

**San Francisco State University**  
**Approved revisions to University Executive Directive #89-13:**  
**Formerly—Use of Buildings and Ground**  
**New Title—Time, Place, and Manner: Use of Buildings and Grounds**

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**I. PREAMBLE**

Universities are venues for creative and thoughtful discourse where differing perspectives are debated and thoroughly discussed. San Francisco State University (SF State) is committed to the principles of equity and social justice. The University actively promotes free expression and the exchange of ideas, perspectives and viewpoints. Within the context of this policy, free speech activity includes, but is not limited to the following: pure or symbolic speech, assembly, meeting, demonstrations or rallies, picketing, petitioning, mime and theater, music and singing, and religious or political expression.

**II. POLICY STATEMENT**

While the primary use of the buildings and grounds at San Francisco State University is to provide a high quality academic experience, these campus resources are also available for certain non-academic programming. This policy establishes the priorities for such use, legal requirements as needed and other matters relating to the scheduling and use of SF State facilities. The use of University facilities must always be in accord with the applicable provisions of law and University policies. Among these provisions are the California Education Code and the administrative regulations of the California State University (CSU) Board of Trustees (Title V of the California Code of Regulations), which regulate soliciting, selling, exposing for sale or offering for sale of goods, articles, wares, or merchandise on campus; and the holding of public meetings, performances, rallies and similar events on campus. Where applicable, University contracts, leases and

operating agreements made with University Auxiliary Organizations for the specific use of campus property or facilities are in effect and augment the provisions of this policy.

### **III. AUTHORITY**

This policy is promulgated under the authority of Title V, California Code of Regulations, and subsequent directives, resolutions, standing orders, and Executive Orders of the CSU Board of Trustees and Chancellor, and the President of SF State. All applicable state and federal statutes and laws apply.

### **IV. CAMPUS ACTIVITIES**

Activities on the SF State campuses may not interfere with or disrupt University business. Activities that are not permitted include, but are not limited to, the following examples:

- A. Interference with classes in session or other scheduled academic, educational, cultural/arts programs or with use of the library;
- B. Obstruction to the free flow of pedestrian or vehicular traffic;
- C. Employing unauthorized sound amplification;
- D. Violating any federal, state, or local safety code, including regulations set by the State Fire Marshal;
- E. The visual blockage or the physical displacement of performers/programs that have reserved a venue;
- F. Activities that damage facilities or interfere with necessary facilities maintenance and repair activities or the function of campus utilities (sewer, water, power, etc.); and
- G. Activities that create substantial unreimbursed cleanup costs.

There shall be no restrictions on legally-protected free speech activity based on the content of such speech or expression or on the political, religious, or other affiliations of speakers. Speech activity **not** protected by 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.

### **V. LABOR ACTION**

Among the guarantees of the U.S. Constitution is the right of citizens to inform others of their opinion by peaceful picketing. In California, the State Constitution also guarantees this right. Additionally, Code of Civil Procedure, Section 527.3 protects the right of individuals to communicate information, including information involving a labor dispute, on public streets or any other place where persons may lawfully assemble.

The right to picket does not include the right to break the law by:

- A. Blocking entrances, exits or sidewalks;
- B. Using physical force on individuals;
- C. Disturbing the peace;
- D. Using language likely to promote violence;
- E. Creating excessive noise by use of any device; and or
- F. Committing any other criminal acts.

The University Police Department (UPD) has an obligation to protect the rights of free speech, assembly and petition as well as to protect the safety of the campus community at all times.

To insure that the orderly and peaceful flow of campus business and activities will not be disrupted, all labor organizations wishing to picket or to hold a demonstration on campus should schedule the location of such an event in advance by complying with the following procedures:

- A. The representatives of all labor organizations, other than Unit 3, should contact the Associate Vice President of Human Resources, Safety and Risk Management, who in conjunction with the University Police Chief and the Director of the Office of Student Programs and Leadership Development (OSPLD), will advise such representatives of any conflict with a special campus or student event(s) scheduled to take place at the same location.
- B. The representative(s) of Unit 3 should contact the Dean of Faculty Affairs and Professional Development, who in conjunction with the University Police Chief and the Director of OSPLD, will advise such representatives of any conflict with a special campus or student event(s) scheduled to take place at the same location.

In compliance with these procedures, labor organizations will avoid scheduling conflicts that could lead to potential disruptions of previously scheduled campus activities as well as potential disruptions of the orderly conduct of campus business.

## **VI. AMPLIFICATION**

Amplified events are routinely scheduled through OSPLD to take place in the Malcolm X Plaza Monday through Friday from 12 p.m. – 2 p.m. during the academic year, with the exception of the last week of classes and finals week for each semester. Amplification for any other location and/or time requires special permission through OSPLD. Waivers must be requested in writing at least five (5) business days prior to the event unless necessitated by extraordinary circumstances.

