

SETTLEMENT AGREEMENT AND GENERAL RELEASE OF ALL CLAIMS

1. Parties

This Settlement Agreement and General Release is entered into between plaintiff NICOLAS TOMAS and the Board of Trustees of the California State University on behalf of California State Polytechnic University, Pomona ("University") and individual defendants DR. SORAYA M. COLEY, BYRON E. HOWLETT, JR., LA'KEISHA GILFORD-BEARD, and RENEE MARIE FOISY (collectively "CSU").

2. Claims

- 2.1 TOMAS filed an action in the United States District Court, Central District of California, Case No. 2:15-cv-2355, entitled NICOLAS TOMAS v. SORAYA M. COLEY, et al. ("Action").
- 2.2 The parties wish to resolve all disputes and claims between them, including those arising from and/or relating to the Action.

3. Settlement Terms

- 3.1 This settlement is a compromise of disputed claims and is not an admission by any party of any liability. CSU specifically denies any wrongdoing of any kind whatsoever and enters into this Agreement and General Release to buy its peace and to avoid the further costs of litigation.
- 3.2 The parties have negotiated revisions to the University's USE OF UNIVERSITY BUILDINGS, FACILITIES OR GROUNDS – PRESIDENTIAL ORDER, attached hereto as **Exhibit A**, and agree to abide by the terms of this Order. Further, the University agrees not to revert back to the previous policies challenged in TOMAS's lawsuit.
- 3.3 University will agree to provide training within three (3) months of dismissal of this case to University Office of Student Life and Cultural Centers staff and University Police personnel regarding the terms of the above-referenced USE OF UNIVERSITY BUILDINGS, FACILITIES OR GROUNDS – PRESIDENTIAL ORDER. A copy of the training materials and schedule will be provided to TOMAS's lawyers when available.
- 3.4 University will agree to post a link within ten (10) working days of receiving TOMAS's signature on this Settlement Agreement and Release to the above-referenced USE OF UNIVERSITY BUILDINGS, FACILITIES OR GROUNDS – PRESIDENTIAL ORDER at <http://www.cpp.edu/~oslcc/campus-policies-and-procedures.shtml> and other relevant University webpages, as well as update printed and electronic Registered Student Organization Handbooks. Further, University will remove all superseded or inconsistent versions of University policies from all University webpages.
- 3.5 CSU shall pay \$35,000.00 in full, final, and complete settlement of all of TOMAS's claims, including but not limited to those arising from or relating to the Action. Payment shall be made to "DAVIS WRIGHT TREMAINE LLP" within seven (7) days of receiving TOMAS's signature on this Agreement and Release or DAVIS WRIGHT TREMAINE's completed Vendor Data Record Form, whichever is later.

- 3.6 The parties shall bear their own costs, expenses, and attorneys' fees other than to the extent specified herein.
- 3.7 TOMAS agrees that if any taxing authority determines that any part of the settlement is taxable, TOMAS and/or DAVIS WRIGHT TREMAINE LLP, as is appropriate, will be responsible for all such taxes. TOMAS and DAVIS WRIGHT TREMAINE further agree to indemnify and hold harmless CSU, or any of their representatives, from liability to any tax authority, and from any claims made in any administrative or judicial action to collect taxes from CSU. If a proceeding is instituted against CSU, CSU will give DAVIS WRIGHT TREMAINE notice of the proceedings to invoke the obligation to defend and indemnify CSU.
- 3.8 TOMAS hereby releases and forever discharges the State of California, the Board of Trustees of the California State University on behalf of California State Polytechnic University, Pomona, and each of their agents, attorneys, current and former employees, officers, directors, trustees, auxiliary organizations, insurers, representatives and all persons acting by, through, under, or in concert with any of them, including individual defendants DR. SORAYA M. COLEY, BYRON E. HOWLETT, JR., LA'KEISHA GILFORD-BEARD, and RENEE MARIE FOISY (collectively referred to as "CSU Released Parties") from any and all manner of claims, actions, obligations, attorneys' fees, damages or liabilities of any kind whatsoever, whether known or unknown, fixed or contingent, which plaintiff may have or claim against CSU Released Parties, or any of them, arising out of, based upon, or related to the Action or those facts and circumstances alleged therein.
- 3.9 TOMAS acknowledges the provisions of California Civil Code section 1542, which he expressly waives. That statute states:
- A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.*
- 3.10 TOMAS agrees to dismiss the Action with prejudice within five (5) days of receiving the Payment specified by Section 3.5 above or receiving notice that the website has been updated as specified by Section 3.4, whichever is later, and to take, or cause his counsel to take, all further steps and execute all other documents, including the Vendor Data Record forms, reasonably necessary to accomplish the dismissal.
- 3.11 TOMAS represents and warrants that he has been represented by counsel and that he has read and understand the content of this Agreement and General Release and has voluntarily entered into it.
- 3.12 This Agreement and General Release shall be interpreted under the laws of the State of California.
- 3.13 This Agreement and General Release constitutes the entire understanding and agreement of the parties and supersedes any and all prior or contemporaneous agreements or understandings.
- 3.14 The parties acknowledge that there have been no other promises made between them about the settlement of the claims described above other than those expressly referred to herein.

3.15 Modifications and/or amendments to this Agreement and General Release must be in writing signed by all parties.

3.16 This Agreement and General Release may be signed in counterparts and each counterpart shall be deemed an original. Facsimile signatures shall be deemed to be original signatures.

