

Subject: Time, Place, and Manner of Free Expression	Department Name: Student Affairs and Human Resources	Effective Date: Revision Date:
		Approval: Dr. Ellen Junn, President

CALIFORNIA STATE UNIVERSITY, STANISLAUS POLICY ON TIME, PLACE, AND MANNER OF EXPRESSION

I. Purpose

- A. To establish policy for the time, place, and manner of expression, and
- B. To ensure the safe use of Stanislaus State facilities.

II. Scope¹

- A. This policy applies to the use of Stanislaus State facilities for expression.
- B. For purposes of this policy, " Campus facility" shall include all spaces under the jurisdiction of Stanislaus State, including the grounds, parking lots, outdoor venues, and buildings owned, leased, and/or operated by auxiliaries and self-support units, whether on the campus itself or at other locations.
- C. Use of campus facilities and property is also governed by all other applicable policies and guidelines.
- D. For Union Related Provisions, please refer to Section VI. D.

III. Policy Statement

Universities are venues for discourse where conflicting or diverse perspectives are vigorously debated and thoroughly discussed. It is the policy of California State University, Stanislaus ("Stanislaus State" or "Campus") to support the fullest protections for expressions of speech, assembly, religion and press available under the United States and California constitutions and all applicable federal and state laws, in accordance with the Stanislaus State's purpose and function, provided that such expressions comply with this policy and do not incite or promote actual or imminent violence or harm or illegal activity. On all Campus property (including the main campus of California State University, Stanislaus and the Stockton Center), the time, place, and manner of expression are limited solely by the following conditions as defined in this policy. Stanislaus State recognizes that the ideas of university community members will occasionally conflict. State and federal free speech protections permit speech that some individuals may find objectionable or offensive.

There shall be no restrictions on the content of free speech activity protected by the First Amendment to the U.S. Constitution or by this policy. Free speech activities that are not protected by the First Amendment to the U.S. Constitution or by this policy include defamation, true threats, false advertising, severe harassment, fighting words, and the promotion of actual or imminent violence or harm or an unlawful end.

¹ This policy was originally approved by the Academic Senate on May 10, 2016, revised February 2018 as an Administrative Policy

Within this policy, protected free speech activity includes, but is not limited to, pure or symbolic speech, assembly, meeting, demonstrations or rallies, picketing, petitioning, theater, music and singing, survey research, and religious or political activity.

IV. Authority

This policy is promulgated under the authority of Title V, California Code of Regulations; standing orders and Executive Orders of the Board of Trustees and Chancellor of the California State University; and administered by the President of California State University, Stanislaus or his/her designee.

V. Policy administration

As required by Education Code section 66303, the President designates the Office of Student Affairs to administer this policy and serve as liaison with students exercising free speech.

The President designates the Office of Human Resources to administer this policy and serve as liaison with faculty and staff exercising free speech.

A. Violations

Behavior in violation of any of these regulations is subject to intervention by University and/or, where appropriate, law enforcement officials.

University disciplinary action against Stanislaus State students and employees alleged to have violated this policy and procedure shall be in conformity with the Student Code of Conduct, applicable collective bargaining agreements, or established University policies.

VI. Time, Place and Manner Rules

Stanislaus State may impose reasonable time, place and manner restrictions on the exercise of the right of free expression, to preserve the safe and orderly operation of the campus.

A. General Limitations and Guidelines for Public Expression on Campus

The exercise of free speech and assembly rights must comply with all applicable federal, state, and local laws, as well as university policies on university property or at any university function. At Stanislaus State, the time, place, and manner of expression are limited solely by the following conditions as defined in this policy and no person may:

- Interrupt the campus educational environment through disruption of classes in session, and/or the educational use of the library;
- Obstruct entrances and the free flow of traffic into and out of university property, including the campus and its buildings;
- Create noise in conflict with the University Use of Amplified Sound Policy;
- Threaten the health or safety of any person;
- Conduct libelous acts;

- Violate any federal, state, or local laws (such as regulations set by the State Fire Marshal), or Stanislaus State policies;
- Camp or lodge on campus property other than in authorized facilities. Lodging/camping is defined as the use of campus property for living accommodation purposes such as sleeping, or making preparations to sleep, regardless of the intent of the participants or the nature of any-other activities in which they may also be engaged; or
- Fail to comply with the lawful directions of a university official (Section IV and V) or other public official acting in the performance of his or her lawful duties while on university property or at university functions.