At outdoor events on campus, the amount of amplification is controlled through the use of a sound meter to ensure that sound does not exceed 75 decibels 25 feet from the amplified sound source. All amplified sound events on Malcolm X Plaza must use the Cesar Chavez Student Center (CCSC) sound system and coordinate with the Center's sound technicians. It is the responsibility of the sponsoring student organization/department and its performers in collaboration with OSPLD staff and CCSC technicians not to exceed the 75-decibel level.

Recognizing the importance of instructional activities, sound complaints concerning outdoor events should be directed to OSPLD, which is charged with administering complaint procedures. OSPLD shall keep records of all written and verbal amplified sound complaints, providing the Associate Vice President for Student Affairs with reports annually. Decibel level is subject to administrative review.

## **VII. COMMERCIAL TRANSACTIONS (42350.1 - TITLE V)**

Commercial transactions and the display of property or services for sale on campus is prohibited except with written permission by the campus President. Such permission shall be granted if:

- A. The proposed activity aids achievement of the educational objectives of the campus, does not unreasonably interfere with the operation of the campus and is not prohibited by law, or
- B. The prospective buyer has agreed in writing in advance to an appointment, and prospective seller makes no more than one appointment for any day, and such the appointment does not interfere with the operation of the campus.
- C. This section shall not apply to private sales.

Transactions which aid in the achievement of educational objectives of the campus, do not unreasonably interfere with the operation of the campus, and are not prohibited by law may be conducted on campus contingent upon appropriate authorization. Such transactions shall be conducted in the University designated area(s). At no time shall commercial transactions be carried out in the residence halls, or in any academic building. Commercial transactions may occur only in reserved venues where a particular event takes place and event organizers have received prior approval.

### **Commercial Vendors**

Commercial vendors are permitted on campus through the OSPLD Vendor Program and with sponsorship by a University recognized student organization. Craft vendors are also allowed to sell their crafts at the bi-annual Associated Students Inc. sponsored Crafts Fair. All student organization-sponsored vending activities must obtain permits from OSPLD. Permission shall only be granted if the off-campus vendor is providing funds to

the student organization and the arrangement is outlined in writing prior to the activity. At the conclusion of the activity, the student organization shall provide OSPLD with proof of the receipt of the funds. If the student organization fails to provide proof of receipt of funds, the vendor will not be allowed to conduct commercial transactions on campus in the future. The sponsoring student organization is responsible for all transactions. A form for requesting permission to host a vendor is required by and available in OSPLD. The form must be submitted at least three (3) business days prior to the commencement of the proposed vending date. A standard OSPLD coordination fee is also required and must be paid by the vendor prior to activity approval. Student organizations may not invite off-campus food vendors to sell food on campus as a fundraiser for the organization.

## **VIII. SOLICITATION**

### **A. Solicitation (42350.5 - Title V)**

1. Solicitation shall be permitted on a campus subject, however, to a reasonable regulation by the campus President as to time, place, and manner thereof. Solicitation in violation of established campus directives regarding time, place, and manner is prohibited.
2. All directives issued by the campus President pursuant to this section shall be available to the public at places designated pursuant to Section 42354.

### **B. Commercial Solicitation (42350.6 - Title V)**

1. Commercial solicitation on a campus is prohibited unless prior written authorization has been obtained from the campus President. Permission for commercial solicitation shall be granted by the campus President, subject however, to regulation as to time, place and manner thereof, unless such solicitation for sale would be in violation of law.
2. All directives issued by the campus President pursuant to this section shall be available to the public at places designated pursuant to Section 42354.

Solicitors shall abide by all laws and University policies.

CCSC, SF State Bookstore, University Housing and Office of Special Events may not sponsor commercial banking groups for solicitation of applications, and various banking services for profit-making ventures.

In the case where a contract currently exists between the campus and a banking firm, the terms of the contract may be fulfilled until new contracts are awarded. The President or designee may authorize the campus banking institution on contract to distribute literature about the services of the automatic tellers.

No money may be solicited unless it is for a non-profit group. Non-profit groups wishing

to solicit donations must have:

- A. Proof of the group's non-profit status (letter from Attorney General or Internal Revenue Service); and
- B. Written authorization for the individual who is soliciting from the organization.

#### **IX. SELLING OF PUBLISHED MATERIALS (42351 - TITLE V)**

- A. Except in the case of private sales and commercial transactions to which Section 42350.1 applies, the selling or displaying for sale of any books, newspapers, pamphlets and other published materials shall be permitted on campus provided:
  - 1. Such published materials are not available for sale at the campus bookstore; and
  - 2. The selling or display of such published materials is conducted in compliance with any time, place, and manner directives adopted by the President; and
  - 3. The published materials displayed or offered for sale are not in violation of the provisions of Chapter 7.5, Title 9, Part 1 (commencing with Section 311) of the Penal Code (relating to the sale and distribution of obscene matter), or of Chapter 6, Title 3 (commencing with Section 66400) of the Education Code (relating to the preparation, sale and distribution of term papers, theses and other materials to be submitted for academic credit).
- B. Selling or displaying for sale of published materials in violation of subsection (A) is prohibited.