Dated: July 17, 2015



NICOLAS TOMAS

Dated: _____

THE BOARD OF TRUSTEES OF THE
CALIFORNIA STATE UNIVERSITY

By: Andrea Gunn Eaton

Its: University Counsel

Dated: _____

DR. SORAYA M. COLEY

Dated: _____

BYRON E. HOWLETT

Dated: _____

LA'KEISHA GILFORD-BEARD

Dated: _____

RENEE MARIE FOISY

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3.3 University will agree to provide training within three (3) months of dismissal of this case to University Office of Student Life and Cultural Centers staff and University Police personnel regarding the terms of the above-referenced USE OF UNIVERSITY BUILDINGS, FACILITIES OR GROUNDS – PRESIDENTIAL ORDER. A copy of the training materials and schedule will be provided to TOMAS's lawyers when available.

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- 3.8 TOMAS hereby releases and forever discharges the State of California, the Board of Trustees of the California State University on behalf of California State Polytechnic University, Pomona, and each of their agents, attorneys, current and former employees, officers, directors, trustees, auxiliary organizations, insurers, representatives and all persons acting by, through, under, or in concert with any of them, including individual defendants DR. SORAYA M. COLLEY, BYRON F. HOWLETT, JR., LA'KEISHA GILFORD-BEARD, and RENEE MARIE FOISY (collectively referred to as "CSU Released Parties") from any and all manner of claims, actions, obligations, attorneys' fees, damages or liabilities of any kind whatsoever, whether known or unknown, fixed or contingent, which plaintiff may have or claim against CSU Released Parties, or any of them, arising out of, based upon, or related to the Action or those facts and circumstances alleged therein.
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Dated: July 17, 2015



NICOLAS TOMAS

Dated: _____

THE BOARD OF TRUSTEES OF THE
CALIFORNIA STATE UNIVERSITY

By: Andrea Gunn Eaton

Its: University Counsel

Dated: _____

DR. SORAYA M. COLEY

Dated: _____

BYRON E. HOWLETT

Dated: _____

LA'KEISHA GILFORD-BEARD

Dated: _____

RENEE MARIE FOISY

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Dated: _____

Dated: July 17, 2015

Dated: July 20, 2015

Dated: _____

Dated: _____

Dated: _____

NICOLAS TOMAS

Andrea Gunn Eaton
THE BOARD OF TRUSTEES OF THE
CALIFORNIA STATE UNIVERSITY

By: Andrea Gunn Eaton

Its: University Counsel

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THE BOARD OF TRUSTEES OF THE
CALIFORNIA STATE UNIVERSITY

By: Andrea Gunn Eaton

Its: University Counsel

Dated: _____

DR. SORAYA M. COLEY

Dated: 7/20/2015

Byron Howlett
BYRON E. HOWLETT

Dated: _____

LA'KEISHA GILFORD-BEARD

Dated: _____

RENEE MARIE FOISY

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CALIFORNIA STATE UNIVERSITY

By: Andrea Gunn Eaton

Its: University Counsel

Dated: _____

DR. SORAYA M. COLEY

Dated: _____

BYRON E. HOWLETT

Dated: July 20, 2015

Lakeisha Gilford-Beard
LA'KEISHA GILFORD-BEARD

Dated: _____

RENEE MARIE FOISY

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NICOLAS TOMAS

Dated: July 17, 2015

THE BOARD OF TRUSTEES OF THE
CALIFORNIA STATE UNIVERSITY

By: Andrea Conn Eaton

As: University Counsel

Dated: _____

DR. SORAYA M. COLEY

Dated: _____

BYRON E. HOWLETT

Dated: _____

LA'KEISHA GILFORD-BEARD

Dated: 7-21-15

GENEE MARIE FOISY

CALIFORNIA STATE POLYTECHNIC UNIVERSITY, POMONA
USE OF UNIVERSITY BUILDINGS, FACILITIES OR GROUNDS
Presidential Order

Subject:	USE OF UNIVERSITY BUILDINGS, FACILITIES OR GROUNDS – PRESIDENTIAL ORDER
Number:	
Date Issued:	November 25, 2014
Effective Date:	December 1, 2014
Revised Date:	July 14, 2015
Initiating Entity:	President
Affected Entities:	Campus Community and Guests
Responsible Entity:	Vice President for Student Affairs or designee
Revisions if any:	Yes

This Presidential Order is issued by the University President, pursuant to California Code of Regulations, Title 5, sections 42350-42353, and concerns the use of university buildings and grounds for purposes of commercial transactions and solicitation, non-commercial transactions and solicitation, freedom of expression activities, amplified sound, and posting or chalking, including the distribution of handbills and circulars at California State Polytechnic University, Pomona (Cal Poly Pomona). It applies to students, student organizations, campus affiliated organizations, faculty, staff, and other off campus groups or persons while on campus grounds, including commercial vendors or solicitors. Except where noted and/or where other Orders are incorporated by reference, this Order is intended to be the controlling document with regard to the University's time, place, and manner restrictions on commercial transactions and solicitation, non-commercial transactions and solicitation, freedom of expression activities, amplified sound, and posting or chalking, including the distribution of handbills and circulars. It expressly supersedes the following Policies and Orders:

- 1) Interim University Grounds and Facilities Policy;
- 2) Interim Freedom of Expression Policy;
- 3) Time, Place, and Manner Restrictions; and
- 4) 2008 Presidential Order on Use of University Buildings, Facilities or Grounds.

