

AN ACT

relating to expressive activities at public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 51.9315(a)(2) and (3), Education Code, are amended to read as follows:

(2) "Expressive activities" means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include:

(A) commercial speech;

(B) defamation;

(C) unlawful harassment;

(D) incitement to imminent unlawful activity;

(E) obscenity; or

(F) threats to engage in unlawful activity.

(3) "Governing board" and "institution" ~~["Institution]~~ of higher education" have ~~[has]~~ the meanings ~~[meaning]~~ assigned by Section 61.003.

SECTION 2. Section 51.9315, Education Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections (d-1), (k), and (l) to read as follows:

(b) It is the policy of this state and the purpose of this section 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 students enrolled at and employees of an institution of higher education ~~[all persons]~~ may assemble peaceably on the campuses of the institution ~~[institutions of higher education]~~ for expressive activities, including to listen to or observe the expressive activities of others.

(c) An institution of higher education shall~~[-~~

~~[(1) ensure that the common outdoor areas of the institution's campus are deemed traditional public forums; and~~

~~[(2)]~~ permit students enrolled at and employees of the institution ~~[any person]~~ to engage in expressive activities in the common outdoor ~~[those]~~ areas of the institution's campus freely, as long as the expressive activity ~~[person's conduct]~~:

(1) ~~[(A)]~~ is not unlawful; and

(2) ~~[(B)]~~ does not materially and substantially disrupt the functioning of the institution.

(d) Notwithstanding Subsection (c), an institution of higher education may adopt a policy that imposes reasonable restrictions on the time, place, and manner of expressive activities of students enrolled at and employees of the institution in the common outdoor areas of the institution's campus if those restrictions:

(1) are narrowly tailored to serve a significant

1 institutional interest;

2 (2) employ clear, published, content-neutral, and  
3 viewpoint-neutral criteria;

4 (3) provide for ample alternative means of expression;  
5 and

6 (4) allow members of the university community to  
7 assemble or distribute written material without a permit or other  
8 permission from the institution.

9 (d-1) The governing board of an institution of higher  
10 education shall designate the areas on the institution's campus  
11 that are public forums, consistent with the First Amendment to the  
12 United States Constitution and Section 8, Article I, Texas  
13 Constitution.

14 (f) Each institution of higher education shall adopt a  
15 policy detailing [~~students'~~] rights and responsibilities regarding  
16 expressive activities at the institution. The policy must:

17 (1) allow:

18 (A) members of the university community [~~any~~  
19 ~~person~~] to, subject to reasonable restrictions adopted under  
20 Subsection (d), engage in expressive activities on campus,  
21 including by responding to the expressive activities of others; and

22 (B) student organizations and faculty to,  
23 subject to Subdivision (2)(B)(ii) and Subsection (h), invite  
24 speakers to speak on campus;

25 (2) prohibit:

26 (A) using a device to amplify sound while  
27 engaging in expressive activities on campus during class hours

1 that:

2 (i) intimidate others;

3 (ii) interfere with campus operations; or

4 (iii) interfere with an institution  
5 employee's or a peace officer's lawful performance of a duty;

6 (B) during the last two weeks of a semester or  
7 term, engaging in expressive activities:

8 (i) in the common outdoor areas of the  
9 institution's campus in a manner that materially and substantially  
10 disrupts the functioning of the institution;

11 (ii) by inviting speakers to speak on  
12 campus;

13 (iii) by using a device to amplify sound; or

14 (iv) by using drums or other percussive  
15 instruments;

16 (C) camping or erecting tents or other living  
17 accommodations on campus;

18 (D) wearing a disguise or other means of  
19 concealing a person's identity while engaging in expressive  
20 activities on campus with the intent to:

21 (i) obstruct the enforcement of the  
22 institution's rules or the law by avoiding identification;

23 (ii) intimidate others; or

24 (iii) interfere with an institution  
25 employee's or a peace officer's lawful performance of a duty;

26 (E) lowering the institution's flag of the United  
27 States or of this state with the intent to raise the flag of another

1 nation or a flag representing an organization or group of people;  
2 and

3 (F) engaging in expressive activities on campus  
4 between the hours of 10 p.m. and 8 a.m.;

5 (3) [~~(2)~~] establish disciplinary sanctions for  
6 students, student organizations, or employees [~~faculty~~] who unduly  
7 interfere with the expressive activities of others on campus or  
8 violate an institution policy or state law;

9 (4) [~~(3)~~] include a grievance procedure for  
10 addressing complaints of a violation of this section;

11 (5) require students enrolled at or employees of the  
12 institution to present proof of identity and status at the  
13 institution on request by an institution official on the  
14 institution's campus engaging in an official duty;

15 (6) [~~(4)~~] be approved by a majority vote of the  
16 institution's governing board before final adoption; and

17 (7) [~~(5)~~] be posted on the institution's Internet  
18 website.

19 (k) Nothing in this section limits the authority of an  
20 institution of higher education to adopt rules differentiating  
21 between the rights of students and employees to engage in  
22 expressive activities on campus and those of persons not affiliated  
23 with the institution.

24 (l) Nothing in this section may be construed to limit or  
25 infringe on a person's right to freedom of speech or expression  
26 protected by the First Amendment to the United States Constitution  
27 or by Section 8, Article I, Texas Constitution.

1           SECTION 3.   Section [51.9315](#), Education Code, as amended by  
2 this Act, applies beginning with the 2025-2026 academic year.

3           SECTION 4.   This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section [39](#), Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2025.

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>President of the Senate</div>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Speaker of the House</div>
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I hereby certify that S.B. No. 2972 passed the Senate on May 14, 2025, by the following vote: Yeas 21, Nays 10; May 29, 2025, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 2025, House granted request of the Senate; June 1, 2025, Senate adopted Conference Committee Report by the following vote: Yeas 22, Nays 9.

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Secretary of the Senate

I hereby certify that S.B. No. 2972 passed the House, with amendments, on May 28, 2025, by the following vote: Yeas 97, Nays 39, two present not voting; May 30, 2025, House granted request of the Senate for appointment of Conference Committee; June 1, 2025, House adopted Conference Committee Report by the following vote: Yeas 97, Nays 39, one present not voting.

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Chief Clerk of the House

Approved:

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Date

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Governor