

Policies

Speech And Advocacy Policy

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Reviewed By: Administrative Council on June 04, 1990

Reviewed By: Administrative Council on December 01, 2003

Approved By: Albert K. Karnig, President on December 16, 2003

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Approved By: Albert K. Karnig, President on October 11, 2006

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PREAMBLE

Universities are venues for creative, thoughtful, and respectful discourse where conflicting perspectives are vigorously debated and thoroughly discussed. California State University, San Bernardino (“CSUSB” or “University”) is dedicated to affording members of the University community and members of the public the protections for 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 purpose and function.

2. AUTHORITY

This policy is promulgated under the authority of Section 42353 of Title V, California Code of Regulations, and subsequent directives, resolutions, standing orders, California Education Code 66301 - otherwise known as Leonard's Law, and Executive Orders of the Board of Trustees and Chancellor of the California State University, and the President of CSUSB.

3 ADMINISTRATION

As required by Education Code section 66303, the President designates the Division of Student Affairs to administer this policy.

4. GENERAL POLICY STATEMENTS

CSUSB supports fully the protections for expressions of speech, assembly, religion, and California constitutions and all applicable federal and state laws, in accordance with the University's purpose and function.

There shall be no restrictions on the content of free speech activity protected by the First Amendment to the U.S. Constitution or by this policy. Neither shall there be restriction on the affiliation of speakers. Free speech activities that are not protected by the First Amendment to the U.S. Constitution or by this policy include defamation, true threats, false advertising, severe harassment, fighting words, and the promotion of actual or imminent violence or harm.

Students and faculty in the University enjoy generally-accepted rights to academic freedom. They are free to express their opinions and views without censorship in all settings of educational activities that are sanctioned by the University. These opinions and views must however be about the topic at hand or are invited by the person in charge of said activity.

The University recognizes that the ideas of University community members will occasionally conflict, as some expressions or activities may be intended as exercise of free speech but perceived as objectionable or offensive by some members of the community.

5. POLICIES ON SPECIFIC TYPES OF FREE SPEECH AND ADVOCACY ACTIVITIES

CSUSB recognizes that there are a variety of free speech and advocacy activities. In order to protect the rights of those who conduct these activities and to insure that these activities do not infringe on the rights of others or disrupt the educational process or other operations of the University, restrictions of *time*, *place*, and *manner* are carefully established on specific free speech and advocacy activities as specified below in Sections 5.1 through 5.8. These restrictions are intended 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.

In the sections below, a distinction is made between CSUSB-affiliated individuals or groups and non CSUSB-affiliated individuals or groups. A CSUSB-affiliated individual is either a currently registered CSUSB student or CSUSB employee; CSUSB-affiliated groups include committees, departments, administrative units, clubs, associations, or other officially-recognized organizations run by CSUSB students or employees. Non CSUSB-affiliated individuals or groups are not currently related to CSUSB in any way; they are instead members of the public and may or may not be affiliated with any group or organization when they come to CSUSB campus for free speech or advocacy activities.

Sections 5.1 through 5.8 present policies on free speech and advocacy activities.

5.1. Freedom of Expression^[1]

CSUSB believes that students and employees of CSUSB and members of the public are free to lawfully exercise their constitutional right to freedom of expression on University property, consistent with University policies and California and federal laws. Freedom of expression activity includes, but is not limited to, pure or symbolic speech, assembly, meeting, demonstrations or rallies, picketing, petitioning, distributing flyers, signs and theater, music and

assembly, meeting, demonstrations or rallies, picketing, petitioning, distributing flyers, mime and theater, music and singing, survey research, and religious or political activity.

To ensure that the orderly and peaceful flow of campus business and activities not be disrupted, all non CSUSB-affiliated individuals or groups wishing to engage in a freedom of expression activity should schedule the time and location in advance with the Office of Student Engagement. The prior scheduling of a campus or student event, along with life/physical safety issues (e.g., water main/power line breaks, security, etc.), shall be the sole bases for declining to schedule free expression activity that otherwise adheres to this policy.

5.1.1. Time, Place, and Manner Restrictions

Time. CSUSB-affiliated individuals or groups may engage in freedom of expression activities at any time. Non-CSUSB affiliated groups or individuals can do so only between 7:00 am and 11:00 pm daily.

Place. Popular locations for the exercising of the freedom of expression include the Santos Manuel Student Union North and South Plazas. Freedom of expression activities by non CSUSB-affiliated individuals or groups are not allowed inside parking lots and university buildings or within 20 feet of any location in which instructional, educational and/or official business activities are being conducted.

