

# Executive Directive #89-13 - Time, Place, and Manner: Use of Buildings and Grounds

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**SAN FRANCISCO**  
**STATE UNIVERSITY**

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Responsible Executive: Vice President for Student Affairs & Enrollment Management

Responsible Offices: Associate Vice President & Dean of Students (students); Associate Vice President for Business Operations (employees & 3<sup>rd</sup> parties)

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## I. PREAMBLE

Public universities are venues for creative and thoughtful discourse where differing perspectives are debated and thoroughly discussed - a “marketplace of ideas” consistent with the goals of a liberal education. The guiding values of the institution - Courage, Life of the Mind, Community, Equity, and Resilience - set the framework for our commitment to being a principled, value-driven University. To that end, the University provides an environment for freedom of expression, as well as a forum for ideas, perspectives and viewpoints to be stated and questioned, as well as tested and clarified. In doing so, we uphold a long standing tradition at SF State of supporting critical thought and expression, engendering greater awareness of systemic societal issues, and championing the development of one’s own mind.

By creating this type of open climate for free expression, inevitably there will be moments in time where viewpoints conflict and dissent occurs. We will challenge each other as community members, and the community at large will challenge us. There will be times when one may be offended by the tone or content of speech being expressed. There will be times where viewpoints differ and moral codes are called into question. This will likely elicit negative feelings and/or responses; however, it is the University’s responsibility to uphold the US Constitution and the right to freedom of expression, and we will do so with as few constraints as possible.

Freedom of expression at SF State is subject to reasonable restrictions of time, place, and manner. Through this Executive Directive, the University seeks to foster and sustain a forum for the free and orderly exchange of ideas, values and opinions. It also endeavors to ensure that the exercise of the right of free expression does not imperil public safety, obstruct or damage University facilities, or interfere with the University’s educational mission and functions.

Within the context of this Executive Directive, free speech activity includes, but is not limited to the following: pure or symbolic speech, assembly, meeting, demonstrations or rallies, picketing, petitioning, mime and theater, music and singing, and religious or political expression.<sup>1</sup> Please refer to Section V for speech that is not constitutionally protected.

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<sup>1</sup> California State University *Handbook of Free Speech Issues*, May 2009:  
<https://www.calstate.edu/gc/Docs/FreeSpeechHandbook.pdf>

## II. POLICY STATEMENT

While the primary use of the buildings and grounds at SF State is to provide a high quality learning experience and to support curricular and co-curricular purposes, these campus resources are also available for certain non-academic programming. This policy establishes the priorities for such use, legal requirements as needed, and other matters relating to the scheduling and use of SF State facilities. The use of University facilities must always be in accord with the applicable provisions of federal and state laws, as well as University policies.

Among these provisions are the California Education Code<sup>2</sup> and the administrative regulations of the California State University (CSU) Board of Trustees (Title V of the California Code of Regulations<sup>3</sup>).<sup>4</sup>

## III. AUTHORITY

California Education Code Sec. 89031 states that, “The Trustees may establish rules and regulations for the government and maintenance of the buildings and grounds of the California State University. Every person who violates or attempts to violate the rules and regulations is guilty of a misdemeanor.”

This policy is promulgated under the authority of Title V, California Code of Regulations, and subsequent directives, resolutions, standing orders, and Executive Orders of the CSU Board of Trustees and Chancellor of the California State University, and the President of San Francisco State University. Where applicable, University contracts, leases and operating agreements made with University Auxiliary Organizations for the specific use of campus property or facilities augment the provisions of this policy and should be in alignment with its terms; where there are conflicts, this Executive Directive shall prevail.

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<sup>2</sup> California Education Code: <http://www.calstate.edu/app/policies/>

<sup>3</sup> Title V of the California Code of Regulations: <http://www.calstate.edu/app/policies/>

<sup>4</sup> This policy does not restrict or interfere with rights provided to union employees under the Higher Education Employer-Employee Relations Act.

## IV. TIME, PLACE AND MANNER GUIDELINES

The University may impose reasonable time, place and manner restrictions on the exercise of the right of free expression in order to preserve the safe and orderly operation of the campus. These restrictions are as follows:

Three general principles apply to all events:

1. Scheduled events take precedence over spur of the moment activities.
2. Because an event may interfere with classes in session and/or other activities, sound amplification is generally limited to times when classes are not in session. *See Amplified Sound Procedures beginning on page 7.*
3. Activities that restrict or disturb the routine business of the University are generally prohibited and as such, may be directed to cease.

### Guidelines as to Time

The University's standard operating hours are Monday - Friday from 7am - 10 pm Pacific Standard Time. SF State registered students, student organizations, staff and faculty may hold outdoor events that do not use amplified sound at any time. Non-University affiliates may hold outdoor events that do not use amplified sound between 7am and 10pm Monday through Sunday. In all cases outdoor events, that are approved for amplified sound, shall not exceed 75 decibels and shall not disrupt University business.

In order to minimize interference with academic programs, activities that involve amplified sound (e.g., music, speech, drumming) may only occur between 12 pm to 2 pm, Monday - Friday, in Malcolm X Plaza, unless prior University approval is obtained. Scheduling protocols must be followed in order to use amplified sound (see *Section VI: Amplification, and VIII.*). The Dean of Students or designee is charged with making a final determination about whether amplified sound is considered disruptive.

### Guidelines as to Place

There are three kinds of "forums" on campus:

1. The public or "traditional" forum, which receives the greatest protection;
2. The limited or "designated" forum, which receives less protection; and
3. The non-public forum, which receives very limited protection.

