

January 2004

Revision to University Executive Directive #89-13:  
Use of Buildings and Grounds -  
Amplification

**Amplification:**

Amplified Events are scheduled through the Office of Student Programs and Leadership Development (OSPLD) to take place Monday through Friday from 12 – 2 p.m.

No amplification other than the Student Center Sound System may be used for outdoor events. All amplifiers/speakers for amplified instruments such, as electric guitars, electric bass, and keyboards on stage, should be patched directly into the Student Center Sound System (SCSS) and may not exceed a 95 decibel level reading, as measured 25 feet from the speaker source. If particular amplifiers or speakers cannot be directly connected into the SCSS, or have an independent volume control device, it will be the responsibility of the student organization sponsoring the group and the performers playing the music, to not exceed the 95 decibel level.

Recognizing that sound might disrupt class activities at some time, complaints should be directed to the Office of Student Programs and Leadership Development, who is charged with administering this policy. The OSPLD is asked to keep records of complaints.

Any violation of this amplification policy will result in enforcement of the provisions outlined in the Malcolm X Plaza Sound Policy document in the OSPLD Handbook.

Approved:

Not Approved:

Signed by President Corrigan

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Robert A. Corrigan, President

Date: 01-31-04

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Robert A. Corrigan, President

Date: \_\_\_\_\_

**San Francisco State University Office of the President**

**Date: December 20, 1989**

**To: School Deans & Administrative Officers**

**From: Robert A. Corrigan, President**

**Subject: University Executive Directive #89-13: Use of Buildings and Grounds**

Attached is a campus policy, effective immediately, on the use of CSU buildings and grounds in accordance with the California Administrative Code, Title V, Sections 42350 et. seq.

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**San Francisco State University Policy for the Use of California State University and Colleges  
Buildings and Grounds**

I. Policy Statement

The facilities of San Francisco State University are maintained for the purpose of providing excellence in education. While the first priority for the use of its facilities is given to instructional programs, it is the policy of the University to make its facilities available for additional use. This policy establishes the priorities for such use, legal requirements as needed and other matters relating to the scheduling and use of SFSU facilities.

The use of university facilities must always be in accord with the applicable provisions of law and State University policies and rules. Among these provisions are the administrative regulations of the CSU Board of Trustees, the California Education Code, and the California Administrative Code, Title V which regulate soliciting, selling, exposing for sale of offering for sale of goods, articles, wares, or merchandise on campus; and the holding of public meetings, performances, rallies and similar events on campus (see below).

II. Background

California Administrative Code, Title V, Article 9, Use of California State University and Colleges Buildings and Grounds, Sections 42350 et. seq. allows for commercial transactions, solicitation, distribution of handbills and circulars, public meetings, performances, rallies and similar events by permission of the President. Such activities may be permitted subject to reasonable directives issued by the President as to time, place and manner.

Notice of these directives shall be posted at or near the principal entrances of the campus calling attention to the existence of regulations relating to soliciting handbills and circulars, and to public meetings, performances, rallies and similar public events; designating the places where copies of directives issued by the Campus President may be examined.

III. Provisions

1. Authorization

a. Students - all students shall obtain the appropriate authorization under this policy from the Student Activities Office.

b. Non Students - shall obtain the appropriate authorization from the Director of Special Events and Conferences (except for distribution of literature). Persons wishing to schedule events in Housing Services shall contact the Director of Housing or the Housing Conference Coordinator.

c. Distribution of Literature - all non-students shall obtain authorization from the Department of Public Safety.

## 2. Definitions (Section 42350 - Title V)

a. "Sale", "selling" or "purchasing" means an activity creating an obligation to transfer property or services for a valuable consideration.

b. "Commercial solicitation" means any direct and personal communication in the course of a trade or business reasonably intended to result in a sale.

c. "Solicitation" means to importune, or endeavor to persuade or obtain by asking, but does not include "commercial solicitation."

d. "Private sale" means occasional selling between persons who are campus students or employees.

e. "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.

f. "Campus President" means the President of the SFSU campus.