There shall be no restrictions on protected free speech activity based on the content of such speech or expression nor on the political, religious, union or other affiliations of speakers.

B. Event and Activity Schedule

Indoor events and activities planned for the use of a campus facility are not assigned fixed limits as to the time of day or day of the week, but all such events must be scheduled in compliance with the Stanislaus State Facilities Use Policy. This is a scheduling requirement only, and does not require permission for the event or the content of the event. Students or student groups shall schedule such events through the Office of Student Leadership and Development. Faculty, staff and members of the public shall schedule any events through the Office of Business and Finance. Events at the Stockton Center shall be scheduled through these same offices. The event shall be scheduled pursuant to the Facility Use Policy unless the space has already been reserved by another entity.

Outdoor events including those at the Amphitheatre, lakes, parking lots, pergolas, and athletic venues are not assigned fixed limits as to time of day or day of the week, but all such events that require use of a facility or require support from other campus units shall arrange services prior to the event.

Spontaneous outdoor events, including, but not limited to those occasioned by news or issues coming into public knowledge, and not in an area requiring scheduling, may be held without advance notice. The use of Stanislaus State buildings requires compliance with the Facilities Use Policy.

C. Event and Activity Locations

Indoor and outdoor spaces on campus may be used as places for free speech and as public gathering spaces for events and activities, subject to this policy and the Stanislaus State Facilities Use Policy. Stanislaus State may place limits based on considerations for public safety, prevention of unlawful conduct, avoidance of disruption to educational instruction, and prevention of commercial exploitation. Events and activities may not interrupt classrooms when classes are scheduled. Egress to/from ramps, exits or administrative entrances, vehicle or pedestrian traffic, or breezeways may not be obstructed.

D. Union Related Provisions

Nothing in this policy shall interfere with the statutory rights provided by Higher Education Employer-Employee Relations Act, California Government Code sections, 3560 et seq. or the terms of a controlling Collective Bargaining Agreement.

The ability of a union and its members to distribute union materials, fundraise, solicit for union business, and communicate is covered by the controlling collective bargaining agreements, but shall also comply with the provisions of this policy and applicable state laws.

E. Other Restrictions

Speakers at any protests, rallies, demonstrations, meetings or similar events enjoy the rights of free speech and members of the campus community and other persons shall have the right to disagree with and protest any speaker or event, in compliance with all provisions of this policy.

Students and faculty are free to express their opinion and views in the classroom without censorship, provided that such expressions are not disruptive and are related to the subject matter under discussion in the class or are invited by the class instructor. Those not enrolled in a class or specifically invited by the instructor to attend a particular class do not enjoy such rights.

F. Commercial Expression

1. Sale, Solicitation and/or Distribution of Merchandise, Publications, or Other Printed Matter.
 - a. In accordance with Section 42350 of Title V of the California Code of Regulations, commercial solicitations or transactions and/or the display of property or services for sale on the University's campuses is prohibited except with written permission by the campus president or designee. The content or expressive viewpoint of any materials to be made available for sale shall not be considered in granting or denying permission to solicit for sale. Such permission shall be granted if the proposed activity furthers the educational objectives of the campus; does not unreasonably interfere with the operation of the campus; and is not prohibited by law.
 - b. Commercial solicitation is limited to the hours of 9 a.m. to 3 p.m., Monday-Friday (except holidays), except by permit. Vendors seeking to do business on university property must submit an application 7 days in advance to the Student Leadership and Development Office. Designated vending spaces are situated along the walkway in front of the bookstore and in front of the

University Union (“Designated Vendor Area”) or at other locations on either campus by special permit.