While freedom of expression is encouraged everywhere on campus, Malcolm X Plaza, located outside of the Cesar Chavez Student Center on the East side of the building, is the most common place where individuals and groups assemble to exercise the right of free expression, **unless the space has already been prior reserved for a scheduled event or activity** (See *Section VIII, Reserving University Venues*).

Freedom of expression activities may take place on campus with the following exceptions: inside parking lots<sup>5</sup> and university buildings, and within 20 feet of any location in which instructional, educational and/or official business activities are being conducted.

Whether conducted indoors or outdoors, activities and events must be conducted in a manner consistent with *Section V, General Limitations and Guidelines of Campus Activities and Events*, and in conformity with any additional written and promulgated guidelines pertinent to a particular venue.

### **Guidelines as to Manner**

Regardless of the time or place, expressive activity conducted in a manner that violates the *General Limitations and Guidelines of Campus Activities and Events* as outlined in Section V below is prohibited.

Student organizations and campus departments are strongly encouraged to work in collaboration with the Dean of Students Office and University Police Department to assist with event coordination in order to preserve the safety and welfare of all participants, and minimize negative impact on the educational environment. If the intended audience will primarily be employees or guests to campus, then student organizations and campus departments should work with Enterprise Risk Management and University Police Department.

The SF State University Police Department (UPD) has an obligation to protect the rights of free speech, assembly and petition as well as to protect the safety and welfare of the campus community at all times.

### **Violations**

Behavior in violation of any of these regulations is subject to intervention by university and/or law enforcement officials. In the event of an alleged or perceived violation, those in violation will be asked to comply with the applicable regulations by the appropriate campus authorities – typically the Dean of Students Office if violators are students, and Enterprise Risk Management if violators are University employees or guests or visitors to campus.

If a violation persists or is repeated, or if the assembly poses an imminent danger to public safety, those assembled may be required to disperse immediately. Continued violation may result in arrest and subsequent legal action by the university. If the violation occurs at a scheduled event, the permission for the event may be summarily revoked, and future requests by those individuals or groups in violation may be canceled or denied.

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<sup>5</sup> This is not intended to prohibit the use of bumper stickers, ornaments, decals or other signs or symbols on private vehicles.

University disciplinary action against SF State community members alleged to have violated this policy and procedure shall be in conformity with the Code of Student Conduct (for students), and/or applicable collective bargaining agreements and established University policies and guidelines (for employees).

## V. GENERAL LIMITATIONS AND GUIDELINES FOR CAMPUS EVENTS AND ACTIVITIES

Activities on the SF State campuses (19<sup>th</sup> & Holloway “main” campus, Downtown Campus, Romberg Tiburon Center, and Sierra Nevada Field Campus) may not interfere with or disrupt University business. Activities that are not permitted include, but are not limited to, the following examples:

- A. Interference with classes in session or other scheduled academic, educational, cultural/arts programs or with use of the University libraries;
- B. Obstruction to the free flow of pedestrian or vehicular traffic;
- C. Employing unauthorized sound amplification or creating unreasonable noise disruptive of normal University activities;
- D. Violating any federal, state, or local safety code, including regulations set by the State Fire Marshal;
- E. Visual blockage or the physical displacement of performers/programs that have reserved the venue;
- F. Activities that damage facilities or interfere with necessary facilities maintenance and repair activities or the function of campus utilities (sewer, water, power, etc.);
- G. Camping on University property or living in privately owned, temporary lodging parked or erected on university property is prohibited without written permission from the Vice President for Student Affairs & Enrollment Management or designee;
- H. Erection of temporary structures on campus must be approved by Facilities & Services Enterprises and Enterprise Risk Management for the safety of all participants and by-standers;
- I. All activities must abide by the University’s alcohol and other drugs (AOD) policy;
- J. Pets will be allowed on campus only when on a leash and accompanied by their owner. No animals, except when being used for official University instructional purposes, and/or service animals, will be permitted inside campus buildings without prior approval of the University.

### Speech that is Protected

There shall be no restrictions on legally protected free speech activity based on the content of such speech or expression, or on the political, religious or other affiliations of speakers.

Further, **speech that is otherwise protected may not be disallowed solely because it is offensive, or because members of the audience find it offensive, even where such members react to the speech in a disruptive manner.** In such circumstances, while



there may be a legitimate need to take action against the disruptive members of the audience, the speech itself must be allowed to continue.<sup>6</sup> This includes speech that is commonly referred to as “hate speech.”

“Hate speech” is commonly defined as speech that “offends, threatens, or insults groups, based on race, color, religion, national origin, sexual orientation, disability, or other traits.”<sup>7</sup>

When speech is part of a planned event (e.g., invited speaker), an individual or group wishing to protest at that event may do so as long as any speaker’s right to free speech and the audience’s right to see and hear a speaker are not violated. In the interest of protecting the free speech rights of all, *University administrators (defined in Section XII)* may warn anyone unduly interfering with a speaker’s freedom of expression to cease the disruptive behavior. If such warnings are not heeded, those individuals may be removed from the facility and/or area. Students who fail to comply with such warnings may be subject to sanctioning in accordance with CSU and SFSU Student Conduct Procedures.<sup>8</sup>

### Speech that is Not Protected

Speech activity not protected by the US or California Constitutions or by this policy includes speech that is “de minimis,” e.g., a student’s complaint about a seating assignment, or the fact that a theater student is compelled to recite certain lines for a play. Such speech is therefore excluded from constitutional protection. Furthermore, speech that promotes actual violence or harm<sup>9</sup>, i.e., “*fighting words*,” *true and/or credible threats*; expression that constitutes *criminal or severe harassment*; *defamation*; *obscenity*<sup>10</sup>; false advertising; or the use of public resources for partisan political activities is also excluded,<sup>11</sup> University administrators and University Police officers will make the determination when speech is no longer protected and will take the appropriate action to address the situation.