Commercial transactions and solicitation, non-commercial transactions and solicitation, freedom of expression activities, and posting and chalking serve an important purpose at Cal Poly Pomona. They communicate upcoming events and activities and disseminate information and opinions on important issues. Sometimes, however, freedom of expression activities and posted materials, have appeared to direct hurtful and/or hateful messages toward an individual or group. While there will always be disagreements over what may constitute good taste or appropriate comment, there can be no question, particularly in a university, that freedom of expression as guaranteed by the First Amendment of the Constitution is a cherished and protected right. Accordingly, the campus community is asked to be tolerant of differing points of view and to respect the rights of others to express themselves. While one may find certain expressions or materials to be quite offensive or even insulting, the appropriate way to counteract such materials is through discourse, criticism, and the expression of contrary points of view. Free speech is allowed and supported as long as it does not violate other laws or university orders, policies or

procedures. Printed materials that include slanderous/libelous statements are not permitted. Any member of the campus community who finds freedom of expression activities or posted materials to be offensive or disrespectful is encouraged to contact the responsible organization or individual to address their objections. For further information, contact the Office of Student Life & Cultural Centers at osl@cpp.edu or (909) 869-2841.

USE OF UNIVERSITY BUILDINGS, FACILITIES OR GROUNDS

The use of campus buildings, facilities or grounds for purposes of non-commercial solicitations, commercial solicitations or transactions, freedom of expression activities, amplified sound and posting or chalking, including the distribution of handbills and circulars is contingent upon the agreement of those engaging in such activities to assume responsibility for observing the following:

1. The activities must be conducted in a lawful manner.
2. The activities must not unreasonably interfere with instructional programs or the operation of the campus.
3. The activities must conform to the time, place, and manner restrictions established by this Order. The Order may be found at http://www.cpp.edu/~policies/presidential_orders.html, and hard copies may be obtained from the Office of Student Life and Cultural Centers.
4. The activities must be conducted in conformance with all applicable federal, state, and local laws, as well as university policies, procedures, and regulations.
5. The activities must abide by the University's alcohol and other drugs (AOD) policy.
6. No events will be scheduled during commencement ceremonies.
7. Non-campus affiliated activities must be registered with the Office of Student Life and Cultural Centers prior to the start of the activities and should conform to this Order.
8. In order to facilitate safety and floor maintenance, individuals with bare feet are prohibited from entering University buildings, with the exception of appropriate areas of University housing facilities and physical education facilities. **(Refer to Presidential Orders 7.1 b, Notice of Orders Issued Pursuant to Title 5, Calif. Code of Regulation 41301 (1) s).**
9. Camping on University property or living in privately owned, temporary lodging parked or erected on university property is prohibited without written permission from the University. **(Refer to Presidential Orders 7.1 c, Notice of Orders Issued Pursuant to Title 5, Calif. Code of Regulation 41301 (1) s).**
10. Erection of any temporary structure on campus must be approved by Facilities Management for the safety of all participants and by-standers. Call (909) 869-3030 to speak to a facilities representative for permission **(Refer to the Use of Campus Facilities Procedure).**
11. 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. **(Refer to Presidential Orders 7.1 d, Notice of Orders Issued Pursuant to Title 5, Calif. Code of Regulation 41301 (1) s).**

12. Without specific permission from the President or designee, it shall be prohibited on property or areas under the control of the University, for any person to fire, discharge, shoot, or operate, or to assist or participate in the firing, discharging, shooting or operating, or have in his or her possession, care, custody or control, any gun, revolver, pistol, firearm, pellet gun, paint gun, spring gun, air gun, sling, sling shot, or device designed, or intended, to discharge, or capable of discharging any dangerous missile, or any cartridge, shell ammunition, or device, designed or intended to be used in or fired from, any gun, revolver, pistol, or firearm, or other device intended to project a missile. **(Refer to Presidential Orders 7.1 i., Notice of Orders Issued Pursuant to Title 5, Calif. Code of Regulation 41301 (1) s).**

Without specific permission from the President or designee, it shall be prohibited to engage in, participate in, or assist participants in any game which involves the ambushing, lying-in-wait for, or following another person by means of stealth; or to participate or assist in the participation in any game which would involve the firing of any device as defined in the preceding paragraph.

A person shall not shoot any arrow or similar missile, and a person shall not cause or permit any arrow or similar missile to be shot on University property, except as a part of a University course of study or official sponsored activity. **(Refer to Presidential Orders 7.1 i, Notice of Orders Issued Pursuant to Title 5, Calif. Code of Regulation 41301 (1) s).**

AUTHORITY. Campus regulations and procedures are adopted pursuant to the authority of the University President, who is responsible for the general welfare of the campus over which he/she presides. (*See* Title 5, California Code of Regulations, Sections 42350-53 and 42402).

VIOLATIONS. Violations of this Order constitute a violation of an order of the University President, Cal Poly Pomona, and applicable statutes and regulations. Violations 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 of this Order 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. Complaints and revoked privileges will be monitored through the Office of Student Life and Cultural Centers and the Judicial Affairs Office. Appeals of violation determinations must be made no later than thirty (30) working days following the determination. Decisions on appeal shall be made within ten (10) working days of submission. Appeals shall be heard by the Associate Vice President and Dean of Students, whose decision is final.