- c. Any published materials offered for sale must not violate the provisions of Chapter 7.5, Title 9, Part 1 of the Penal Code (relating to the sale and distribution of obscene matter) or of Chapter 6, Title 3 (commencing with Section 66400) of the Education Code (relating to the preparation, sale, and distribution of term papers, these and other materials to be submitted for academic credit).
2. Distribution of Published Materials
 - a. The display and free distribution of books, newspapers, pamphlets and other published materials is permitted. Free distribution of published materials is permitted on Monday-Friday (except holidays), in the Designated Vendor Area provided such activity conforms to the general limitations outlined in Section VI of this policy and there is:
 - 1) No noise louder than permitted by the Use of the Amplified Sound Policy
 - 2) No misrepresentation of the true name or purpose of the material or of any organization involved in its distribution.
 3. Self-Service Vending Machines for Printed Material
 - a. The University seeks to provide ecological and safety standards for the distribution of printed materials via self-serve publications dispensers and racks on campus. Newspaper and magazine vendors and/or distributors may establish and maintain self-service publication vending machines/dispensers in designated campus locations on a first-come first-served basis, subject to the following conditions.
 - b. Depending on the location desired, requests for approved self-serve vending space for publications shall be made: (i) to Facilities Services, for locations throughout the campus other than the University Union property; and (ii) to the Executive Director of Associate Students, Inc. (ASI) and the University Union, for locations on University Union-property. Requests shall not be granted or denied on the basis of the content or viewpoint of the publications seeking permission for self-service vending space. Requests shall usually be processed within two business days of submission.
 - c. Fees for administration and monitoring such dispensers and racks shall be set by the administering authority in accordance with existing policies for such fees, which may be obtained from Facilities Services or the Executive Director of ASI and the University Union. Self-service publication vending machines left on campus without approval shall be removed and held for 180 days by Facilities Services. After that time, they shall be considered to have been abandoned and shall be disposed of as deemed appropriate by Stanislaus State.

G. Fundraising Activities

1. Fundraising events are activities whereby organizations receive money (directly or indirectly) in exchange for merchandise, service, entertainment, or a chance to win a prize. All fundraising events at California State University, Stanislaus shall comply with the Gift Solicitation and Fundraising Policy and the procedural controls defined in the Fundraising Events Manual.

VII. **Corresponding Policies and Guidelines**

A. Amplified Sound Procedures

Individuals and groups who wish to hold events and activities that involve amplified music or speech must follow the Use of Amplified Sound Policy.

B. Electronic Communications

All use of university information technology resources for purposes of individual or collective expression shall adhere to this policy, the provisions in the union contracts where applicable as well as the provisions of the Network Use Policy and Personal Use of State-Owned IT Resources Policy.

C. Assemblies, Marches and Demonstrations

Freedom of expression extends to the right to demonstrate, protest and advocate through public assemblies, marches, meetings and demonstrations. These activities must be in compliance with Stanislaus State requirements as set forth in this policy.

To address public safety issues, it is recommended that groups contemplating holding public assemblies, marches or demonstrations notify the University Police in advance of the event, preferably at least 72 hours. All public assemblies, marches and demonstrations must comply with the guidelines and limitations outlined in sections III and VI of this policy.

Where facilities or equipment are required, see the Stanislaus State Facilities Use Policy.

D. Cancelling or Rescheduling Event and Activities

For all events scheduled pursuant to Section VI. B., Stanislaus State reserves the right to cancel or reschedule based on considerations for public safety, new scheduling conflicts, avoidance of disruption to educational instruction, and prevention of commercial exploitation.

For all activities requiring prior approval, pursuant to Section VI. F. and VI. G., Stanislaus State reserves the right to rescind approval based on considerations for public safety, new scheduling conflicts, avoidance of disruption to educational instruction, and prevention of commercial exploitation. Appeals of decisions are heard by the university President or his/her designee.

E. Political Activities

Becoming a public servant (i.e., state employee) does not require that an employee refrain from engaging in political activities. The “right of political association” is a form of protected speech and the California Labor Code specifically prohibits employers from

controlling or preventing their employees from engaging in political activities or affiliations. Campuses may not prohibit or take any adverse action based on an employee's personal political affiliation, or beliefs.