

Policy GA-PA-PO1 Prohibited Expression

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I. **Section 11-201 Obscenity**

- A. No person or organization shall distribute or display on the campus any writing or visual image, or engage in any public performance, that is obscene. A writing, image, or performance is "obscene" if it is obscene as defined in Texas Penal Code, Section 43.21 or successor provisions, and is within the constitutional definition of obscenity as set forth in decisions of the United States Supreme Court.

II. **Section 11-202 Defamation**

- A. No person shall make, distribute, or display on the campus any statement that unlawfully defames any other person.
- B. A statement unlawfully defames another person if it is false, if the false portion of the statement injures the reputation of the other person, and if the speaker has the constitutionally required state of mind as set forth in decisions of the United State Supreme Court.

III. **Section 11-203 Incitement to Imminent Violations of Law**

- A. No person shall make, distribute or display on the campus any statements directed to inciting or producing imminent violations of law under circumstances such that the statements are likely to actually and imminently incite or produce violations of law.

IV. **Section 11-204 Harassment**

- A. No person shall make, distribute or display on the campus any statement that constitutes verbal harassment of any other person. This section applies to all speech on the campus, including speech that is part of teaching, research or other official functions of the University.
- B.

1. "Verbal harassment" means hostile or offensive speech, oral, written or symbolic that
 - a. personally describes or is personally directed to one or more specific individuals; and
 - b. is sufficiently severe, pervasive or persistent to create an objectively hostile environment that interferes with or diminishes the victim's ability to participate in or benefit from the services, activities or privileges provided by the University; and
 - c. is not necessary to the expression of any idea described in paragraph 2 of this subsection.
 2. To make an argument for or against the substance of any political, religious, philosophical, ideological or academic idea is not verbal harassment even if some listeners are offended by the argument or idea. The categories of sexually harassing speech set forth by the UT Arlington Standards of Conduct Guide are rarely, if ever, necessary to argue for or against the substance of any political, religious, philosophical, ideological or academic idea.
 3. Verbal harassment may consist of threats, insults, epithets, ridicule, personal attacks or the categories of harassing sexual speech set forth by the UT Arlington Standards of Conduct Guide and is often based on the victim's appearance, personal characteristics or group membership, including but not limited to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, ideology, political views or political affiliation.
- C. Harassment can also consist of nonverbal conduct, such as hazing, practical jokes, damage to property and physical assault. In the case of sexual harassment and sexual misconduct, sexual conduct is often central to the offense. These forms of harassment are prohibited in the UT Arlington Standards of Conduct Guide and in the Regents' [Rules and Regulations](#), Rule 30105. To the extent of any conflict in the definition of verbal harassment, the more detailed definition in this section controls.
- D. The harassment that this section prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense, and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within the University and in the larger society. These are community norms even though they cannot be enforced by disciplinary rules.
- E. Verbal harassment has been interpreted very narrowly by the federal courts. Many university policies on verbal harassment or hate speech have been held unconstitutional, either because they prohibited harassment only when it was based on race, sex and similar categories or because they failed to protect the expression of potentially offensive ideas. This policy should be interpreted as narrowly as need be to preserve its constitutionality.

F.

1. A student who believes he or she has been harassed should report the alleged violation to the VPSA.
2. A faculty member or staff member who believes he or she has been harassed should report the alleged violation to the UT Arlington Equal Opportunity and Affirmative Action Programs Office.
3. Alternatively, any person who believes he or she has been harassed may report the alleged violation to the UT Arlington Equal Opportunity and Affirmative Action Programs Office or to any University official, administrator or supervisor. A faculty member is not an "official, administrator or supervisor" for this purpose unless that faculty member holds an administrative position.
4. Any University official, administrator or supervisor who receives a report of alleged harassment shall promptly refer that report and the complainant to the UT Arlington Equal Opportunity and Affirmative Action Programs Office or to the VPSA, as appropriate. A complainant whose report is not forwarded to UT Arlington Equal Opportunity and Affirmative Action Programs Office has not initiated proceedings for providing a remedy to the complainant or for imposing discipline on the alleged harasser.
5. Investigation of the information provided and any remedial or disciplinary proceedings shall proceed under the procedures set out in the harassment policies cross referenced in Section 11-204, C

V. **Section 11-205 Solicitation**

A.

1. No person shall make, distribute or display on the campus any statement that offers or advertises any product or service for sale or lease or requests any gift or contribution, except as authorized in 11-400, Section 11-403, B, or by the Regents' [Rules and Regulations](#).
2. Words or symbols on personal apparel or on decals or bumper stickers affixed to a vehicle by an owner of that vehicle are not solicitation within this definition.
3. Unadorned acknowledgements or thanks to donors are not solicitation within this definition.

B.

1. A registered student, faculty or staff organization may advertise or sell merchandise, publications, food or nonalcoholic beverages or request contributions for the benefit of the organization, for the benefit of another registered student, faculty or staff organization or for the benefit of an organization that is tax-exempt under Section 501(c)(3) of the Internal Revenue Code. No organization may sell items obtained on

consignment. No organization may request contributions for an off-campus tax-exempt organization for more than fourteen days in any fiscal year.

2. Registered student, faculty and staff organizations, and academic and administrative units may sell, distribute or display literature that contains advertising subject to the limits in 11-400, Section 11-403. Individual students, faculty members and staff members may distribute or display such literature but may not sell it.
 3. Individual students, faculty members and staff members may post advertisements for roommates, subleases and sales of used goods that the seller has personally owned and used, but only on a bulletin board designated for that purpose by an academic or administrative unit in space that the unit occupies or controls. Any unit that designates a bulletin board for this purpose may regulate that bulletin board under the procedures set forth in 11-500, Section 11-504.
 4. A resident of a University residence hall or apartment building may occasionally invite one or more salespersons to come to the resident's room or apartment and in that room or apartment the salesperson may offer products or services for sale to other residents of that residence hall or apartment building.
 5. A registered student, faculty or staff organization may collect admission fees for programs scheduled in advance under Chapter 6 of Student Policies.
 6. A registered student, faculty or staff organization may collect membership fees or dues at meetings of the organization scheduled in advance under Chapter 5 of Student Policies.
 7. A registered student, faculty or staff organization may sell charitable raffle tickets on behalf of an organization that is authorized to conduct a charitable raffle under the Texas Charitable Raffle Enabling Act, Texas Occupations Code, Chapter 2002, or successor provisions.
- C. More detailed regulation of solicitation appears in the Regents' [Rules and Regulations](#), Rule 80103. The provisions most relevant to students, faculty and staff have been incorporated here.