



CALIFORNIA STATE UNIVERSITY CHANNEL ISLANDS POLICY MANUAL

Office of the President
Approved By: Erika D. Beck
President

Policy Number: OP.01.008
Effective Date: 9/17/18
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Policy on Time, Place and Manner and the Use of University Buildings and Grounds

PURPOSE:

To ensure that various forms of freedom of expression are encouraged and supported for members of the campus community and public with respect to time, place, and manner limitations, with regard to the appropriate use of University buildings and grounds.

BACKGROUND:

Freedom of expression is a cornerstone of a democratic society and is essential to the educational process. The academic mission of the campuses within the California State University system necessitates the free exchange of ideas and vigorous debate of ideas and information. That includes the freedom to draw connections between controversial issues and the subject matter at hand. Controversy is at the heart of free academic inquiry. Therefore, discussing controversial content on campus does not in and of itself violate University policies nor will the discussion itself serve as a basis for limiting future expression, even if a campus community member feels uncomfortable with the content or finds the content to be offensive.

CSUCI encourages and supports the free expression of ideas, values and opinions, recognizing that such expression may take a variety of forms, such as speeches, signs, written materials, public assemblies, parades, demonstrations, artistic representation and other forms of expressive conduct. While one may find certain expressions or materials to be offensive or insulting, the appropriate way to counteract such materials is through discourse, constructive criticism, and the expression of additional points of view.

At the same time, all members of the University community should recognize that freedom of expression includes a responsibility to respect the rights of others, including the right to express differing opinions. 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. Correspondingly, the exercise of free speech, including opposing the speech or viewpoints of others, and assembly rights must comply with all federal, state and local laws.

This policy is promulgated under the authority of Title 5 of the California Code of Regulations, Sections 42350-42353, subsequent directives, resolutions, standing orders, and Executive Orders of the Board of Trustees and Chancellor of the California State University and the President of CSUCI.



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POLICY:

Accountability:

Office of the President, Provost, Vice President for Business & Financial Affairs, Vice President for Student Affairs, and Vice President for University Advancement.

Applicability:

All CSUCI students, faculty, employees, auxiliaries, tenants, and visitors to the campus.

Nothing in this policy shall interfere with the statutory right provided by the Higher Education Employer-Employee Relations Act, California Government Code Section 3560, et. seq., or the terms of a controlling Collective Bargaining Agreement. Nothing in this policy shall prohibit the unions from communicating with its members regarding union-related activities or engaging in protected or concerted activities.

Definition(s):

Amplified Sound: any sound that is broadcast through electronically amplified equipment or sound that is electronically enhanced. Hand-held amplification, e.g. bullhorns, megaphones, etc. are considered sound amplification devices under this policy.

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

Commercial Transaction: selling or purchasing or both selling and purchasing by any person in the course of employment in, or in the carrying on of, a trade or business.

Handbills/Circulars: a printed advertisement or other notice distributed by hand and/or intended for wide distribution. Handbills do not include bumper stickers, sun shades or other decals/ornaments/signs on an individual's personal vehicle.

Manner: manner-based limitations are those which regulate the mode of individual expression.

Place: place-based limitations are those which regulate where individuals may express themselves.



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Private sales: means occasional selling between persons who are campus students or employees.

Sale: “selling” or “purchasing” means an activity creating an obligation to transfer property or services for a valuable consideration.

Solicitation: means to importune, or endeavor to persuade or obtain by asking, but does not include “commercial solicitation.”

Time: time-based limitations are those which regulate when individuals may express themselves.

Policy Text:

A. Time, Place and Manner Regulations

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

- unduly interfere with classes in session or other scheduled academic, educational, cultural/arts programs, or with use of the University library;
- unreasonably obstruct the flow of pedestrian or vehicular traffic or circulation;
- unduly 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



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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 speaker (e.g. an invited speaker), an individual or group wishing to protest 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, the right of others to see and hear such speaker, and the right to peaceably assemble, to cease the disruptive behavior. If such warnings are not heeded, those individuals may be removed from the facility or area.

