

# HUMBOLDT STATE UNIVERSITY

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## HSU Policies (/)

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# Time, Place and Manner of Free Expression Policy

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(Supersedes P67--22)

## I. Preamble

Humboldt State University is committed to affording all members of the University community the protections of freedom of speech, expression, assembly, religion, and press available under the U.S. and California Constitutions and all applicable federal and state laws, in accordance with the University's educational purpose and function.

As is true with the society at large, however, this freedom is subject to reasonable restrictions of time, place and manner, as described herein, although such restrictions shall be applied without discrimination toward the content of the view being expressed or the speaker.

Through this policy, the University seeks to foster and sustain a forum for the free and orderly exchange of ideas, values and opinions and 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.

## II. Authority

This policy is promulgated under the authority of Title 5, California Code of Regulations, and subsequent directives, resolutions, standing orders, and Executive Orders of the Board of Trustees and Chancellor of the California State University, and the President of Humboldt State University.

## III. General Rules Regarding Free Expression at HSU

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

Throughout the campus of Humboldt State University, the time, place, and manner of expression are limited by the following general conditions and by additional specific conditions as defined in this policy.

The exercise of free speech and assembly rights must comply with all applicable federal, state, and local laws. In addition, the following “manner” restrictions apply to all free speech and assembly activities on campus. Such activities must not:

- interfere with classes in session or other scheduled academic, educational, cultural/arts programs or with use of the University library;
- obstruct the flow of pedestrian or vehicular traffic;
- interfere with or disrupt the conduct of University business;
- employ unauthorized sound amplification or create unreasonable noise disruptive of normal University activities;
- severely harass or intimidate persons in the immediate area of the activity; or
- violate any federal, state, or local safety code, such as regulations set by the State Fire Marshal.

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

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. To disallow speech on such grounds would violate a First Amendment ban otherwise known as the “heckler’s veto.”

When speech is part of a planned event (e.g., an invited speaker), an individual or group wishing to protest at an event may do so as long as any speaker's right to free speech and the audience's right to see and to hear a speaker are not violated. In the interest of protecting the free speech rights of all, University representatives 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.

Illegal speech activity, not protected by the U.S. or California Constitutions or by this policy, includes speech that promotes actual violence or harm, constitutes criminal harassment, or words which by their very utterance would incite an immediate breach of the peace ("fighting words").

The following sections provide additional time, place and manner restrictions which apply in certain defined circumstances.

## IV. Public Meetings, Performances, Rallies, Demonstrations, or Similar Public Events

Members of the University community and non-University community may use campus buildings and grounds for public meetings, performances, rallies, demonstrations, and similar events in accordance with the general limitations described in this policy and in Section III. However, the highest priority for the use of University facilities is academic scheduling (i.e., classrooms, laboratories, fields and other facilities that are to be used for teaching and instructional programs for credit).

Not all University facilities and services are available for reservation or request for non-instructional purposes. Information concerning reservation and request procedures for designated facilities and services available for non-instructional use may be obtained from the office of Contracts and Procurement, Student and Business Services building, room 417 (SBS 417), [\(707\) 826-3305](tel:7078263305). (Contracts and Procurement may refer the reservation request to specific building managers depending on the specificity of the space requested.)

There may be a rental fee, security fee, parking fees and/or custodial charge associated with the use of any venue; Contracts and Procurement will determine the rental fee based on the number of attendees, wear-and-tear, risk management, and appropriate health/safety standards; the content or subject of the speech is not a measure or consideration in determining a rental fee. Recognized student organizations should refer to the Clubs & Activities Handbook for reservation information.

Non-amplified outdoor demonstrations or public protests may be held on University property, without advance permission, provided they adhere to the general limitations described in Section III. Any non-University group that wishes to conduct such a demonstration or protest should contact University

Police in SBS 101, [\(707\) 826-5555](tel:(707)826-5555), prior to the event or upon arrival on campus.

Demonstrations, rallies, and other public events may not disrupt the business of the University or its educational mission and they may not be conducted in classrooms, in offices, in residence hall areas, on athletic fields, or in reception areas.

Speakers at such meetings, performances, rallies, demonstrations or similar events shall not be subject to harassment, nor shall the right of all to hear the speaker be infringed. At the same time, members of the campus community and outside guests shall have the right to peacefully protest any speaker, meeting, or event, so long as the event being protested is not significantly or materially disrupted.