## 3. Definitions (Campus)

a. "Student Organization" means an organization that has met all requirements established by the Student Activities Office and is a recognized organization by Student Activities.

b. "Student" means any student enrolled in course work at SFSU, has paid tuition and is currently attending courses including extended education courses.

c. "Non-student" means faculty, staff or off-campus persons wishing to utilize SFSU facilities.

d. "President's Designee" means any person the President has chosen to represent his authority.

e. "Student Plaza Area" means the area east of the Student Union representing the open space/free speech area in the center of campus.

f. "Housing Services" means the areas/buildings including the residence halls, Seven Hills Conference Center, Dining Center, residence apartment buildings, and Guest Center.

## 4. Commercial Transactions (42350.1 - TITLE V)

a. Commercial transactions and the display of property or services for sale on a campus is prohibited except with written permission by the campus President. Such permissions shall be granted if:

i) 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

ii) the prospective buyer has agreed in writing in advance to an appointment, and prospective seller makes no more than one appointment for any day, and such an appointment does not interfere with the operation of the campus.

b. This section shall not apply to private sales.

#### IV. Directives

Transactions which aid in the achievement of educational objectives of the campus and which do not unreasonably interfere with the operation of the campus, and are not prohibited by law may be conducted on campus contingent upon appropriate authorization. Such transactions shall be conducted in the Student Plaza Area. At no time shall commercial transactions be carried on in the residence halls, or in any other campus academic building. Transactions may occur only in rooms where a particular event takes place.

Non-student vendors or vendors not sponsored by a student organization must obtain permission from the Office of Special Events and Conferences to conduct commercial transactions on campus. Permission shall be granted if the commercial transaction will benefit an academic program, (see Facility Rental Handbook). If the vendor does not provide the agreed upon compensation, permission shall not be granted to the vendor in the future. Permission shall be denied if the vendor requests to sell items currently sold in the Franciscan Shops.

#### Craft Vendors

Craft vendors will be allowed to sell their crafts on Christmas/Spring Crafts Fair days only. Student Craft Vendors and Student-Sponsored Vendors shall obtain permits from Student Activities. Student organizations must receive permission from the Student Activities Office to sponsor a vendor on campus for a fund raising activity. Permission shall only be granted if the vendor is providing funds to the Student Organization and the arrangement shall be in writing prior to the activity. At the conclusion of the activity, the student organization shall provide Student Activities 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. Student leaders are responsible for all transactions. A form for requesting permission for a fund-raiser is required by and available in the Student Activities Office. The form must be submitted at least 3 working days prior to the commencement of the fund raiser. Student organizations may not invite off-campus food vendors to sell food on campus as a fund raiser for the organization.

#### V. SOLICITATION

##### 1. Solicitation (42350.5 - Title V)

a. Solicitation shall be permitted on campus subject, however, to a reasonable regulation by the campus President as to time, place, and manner thereof. Solicitation in violation of established campus directives regarding time, place, and manner is prohibited.

b. All directives issued by the campus President pursuant to this section shall be available to the public at places designated pursuant to Section 42354.

##### 2. Commercial Solicitation (42350.6 - Title V)

a. Commercial solicitation on a campus is prohibited unless prior written authorization has been obtained from the campus President. Permission for commercial solicitation shall be granted by the campus President subject, however, to regulation as to time, place and manner thereof, unless such solicitation for sale would be in violation of law.

b. All directives issued by the campus President pursuant to this section shall be available to the public at places designated pursuant to Section 42354.

#### Directives

Solicitation shall not be commercial in nature. Solicitors shall abide by all penal laws and not block the flow of traffic or path of a pedestrian.

The Student Union, Franciscan Shops, Housing Services and Office of Special Events and Conferences will not sponsor commercial banking groups (American Express, Bank of America, etc.) for solicitation of applications, and various banking services for profit-making ventures.

In the case where a contract is currently existing between the campus and a banking firm, the terms of the contract may be fulfilled (i.e. the Student Union has contracted with Wells Fargo for automatic tellers until 1991) until new contracts are awarded. The President or his designee may authorize the campus banking institution on contract to distribute literature about the services of the automatic tellers.