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<sup>6</sup> *California State University Handbook of Free Speech Issues*, May 2009:  
<https://www.calstate.edu/gc/Docs/FreeSpeechHandbook.pdf>

<sup>7</sup> *American Bar Association*:  
[http://www.americanbar.org/groups/public\\_education/initiatives\\_awards/students\\_in\\_action/debate\\_hate.html](http://www.americanbar.org/groups/public_education/initiatives_awards/students_in_action/debate_hate.html)

<sup>8</sup> Title V, Article 2, § 41301. Standards for Student Conduct, <http://conduct.sfsu.edu/standards>

<sup>9</sup> The fact that the speech of a particular individual or group may in the past have resulted in some violence or harm is not a sufficient rationale to prohibit that person or group from engaging in future speech activities on campus. *California State University Handbook of Free Speech Issues*, May 2009:  
<https://www.calstate.edu/gc/Docs/FreeSpeechHandbook.pdf>

<sup>10</sup> Words in italics are defined in Section XVII

<sup>11</sup> *California State University Handbook of Free Speech Issues*, May 2009:  
<https://www.calstate.edu/gc/Docs/FreeSpeechHandbook.pdf>

## **VI. AMPLIFICATION**

### **Approval to use Amplified Sound**

Amplified events should be scheduled through the Dean of Students Office by contacting the Dean of Students: Student Services Building, Suite 403 (SSB 403), email [dos@sfsu.edu](mailto:dos@sfsu.edu), phone 415-338-3888.

Amplified events are permitted in the Malcolm X Plaza Monday through Friday from 12 pm – 2 pm during the academic year, with the exception of the last week of classes and final examinations week for each Fall and Spring semester.

Amplification for any other location and/or time requires prior approval through the Dean of Students or designee. Requests to use amplification outside of the 12 – 2pm period must be in writing at least five (5) working days prior to the event. Exceptions may be made for spontaneous events and in other extraordinary circumstances. The Dean of Students can be reached at [dos@sfsu.edu](mailto:dos@sfsu.edu) or 415-338-3888.

### **Control of Amplified Sound**

At approved outdoor events on campus, the amount of amplification is controlled through the use of a sound meter to ensure that sound does not exceed 75 decibels, 25 feet from the amplified sound source. The Dean of Student Office will work with event planners to ensure that all approvals, when required, are obtained to use amplified sound.

It is the responsibility of the sponsoring student organization/department and its performers, in collaboration with University personnel, not to exceed the 75-decibel level. In all cases, the sound level of amplification or non-amplified sound, such as drumming, must not exceed 75 decibels as measured by a sound meter using the 'A' weighted network (scale) at slow meter response. For example, 75-decibel level is comparable to the range of sound between a vacuum cleaner and a food blender at close proximity.

### **Amplified Devices Defined**

Hand-held or portable amplification (e.g., bullhorns, portable amplifier, portable speakers, etc.) are considered sound amplification devices under this policy, and all amplified sound must conform to the general limitations outlined in Section V. The Dean of Students or designee has the authority to make the final determination, using reasonable judgment, whether or not an item is considered a sound amplification device for purposes of enforcing this policy.

### **How to Lodge a Complaint**

Recognizing the importance of instructional activities, sound complaints concerning outdoor events should be directed to the Dean of Students Office, 415-338-3888, which is charged with administering complaint procedures. The Dean of Students Office personnel

shall keep records of all written and verbal amplified sound complaints; they will further prepare and provide the Vice President for Student Affairs & Enrollment Management with reports annually. Decibel level is subject to administrative review.

## **VII. RESERVING INDOOR & OUTDOOR UNIVERSITY FACILITIES**

The University has established formal procedures for event planning and scheduling to ensure effective campus coordination. These scheduling protocols apply to all campus events and activities, regardless of affiliation with the University.

### **Event Planning & Scheduling (Excluding Spontaneous Events)**

The Vice President for Student Affairs & Enrollment Management is responsible for designating an individual to serve as Coordinator of Special Events to serve as a point of contact and coordination for large one-time or special events. For purposes of implementing this policy, “*large*” will be defined as any event involving 150 or more participants. The name and contact information of the designee shall remain on file at all times in the Office of the Vice President for Student Affairs & Enrollment Management.

Any sponsor (On-Campus affiliate, Off-Campus person(s) or organizations, recognized Student Organization, University Auxiliary, etc.) hosting large campus events, or special events featuring a major speaker or talent shall notify the Coordinator of Special Events in order to begin the event planning process.

The Coordinator of Special Events may be reached at 415-338-2032.

### **Off-Campus Sponsors**

The Coordinator of Special Events shall serve as the campus point of contact for facilities use requests from off-campus entities that do not have a student organization or SF State department/unit sponsor. The Coordinator of Special Events will connect the requesting party to relevant facilities managers across campus to begin the event planning process. See Appendix A for more information.

### **On-Campus Sponsors & Student Organizations**

*On-Campus Sponsors* and *Student Organizations* (both defined in Section XVII) hosting large events shall work directly with the Coordinator of Special Events to begin the event planning process. The Coordinator of Special Events will provide assistance, guidance and referral as needed, e.g., consulting with UPD regarding security for large events, regardless if there is a campus-based sponsor.