CONSULTATION on the USE OF UNIVERSITY BUILDINGS, FACILITIES OR GROUNDS was conducted with the parties listed below:

President Soraya M. Coley
Dr. Marten den Boer, Provost
Dr. Rebecca Gutierrez Keeton, Acting Vice President for Student Affairs
Dr. Steve Garcia, Vice President for Administrative Affairs
John McGuthry, Vice President for Informational Technology and Chief Information Officer
Dr. Byron Howlett, Acting Associate Vice President and Dean of Students
Christi Chisler, Associate Vice President for Student Affairs Administration
Kathy Street, Associate Vice President for Enrollment Services
Dr. Kevin Colaner, Associate Vice President for Student Services
Andrea Gunn Eaton, University Counsel
Bruce Wilson, Chief of Police
Sharon Reiter, Associate Vice President for Human Resources
La'Keisha Beard, Acting Director of the Office of Student Life and Cultural Centers
Dr. Susan Ashe, Director of Judicial Affairs
Walter Marquez, Associate Vice President for Facilities Planning and Management
Mark Miller, Director Facilities Management Services
Bob Hutchinson, Coordinator, Licensing of Facilities

Summary of Procedures

In support of the Presidential Order regarding the use of university buildings, facilities or grounds, the following procedures have been enacted and can be referenced on the pages listed below:

FREEDOM OF EXPRESSION	page 6
DISPLAY OR DISTRIBUTION OF PUBLISHED MATERIALS	page 8
SOLICITATION (NON-COMMERCIAL AND COMMERCIAL)	page 9
COMMERCIAL TRANSACTIONS	page 11
HANDBILLS AND CIRCULARS	page 12
AMPLIFIED SOUND	page 14
POSTING AND CHALKING	page 16

FREEDOM OF EXPRESSION PROCEDURES

Cal Poly Pomona believes that the search for knowledge requires the freedom to speak openly about concerns and issues. All students and employees of Cal Poly Pomona and members of the public are free to lawfully exercise their constitutional right to freedom of expression on university property. Freedom of expression activity includes, but is not limited to, pure or symbolic speech, assembly, meeting, demonstrations or rallies, picketing, petitioning, distributing flyers, mime and theater, music and singing, survey research, and religious or political activity. The university may establish reasonable time, place, and manner regulations regarding the use of its public facilities to ensure that individuals and groups exercising their legitimate rights do not infringe on the rights of others or disrupt the educational process or other operations of the university.

The exercise of freedom of expression and assembly rights must comply with all applicable federal, state, and local laws. Illegal speech activity not protected by the First Amendment to the U.S. Constitution or by this policy includes defamation, obscenity, terrorist threats, false advertising, and the promotion of actual or imminent violence or harm.

Freedom of expression activity is subject to Cal Poly Pomona's **time, place, and manner restrictions**. To ensure that the orderly and peaceful flow of campus business and activities will not be disrupted, all non-campus affiliated organizations or individuals wishing to engage in freedom of expression activity should schedule the time and location of such an event in advance with the Office of Student Life and Cultural Centers, thereby avoiding a conflict with a special campus or student event that may already be scheduled, which take precedence, the prior scheduling of which, along with life/physical safety issues (e.g., water main/power line breaks and the like), shall be the sole bases for declining to schedule free expression activity that otherwise adheres to this Order.

Time, Place, and Manner Restrictions

Reasonable time, place, and manner restrictions on the use of public forums are permissible, provided that they are carefully designed to (1) coordinate the appropriate use of a particular location for speech activities, remain viewpoint-neutral, and not to prohibit particular forms of expression; (2) "serve a significant government interest" and are not more extensive than necessary to serve that interest; and (3) "leave open ample alternative channels for communication of the information." They must be clear and specific enough to place the public on notice as to exactly what is authorized and what is forbidden.

Cal Poly Pomona, like most other institutions, routinely sets forth regulations pertaining to the way activities may be conducted. Three examples of such restrictions follow.

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 14.
3. Activities that restrict or disturb the routine business of the University are generally prohibited or closely monitored and as such, may be directed to cease should it be

determined that such activity is restricting or disturbing the routine business of the university.

TIME: Daily, 8 a.m. to 10 p.m., except for current Cal Poly Pomona registered students, student clubs/organizations, staff, and faculty, who may engage in freedom of expression activities at any time.

PLACE: Approved freedom of expression activities may take place on campus with the following exceptions: inside parking lots and university buildings and within 20 feet of any location in which instructional, educational and/or official business activities are being conducted. Popular locations are University Park and University Quad.

MANNER: Freedom of expression must be conducted in a manner that (1) shall not interfere with or obstruct the free flow of pedestrian or vehicular traffic, (2) shall not interfere with or disrupt the conduct of university business, (3) shall be carried out without creating excessive noise by use of a device, (4) shall not unreasonably interfere with classes in session or other scheduled academic, educational, cultural/arts programs, (5) shall not promote an unlawful end, such as promoting actual violence or bodily or property harms, terrorist threats, defamation, obscenity, and false advertising, and (6) shall not violate any federal, state or local safety code, such as regulations set by the State Fire Marshal. Persons using areas generally available to students and the community are allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Individuals or groups distributing materials in these areas, other than material discarded or dropped in or around appropriate receptacles, shall make a reasonable effort to retrieve and remove such materials, prior to their departure from the areas that day. These procedures will be administered by the Vice President for Student Affairs, and will be enforced by the University Police Department, and, when appropriate, Judicial Affairs. Enforcement will be in compliance with existing state and federal laws.

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.

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.

