texas Education Code requires all higher education institutions to adopt policies detailing students' responsibilities regarding free expression on campus; and

WHEREAS, Section 51.9315(c)(2) of the Texas Education Code provides that students should not participate in, and higher education institutions should not allow, expression that is unlawful or disrupts the operations of the institution; and

WHEREAS, antisemitism and the harassment of Jewish students have no place on Texas university campuses and will not be tolerated by my administration;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, hereby direct all Texas higher education institutions to do the following:

1. Review and update free speech policies to address the sharp rise in antisemitic speech and acts on university campuses and establish appropriate punishments, including expulsion from the institution.
2. Ensure that these policies are being enforced on campuses and that groups such as the Palestine Solidarity Committee and Students for Justice in Palestine are disciplined for violating these policies.
3. Include the definition of antisemitism, adopted by the State of Texas in Section 448.001 of the Texas Government Code, in university free speech policies to guide university personnel and students on what constitutes antisemitic speech.

Within 90 days of this executive order, the chair of the board of regents for each Texas public university system shall report to the Office of the Governor, Budget and Policy Division, that the above actions were taken by each institution of higher education overseen by that board of regents. The report shall include documentation verifying revisions made to free speech policies and evidence that those policies are being enforced.

This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the
27th day of March, 2024.


GREG ABBOTT
Governor

ATTESTED BY:


JANE NELSON
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:15AM O'CLOCK

MAR 27 2024

**UNIVERSITY OF HOUSTON SYSTEM
BOARD OF REGENTS AGENDA**

ITEM: Approval is requested for updates to the University of Houston System Board of Regents Policies 03 Equal Educational Opportunity and 53.04 Approval of Construction Projects

DATE PREVIOUSLY SUBMITTED:

SUMMARY:

The UH System is submitting two (2) Board Policies for revision. The first update is to policy 03 Equal Educational Opportunity, to match the University's non-discrimination statement and updated the examples of other legally protected status. The second update is a correction to policy 53.04 Approval of Construction Projects

SUPPORTING DOCUMENTATION: Red-lined and clean version of UH System Board Policies 03 Equal Educational Opportunity and 53.04 Approval of Construction Projects

FISCAL NOTE: None

**RECOMMENDATION/
ACTION REQUESTED:** Approval

COMPONENT: University of Houston System

Renu Khator

CHANCELLOR

Renu Khator

05/08/24

DATE

03 EQUAL EDUCATIONAL OPPORTUNITY

The University of Houston System is committed to maintaining and strengthening an educational, working, and living environment where students, faculty, staff, visitors, and applicants for admission or employment are free from Discrimination and Harassment of any kind. Discrimination and Harassment are antithetical to the standards and ideals of the University of Houston System. Each university will take appropriate action in an effort to eliminate Discrimination and Harassment from occurring, prevent their recurrence and address their effects.

No person shall be denied admission to a University or be excluded from participation in, denied the benefits of, or be subject to discrimination under any program or activity sponsored or conducted by the System or a university on any basis prohibited by applicable law, including race, color, national origin, religion, ethnicity, sex (gender and pregnancy), genetic information, sexual orientation, gender identity or status, gender expression, disability, age, military status, or any other legally protected status (such as discrimination and/or retaliation based on antisemitism¹).

(Policy last updated 5/15/2024)

Related Statutes, Policies, or Requirements

[Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.](#)

[Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688](#)

[Texas Education Code § 51.803 – Automatic Admission: All Institutions](#)

[Texas Education Code § 51.805 – Other Admissions](#)

[Texas Education Code § 51.807 – Rulemaking](#)

[Texas Education Code § 51.808 – Application of Admission Criteria to Other Programs](#)

[Texas Education Code § 51.809 – Scholarship and Fellowship Awards](#)

[Texas Education Code § 51.842 – Admission and Scholarship Factors for Graduate and Professional Programs](#)

[UH System Board of Regents Policy 23.01 – Admissions](#)

System Administrative Memoranda (SAMs)

[01.D.05 – Equal Opportunity and Non-Discrimination Statement](#)

[01.D.07 – Anti-Discrimination Policy](#)

¹ Antisemitism “means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.” TEX. GOV’T CODE § 448.001(2).

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53.04 Approval of Construction Projects

The Senior Vice Chancellor for Administration and Finance shall present for approval to the Board projects for new construction or major repair and rehabilitation of buildings and facilities when the total cost is equal to or greater than \$10,000,000. The Board will be presented with the project, budget, schedule and, if applicable, a program and schematic design. In the event project budget increases exceed an aggregate amount of ten (10%) percent of the approved project budget, additional approval for the project budget is required by the Board. Once a project is reviewed by ~~the~~ Board, the Board delegates to the Chancellor the authority to negotiate and execute all appropriate contracts and easements required to accomplish the project provided it is within the approved scope and budget of the project and that such contracts and easements do not exceed a value of

\$1,000,000, in which case separate Board approval is required. Furthermore, the Board must approve any increases in value of contracts or easements that exceed 25% of the value of the original contract or easement previously approved by the Board.

(Policy last updated 8/24/2023)

Deleted: The Higher Education Coordinating

Related Statutes, Policies, or Requirements

[Texas Constitution Art. VII, § 17 – Funding to Support Agencies and Institutions of Higher Education Not Supported by Available University Fund](#)

[Texas Education Code §§ 51.776 – 51.785 – Construction and Repair of Permanent Improvements](#)

[Texas Education Code §§ 51.9335 – Acquisition of Goods and Services](#)

[Texas Education Code § 51.9337 – Purchasing Authority Conditional; Required Standards](#)

[Texas Education Code §§ 62.001 – 62.027 – Constitutional and Statutory Funds to Support Institutions of Higher Education](#)

[Texas Government Code § 2261.254 – Contracts with Value Exceeding \\$1 Million](#)

[Texas Government Code § 2261.255 – Contracts with Value Exceeding \\$5 Million](#)

System Administrative Memoranda (SAMs)

[01.B.05 – Signature Authority for Construction Contracts](#)

[01.B.07 – Facilities Acquisition, Construction or Renovation](#)

[01.B.08 – Project Management Fees](#)

**UNIVERSITY OF HOUSTON SYSTEM
BOARD OF REGENTS AGENDA**

ITEM: Resolution of Appreciation - Mielad Ziaee - University of Houston System

DATE PREVIOUSLY SUBMITTED: N/A

SUMMARY:

Approval is requested for a Resolution in Appreciation for Mielad Ziaee who was appointed for a one-year term to the University of Houston System Board of Regents by Governor Greg Abbott on June 1, 2023; and has served with exceptional distinction as a regent.

SUPPORTING DOCUMENTATION: None

FISCAL NOTE: None

**RECOMMENDATION/
ACTION REQUESTED:** Approval

COMPONENT: University of Houston System

Renu Khator

CHANCELLOR

Renu Khator

05/08/24

DATE