Event planning for activities and events under 150 people can be arranged through the appropriate campus contact. On-Campus Sponsors will work directly with the relevant

facility managers across campus and Student Organizations will request event space and plan events with the Dean of Students Office. See Appendix A for more information.

### Planning Timeline for Events

On-campus sponsor and student organization requests for *large* events (excluding spontaneous events) must be submitted at least ten (10) working days prior to the proposed event date. For larger campus events or events that feature notable speakers/artists, it is recommended that event planning begin a minimum of thirty (30) working days prior to the event in order to ensure that insurance, facility, and security needs are addressed in advance of the event.

Student organizations that wish to apply for an exception must do so in writing to the Dean of Student Office at [dos@sfsu.edu](mailto:dos@sfsu.edu). Campus departments and off-campus sponsors may apply for an exception by contacting the Coordinator of Special Events at 415-338-2032.

### Costs and Fees

Use of reserved indoor campus facilities may be subject to a fee and/or require liability insurance and/or an indemnity agreement. Facility use fees will be determined based on number of attendees; risk management; and health and safety standards. When this is the case, persons or groups granted the use of campus facilities are responsible for securing the appropriate coverage and demonstrating compliance with health and safety requirements in advance of the event. If proof of coverage and/or compliance with health and safety measures is not acquired at least 5 (five) working days in advance of the event, the University reserves the right to withhold or withdraw approval of the event. Sponsors will be responsible for payment of any fees and for reimbursing the University or its auxiliaries for any costs incurred.

### Spontaneous Events

Spontaneous events occasioned by news or issues coming into public knowledge may be held on campus without advance permission so long as they adhere to all University policies and the restrictions outlined above (*see section V*). Recognizing the University is a part of the community it serves, the University will attempt to accommodate and provide access to University space/facilities that are available and which do not interfere with scheduled events and programs. Student organizations and departments are strongly encouraged to work in collaboration with the Dean of Students and University Police to assist with event coordination in order to preserve the safety and welfare of all participants, and minimize negative impact on the educational environment.

## VIII. POSTING and CHALKING

### Posting Information on University Property

The University recognizes that signs (to include but not be limited to white boards, sandwich boards, placards, posters, flyers, handbills, announcements, notices, brochures, etc.) can serve as a means for communicating information to the campus community in a timely and orderly manner.

Posting is permitted on public bulletin boards. A list identifying public bulletin boards is attached as Appendix B and can be found on the Dean of Students website at: <https://dos.sfsu.edu>. In addition, public bulletin boards are labeled as such throughout campus.

Postings found on bulletin boards not identified in Appendix B are not permitted and will be removed by University personnel. As examples, postings are not permitted in the following locations: on departmental bulletin boards, building walls, restrooms, windows, glass surfaces, doors, benches, utility poles, sculptures, garbage receptacles, railings, trees, traffic control signs, stairs, bus stop areas, and sidewalks is prohibited. The University reserves the sole right to post signage for emergency and safety purposes on otherwise prohibited surfaces.

All postings exceeding 14" x 28" in size, and duplicate copies of a posting on a single bulletin board, are subject to removal at any time. A posting may not be placed over another posting. Postings must include both the name of the individual or organization who is responsible for the posted material, along with a current email address or phone number.

All literature and printed materials that refer to a specific event or date must be removed by the posting entity within 72 hours after the event or program. Directional signs must be removed within 48 hours after the event advertised concludes. Event- or date-specific promotional material that is still posted after these timelines are subject to removal by the University. Further, the University will remove all flyers, postings, etc., from public bulletin boards at the end of each academic term (Fall, Spring, Summer).

Postings containing defamation, obscenity, terrorist threats, false advertising, or the promotion of actual or imminent violence or harm, speech not protected by the United States Constitution and/or the California Constitution, or speech that otherwise violates the restrictions in this policy, are not permitted and will be removed at any time by personnel designated by the President. Removal of signs, other than by the posting party, or University personnel acting pursuant to their assigned or delegated duties, is prohibited.

To report postings that are in violation of this policy, please contact the Dean of Students Office at 415-338-3888 or [dos@sfsu.edu](mailto:dos@sfsu.edu).

Posting in University Housing requires approval from the Office of Residential Life. More information about the posting policy in University Housing can be found at: <http://www.sfsu.edu/~reslife/publicityguidelines.html>.

### **Exceptions to Posting Policy**

Individual faculty offices, including office doors, are not subject to this policy. Academic departments may post materials in designated areas assigned to them.

Signage and similar materials placed by the University to support the University's operations (such as directional signs, room numbers, notices regarding cancellation of classes or office closures) are not considered postings. University business notices and materials (such as mandatory Human Resources notices) may be posted by University units in designated areas and are not subject to duration limits when they are of an ongoing nature.

Art work installed with the permission of the University is not considered a posting, nor are materials used for the decoration of employees' offices or work space. It is expected that any decoration reflects a professional environment and complies with the policies and practices of the department or office.

### **Banners and Free Standing Signs**

Banners are postings that exceed 36" on any side. Free standing signs are signage intended to be placed on campus grounds such as A-frame signs, yard signs, or other free standing objects. Banners and free-standing signs are a special category of postings because of their size and will only be permitted in designated locations; a list and map of approved locations is attached as Appendix C and can be found on the Dean of Students website at: <https://dos.sfsu.edu>.