University disciplinary action against Cal Poly Pomona community members alleged to have violated this policy and procedure shall be in conformity with the Code of Student Conduct, and/or applicable collective bargaining agreements and established University guidelines.

The Office of Student Life and Cultural Centers can provide further information about issues of free speech. They also maintain copies of the University's Posting and Vendor Policies. Please visit them in the University Plaza or telephone them at 909-869-2841.

REFERENCE: Education Code, Sections 66600, 66606, 89030, 89031, and 89035. California Code of Regulations, Title 5, Sections 42350 - 42353. Penal Code Sections, 148, 407, 409, 415.5, 602.1, 626.4, 626.6, and 647c.

USE OF UNIVERSITY BUILDINGS, FACILITIES OR GROUNDS PROCEDURES

A. DISPLAY OR DISTRIBUTION OF PUBLISHED MATERIALS

The display or distribution of books, newspapers, magazines, pamphlets, or similar published materials is permitted on campus subject to the time, place, and manner regulations established below, provided that such published materials do not: (1) violate applicable laws pertaining to obscene matters; or (2) consist of term papers, theses, or other written materials submitted for academic credit that the seller knows will be used to engage in academic dishonesty, including, but not limited to, plagiarism and cheating, or otherwise violate the Code of Student Conduct.

The time, place, and manner regulations and permit approval process for display or distribution of published materials do not apply to on-campus students, student clubs/organizations, staff, and faculty, and the Bronco Bookstore and/or Cal Poly Pomona Foundation. Designated locations on campus to display or distribute materials may be reserved through the OSLCC.

TIME: Daily, 8 a.m. to 10 p.m., except for current Cal Poly Pomona registered students, student clubs/organizations, staff, and faculty, who may display or publish at any time in conformity with this Order.

PLACE: (1) News publications other than leaflets, pamphlets and/or flyers, but including news books, magazines, newspapers, journals, and periodicals, distributed on University property and made available for members of the university community must be placed in news racks provided by the publishing company; (2) news racks at a building location shall be grouped in a cluster in front of Building 1 or the Marketplace; the precise placement of the racks shall be determined by the Office of the Vice President for Administrative Affairs, except for news racks in the Bronco Student Center; and (3) news rack placement within the Bronco Student Center will be determined by the Director of the Bronco Student Center of the Associated Students, Inc.

MANNER: The display or distribution of published materials (1) shall not unreasonably interfere with classes or any other operations of the university, (2) shall not interfere with or obstruct the free flow of pedestrian or vehicular traffic, (3) shall not unduly interfere with campus pedestrian and vehicular circulation, (4) shall be carried out without use of amplification equipment, (5) shall be carried out without prolonged or repeated contact with persons who have declined the transaction, and (6) will be removed on the last day of every month, and shall not occur during commencement. Persons using areas generally available to students and the community are allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Individuals or groups distributing materials in these areas, other than material discarded or dropped in or around appropriate receptacles, shall make a reasonable effort to retrieve and remove such materials, prior to their departure from the areas that day.

PERMIT: The Office of Student Life and Cultural Centers shall issue permits to off-campus individuals and entities who must obtain approval to display or distribute published materials on campus grounds. Contact the Office of Student Life and Cultural Centers at Building 26-124 or 909-869-2841 to obtain the required permit. The permit must be displayed at all times. In

addition, all parties must adhere to the guidelines outlined by the Office of Student Life and Cultural Centers.

REFERENCE: Education Code, Sections 66600, 66606, 89030, 89031, and 89035. California Code of Regulations, Title 5, Section 42351.

B. SOLICITATION (NON-COMMERCIAL AND COMMERCIAL)

Non-commercial solicitation such as seeking donations or fundraising sales for non-commercial ventures shall be permitted on campus subject to the time, place, and manner regulations set forth in this Order.

Commercial solicitation on a campus is prohibited unless prior written authorization has been obtained from the Campus President or designee. Persons wishing to engage in commercial solicitation on campus grounds may be granted permission (maximum of five (5) business days per academic quarter) if the proposed activity is conducted in accordance with the time, place, and manner regulations established below, unless such solicitation would be in violation of law. For clarification, contact the Office of Student Life and Cultural Centers, Building 26-124, 909-869-2841.

The time, place, and manner regulations and the permit approval process for commercial solicitations do not apply to the fundraising activities of on-campus student clubs/organizations, staff organizations, and faculty. A chartered club/organization's on-campus advisor is responsible for oversight of the club/organization's fundraising activities and ensuring that appropriate approvals are obtained.

TIME: Daily, 8 a.m. to 10 p.m., except for current Cal Poly Pomona registered students, student clubs/organizations, staff, and faculty, who may display or publish at any time in conformity with this Order.

PLACE: A popular location is the University Park, northeast grassy area of the entrance to the Bronco Student Center, but solicitation is allowed in any area generally available to students and the community, subject to the following exceptions: 1) Distribution inside university buildings, with the exception of one-off, interpersonal exchanges, is prohibited; and 2) Distribution in campus parking lots or placement of any written or printed materials on or in any motor vehicle parked on the campus is prohibited. Posting paper solicitations on designated campus "general use" bulletin boards is permitted, provided that the paper solicitation shall not exceed 11x17 and be limited to one page per "general use" bulletin board, and the paper solicitation shall be posted for a maximum duration of one month from the permit approval date, with the sponsor clearly identified on the face of the paper solicitation. The location of these "general use" bulletin boards is available in the Office of Student Life and Cultural Centers (*See Posting and Chalking Procedures*). Personal solicitation inside campus buildings, with the exception of one-off, interpersonal exchanges, is prohibited.

