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PRESIDENT'S DIRECTIVE NO. 5

Administrative Guidelines Regarding Freedom of Expression and Expressive Conduct

I. DIRECTIVE

A. Freedom of expression and expressive conduct activities may occur by any person as long as those engaging in the activity adhere to the time, place and manner restrictions set forth below.

B. The University reserves the right to place reasonable restrictions on time, place and manner of expression and prohibits any acts that impede or are disruptive to the regular or essential operations of the University (which include but are not limited to teaching, study, research, administration, meetings and/or other authorized and permissible use of University facilities); infringe on the rights and privileges of others; damage University property or endanger the safety of others. The University further reserves the right to refuse permission based on health or safety concerns to permit freedom of expression and expressive conduct activities in a particular area of campus.

C. Freedom of expression and expressive conduct activities that fail to abide by the time, place and manner restrictions contained in this Directive are not permitted.

II. AUTHORITY

California Education Code Sections 89031 and 89035. California Code of Regulations, Title 5, Sections 42353 and 42354.



III. SCOPE

This Directive is effective on the campus of Cal State Fullerton and on any other property controlled by the University. Members of the University community, including faculty, staff, students, guests and visitors, are subject to this Directive.



A. Time

Any time.


B. Place

Freedom of expression and expressive conduct activities may occur in any unreserved exterior location open to the public, except parking structures or lots, building courtyards and patios, residence halls, and at least 50 feet away from any building or parking structure or lot. Activities are not permitted inside any building or parking structure or lot.

C. Manner

1. Freedom of expression and expressive conduct activities (1) may not cause actual physical harm to a person; (2) may not impede classes or any other regular or essential operations of the University; (3) may not impede or obstruct the freedom of movement of any pedestrian, bicyclist or vehicle, including free entry to or exit from any University property or facility; (4) must be carried out in compliance with the University's amplification guidelines; (5) may not promote an unlawful end, such as promoting actual violence or bodily or property harms, terrorist threats, defamation, obscenity, and false advertising, and (6) may not violate any federal, state or local safety code, such as regulations set by the State Fire Marshal.

2. Building or facility closing times set by the University must be honored and may not be altered; adherence by activity organizers and all participants to building or facility closures is expected. Other than for academic purposes, overnight camping is not permitted. Occupying an indoor space or remaining on any outdoor property or facility owned or operated by the University after receiving a notice to depart due to closure is prohibited.

To ensure that the orderly and peaceful flow of campus business and activities  not be disrupted, all individuals wishing to engage in a freedom of expression or expressive conduct activity may reserve the time and location of such an event in advance with the Office of Student Life, in order to avoid a time/location/space conflict with a special campus event or events already scheduled, which take precedence over later-received conflicting requests or spur of the moment activities. The prior scheduling of an activity, as well as health or safety



violations of this Directive may result in removal of the offending party or parties from the campus, as well as possible loss of further use of campus facilities and grounds. Personal or corporate liability for any cost incurred by the campus due to the improper use may be imposed upon the responsible party(s). In addition, a violation may constitute a crime under the Penal Code and the offending party may be found guilty of a misdemeanor pursuant to Education Code Section 89031, and also may subject the violator, if a student, to student disciplinary action pursuant to Title 5, California Code of Regulations, Sections 41301-41303. Non-campus affiliated groups or individuals may also have their future privileges revoked under Section 626 et seq. of the Penal Code. Faculty and staff who violate this Directive are subject to appropriate disciplinary action pursuant to the applicable collective bargaining agreement and/or administrative policies or procedures.

Mildred García, President

June 23, 2017



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