In order to display a banner, the posting entity or person must receive prior approval of the location and method of installation. Students shall submit requests to the Dean of Students Office (Student Services Building, Room 403 or [dos@sfsu.edu](mailto:dos@sfsu.edu)). Employees (faculty, staff, administrators) and 3rd parties shall submit requests to Enterprise Risk Management (Administration Building, Room 260). The University reserves the right to deny a request to display a banner or free standing sign based on factors unrelated to the content of the signs, such as, but not limited to, space availability and safety concerns.

Banners and free standing signs may only be displayed for three weeks unless granted an exception by the President or President's designee(s), such as for official University business of an ongoing nature. Banners and free standing signs that note specific event

dates must be removed within 48 hours after the noted date. Unapproved banners and free standing signs may be removed by designated University personnel.

### **Use of Chalk (or Chalking) on University Property**

Chalking must be at least 20 feet away from building entrances and may not be placed on any sidewalk under an overhang, canopy, or other cover. Chalking is not permitted on buildings, steps, windows, posts, lawn areas, railings, trees, traffic control signs, utility poles, construction fences, vehicles, garden areas, flowerbeds, newspaper racks, trash or recycle bins.

## **IX. COMMERCIAL TRANSACTIONS**

*(Title V, 42350.1)*

In accordance with Section 42350.1 of Title V of the California Code of Regulations, commercial transactions, including but not limited to the selling of books, newspapers, magazines, pamphlets, or similar published materials, and the display of property or services for sale on campus is prohibited except with written permission by the campus President or designee. Such permission shall be granted if:

1. the proposed activity aids achievement of the educational objectives of the campus, does not unreasonably interfere with the operation of the campus and is not prohibited by law, or
2. the prospective buyer has agreed in writing in advance to an appointment, and the prospective seller makes no more than one appointment for any day, and such appointment does not interfere with the operation of the campus.

This section does not apply to private sales.

Transactions that aid in the achievement of educational objectives of the campus, do not unreasonably interfere with the operation of the campus, comply with the restrictions in this policy, and are not prohibited by law may be conducted on campus contingent upon appropriate authorization of the President or designee (see Commercial Vendor program below). Such transactions shall be conducted in the University designated area(s). At no time shall commercial transactions be carried out in the private living spaces within University Housing, or in any academic building.

### **Commercial Vendors**

Commercial vendors authorized to engage in commercial transactions as described in this policy are permitted on campus through the Vendor Program and with sponsorship by a University recognized student organization. Craft vendors are also allowed to sell their crafts at the bi-annual Associated Students-sponsored Crafts Fair. All student organization-sponsored vending activities must obtain permits from the Dean of Students Office.

Permission shall only be granted if the off-campus vendor is providing funds to the student organization and the arrangement is outlined in writing prior to the activity. Applications may be made via: Student Activities & Events, Student Services Building, Suite 206 (SSB 206), email [sicc@sfsu.edu](mailto:sicc@sfsu.edu), phone 415-338-1761.

At the conclusion of the activity, the student organization shall provide the Dean of Students Office with proof of the receipt of the funds. If the student organization fails to provide proof of receipt of funds, the vendor will not be allowed to conduct commercial transactions on campus in the future. The sponsoring student organization is responsible for all transactions.

A form for requesting permission to host a vendor is required by and available from the Dean of Students Office. The form must be submitted at least three (3) working days prior to the commencement of the proposed vending date. A standard coordination fee is also required and must be paid by the vendor prior to activity approval. A list of current fees can be found on the following website: <http://www.sfsu.edu/~sicc/vendorpolicies.html>.

### **Off-Campus Food Vendors**

For reasons of public health and food safety, student organizations may not invite off-campus food vendors to sell food on campus as a fundraiser for the organization. Campus departments and units who wish to contract with off-campus catering vendors should consult with the appropriate facility event planner to ensure compliance with campus regulations and contracts.

## **X. SOLICITATION**

*(Title V, 42350.5)*

As defined in Title V of the California Code of Regulations (Section 42350.5), “Solicitation” means to importune, or endeavor to persuade or obtain by asking, but does not include “commercial” solicitation. With that in mind:

1. Solicitation shall be permitted on a campus subject to a reasonable regulation by the campus President or designee as to time, place and manner thereof. Solicitation in violation of established campus directives regarding time, place and manner is prohibited.
2. All directives issued by the campus president or designee pursuant to this section shall be available to the public at places designated pursuant to Section 42354.

### **Commercial Solicitation**

*(Title V, 42350.6)*

As defined in Title V of the California Code of Regulations (Section 42350.6) “commercial solicitation” means any direct and personal communication in the course of a trade or business reasonably intended to result in a sale. The following provisions are in effect:



1. Commercial solicitation on a campus is prohibited unless prior written authorization has been obtained from the campus president or designee. Permission for commercial solicitation shall be granted by the campus president or designee subject, however, to regulation as to time, place and manner thereof, unless such solicitation for sale would be in violation of law.
2. Sites available to marketers of student credit cards shall be limited and registered with the office of the Vice President for Student Affairs & Enrollment Management (Student Services Building, 403). Those marketers shall be prohibited from offering gifts to students for filling out student credit cards applications. As used in this section, “student credit cards” shall have the meaning in Civil Code section 1747.02(m)<sup>12</sup>.
3. All directives issued by the campus president or designee pursuant to this section shall be available to the public at places designated pursuant to Section 42354<sup>13</sup>.

Solicitors shall abide by all laws and University policies. Solicitation of goods is prohibited in the University residences.