There shall be no solicitation or commercial transactions in the lobby of the Student Union except during annual student sponsored craft fairs.

Student Activities will approve all official San Francisco State University student groups/clubs wishing to sponsor groups provided that they receive a portion of the funds which are collected. As agreed, a portion of funds will be deposited in the appropriate group/club account. All non-students must obtain authorization from the Director of Special Events and Conferences.

No money may be solicited unless it is for a non-profit group. Non-profit groups wishing to solicit donations must have:

1. Proof of the group's non-profit status (letter from Attorney General or Internal Revenue Service).
2. Individual who is soliciting must have written authorization from his/her organization.

## VI. SELLING OF PUBLISHED MATERIALS (42351 - TITLE V)

1. Except in the case of private sales and commercial transactions to which Section 42350.1 applies, 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, (b) the selling or display of such published materials is conducted in compliance with any time, place and manner directives adopted by the President, and (c) the published materials displayed or offered for sale are not in violation of the provisions of the Penal Code relating to the sale and distribution of obscene matter, or of Chapter 6, Title III (commencing with Section 66400) of the Education Code (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 (a) is prohibited.

Prohibition concerning preparation, sale and distribution of term papers, thesis, etc. (66400 Education Code)

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 he should reasonable have known, that such term paper, thesis, dissertation, or other written material is to be submitted by any other person for academic credit at any public or private college, university, or other institution of higher learning in this state.

### Directives

Faculty members that wish to sell books in the classroom must receive authorization from the Dean of their school if the books are not sold at the campus bookstore.

## VII. HANDBILLS AND CIRCULARS (42352 - TITLE V)

1. No person or persons shall, upon any of the grounds on campus cast, throw, deposit, or distribute any advertising handbills or circulars which contain false, misleading, or illegal advertising.
2. The distribution of written printed matter shall be permitted on campus, subject, however, to reasonable directives by the campus President as to the time, place and manner thereof. All directives issued by a campus President pursuant to this section shall be available to the public.

### Directives

No false or misleading or illegal advertising may be distributed.

Distribution and/or sale of literature may occur only in the Student Union Plaza. Pedestrian traffic must not be interrupted. Literature may not be distributed or sold inside University buildings. Literature that is sold must not be available in the campus bookstore, obscene, term paper, thesis and other materials to be submitted for academic credit. No literature shall be placed on vehicles or distributed in the residence halls. Materials may be posted only on indoor campus bulletin boards not identified for specific purposes or functions and authorization must be obtained from the individual school within the building.

It is a misdemeanor for any person to place or maintain, or cause to be placed or maintained without lawful permission upon any property of the State, or of a city or of a county, any sign, picture, transparency,, advertisement, or mechanical device which is used for the purpose of advertising or which advertises or brings to notice any person, article of merchandise, business, or anything that is to be or has been sold, bartered, or given away. No commercial advertisement may be distributed unless it is a part of a student organization's fund raiser and if the fund raiser has written permission from the Student Activities Office.

Any outdoor literature distribution/sale must be in the Student Union Plaza behind the blue lines marked on the pavement. Students shall obtain authorization from the Student Activities Office. Literature materials may be sold at student organization information tables. No specific permit is needed from Public Safety to distribute or sell literature if authorization to have the table is obtained from Student Activities. All non-students may obtain permits from the Department of Public Safety. Permits or appropriate authorization must be displayed at all times.

## VIII. PUBLIC MEETINGS, PERFORMANCES, RALLIES AND SIMILAR EVENTS (42353 - TITLE V)

The President of the campus may permit the use of campus buildings and grounds for public meetings, performances, rallies and similar events held in accordance with reasonable directives issued by the respective campus President pursuant as to the time, place and manner thereof. Any such event occurring on campus in violation of established campus directives regarding time, place and manner is prohibited.

### Directives

#### Time, Place and Manner

Rallies and demonstrations shall be restricted to Public Forum Areas (i.e., Student Union Plaza Area). Student marches may be permitted as long as a map outlines the area and is approved by Student Activities. Non-student marches may be permitted with the approval of the Director of Special Events and Conferences, the Director of Public Safety and the Director of Personnel Services (in the case of Employee Organizations), prior to the march. The march shall not be through campus buildings or areas that will disrupt the orderly flow of campus business.

