

SUBSTITUTE AGENDA ITEM
SPECIAL CALLED MEETING
DECEMBER 13, 2002

- B. U. T. Board of Regents: Proposed Amendments to the Regents' Rules and Regulations, Part One, Chapter VI (Student Services and Activities and Regulations on Facilities Use)

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Business Affairs, the Acting Executive Vice Chancellor for Health Affairs, and the Vice Chancellor and General Counsel that the Regents' Rules and Regulations, Part One, Chapter VI, regarding student services and activities and regulations on facilities use, be amended as set forth below in congressional style:

- a. Amend Section 4, Subsection 4.8, relating to student organizations, as follows:
- 4.8 Limit on Registration
Any [Ne] component institution may require [shall register any] student organizations [organization] or groups to sign an agreement to comply with institutional rules and may refuse to register any organization that refuses to sign such an agreement [group whose actions or activities, in the opinion of the president or the appropriate Executive Vice Chancellor, are inimical to the educational purpose and work of the institution].
- b. Amend Section 6, Subsection 6.6, Subdivision 6.61, relating to use of university facilities, as follows:
- 6.61 No solicitation shall be conducted on any property, street, or sidewalk, or in any building, structure, or facility owned or controlled by any component institution or the U. T. System unless permitted by the Regents' Rules and Regulations. The following activities shall not be deemed solicitations prohibited by this Subsection when conducted in accordance with the approved rules and regulations of the U. T. System or the component institution. Such activities must be conducted in a manner that does not disturb or interfere with the academic programs or administrative activities of

the U. T. System or the component institution or any program or activity that is conducted by or is authorized by the U. T. System or component institution; does not interfere with entry to or exit from a building, structure, or facility; does not interfere with the flow of pedestrians or vehicular traffic on sidewalks or streets or at places of ingress and egress to and from property, buildings, or facilities; does not harass~~[-embarrass,]~~ or intimidate the person or persons being solicited; and does not violate applicable State, federal, or local laws or regulations:

...
(f) The collection of contributions or the sale of merchandise, publications, food, or nonalcoholic beverages by the students' association or by a registered student, faculty, or staff organization. A students' association or a registered student, faculty, or staff organization may not conduct such solicitation activities on behalf of or for the benefit of any individual, association, organization, corporation, or group of individuals that is not registered as a student, faculty, or staff organization or that is not otherwise qualified under the criteria of Item (i) of Subdivision 6.61 of this Chapter to conduct solicitation. In the case of specific drives for disaster relief, the chief student affairs officer of the institution may approve a drive that complies with all other requirements of Subsection 6.6 of this Chapter. Texas law allows a registered student organization to be relieved from State sales tax liability in certain circumstances detailed in the Texas Tax Code. All proposed sales events are subject to applicable provisions of these Rules and to other institutional policies concerning the time, place, and manner of solicitation. The sales must be for the benefit of the registered organization and may not involve another entity not authorized to solicit under these Rules. The items offered for sale may not be items that the organization has obtained on consignment.

...
(r) Subject to the component institution's reasonable and nondiscriminatory rules concerning the time, place, and manner of distribution, sale, or display of material, the [The] distribution, sale, or display [at no cost,] by a students' association or a registered student, faculty, or staff organization of printed material (including any [a] newspaper, magazine, or other publication, and any leaflet, flyer, or other informal matter), or the distribution or display

of such material, at no cost, by individual students, faculty, or staff. Such a publication may contain paid advertising, but only if the publication is devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the advertising. This rule does not authorize distribution, sale, or display of any publication operated for profit. A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, inures to the benefit of any private shareholder or individual [that contains paid advertising and is published by such organization at its sole expense].

- c. Add a new Item (x) to Section 6, Subsection 6.6, Subdivision 6.61, relating to use of university facilities, as follows:

(x) Subject to the component institution's reasonable and nondiscriminatory rules concerning time, place, and manner of posting, students, faculty, and staff may post advertisements for roommates, subleases, and sales of used goods that the seller has personally owned and used.