Spontaneous events occasioned by news or affairs coming into public knowledge less than 48 hours prior to such event may be held in the Designated Public Forums described in Section VI as well as outdoors (other than turf athletics fields) without advance permission, and in University buildings with special permission of the President or the President's designee.

## V. Handbills and Circulars

Non-commercial leaflets, fliers, handbills, and circulars may be distributed by hand in the Designated Public Forums identified in Section VI, 9 am to 5 pm, Monday through Friday and on other University walkways and outside entrances to University buildings provided that the activity conforms to the time, place, and manner limitations described in Section III above and in Section VIII below.

Handbills and posters may not be posted on outdoor surfaces such as buildings, structures, poles, trees, benches, objects or windows (except by special permission of the President or designee). Posting of written materials on indoor surfaces such as common hallway walls is generally prohibited. (See Posting, Section XI below, for posting of approved materials on University general bulletin boards within buildings.)

Only recognized student organizations may seek approval to "chalk" temporary messages on University walkways, or to put out approved temporary signs on stakes in designated landscaped locations, through the Clubs & Activities office, in UC 238, [\(707\) 826-3776](tel:(707)826-3776).

Any non-University group or individual who is not a student or employee of the University who seeks to circulate such handbills and circulars should register with University Police, SBS 101, [\(707\) 826-5555](tel:(707)826-5555), upon arrival by providing copies of the material they will be circulating and identifying any organizational affiliation. A name and phone number for the person responsible for the activity will be requested, but personal identification is not required.

Handbills and circulars must not be littered on University grounds. Every attempt should be made to minimize paper use, and to utilize recycled and recyclable products.

# VI. Designated Public Forums

The University Center Quad (UC Quad) area adjacent to the University Center/Student Union and the Balabanis-Art Quad (Art Quad) outside of the Van Duzer Theater are Designated Public Forums in which members of the University community and non-University community may exercise their free speech rights without special restriction, subject only to the limitations in Section III, unless sound amplification is to be used, in which case prior reservations must be made as described in Section VII below.

These areas are available to individual students, faculty, and staff and to University organizations on a first-come, first-served basis for free speech activities, unless sound amplification is to be used in the UC Quad, in which case prior reservations must be made as described in Section VII below. When classes are in session, however, student organizations have priority on the UC Quad from noon to 1 pm. (Student organizations may not reserve the UC Quad on behalf of or for the use of an outside organization so that the outside organization will get higher priority.) The Art Quad may be reserved on a first-come, first-served basis. Free speech activities in these designated forums may not unduly limit pedestrian traffic in the area.

The UC Quad can be reserved through University Center Information Desk [\(707\) 826-4414](tel:(707)826-4414). The UC Quad policy is available at <http://studentaffairs.humboldt.edu/policies-and-forms/quad-events> (<http://studentaffairs.humboldt.edu/policies-and-forms/quad-events>).

# VII. Sound Amplification

Outdoor sound amplification is limited to the UC Quad, except where special advance permission is obtained by calling [\(707\) 826-3361](tel:(707)826-3361). The UC Quad policy is available at <http://www.humboldt.edu/studentaffairs/policies-and-forms/quad-events> (<http://www2.humboldt.edu/studentaffairs/policies-and-forms/quad-events>).

Amplification on the UC Quad is limited to between Noon and 1 pm when classes are in session or when events or programs are scheduled in adjacent buildings, except when special advance permission is obtained from the Vice President of Enrollment Management and Student Affairs. Advance permission to use amplification at special times and places shall not be granted or denied on the basis of the content or viewpoint of the activity.

In all cases, the sound level of amplification or non-amplified sound, such as drumming, must not exceed one hundred (100) decibels as measured by a sound level meter using the 'A' weighted network (scale) at slow meter response. Decibel meters will measure sound levels at a distance of ten (10) feet directly in front of the source of the sound. Hand-held amplification (e.g., "bullhorns") is considered a sound amplification device under this policy, and all amplified sound must conform to the general limitations outlined in Section III.