## **XI. SELLING OF PUBLISHED MATERIALS**

*(Title V, 42351)*

No person shall prepare, offer to prepare, cause to be prepared, sell, or otherwise distribute any term paper, thesis, dissertation, or other written material for another person, for a fee or other compensation, with the knowledge, or under circumstances in which the individual should reasonably have known, that such term paper, thesis, dissertation, or other written material is to be submitted by any other person(s) for academic credit at San Francisco State University. Additionally,

1. Except in the case of private sales and commercial transactions, the selling or displaying for sale of any books, newspapers, pamphlets and other published materials shall be permitted on campus provided:
  - a. such published materials are not available for sale at the campus bookstore, and;
  - b. the selling or display of such published materials is conducted in compliance with the time, place and manner directives set forth in this policy, and;
  - c. the published materials displayed or offered for sale are not in violation of the provisions of Chapter 7.5, Title 9, Part 1 (commencing with Section 311)

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<sup>12</sup> Civil Code section 1747.02(m): [http://www.leginfo.ca.gov/pub/01-02/bill/asm/ab\\_0501-0550/ab\\_521\\_bill\\_20010912\\_chaptered.html](http://www.leginfo.ca.gov/pub/01-02/bill/asm/ab_0501-0550/ab_521_bill_20010912_chaptered.html)

<sup>13</sup> Section 42354: <https://govt.westlaw.com/calregs/Search/Index?Template=Find>

of the Penal Code<sup>14</sup> (relating to the sale and distribution of obscene matter), or of Chapter 6, Title 3 (commencing with Section 66400) of the Education Code<sup>15</sup> (relating to the preparation, sale and distribution of term papers, theses and other materials to be submitted for academic credit).

2. Selling or displaying for sale of published materials in violation of subsection (1) is prohibited.

Sale of literature may occur only in designated University areas. Literature may not be distributed or sold inside University buildings. Literature that is sold must not be available in the University Bookstore, nor be a term paper, thesis or other materials to be submitted for academic credit. Literature that is sold must not be obscene.

Any outdoor literature being sold must be in designated University vending areas per the University vending policy (see Commercial Vendors section and section X above). Literature materials may also be sold at student organization information tables. No specific permit is needed from UPD to distribute or sell literature if authorization to have the table is obtained from the Dean of Students Office.

## **XII. HANDBILLS & CIRCULARS**

*(Title V, 42352)*

1. No person or persons shall cast, throw, deposit, or distribute any advertising handbills or circulars which contain false, misleading, or illegal advertising on the campus of San Francisco State University.
2. The distribution of written or printed matter shall be permitted on campus, subject, however, to the time, place and manner herein. This policy will be made available to the public at:  
[http://vpsaem.sfsu.edu/sites/default/files/SFSU\\_Time\\_Place\\_and\\_Manner\\_Policy.pdf](http://vpsaem.sfsu.edu/sites/default/files/SFSU_Time_Place_and_Manner_Policy.pdf). Distribution of written or printed matter in violation of time, place and manner restrictions is prohibited.

Distribution of literature may occur in University outdoor areas as long as pedestrian traffic is not impeded and passersby are not unduly harassed or followed.

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<sup>14</sup> Chapter 7.5, Title 9, Part 1 (commencing with Section 311) of the Penal Code:  
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=311-312.7>

<sup>15</sup> Chapter 6, Title 3 (commencing with Section 66400) of the Education Code: <sup>15</sup>  
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=66001-67000&file=66400-66410>

### **XIII. BICYCLES, SKATEBOARDS, ROLLER SKATES & ANIMALS**

*(Title V, 42353.1)*

The president of the campus may permit forms of transportation and animals on the campus in accordance with reasonable directives issued by the campus president. The provisions provided by Title V, section 42353.1 are:

1. No person shall use forms of transportation upon the campus driveways, pathways, parking facilities or grounds except in accordance with directives issued by the campus president. The campus president may designate the campus areas that shall be open to use of forms of transportation, and shall place appropriate signs indicating the time and the conditions for their use. "Forms of transportation," shall include bicycles, motorized bicycles, scooters, motorized scooters, skateboards, roller skates including inline skates, and other forms of transportation that are not motor vehicles.
2. No person shall bring an animal onto the grounds or into the buildings of a campus except in accordance with directives issued by the campus president. The president shall consider such factors as the safety of the campus community, cleanliness of the buildings and grounds of the campus, and the needs of the animal's owner as in the case of service animals.
3. University Executive Directive 85-08 provides additional guidance on the use of bicycles, skateboards and roller skates. The directive can be accessed at: <http://policiesandpracticelirectives.sfsu.edu/content/university-executive-directives-ueds>

### **XIV. MORE INFORMATION & POLICY OVERSIGHT**

The Office of the Dean of Students or Enterprise Risk Management can provide further information regarding this policy or free speech generally. The Dean's Office also maintain copies of the University's Posting and Vendor Policies. Please visit them in the Student Services Building, room 403 or telephone them at 415-338-3888.

For more information concerning the erection of temporary structures on campus, contact Facilities & Services Enterprises and Enterprise Risk Management at (415) 338-2625.

The Vice President for Student Affairs & Enrollment Management or designee is responsible for ensuring that appropriate and reasonable procedures are developed, maintained and updated on a regular basis to ensure effective implementation of this policy. Further, the Vice President for Student Affairs & Enrollment Management will direct the review and revision of this policy as needed.