Conduct that physically endangers the safety of both active and passive bystanders is not permissible. The University reserves the right to cancel or postpone an event if there is a reasonable concern for safety of persons or for University property.

B. Use of Buildings, Facilities or Grounds

The University permits individuals and groups to use certain University buildings and grounds for activities other than scheduled instruction. The University gives its highest priority to the facilitation of scheduled instruction.

The second priority is the scheduling of activities and events that directly support the instructional mission, such as: scholarly and creative activities organized by faculty, staff and students; visual and performing arts; co-curricular programs; intercollegiate or recreational meets and activities; public programs offered by Extended University; administrative activities, camps and conferences; grant and contract activities; and student recruitment and yield-enhancing events and programs.

The third scheduling priority is hosting activities and events that may not support the institutional mission. Events that fall under this category can include, but are not limited to sporting events, special occasions and meetings.



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C. Preferred Public Forum Spaces

CSUCI's Central Mall between University and Ojai Halls, as well as the John Spoor Broome Library Plaza, are preferred public forum spaces in which members of the University community and non-

University community may exercise their free speech rights without special restriction, subject only to the general limitations noted in Section A, unless sound amplification is to be used, in which case prior permission must be requested as described in Section E.

Free-speech activities may be exercised in other outdoor areas (other than turf athletic/recreational fields), subject to the other provisions of this policy. 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 which case prior approval must be granted as described in Section E.

D. Public Meetings, Performances, Rallies, Demonstrations or Similar Events

Members of the University community and non-University community may use University buildings and grounds for public meetings, conferences, performances, rallies, demonstrations, and similar events.

Non-amplified outdoor demonstrations or public protests may be held on University property, without advance permission, provided they adhere to the limitations described in this policy.

Demonstrations, rallies and other public events may not unduly disrupt the business of the University or its educational mission. For example, they may not be conducted in or within the immediate vicinity of classrooms, offices, residence halls, athletic/recreational fields or facilities, or reception areas, so as to disrupt the operations and users of those facilities.

While on CSUCI property, participants or attendees at a public meeting, performance, rally, demonstration, or similar event are prohibited from the following immediately before, during, or immediately after the event to maintain public safety:

- Possessing any weapons or tools that can be used as weapons, including bats, clubs, shields, armor, flammable objects, or sticks excluding those attached to a sign or poster;



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- Wearing a helmet or armor; and
- Possessing any other item prohibited by University policy or law.

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 external guests shall have the right to peacefully protest any speaker, meeting or event.

Spontaneous events occasioned by news coming into public knowledge less than 48 hours prior to such event may be held at the preferred public forum spaces identified in Section C, as well as outdoors (other than turf athletic/recreational fields) without advance permission.

Camping on University property or living in temporary lodging parked or erected on University property is prohibited, except where such camping or temporary lodging is specifically authorized by the University.

The University reserves the right to limit, re-direct, or provide appropriate barriers to pedestrian and/or vehicular traffic before, during, or after an event to protect the health, safety, and security of persons or property.

E. Sound Amplification

The following guidelines are established for the use of amplified sound equipment when classes are in session to 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 conditions noted below.

- Outdoor sound amplification is limited to the Central Mall between University and Ojai Halls, except where advance approval is obtained from Conferences & Events with decisions for approval provided without unreasonable delay.
- Amplified sound is intended to be heard in the immediate area only and is subject to monitoring and regulation.



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- The sound level for any event, including non-amplified sound such as drumming, may not exceed that which is disruptive to the instructional programs, scheduled events, and/or library or classroom study.

Approval for amplification at special times and places shall not be granted or denied on the basis of the content or viewpoint of the activity.

F. Solicitation (Commercial Transactions and Non-Commercial Solicitation)

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 advance written approval. Generally, private sales are excluded unless otherwise noted.