# VIII. Sale, Solicitation, and/or Distribution of Merchandise, Publications, or Other Printed Matter

In accordance with Section 42350 of Title 5 of the California Code of Regulations, commercial transactions and the display of property or services for sale on the University's campus is prohibited except with written permission by the President of HSU. Such permission shall be granted if the proposed activity:

- aids achievement of the educational mission and/or student development objectives of the campus;
- conforms to the time, place and manner limitations described in Section III above;
- has published materials for sale that are not available for sale at the campus bookstore;
- does not unreasonably interfere with the operation of the campus; and
- is not prohibited by law.

The sale of food items is prohibited unless the seller is a recognized student organization and has complied with Executive Memo 10-02, Temporary Food Facilities/Food Sanitation Policy (<http://www.humboldt.edu/president/EM1002.html> (<http://www.humboldt.edu/president/EM1002.html>)).

The sale, solicitation, and/or display of goods or services that violate federal or state law (e.g. illegal drugs and/or drug paraphernalia, illegal gambling, etc.) or that are prohibited by HSU policy (e.g. knives, weapons) shall not be permitted.

No student, student organization, non-University person, employee, employee organization, or outside agency or person shall solicit sales to any employee or student at Humboldt State University without first obtaining written permission from the President's designees. 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.

Soliciting alms or begging in any public place or in any place open to the public on University property is prohibited (California Penal Code section 647(c)).

Commercial solicitation is limited to the hours of 9 am to 5 pm, Monday through Friday, except by special permit. Vendors interested in doing business on University property must submit in advance an application for review to the Clubs & Activities office, UC 238, [\(707\) 826-3776](tel:7078263776). Designated vending spaces are situated around the UC Quad in front of the University Center and Bookstore or at other

locations on campus by special permit. There are standardized reservation fees and daily rate charges for commercial sales and vending spaces by non-student vendors, which are available at the Clubs & Activities office, UC 238, [\(707\) 826-3776](tel:(707)826-3776).

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, theses and other materials to be submitted for academic credit).

## IX. Distribution of Published Materials

The display and free distribution of books, newspapers, pamphlets and other published materials are permitted, provided that such published materials are not available for sale at the campus bookstore, and that they do 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, theses and other materials to be submitted for academic credit).

Sale, display and distribution of published materials are permitted from 9 am to 5 pm, Monday through Friday, or at other times by special permit, in the designated vendor areas as indicated in Section VIII or other location by special permit, provided such activity conforms to the general limitations in Section III and there is:

- no harassment of persons in the area;
- no physical contact of individuals without their consent;
- no prolonged or repeated contact with persons who have declined the material;
- no noise louder than normal conversation; and
- no illegal misrepresentation of the true name or purpose of the material or of any organization involved in its distribution.

## X. Posting

The University recognizes that signs (to include posters, handbills, announcements, notices, brochures) serve as a means for communicating information to the campus community in a timely and orderly manner. Signs containing false, misleading or fraudulent information or expression that constitute criminal or severe harassment, defamation or obscenity are prohibited.

Bulletin boards are of four types:

- General Bulletin Boards: Students, recognized student organizations, faculty and staff of the University and non-University individuals may post signs on general bulletin boards (indoor or

outdoor) and on kiosks.

- University Bulletin Boards: University bulletin boards are for posting of official University documents and announcements.
- Department Bulletin Boards: Department bulletin boards are identified, controlled and maintained by specific University departments, and only materials approved by that Department can be posted.
- Union Bulletin Boards: Union bulletin boards are for posting of official union documents and announcements.

Those posting materials for specific events or with expiration dates must remove such materials within one week after the event or expiration date.

Posting of signs on 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. Exceptions are allowed in those buildings where it has been customary for faculty and staff to post materials on their own office doors or when work such as plumbing, heating/air-conditioning, electrical or computer networking is underway. In such cases the posting method must not damage the door in any manner.

The University reserves the sole right to post signage for emergency and safety purposes on otherwise prohibited surfaces and locations.

Removal of signs, other than by the posting party or University personnel acting pursuant to their duties, is prohibited.

The University residence halls are not available for posting of materials or solicitation of goods and are not accessible to the public.