## XV. DEFINITIONS

- BANNERS are postings that exceed 36” on any side.
- CAMPING means residing in or using university property for living accommodation purposes such as making preparations to sleep overnight, between the hours of sunset to sunrise, including the laying down of bedding for the purpose of sleeping or storing personal belongings, blankets, sheets, other bedding material, luggage, backpacks, kitchen utensils, cookware and similar material; erecting, maintaining or occupying any structure with natural or artificial material, including a building, tent, hut, or shelter; making any fire or using any tents; regular cooking of meals; living in a parked trailer, camper shell, motor home, or any motor vehicle as defined by the Vehicle Code; or setting up or using any camp paraphernalia.
- COMMERCIAL SOLICITATION means any direct and personal communication in the course of a trade or business reasonably intended to result in a sale.
- COMMERCIAL TRANSACTION means selling or purchasing or both selling and purchasing by any person in the course of employment in, or in the carrying on of, a trade or business.
- HARASSMENT means unwelcome conduct, based on the Complainant’s Protected Status, that is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, and is in fact considered by the Complainant, as limiting her/his ability to participate in or benefit from the services, activities or opportunities offered by the University.<sup>16</sup>
- FIGHTING WORDS are “those which by their very utterance inflict injury or tend to incite an immediate breach of the peace.”
- FREEDOM OF/FREE SPEECH AND FREEDOM OF/FREE EXPRESSION are used interchangeably for the purpose of this document. Freedom of expression consists of the rights to freedom of speech, press, assembly and to petition the government for a redress of grievances, and the implied rights of association and belief.
- LARGE EVENT means any event or activity on campus that 150 or more people attend. This is inclusive of anticipated attendance.
- LIMITED/DESIGNATED PUBLIC FORUM is an area that has not been traditionally public, but which has been specifically identified as such by a CSU campus -- e.g., an auditorium or a lobby.

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<sup>16</sup> <http://www.calstate.edu/eo/EO-1097-rev-6-23-15.html>

- NON-PUBLIC FORUMS are not open for public speech. By tradition or design they receive very little protection. CSU may adopt reasonable time, place, and manner regulations that apply to these areas, or may reserve them for their intended purposes only.
- NON-STUDENT means faculty, staff, administrators, or off-campus persons wishing to utilize SF State facilities.
- OBSCENITY<sup>17</sup> is defined through three “basic guidelines” :
  - “Whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest.
  - “Whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law.
  - “Whether the work, taken as whole, lacks serious literary, artistic, political, or scientific value.”
- ON-CAMPUS SPONSOR means any University department/College, auxiliary unit, or individual who has a recognized and verifiable affiliation with SF State.
- OUTDOOR LODGING/CAMPING means the setting up and/or use of any bedding material, tent, portable shelter, structure, makeshift structure or building of any kind, on campus, day or night, for the purpose of staying, sleeping or living in.
- A POSTING is a communication in the format of a sign, poster, handbill, banner, notice, billboard, sandwich board, or related item with the objective that a passerby will view the communication.
- PRIVATE SALE means occasional selling between persons who are campus students or employees.
- PUBLIC FORUM is a public property that has traditionally been available to assembly or debate -- e.g., streets, parks and lawn areas.
- SALE, SELLING OR PURCHASING means an activity creating an obligation to transfer property or services for a valuable consideration.
- SOLICITATION means to importune, or endeavor to persuade or obtain by asking, but does not include "commercial solicitation."
- STUDENT means any person enrolled in coursework at SF State, has paid fees and is currently attending courses, including Extended Learning courses.

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<sup>17</sup> <https://www.law.cornell.edu/wex/obscenity>

- STUDENT ORGANIZATION means an organization that has met all CSU and Student Activities & Events requirements and is officially recognized by the University.
- TRUE OR CREDIBLE THREAT is a statement not protected by the First Amendment if “a reasonable person would foresee that the statement would be a serious expression of intent to harm or assault...[in the context of] the surrounding events and reactions of listeners and whether the threat was unconditional and unequivocal and communicated a gravity of purpose and the prospect of immediate execution.<sup>18</sup>”
- UNIVERSITY means San Francisco State University, California State University (CSU) system.
- UNIVERSITY ADMINISTRATORS are defined as individuals who are part of the CSU Management Personnel Program.
- UNIVERSITY FACILITY means that place where a University function occurs.
- UNIVERSITY HOUSING means the areas/buildings including the residence halls (Mary Ward & Mary Park), Seven Hills Conference Center, Dining Center, the Village at Centennial Square, the Towers at Centennial Square, University Park North and University Park South.
- UNIVERSITY’S STANDARD OPERATION HOURS means the campuses’ operation times for classes, lectures, events, activities, etc. The University operation hours are 7:00AM – 10:00 PM, Pacific Standard Time.

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<sup>18</sup> <https://www.calstate.edu/gc/Docs/FreeSpeechHandbook.pdf>

## Appendix – A: Event Planning

### On-Campus Sponsors

For regular events or activities not defined as “large” (150 or more people), on-campus sponsors should work directly with the appropriate venue scheduling office regarding reservation requests and/or questions. Departments hosting large campus events shall work directly with the Coordinator of Special Events, who is designated by the Vice President for Student Affairs & Enrollment Management. Upon approval, written verification will be sent to the University Event Services Office who will help coordinate the logistics of the large campus-wide event.

### Student Organization Sponsors

Recognized student organizations should submit reservation requests directly to the appropriate venue scheduling office, but confirmation is not complete until Dean of Students Office written approval is granted. Student organizations hosting events in a large campus venue will also be required to attend a University partners meeting. The Dean of Students Office, in collaboration with the student event planner(s), UPD, the venue manager/scheduler, hosts the meeting and other University offices attend as needed. During the meeting, all event details will be discussed, and based on the event information recommendations will be provided concerning event needs and University expectations.