Manner. Freedom of expression activities by both CSUSB-affiliated and non CSUSB-affiliated individuals and groups:

1. shall not unreasonably interfere with or obstruct the free flow of pedestrian or vehicular traffic,
2. shall not unduly interfere with or disrupt the conduct of University business,
3. shall be carried out without creating excessive noise by use of an amplifying device (see Section 5.6., below, for amplified sound restrictions),
4. shall not unreasonably interfere with classes in session or other scheduled academic, educational, or cultural/arts programs or events,
5. shall not promote an unlawful end, such as promoting actual violence or bodily or property harms, terrorist threats, defamation, obscenity, or false advertising, and
6. shall not violate any federal, state or local safety code, such as regulations set by the State Fire Marshal.

Persons distributing solicitation and promotion materials shall make a reasonable effort to retrieve and remove them prior to their departure from the activity areas on the same day.

These procedures will be administered by the Vice President for Student Affairs and/or his/her designee and will be enforced by the University Police Department and/or—when appropriate—by the office of Student Conduct and Ethical Development. Enforcement will be in compliance with existing state and federal laws and the Student Code of Conduct.

5.1.2. 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 requested to comply with the applicable regulations by 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 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 the individuals or groups in violation may be canceled or denied.

University disciplinary action against CSUSB students and employees alleged to have violated this policy and procedure shall be in conformity with the Code of Student Conduct, applicable collective bargaining agreements, or established University guidelines.

5.2. Display or Distribution of Published Materials [2]

Books, newspapers, magazines, pamphlets, handbills, circulars or other published materials may be displayed or distributed on campus, provided that such published materials do not violate applicable laws pertaining to obscene matters or 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 (e.g. plagiarism and cheating) or otherwise violate the Code of Student Conduct.

The following time, place, and manner regulations and permit approval process for display or distribution of published materials do not apply to CSUSB-affiliated individuals and groups. They apply only to non CSUSB-affiliated individuals and groups.

5.2.1. Time, Place, and Manner Restrictions

Time. Between 7:00 am and 11:00 pm daily.

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 rack placement shall be determined by the Office of the Vice President for Administration and Finance, except for news racks in the Santos Manuel Student Union and the residential facilities of housing and residential life, and
3. News rack placement within the Santos Manuel Student Union and the residential facilities of housing and residential life will be determined by the Executive Director of the Santos Manuel Student Union or the Executive Director of the Office of Housing and Residential Life.

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 distributing solicitation and promotion materials shall retrieve and remove them prior to their departure from the areas on the same day.

5.2.2. Permit

Non CSUSB-affiliated individuals and groups must obtain a permit to display or distribute published materials from the Office of Student Engagement. They must display the permit at all times and must adhere to the permit guidelines outlined by the Office of Student Engagement.

5.3. Posting

5.3.1. The right to post

- All CSUSB-affiliated organizations are allowed to post, subject to the procedures established by the Office of Student Engagement.

- Non CSUSB-affiliated individuals or groups may not post on campus without prior approval unless they represent non-profit organizations (See Section 5.4, below).
- If a non CSUSB-affiliated, for-profit organization wishes to post on CSUSB campus, it must obtain prior approval from the Office of Student Engagement.
- Posting by any individual or group must receive a date stamp from the Office of Student Engagement.
- This section does not apply to union bulletin boards and Department bulletin boards.

5.3.2. Time, Place, and Manner Restrictions

Time. For special-dated events, an expiration date of 48 hours following the event will be noted on the posted material. For general information (club meetings, department announcements, etc.), an expiration date of two weeks from the time of stamping will be noted on the posted material.^[3]

Place

1. *General-Use Bulletin Boards:* Posting is permitted on any 'General-Use Bulletin Board,' which may be cleared off once a quarter by the responsible office. Posters must not exceed 11' x 17' in size. Only one poster is allowed for an individual or group. The poster may not overlap other posters and must be fastened with tacks or staples – NOT tape.
2. *Grounds:* No staked signs may be used. 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 on any campus structures without prior approval by the CSUSB Facilities Department. Violations will result in the removal and disposal of the signs and banners without notification.
3. No posting on buildings, steps, windows, posts, lawn areas, railings, trees, traffic control signs, utility poles, construction fences, vehicles, campus directories, trash or recycle bins; in garden areas, flower beds, or newspaper racks; or within ponds or fountains. Personal vehicles are excluded from this section.