## *Posting on General bulletin boards:*

Flyers being posted around campus on general bulletin boards must each have a stamp from the University Center Information Desk; these boards are marked "General" and are located in various buildings throughout the campus. A list of buildings and locations of general bulletin boards can be obtained at the UC Info Desk. Use of general bulletin boards is subject to the following guidelines:

- All signs must be identified with the name of the person or organization responsible for the posted information, along with contact information (e.g., phone number or web address).
- Postings on bulletin boards may not exceed 17 inches by 22 inches in size. Signs on bulletin boards shall be posted by thumbtacks or pushpins only. Other methods of posting which damage a bulletin board will subject the posting party to liability for damages.
- The number of flyers allowed to be posted is restricted to:
- On-campus events: 50 copies



- Off-campus events/all other: 20 copies
- Publicity may be posted for a maximum of 14 calendar days.
- Any poster or sign that has not been stamped, has exceeded its expiration date, or has been improperly posted will be removed.
- No publicity will be permitted that might deface or damage university property (i.e. posted using staples, taped onto painted surfaces, painted, etc.).
- No authorized and current publicity may be removed from bulletin boards or covered to make room for additional publicity.

Recognized HSU student clubs and organizations have additional opportunities to post signs, banners, “stake” or “chalk” on campus – see HSU Clubs & Activities Handbook at <http://humboldt.edu/clubs/handbook/introduction/> (<http://humboldt.edu/clubs/handbook/introduction/>).

## XI. Fundraising Activities

Fundraising events are activities where organizations receive monies (directly or indirectly) in exchange for merchandise, service, entertainment, or a chance at winning a prize.

### *Fundraising by On-Campus Organizations*

Recognized student, staff, faculty and on-campus organizations may raise funds on campus either through direct solicitation or by sponsoring revenue-producing activities in accordance with the following:

- The appropriate University officials or designees must approve the fundraising activity in advance on the basis of their conformity to the general principles of this policy and to all applicable federal, state, and local laws. The viewpoint of the group sponsoring the activity and the content of any materials to be distributed shall not be considered in the decision to grant or deny permission. Student groups must receive prior approval from their advisor and the Clubs & Activities office, UC 238, [\(707\) 826-3776](tel:(707)826-3776). Faculty/staff must receive prior approval from the Associate Vice President for Development and Alumni Relations, located in Siemens Hall 215, [\(707\) 826-5101](tel:(707)826-5101).
- All sales of food products must be approved in advance to ensure compliance with health and safety codes and standards as outlined in Executive Memo 10-02, Temporary Food Facilities/Food Sanitation Policy (<http://www.humboldt.edu/president/EM1002.html> (<http://www.humboldt.edu/president/EM1002.html>)).
- The fundraising activity must be consistent with the stated purpose of the organization.

- The net proceeds from the fundraising activity must be used for the stated purpose and are directly related to the educational, research or service missions of the University, or donated to a charitable organization. All proceeds must be deposited with the Associated Students office for deposit into club accounts.

## *Fundraising by Individuals and Non-University Organizations*

Individuals and non-University organizations (community, charitable, political and religious) may raise funds in accordance with the following:

- Individuals and non-University organizations will be treated as commercial solicitors and subject to regulations outlined in Section VIII.
- The University must approve the fundraising activity in advance, including the use of tables, displays or other structures. Contact the office of the Associate Vice President for Development and Alumni Relations, Siemens Hall 215, [\(707\) 826-5101](tel:7078265101), for additional information, approval and to secure a permit.
- The fundraising activity must be consistent with the stated purpose of the organization.
- The net proceeds from the fundraising activity must be used for the stated purpose and are directly related to the educational, research or service missions of the University, or donated to a charitable organization.


## XII. Violations of Policy

Violations of this policy may constitute a misdemeanor pursuant to California Education Code Section 89031 or in some instances a crime under the California Penal Code. In addition, an HSU student who violates the policy may be subject to student disciplinary action pursuant to Title 5, California Code of Regulations Section 41301, and an HSU employee who violates the policy may be subject to employee disciplinary action pursuant to California Education Code Section 89535.

## XIII. Notices of this Policy and related Policies

Notice of the existence of this policy is posted at entrances to the campus pursuant to Section 42354 of Title 5 of the California Code of Regulations. This policy is available on the campus website at <http://www.humboldt.edu/president/executivememo.html> (<http://www.humboldt.edu/president/executivememo.html>). Additionally, the University also has a

code of University Rules and Regulations that can be found on the University Police website and a Student Code of Conduct that can be found on the Enrollment Management and Student Affairs website.

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