### Off-Campus Sponsors

After consulting with the Coordinator of Special Events, all events being hosted indoors by off-campus sponsors must work directly with University Event Services to submit and complete a Space Rental Agreement (formerly Presidential Lease Agreements). The University Event Services team will serve as a liaison between the event sponsor and the University. This will ensure that events where Space Rental Agreements are signed are properly insured, meet the mission of the university and do not displace any core University activity.

## Appendix – B: University Locations of Public Bulletin Boards

The following locations are permitted for public posting at any time:

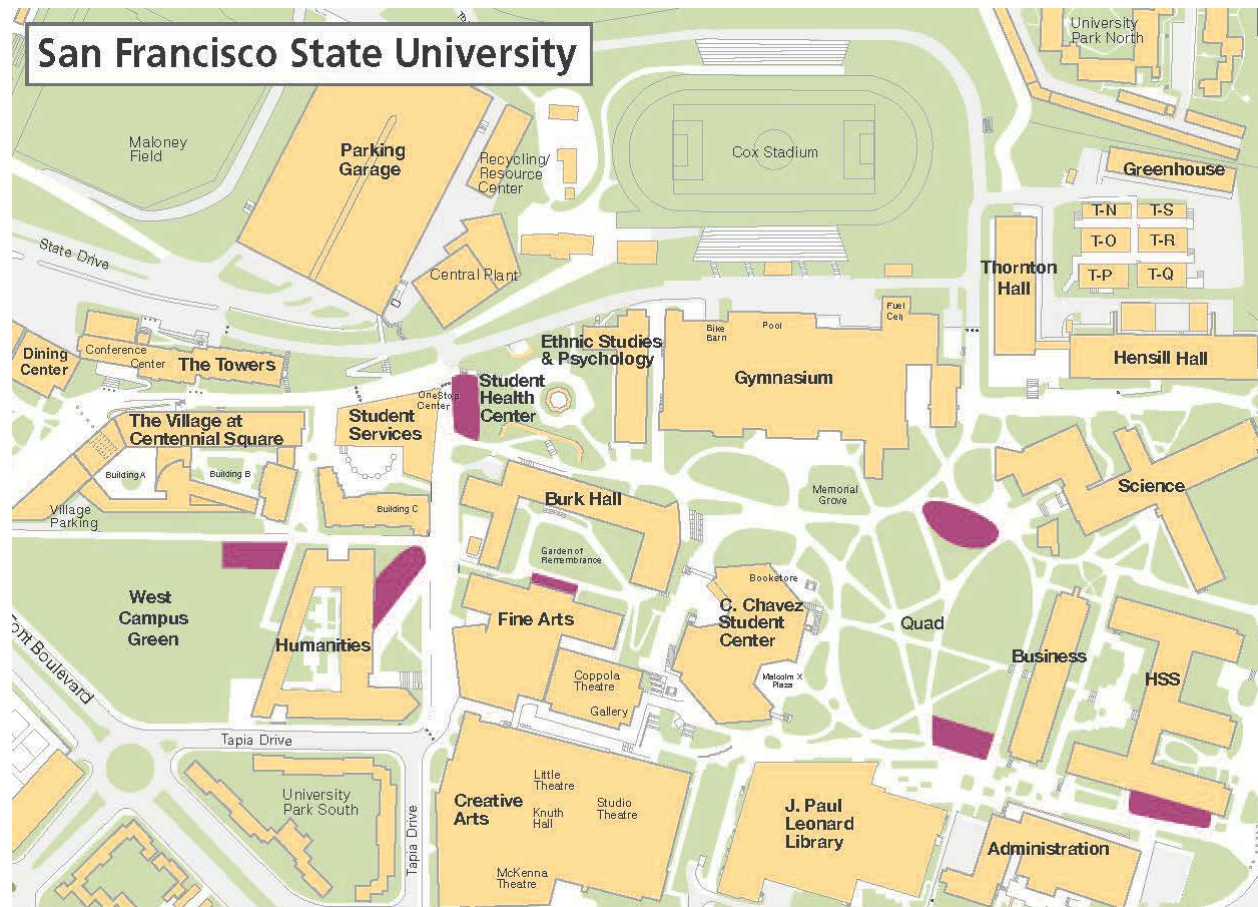
- Student Services Building (SSB)- ground-floor north external entrance bulletin board facing toward the SF State parking structure
- Utility Shed- bulletin board faces north external entrance of Student Services Building (SSB)
- Grass Area Above Student Health Services- circular post-style posting board
- J. Paul Leonard Library- bulletin board posting areas located on the ground/basement floor
- University Buildings- some University facilities have public bulletin board spaces for public use. Bulletin boards that are labeled and identified for departmental or functional-area use are not permitted for public postings of any kind, and are subject for removal.

This list will be updated at the beginning of each Fall and Spring term as more public bulletin boards become available.



## Appendix – C: University Locations for Banners and Free-Standing Signs

The following locations (in purple) are permitted for banners and free-standing signs by approved exemption requests from the Offices of the Dean of Students or Enterprise Risk Management:



- Grass area near West Campus Green
- Grass area to the left of walkway toward Humanities Building front entrance
- Grass area across pathway from Student Services Building
- Areas near Garden of Remembrance in between the Fine Arts Building and Burke Hall
- University Quad grass areas near the J. Paul Leonard Library and near the Science Building
- Grass area in between University Administration Building and the HSS Building

## Signature Page

APPROVED / NOT APPROVED

- signature on file in VPSAEM Office, SSB 403 -

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Leslie E. Wong, President  
San Francisco State University

November 30, 2017

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Date