Manner. For CSUSB-affiliated individuals or groups, a Coyote ID card, along with the telephone and/or email of the contact person responsible for the posted material, must be presented to the Office of Student Engagement prior to posting. Non CSUSB-affiliated and unrecognized CSUSB posted materials must include a statement of non-affiliation.

All printed advertisements, announcements, and signs must be identified with the following for the material to be stamped by the Office of Student Engagement:

1. For CSUSB-affiliated groups, the sponsor must be identified.
2. For Non CSUSB-groups or unidentifiable CSUSB groups or individuals, a statement of non-affiliation must be provided.
3. 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.
4. Only the original copy of the flyer need be stamped by an Office of Student Engagement 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.
5. For any flyers advertising research studies on human subjects, a copy of the IRB approval will need to be submitted.
6. No more than 50 flyers or publicity materials are allowed per event.

5.3.3. 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 University Police Department and/or the Office

5.4. Non-Commercial Solicitations and Promotions[4]

Non-commercial solicitations are activities that are intended to seek donations or raise funds; non-commercial promotions are activities that are intended to promote the membership of an organization or event. The following time, place, and manner restrictions and permit requirement do not apply to such activities conducted by CSUSB-affiliated individuals or groups. They apply only to non CSUSB-affiliated individuals or groups. This does not apply to union promotion.

5.4.1. Time, Place, and Manner Restrictions

Time. Between 7:00 am and 11:00 pm P.S.T. daily.

Place. Solicitation is allowed in any area generally available to students and the community. However, distribution of solicitation and promotion materials is not permitted inside university buildings (with the exception of one-off, interpersonal exchanges). Material distribution and solicitation is also not allowed in campus parking lots or on motor vehicles parked on University campus.

Persons distributing solicitation and promotion materials, with exception of those posted on bulletin boards, shall retrieve and remove them prior to their departure from the areas on the same day.

Posting paper solicitations on designated campus general-use bulletin boards is permitted but is subject to the follow restrictions:

1. The posted material must be limited to one page per general-use bulletin board.
2. The posted material must not exceed 11"x17" in size.
3. The identity and contact information of the sponsor must be clearly shown.
4. The posting is for a maximum duration of two weeks.

The location of these general-use bulletin boards is available in the Office of Student Engagement.

Manner. Non-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 state or federal laws,
6. shall not occur on days when commencement takes place.

5.4.2. Permit

Non CSUSB-affiliated individuals and groups must obtain a permit for non-commercial solicitation or promotion from the Office of Student Engagement. They must display the permit at all times and must adhere to the permit guidelines outlined by the Office of Student Engagement.

5.5. Commercial Transactions[5]

Commercial transactions (e.g. the selling of books, newspapers, magazines, pamphlets, or similar published materials and the display of property or services for sale) are prohibited unless proper written authorization has

materials and the display of property or services for sale) are prohibited unless proper written authorization has been obtained from the CSUSB President or designee. Permission may be granted for a maximum of five (5)

business days per academic quarter for those transactions that are deemed to aid the achievement of the educational objectives of CSUSB and is conducted in accordance with the time, place, and manner regulations established herein.

Private sales and sales sponsored by the Coyote Bookstore and/or CSUSB Foundation and the fundraising and auxiliary activities of CSUSB-affiliated individuals or groups (See Section 5.3, above) are not subject to the restrictions in this section.

Marketers of credit cards are prohibited from offering gifts to students in exchange for their filling out credit card applications.^[6]

5.5.1. Time, Place, and Manner Restrictions

Time. CSUSB-affiliated individuals or groups may engage in commercial transactions at any time in conformity with this policy. Non CSUSB-affiliated individuals or groups can engage in commercial transaction between 7:00 am and 11:00 pm daily.

Place. Distribution and solicitation are prohibited inside university buildings or in campus parking lots and on any motor vehicle parked on campus. Other areas may be designated by the Office of Student Engagement.

Paper solicitations related to a commercial transaction—for which proper campus authorization has been obtained—may be posted on designated campus general-use bulletin boards. The following restrictions apply:

1. The posted material must be limited to one page per general-use bulletin board,
2. The posted material must not exceed 11"x17" in size,
3. The identity and contact information of the sponsor must be clearly shown, and
4. The posting is for a maximum duration of two weeks.

Manner. Commercial transactions:

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 state and federal laws.
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 (e.g. plagiarism and cheating) or otherwise violate the Code of Student Conduct,
7. shall not occur during commencement time periods, and
8. shall not occur during University-supported vigils or memorials.

