



REPORT ON THE UNIVERSITY OF NORTH  
TEXAS HEALTH SCIENCE CENTER AT FORT  
WORTH IMPLEMENTATION OF SENATE  
BILL 18 - PROTECTED EXPRESSION ON  
CAMPUS

DECEMBER 1, 2020

This report is prepared and published in compliance with Texas Higher Education Code, section 51.9315 (Senate Bill 18, 86<sup>th</sup> Legislature).

## **Background - The University of North Texas Health Science Center at Fort Worth**

The University of North Texas Health Science Center at Fort Worth is one of the nation's premier graduate academic medical centers, with six schools that specialize in patient-centered education, research and health care. The University of North Texas Health Science Center is a values-based university located on 33 acres in Fort Worth's Cultural District. The university educates and trains future health care providers, researchers and scientists across programs and schools, modeling a team approach to health care and science that will transform lives.

## **The State of Texas Policy Regarding Expressive Activities at Institutions of Higher Education**

In 2019, the 86<sup>th</sup> Texas Legislature, passed Senate Bill 18, which articulates the policy of the State of Texas regarding expressive activities at public colleges and universities in the state, and sets out the purpose of SB Bill 18:

It is the policy of [the State of Texas]...to protect the expressive rights of persons guaranteed by the constitutions of the United States and of this state by: (1) recognizing freedom of speech and assembly as central to the mission of institutions of higher education; and (2) ensuring that all persons may assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.<sup>1</sup>

## **The University of North Texas Health Science Center Policy Regarding Expressive Activities on Campus**

Well before adoption of SB 18, the University of North Texas Health Science Center adopted a policy that protected the rights of the university community to engage in expressive activities protected by the United States and State of Texas Constitutions. As currently articulated, and in compliance with SB 18, UNTHSC policy makes it clear that the university:

recognizes that the freedom of expression and public assembly are fundamental rights of all persons and are essential components of the educational process. Such activities promote debate and the sharing of ideas, which are the foundation of educational institutions.<sup>2</sup>

## **The University of North Texas Health Science Center Compliance with Senate Bill 18**

### **Senate Bill 18 Administrative Requirements**

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<sup>1</sup> Senate Bill 18 is codified in Texas Education Code, section 51.9315 and can be found at <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.51.htm#51.9315>.

<sup>2</sup> UNTHSC Policy 07.141 (Free Speech and Public Assembly on Campus Grounds), which can be found at <https://unthsc.policytech.com/dotNet/documents/?docid=541&public=true>.

Senate Bill 18 (Texas Education Code 51.9315) requires each public institution of higher education in the state to prepare, post on its respective website, and submit to the governor and members of the Texas legislature, a report regarding the institution's implementation of the requirements of SB 18 no later than December 1, 2020. The legislation, among other things, required institutions to "adopt a policy detailing students' rights and responsibilities regarding expressive activities on campus" and mandated that the governing body of the institution approve the policy before adoption by the campus.<sup>3</sup>

On May 14, 2020, the governing body for the University of North Texas Health Science Center approved the university's *Free Speech and Public Assembly on Campus Grounds* policy. President Michael Williams approved the policy and it took effect on May 15, 2020, prior to the bill's August 1, 2020 deadline.

The *Free Speech and Public Assembly on Campus Grounds* policy is posted on the university's webpage in the UNTHSC policy manual and is readily available to enrolled students, employees and the general public without the need for a password, code or other access number.<sup>4</sup> The policy is specifically included in the student group handbook and faculty bylaws and policies.<sup>5</sup> New and transfer students receive a copy of the policy as part of incoming student orientation.

The university has training, protocols and procedures to provide employees who are responsible for educating and disciplining students and student organizations with the information and skills necessary to administer the policy consistent with SB 18. Training also is available for employees who are responsible for administering university policies that may be directly or indirectly implicated by the *Free Speech and Public Assembly on Campus Grounds* policy and SB 18 (e.g. Facilities Use; etc.)

### **Senate Bill 18 Substantive Requirements**

In compliance with SB 18, UNTHSC's *Free Speech and Public Assembly on Campus Grounds* policy:

1. Includes definitions that are consistent with SB 18 (Texas Education Code 51.9315(a)).
2. Recognizes that free speech and public assembly are central to the university's educational mission as a matter of policy (Texas Education Code 51.9315(b)).
3. Allows members of the university community and visitors to assemble peaceably on campus for expressive activity (Texas Education Code 51.9315(b)(c)).
4. Implements and publishes reasonable time, place and manner restrictions that are narrowly tailored to serve the institution's interests; that are clear and are content and

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<sup>3</sup> Texas Education Code, section 51.9315(f) <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.51.htm#51.9315>.

<sup>4</sup> <https://unthsc.policytech.com/dotNet/documents/?docid=541&public=true>.

<sup>5</sup> HSC Student Group Handbook, which can be found at <https://www.unthsc.edu/students/wp-content/uploads/sites/26/2020-2021-Student-Group-Handbook.pdf>; see also faculty bylaws and policies: <https://www.unthsc.edu/office-of-faculty-affairs/faculty-bylaws-and-policies/>. (The university does not have a personnel handbook).

viewpoint neutral; and that provide alternative means of expression (Texas Education Code 51.9315(b)(c)(d)).

5. Deems common outdoor areas traditional public forums (Texas Education Code 51.9315(c)).
6. Allows members of the university community to assemble and distribute literature without the need to obtain a permit or permission from the university (Texas Education Code 51.9315(d)).
7. Allows students to engage in expressive activities across the campus subject to reasonable time, place and manner restrictions as set out in the *Free Speech and Public Assembly on Campus Grounds* policy (Texas Education Code 51.9315(e)).
8. Allows all members of the university community and visitors to respond to the expressive activities of others (Texas Education Code 51.9315(f)).
9. Allows students, faculty, staff and associated organizations to invite speakers to campus and to use university facilities for this purpose (Texas Education Code 51.9315(f)).
10. Establishes disciplinary sanctions for students, faculty, staff and associated organizations who unduly interfere with the expressive activities of others (Texas Education Code 51.9315(f)).
11. Includes a grievance procedure for addressing complaints concerning violations of the *Free Speech and Public Assembly on Campus Grounds* policy (Texas Education Code 51.9315(f)).
12. Prohibits denial of privileges and benefits and the taking of adverse action against students and student organizations on the basis of political, religious, philosophical, ideological or academic viewpoint or expressive activity (Texas Education Code 51.9315(g)).
13. Sets out viewpoint and content neutral criteria for determining whether to invite speakers to campus and in determining fees for using university facilities for expressive activities that are consistent with Texas Education Code 51.9315(h)).

## Conclusion

The point of contact for this report is Dr. La'Cresha Moore. Dr. Moore can be reached through Luis Estrada, UNT System Director of Policy for Government Relations, at (512) 936-8200.