- d. Amend Section 6, Subsection 6.7, Subdivision 6.72, relating to use of university facilities, as follows:

6.72 In compliance with reasonable and nondiscriminatory regulations of the U. T. System and component institution, students [Students], faculty, or staff, a students' association, or a registered student, faculty, or staff organization, [with prior written authorization,] may petition, post signs, distribute literature, set up tables and exhibits [booths], or peacefully demonstrate on property owned or controlled by the U. T. System or component institution, provided that the posting of signs and the setting up of tables and exhibits may require prior authorization.

- e. Amend Section 6, Subsection 6.(10), Subdivisions 6.(10)3 and 6.(10)4, relating to use of university facilities, as follows and renumber Subdivision 6.(10)5 as Subdivision 6.(10)4:

6.(10)3 As a lower priority, the rules and regulations may provide for reservation and use of Special Use Facilities by individuals, groups, associations, or corporations without the necessity of joint sponsorship by the U. T. System or component institution. Subject to all constitutional and statutory provisions relating to the use of State property or funds for religious or political

purposes, Special Use Facilities may be made available for religious and political conferences or conventions. Rates must be charged for the use of the Special Use Facility that, at a minimum, ensure recovery of that part of the operating cost of the facility attributable directly or indirectly to such use. If the user charges those attending an event any admission or registration fee, or accepts donations from those in attendance, the component institution shall require the user to make a complete account of all funds collected and of the actual cost of the event. If the funds collected exceed the actual cost of the event, the user shall be required to remit such excess funds to the component institution as an additional charge for the use of the Special Use Facility.

[6.(10)4 ~~Subject to all constitutional and statutory provisions relating to the use of State property or funds for religious or political purposes, and subject to Subdivision 6.(10)3 of this Chapter, Special Use Facilities may be made available for religious and political conferences or conventions. Religious organizations applying for use of a Special Use Facility must submit written evidence from the Internal Revenue Service that the organization has been granted an exemption from taxation under Internal Revenue Code Section 501(c)(3). Political organizations applying for use of a Special Use Facility must present written evidence that the organization had candidates for either federal, State, district, or local offices listed on the ballot at the last general election.~~]

f. Amend Section 7, Subsection 7.1, relating to speech and assembly, as follows:

7.1 Regulations

The freedoms of speech and assembly are basic and essential to intellectual development. However, these activities are subject to the well-established right of colleges and universities to regulate time, place, and manner so that the activities do not intrude upon or interfere with the academic programs and administrative processes of the System or the component institutions. Each component institution may designate one or more appropriate areas on the campus where students, faculty, and staff may ~~[assemble and]~~ engage in rallies, group demonstrations, or public oratory ~~[speech activities]~~ without prior administrative approval. All rallies, group demonstrations, and public oratory ~~[In other areas on the campus, all speech and assembly activities]~~ must be conducted in accordance with the provisions of this Chapter and the reasonable and nondiscriminatory rules and regulations of the component institution.

Students, faculty, or staff who are candidates for public office or who wish to campaign on behalf of a particular candidate or candidates may engage in conduct in behalf of such candidacy in the areas designated pursuant to this Subsection or in accordance with the provisions of Subsection 7.2 of this Chapter relating to off-campus speakers.

BACKGROUND INFORMATION

Earlier this year, U. T. Austin President Faulkner appointed a Task Force on Assembly and Expression to review current procedures applicable to students, faculty, staff, students' associations, and registered student, faculty, and staff organizations. That Committee met a total of 19 times and came forth with a comprehensive report including recommendations for revisions to U. T. Austin's Institutional Rules on Student Services and Activities and amendments to U. T. Austin's Handbook of Operating Procedures. To implement some of the recommendations, the Task Force proposed amendments to certain Regents' Rules and Regulations.

President Faulkner sent the proposed amendments to the Regents' Rules and Regulations to Chancellor Yudof with the recommendation that they be evaluated for submission to the Board of Regents. The proposed changes, along with a copy of the Task Force's Report, have been sent to the Presidents of other U. T. System component institutions and to the leadership of the U. T. System Employee, Faculty, and Student Advisory Councils for consideration and comment.

The recommended amendments to the Regents' Rules are consistent with the Task Force recommendations and incorporate comments received from those reviewing the Task Force recommendations.