Persons distributing solicitation and promotion materials, with exception of those posted on bulletin boards, shall retrieve and remove them prior to their departure from the areas on the same day.

5.5.2. Permit

Permit for commercial transactions may be obtained from the Office of Student Engagement. Persons engaged in approved commercial transaction must display the permit at all times and must adhere to the permit guidelines outlined by the Office of Student Engagement.

5.6. Amplified Sound

Amplified sound is any sound that is broadcasted through electronically amplified equipment, is electronically enhanced, or is enhanced with the aid of a device such as a megaphone.

The following guidelines are established for the use of amplified sound equipment when classes are in session. These guidelines are intended to protect the delivery of instructional programs from intrusive sound and, at the same time, to provide an opportunity and a forum for a variety of student development and support programs.

This section does not apply to amplified sound that is hardwired into the infrastructure of a classroom or meeting room and/or where amplified sound is used for instructional purposes.

5.6.1. Time, Place, and Manner Restrictions

The sound volume should be such that the sound is heard in the immediate area only and may not be high enough to cause disruption or interference with instruction, self-study in the library or a classroom, or previously scheduled events. Outdoor amplified sound events are subject to monitoring and regulation.

5.6.2. Permit

All requests for amplified sound must be approved by the Director of Office of Student Engagement or her/his designee.

To request approval for amplified sound, an Application for Schedule Event Form must be submitted at least one week in advance, though exceptions may be made where spontaneous events necessitate hand-held amplification devices. A signed acknowledgement of the requester's awareness and willingness to abide by the Amplified Sound Procedure shall also be filed with the Director of Student Engagement or his/her designee.

5.6.3. Enforcement

The Office of Student Engagement retains the right to monitor and/or limit the sound level generated by amplification systems.

1. A warning will be issued if there is a noise-related complaint that the sound level is disruptive to instruction, library or classroom self-study, or scheduled events. No more than three minutes will be allowed to correct the volume to a level that conforms to this policy, as determined by the Office of Student Engagement.
 1. 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 Engagement professional staff.
 2. If the volume is exceeded for a third time, the sponsoring organization will be asked to shut off all amplified sound.
 3. Non-adherence to these guidelines may result in the approval of the activity being revoked, notification to the organization advisor, loss of future activity reservation privileges by the organization, and/or the individuals involved being subject to the organization judicial process.

5.7. Chalking

Time. CSUSB-affiliated individuals or groups may chalk at any time in conformity with this policy. Non CSUSB-affiliated individuals or groups can chalk only between 7:00 am and 11:00 pm daily.

Place

1. Chalking is permitted on sidewalks except those that are less than 20 feet away from a building entrance or those that are under an overhang, canopy, or other cover.
2. 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.
3. No chalking is permitted on campus directories, within ponds or fountains, and trash or recycle bins.

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

5.8. Camping and Lodging

Camping or lodging on university property other than in authorized facilities (e.g. student housing) are not permitted at any time. Lodging/camping is defined as the use of campus property for living accommodation purposes such sleeping or making preparations to sleep, regardless of the intent of the participants or the nature of any other activities in which they are also engaged.

5.9. CSUSB Employees

5.9.1 Violations of Policy

Any alleged violation by an employee of the procedures set forth in this policy will be enforced by the Human Resources Department and/or—when appropriate—by the University Police Department. University disciplinary action against an employee alleged to have violated this policy and procedures shall be in conformity with the applicable collective bargaining agreements and established university guidelines.

5.9.2 Union Activity/Represented CSUSB Employees

This policy shall not interfere with on the rights set forth in Higher Education Employer-Employee Relations Act, California Government Code sections 3560 et seq. or the Collective Bargaining Agreement. Further, CSUSB shall not threaten, intimidate or retaliate against an employee for engaging in protected labor-related speech and activities.

¹Education 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.

² Education Code, Sections 66600, 66606, 89030, 89031, and 89035. California Code of Regulations, Title 5, Section 42351.

³ The stamp does not regulate the content of the flier or the actions and opinions of the entity seeking approval. Neither does it necessarily reflect the opinions of CSUSB students, faculty, or administration.

⁴ Education Code, Sections 66600, 66606, 89030, 89031, and 89035. California Code of Regulations, Title 5, Sections 42350.5 and 42350.6.

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

⁶ California Code of Regulations, Title 5, Section 42350.6.

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[Events Policies](#)

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