Picket signs with sticks are prohibited.

All students shall obtain permission from the Student Activities Office to schedule a demonstration, rally or march.

Non-students (except labor organizations for picketing purposes and persons conducting business with Housing Services) shall obtain permission from the Director of Special Events and Conferences to hold any type of special event (i.e., dance, conference, facility use). Scheduling of events shall not interfere with student or University scheduled events. Speech or actions directed at inciting or producing imminent lawless action and speech likely to incite or produce such action will be prohibited. Fighting words which are likely to incite an immediate breach of the peace will be prohibited. Communications which create an imminent danger of uncontrolled violence are prohibited. Rallies and demonstrations shall be conducted between 12:00 p.m. and 2:00 p.m. Activities must be conducted in a manner that is non-disruptive to the educational process.

### Amplification

- 1) Amplified events are scheduled through the Student Activities Office to take place Monday through Friday from 12 - 2 p.m. An additional hour may be scheduled on Tuesday or Thursday.
- 2) No amplified sound other than the campus wireless microphone may be used for outdoor events. The Student Activities Office will reserve the wireless microphone for any group having an outdoor event. Music must always be played acoustically; no amplified sound shall exceed four decibels.
- 3) Waivers may be given for different days and hours, but never for more than two hours of amplification. Waivers must be requested in writing at least one week prior to the event.

Recognizing that sound might disrupt class activities at some time, complaints should be directed to the Student Activities Office who is charged with administering the policy. The Student Activities Office is asked to keep records of complaints.

### Labor Organizations

Among the guarantees of the United States Constitution is the right of citizens to inform others of their opinion by peaceful picketing. In California, this right is also guaranteed by our State Constitution. Additionally, Code of Civil Procedure, Section 527.3 protects the right of individuals to communicate information, including information involving a labor dispute, on public streets or any other place where persons may lawfully assemble.

The right to picket does not include the right to break the law by:

1. blocking entrances, exits or sidewalks
2. using physical force on individuals
3. throwing any matter
4. disturbing the peace
5. using any offensive language likely to promote violence
6. creating excessive noise by use of any device
7. committing any other criminal acts

Code of Civil Procedure, Section 527.3 authorizes the courts to issue injunctions in labor disputes which views are expressed in order to prevent violence or breach of the peace.

The University Police Department has an obligation to guarantee the rights of free speech, assembly and petition as well as to protect the safety of the campus community at all times.

To insure that the orderly and peaceful flow of campus business and activities will not be disrupted, all labor organizations wishing to picket or to hold a demonstration on campus should schedule the location of such an event in advance by complying with the following procedures:

1. The representatives of all labor organizations, other than Unit 3, should contact the Director of Personnel, who in conjunction with the Director of Public Safety, will advise such representatives of any conflict with a special campus or student event scheduled to take place at the same location.

2. The representative(s) of Unit 3 should contact the Associate Vice President for Faculty Affairs, who in conjunction with the Director of Public Safety, will advise the representative(s) of any such conflict.

Compliance with these procedures by labor organizations will avoid scheduling conflicts which could lead to potential disruptions of previously scheduled campus activities as well as potential disruptions of the orderly conduct of campus business.

#### IX. NOTICE (42354 - TITLE V)

Notice shall be posted at or near the principal entrances of campus calling attention to the existence of regulations relating to soliciting handbills and circulars, and to public meetings, performances, rallies and similar public events, designating the places where copies thereof and of directives issued by the campus President pursuant thereto may be examined.

All signs at the entrances to campus should be changed to direct persons wishing to distribute literature, carry on commercial transactions, etc. to the appropriate area.

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### **INDIVIDUALS MUST HAVE THIS PERMIT WITH THEM AT ALL TIMES**

San Francisco State University Special Events and Conferences and Associated Students, Incorporated  
Event Authorization Sheet

Activity

Time Period

Responsible Person

Organization

Telephone Number

Address

Student Activities (Students Only)

Department of Public Safety (Non-Students)

Director of Special Events and Conferences (Non-Students)