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 and general limitations described in Section A;
- 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, solicitation, and/or display of goods and services, including private sales, that violate federal or state law, e.g. illegal drugs and/or drug paraphernalia, weapons, illegal gambling, free merchandise or giveaways, etc., or that are prohibited by the University, shall not be permitted. The sale of food items is prohibited unless advance approval is obtained from the University's Auxiliary Services.

Any published materials offered for sale, including private sales, or for free, 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 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).



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Non-commercial solicitations such as ballot signature-gathering, information provided by non-profit organizations, or other non-commercial solicitations, are allowed with a preference for them to occur at the preferred public forum spaces as outlined in Section C.

Soliciting alms or begging in public places or in any place open to the public on University property is allowed within the limitations provided under California Penal Code Section 647(c).

G. Handbills/Circulars

Non-commercial handbills and circulars may be distributed by hand at the preferred public forum spaces identified in Section C as well as other University walkways and outside entrances to University buildings provided that the activity conforms to the general limitations described in Sections A and H.

Individuals or groups distributing materials in these areas, other than materials discarded or dropped into appropriate receptacles, shall make a reasonable effort to retrieve and remove such materials prior to their departure from the campus. Handbills and circulars should not be left behind in any areas or placed within any other CSUCI materials.

Handbills and circulars may not be posted on outdoor surfaces such as buildings, structures, poles, trees, benches, balconies, railings, windows, objects, vehicle windows, or campus bulletin boards.

H. Display or 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 University's 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 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).

The display and distribution of published materials are permitted provided such activity conforms to the general limitations in Section A and there is:

- no harassment of persons in the area;
- no physical contact of individuals without their consent;



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- no prolonged or repeated contact with persons who have declined the material, except to the extent that such contact is protected by the Higher Education Employer-Employee Relations Act (see Applicability section);
- no sound amplification, refer to Section E;
- no illegal misrepresentation of the true name and purpose of the material or of any organization involved in its distribution;
- materials must contain a contact name, telephone number or email address.

I. Postings

The University recognizes that materials including fliers, posters, banners, lawn signs or flags, chalking, notices, etc., serve as a means for communicating information to the campus community in a timely and orderly manner. The University reserves the sole right to post signage for emergency and safety purposes on otherwise prohibited surfaces and locations.

All postings must be approved in advance as follows:

- CSU union-affiliated activities and communication: no approval necessary
- CSUCI academically-related postings by faculty and staff: no approval necessary
- Students or Student Clubs and Organizations: approved by Campus Life
- Staff (non-academically-related): approved by their respective Vice President (or designee)
- External individuals, businesses, non-profits or organizations: approved by Communication & Marketing

Requests for lawn banners/flags; lawn signs; display boards ('A' frames); temporary outdoor displays, exhibits or message boards; or postings using water-soluble chalk, shall be reviewed and approved in advance as noted above and are only allowed for University-related events and activities or academically-related, and within the designated spaces and parameters identified within the Policy's corresponding procedure.

Authorized or approved materials may not be removed, defaced or covered to make room for additional materials or for any other reason except by appropriate University staff. Postings are prohibited from the following: acoustic boards, building walls/lobbies, balconies, benches, bridges, bus shelters, doors, fences, fountains/sculptures, light posts, newspaper or magazine racks,



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permanent way-finding signage, railings, restrooms/stalls, stairwells, traffic mirrors or control signs, trees, trash or recycling receptacles, and windows.

Divisions, programs, or areas may display posters, photographs, awards, or artwork within their designated office space.

Faculty and staff may post materials on their own office doors, windows or bulletin boards.

Damage caused by inappropriate or prohibited postings on office doors, windows or walls by any program, area, individual, or organization, for which they are responsible, may be charged for the cost incurred in the removal or repair of University facilities.

Postings for Non-commercial or Commercial Solicitations/Transactions

Requests for posting of non-commercial or commercial solicitations/transactions require advance approval as noted above. Non-University affiliated individuals or groups may have their posting privileges revoked under Section 626 et. seq. of the California Penal Code.

EXHIBIT(S):

[Procedure for Time, Place and Manner and the Use of University Buildings and Grounds](#)