MANNER: Non-commercial and commercial solicitation must be conducted in a manner that (1) shall not unreasonably interfere with or obstruct the free flow of pedestrian or vehicular

traffic, (2) shall not unduly interfere with campus pedestrian and vehicular circulation, (3) shall be carried out without amplification equipment, (4) shall be carried out without prolonged or repeated contact with persons who have declined the solicitation, (5) shall not violate applicable laws pertaining to obscene matters, and (6) shall not occur during commencement time periods. Persons using areas generally available to students and the community are allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Individuals or groups distributing materials in these areas, other than material discarded or dropped in or around appropriate receptacles, shall make a reasonable effort to retrieve and remove such materials, prior to their departure from the areas that day.

Marketers of credit cards are prohibited from offering gifts to students for their filling out credit card applications (California Code of Regulations, Title 5, Section 42350.6).

PERMIT: For approval to engage in commercial solicitation on campus grounds and to obtain the required permit, contact the Office of Student Life and Cultural Centers at Building 26-124 or 909-869-2841. This permit must be displayed at all times at the approved location. In addition, all parties must adhere to the guidelines outlined by the Office of Student Life and Cultural Centers which can be found by contacting the Office of Student Life and Cultural Centers.

REFERENCE: Education Code, Sections 66600, 66606, 89030, 89031, and 89035. California Code of Regulations, Title 5, Sections 42350.5 and 42350.6.

C. COMMERCIAL TRANSACTIONS

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 are prohibited unless proper written authorization has been obtained from the Campus President or designee. Persons or organizations wishing to engage in commercial transactions or display goods or services for sale on campus grounds may be granted permission (maximum of five (5) business days per academic quarter) to do so if the proposed activity aids achievement of the educational objectives of the campus and is conducted in accordance with the time, place, and manner regulations established below, unless such commercial transactions are in violation of law. Private sales and sales sponsored by the Bronco Bookstore and/or Cal Poly Pomona Foundation are excluded from this section, as are the fundraising activities of on-campus student clubs/organizations, staff organizations, and faculty. For clarification, contact the Office of Student Life and Cultural Centers, Building 26-124, 909-869-2841.

TIME: Daily, 8 a.m. to 10 p.m., except for current Cal Poly Pomona registered students, student clubs/organizations, staff, and faculty, who may display or publish at any time in conformity with this Order.

PLACE: (1) A popular location is the University Park, northeast grassy area of the entrance to the Bronco Student Center, and (2) other areas so designated by the Office of Student Life and Cultural Centers. Distribution inside university buildings is prohibited. Distribution in campus

parking lots of any written or printed materials from any motor vehicle parked within the campus is prohibited. Following authorization of a specified commercial transaction, posting paper solicitations related to said commercial transaction on designated campus "general use" bulletin boards is permitted, provided that the paper solicitation shall not exceed 11x17 and be limited to one page per "general use" bulletin board, and that the paper solicitation shall be posted for a maximum duration of one month from the permit approval date, with the sponsor clearly identified on the face of the paper solicitation. The location of these "general use" bulletin boards is available in the Office of Student Life and Cultural Centers (See Posting and Chalking Procedures).

MANNER: Commercial transactions must be conducted in a manner that (1) shall not unreasonably interfere with or obstruct the free flow of pedestrian or vehicular traffic, (2) shall not unduly interfere with campus pedestrian and vehicular circulation, (3) shall be carried out without use of amplification equipment, (4) shall be carried out without prolonged or repeated contact with persons who have declined the solicitation, (5) shall not violate applicable laws pertaining to obscene matters, (6) shall not consist of term papers, theses, or other written materials submitted for academic credit that the seller knows will be used to engage in academic dishonesty, including, but not limited to, plagiarism and cheating, or otherwise violate the Code of Student Conduct, and (7) shall not occur during commencement time periods. Persons using areas generally available to students and the community are allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Individuals or groups distributing materials in these areas, other than material discarded or dropped in or around appropriate receptacles, shall make a reasonable effort to retrieve and remove such materials, prior to their departure from the areas that day.

PERMIT: For approval to engage in commercial transactions on campus grounds and to obtain the required permit, contact the Office of Student Life and Cultural Centers at Building 26-124 or 909-869-2841. The permit must be displayed at all times. In addition, all parties must adhere to the guidelines outlined by the Office of Student Life and Cultural Centers which can be found by contacting the Office of Student Life and Cultural Centers.

REFERENCE: Education Code, Sections 66600, 66606, 89030, 89031, and 89035. California Code of Regulations, Title 5, Section 42350.1.

D. HANDBILLS AND CIRCULARS

Distribution of handbills or circulars not otherwise prohibited by law, and which do not contain false or misleading advertising is permitted subject to the following time, place, and manner regulations; however, the following time, place, and manner regulations and the permit approval process for the distribution of handbills and circulars do not apply to on-campus students, student clubs/organizations, staff, and faculty.

TIME: Daily, 8 a.m. to 10 p.m., except for current Cal Poly Pomona registered students, staff, student clubs/organizations, and faculty, who may display or publish at any time in conformity with this Order.

PLACE: (1) A popular location is the University Park, northeast grassy area of the entrance to the Bronco Student Center, but distribution of handbills and circulars is allowed in any area generally available to students and the community, subject to the following exceptions: 1) Distribution inside university buildings, with the exception of one-off, interpersonal exchanges, is prohibited; and 2) Distribution in campus parking lots of any written or printed materials from any motor vehicle parked on the campus by any person or group, campus-affiliated or otherwise, is prohibited.

MANNER: Distribution of handbills and circulars (1) shall not unreasonably interfere with classes or any other operations of the University, (2) shall not interfere with or obstruct the free flow of pedestrian or vehicular traffic, (3) shall not unduly interfere with campus pedestrian and vehicular circulation, (4) shall be carried out without amplification equipment, and (5) shall be carried out without prolonged or repeated contact with persons who have declined the handbills and circulars. Placement of handbills and circulars on vehicles is prohibited, and shall not occur during commencement time periods. Persons using areas generally available to students and the community are allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Individuals or groups distributing materials in these areas, other than material discarded or dropped in or around appropriate receptacles, shall make a reasonable effort to retrieve and remove such materials, prior to their departure from the areas that day.

PERMIT: The Office of Student Life and Cultural Centers shall approve the distribution of handbill and circulars on campus grounds. To obtain the required permit, contact the Office of Student Life and Cultural Centers at Building 26-124 or 909-869-2841. The permit must be displayed at all times. In addition, all parties must adhere to the guidelines outlined by the Office of Student Life and Cultural Centers.

REFERENCE: Education Code, Sections 66600, 66606, 89030, 89031, and 89035. California Code of Regulations, Title 5, Section 42352.

AMPLIFIED SOUND PROCEDURE

The following procedural guidelines are established for the use of amplified sound equipment when classes are in session. The following procedures both protect the delivery of instructional programs from intrusive sound and yet still provide an opportunity and a forum for a variety of student development and support programs. An appropriate balance of these two goals may be achieved by observing the following conditions:

Amplified sound is defined as any sound that is broadcasted through electronically amplified equipment or sound that is electronically enhanced. Additionally, amplified sound may include sound that is enhanced with the aid of a device such as a megaphone, and the like.

TIME: Tuesdays and Thursdays from 12 p.m. to 1 p.m. are the designated “University Hour” where classes are not in session. Amplified sound at these times is allowed without prior approval. The use of amplified sound outside of “University Hours” requires prior approval through the Office of Student Life and Cultural Centers. With prior approval from the Office of Student Life and Cultural Centers, a one hour grace period may be granted prior to the start of an event to provide for necessary sound checks.

PLACE: During University Hour, 12 p.m. -1 p.m. Tuesdays and Thursdays, amplified sound is permitted in the University Quad, the Engineering Meadow (the grassy area next to Building 17), the Bronco Commons, the University Park, and the University Plaza. If other times and/or campus locations are desired for the use of amplified sound, advance approval must be sought from the OSLCC, which shall grant approval on a first-come first-served basis, unless use of amplification must be denied based on the proposed volume interfering with instructional or previously scheduled programs.

MANNER: The sound level for any event may not exceed that which is disruptive to the instructional programs, scheduled events, and/or library or classroom study. Amplified sound is intended to be heard in the immediate area only. Outdoor amplified sound events are subject to monitoring and regulation.

PERMIT: To request approval for amplified sound, groups/individuals must complete an Application for Schedule Event Form. This form is due at least one week prior to the event, though exceptions may be made where spontaneous events may necessitate hand-held amplification devices and a short advance approval process. All requests for amplified sound must be approved by the Director of Office of Student Life and Cultural Centers.

ENFORCEMENT:

1. The Office of Student Life and Cultural Centers retains the right to monitor and/or limit the sound level generated by amplification systems. Enforcement will be the responsibility of the Office of Student Life and Cultural Centers. Failure to abide by this procedure may result in the sponsoring club/organization going through the judicial process through the Office of Student Life and Cultural Centers.

2. The performing group(s) and/or sponsoring club/organization must provide a signed acknowledgement of their awareness and willingness to abide by the Amplified Sound Procedure by signing a copy of an agreement which can be found in the OSLCC.
 - a. A warning will be issued if there is a noise-related complaint to the Office of Student Life and Cultural Centers staff that the sound level is disruptive to instructional programs, scheduled events, and/or library or classroom study. No more than three minutes will be allowed to correct the volume to a level that conforms to this regulation, as determined by the Office of Student Life and Cultural Center staff.
 - b. If a second warning must be issued, an additional minute will be allowed to correct the volume to a level that conforms to this regulation, as determined by the Office of Student Life and Cultural Centers staff.
 - c. A third warning will not be issued. If the volume is exceeded for a third time, the sponsoring club/organization will be asked to shut off all amplified sound.
 - d. Non-adherence to these guidelines may result in the approval of the activity being revoked, notification to the club/organization advisor, and possible loss of future activity reservation privileges for the individuals involved in addition to the organization going through the club/organization judicial process.

POSTING AND CHALKING

The Office of Student Life and Cultural Centers maintains administrative responsibility for all posting on campus. Non-profit organizations may be asked to present proper non-profit status identification, such as a tax identification number.

A. CHALKING PROCEDURES

TIME: Daily, 8 a.m. to 10 p.m., except for current Cal Poly Pomona registered students, student clubs/organizations, staff, and faculty, who may chalk at any time in conformity with this Order.

PLACE: Chalking is permitted on sidewalks provided that chalking must be at least 20 feet away from the building entrances, and may not be conducted on any sidewalk under an overhang, canopy, or other cover. Chalking on the stairs outside the Bronco Bookstore is permitted only on the top portion of the steps.

No chalking is permitted on buildings, steps, windows, posts, lawn areas, railings, trees, traffic control signs, utility poles, construction fences, vehicles, in newly planted garden areas, flowerbeds, or newspaper racks. In addition, no chalking is permitted on campus directories, within ponds or fountains, trash or recycle bins, the Rose Garden, and the Japanese Garden.

MANNER: The form or chalk must be washable with water. Spray chalk is NOT allowed.

B. POSTING PROCEDURES

TIME: All posters, flyers, banners and signs must include a statement of non-affiliation with Cal Poly Pomona to receive a date stamp at OSLCC. For special dated events, an expiration date of 48 hours following the event will be noted on the poster/flyer/banner. For general information (club meetings, department announcements, etc.), an **expiration date of one month** from the time of stamping will be noted on the poster/flyer/banner. The stamp does not regulate the content of the flier nor the actions and opinions of the entity seeking approval and does NOT necessarily reflect those of the students, faculty, or administration of Cal Poly Pomona.

PLACE:



General Use Bulletin Boards: Posting is permitted on any "General Use Bulletin Board." Such boards are located in the hallways of most campus buildings. Check with the appropriate Dean's office or department for questions on posting procedures and locations of their respective general use bulletin boards. General use bulletin boards may be completely cleared off once a quarter by representatives of the college or school where the bulletin board is located. The following criteria apply to all materials posted on general use bulletin boards: Posters/flyers must not exceed 11" x 17" and only one poster per group/individual may be placed on general use bulletin boards. Material may not overlap other approved posters/flyers and must be fastened with tacks or staples - NO TAPE may be used.

Grounds: Staked signs (not to exceed 11" x 17") and banners (not to exceed 3' x 6') are only permitted on lawn perimeters that do not block areas for mowing and in non-flowering areas.

Actual stakes may not exceed 36" in height. The only non-perimeter lawn area where staked signs and banners are permitted on the stretch of lawn in front of the Bronco Student Center (BSC), beginning at the corner of the Kellogg Art Gallery to Round Table Pizza. Staked signs and banners may not be placed in flowerbeds, in the center of lawn areas, or in areas blocking sprinklers, walkways, driveways or streets. Marketing material may not be wrapped around trees or any campus structures without prior approval by the campus Facilities Department. Call (909) 869-3030 to speak to a Facilities representative for permission (Refer to the Use of Campus Facilities Procedure). Violations will result in the removal and disposal of the signs and banners without notification.

No posting on buildings, steps, windows, posts, lawn areas, railings, trees, traffic control signs, utility poles, construction fences, vehicles, in newly planted garden areas, flower beds, or newspaper racks. In addition, no posting on campus directories, within ponds or fountains, trash or recycle bins, the Calla Lily walkway between the Bronco Student Center and the Bookstore, the Rose Garden, the Japanese Garden, University Drive from the residence hall area west to the Health Center and in the vicinity of the two major entrances to campus (where the marquees are located). Signs, of a non-instructional nature on any classroom chalkboard or dry-erase board are prohibited and violate this Posting Procedure. Notwithstanding these specific restrictions, to gain special approval for potential posting in these areas, please contact Facilities at (909) 869-3030.

University Housing Services (UHS) and University Village Property: In addition to the above, University Housing Services and the University Village have additional posting procedures, which are subject to the same non-regulation of content as stated above. The appropriate service must be contacted before materials may be posted in these areas, as follows.

University Housing Services: Go to Building 59 to have your postings approved. UHS property includes all the residence halls and land west of University Drive, Los Olivos Dining Commons, Residence at the Lyle Center for Regenerative Studies, the Suites and surrounding property. Check out the UHS website for the UHS posting procedure:
http://dsa.cpp.edu/uhs/files/UHSPostingPolicy2006_1683.pdf

University Village: Go to Foundation Housing Service, 3400 Poly Vista Building 300, to have your posting approved.

MANNER: Only organizations currently chartered with the OSLCC, committees, colleges and departments are allowed to publicize on campus providing they comply with the procedures established by the OSLCC. A Bronco ID card, along with the telephone and/or email of the contact person responsible for posted material by any group, must be presented to OSLCC prior to posting.

All printed advertisements, announcements, and signs must be identified with the following for the material to be stamped by the OSLCC:

1. The sponsoring campus group, organization, committee, or department, if any, should be pre-printed on front of the flyer, but at a minimum, a statement of non-affiliation must appear on the front of the flyer.
2. Two original copies of the flyer. For banners, only the original is needed. If written in a language other than English, a copy of the English translation must be presented as well.
3. Only the original copy of the flyer need be stamped by an OSLCC staff member. Multiple copies of the flyer will not be stamped; rather, anyone wishing to post multiple copies at multiple locations should make their copies after the date-stamp is affixed to the original.
4. For any flyers advertising research studies on human subjects, a copy of the IRB approval will need to be submitted.
5. No more than 50 flyers or publicity materials are allowed per event.

Off-campus individuals or groups may not publicize on campus with the exception of non-profit organizations as stated above and employers with approval. Off-campus employers must first receive approval for their postings from the Career Center and then be approved by OSLCC with the posting stamp.

OSLCC will provide a stamp for an approved flyer on an index card for scanning upon request.

VIOLATIONS: Unauthorized removal of properly approved and posted materials is an act of vandalism and subject to appropriate disciplinary action. Violators to this procedure will be referred to the Director of Judicial Affairs.