Prohibition concerning preparation, sale and distribution of term papers, thesis, etc. (66400 Education Code)

No person(s) shall prepare, offer to prepare, cause to be prepared, sell, or otherwise distribute any term paper, thesis, dissertation, or other written material for another person, for a fee or other compensation, with the knowledge, or under circumstances in which the individual(s) should reasonably have known, that such term paper, thesis, dissertation, or other written material is to be submitted by any other person(s) for academic credit at any public or private college, university, or other institution of higher learning in this state.

#### **X. HANDBILLS AND CIRCULARS (42352 - TITLE V)**

- A. No person or persons shall, upon any of the grounds on campus cast, throw, deposit, or distribute any advertising handbills or circulars which contain false, misleading, or illegal advertising.
- B. The distribution of written or printed matter shall be permitted on campus,

subject, however, to reasonable directives by the campus President as to the time, place, and manner thereof. All directives issued by a campus President pursuant to this section shall be available to the public at places designated pursuant to Section 42354. Distribution of written or printed matter in violation of established campus directives regarding time, place, and manner is prohibited.

Sale of literature may occur only in designated University areas (see section VII and X). Literature may not be distributed or sold inside University buildings. Literature that is sold must not be available in the Campus Bookstore, nor be a term paper, thesis or other materials to be submitted for academic credit. Literature that is sold must not be obscene.

Distribution of literature may occur in University outdoor areas as long as pedestrian traffic is not impeded. No literature shall be placed on vehicles or distributed in University Housing facilities. Materials may be posted only on indoor campus bulletin boards not identified for specific purposes or functions and authorization must be obtained from the individual college/school/department within the building. Outdoor signs may be posted in appropriate locations as designated by Facilities and Services Enterprises.

It is a misdemeanor for any person to place or maintain, or cause to be placed or maintained, without lawful permission upon any property of the State, or of a city or of a county, any sign, picture, transparency, advertisement, or mechanical device which is used for the purpose of advertising or which advertises or brings to notice any person, article of merchandise, business, or anything that is to be or has been sold, bartered, or given away. No commercial advertisement may be distributed unless it is a part of a student organization's fundraiser and the fundraiser has written permission from OSPLD.

Any outdoor literature being sold must be in designated University vending areas per the University vending policy (see section VII). Literature materials may also be sold at student organization information tables. No specific permit is needed from UPD to distribute or sell literature if authorization to have the table is obtained from OSPLD. All non-students may distribute literature outdoors without the use of a table.

## **XI. RESERVING UNIVERSITY VENUES**

### **A. University Department Sponsors**

University departments should work directly with the appropriate venue scheduling office regarding reservation requests and/or questions. Departments hosting large campus events should also notify the Director of Special Events.

### **B. Student Organization Sponsors**

All student organization events must be approved by OSPLD ten (10) business days prior to the proposed event date. Recognized student organizations should submit reservation requests directly to the appropriate venue scheduling office, but confirmation is not complete until OSPLD approval is granted. Student

organizations hosting events in a large campus venue will also be required to attend a University partners meeting. The meeting is hosted by OSPLD, with the inclusion of the student event planner(s), UPD, the venue manager/scheduler, and other University offices as needed. During the meeting, all event details will be discussed and based on the event information recommendations will be provided concerning event needs and University expectations.

C. Off-Campus Sponsors

All events being hosted by off-campus sponsors must work directly with the Director of Special Events. The Director serves as a liaison between the event sponsor and the University.

D. Spontaneous Events

Spontaneous events occasioned by news or issues coming into public knowledge may be held on campus without advance permission so long as they adhere to all University policies and the restrictions outlined above (see section IV).

Recognizing the University is a part of the community it serves, the University will attempt to accommodate and provide access to University space/facilities that are available and which do not interfere with scheduled events and programs. Student organizations and departments are strongly encouraged to work in collaboration with OSPLD and UPD to assist with event coordination.

## **XII. NOTICE (42354 - TITLE V)**

Notice shall be posted at or near the principal entrances of each campus calling attention to the existence of regulations relating to use of CSU buildings and grounds and designating the places where copies thereof and of directives issued by the campus president pursuant thereto may be examined.

## **XIII. DEFINITIONS**

- A. Freedom of/Free Speech and Freedom of/Free Expression are used interchangeably for the purpose of this document.
- B. Sale, selling or purchasing means an activity creating an obligation to transfer property or services for a valuable consideration.
- C. Commercial solicitation means any direct and personal communication in the course of a trade or business reasonably intended to result in a sale.
- D. Solicitation means to importune, or endeavor to persuade or obtain by asking, but does not include "commercial solicitation."

- E. Private sale means occasional selling between persons who are campus students or employees.
- F. Commercial transaction means 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.
- G. Campus President means the President of San Francisco State University.
- H. Student organization means an organization that has met all CSU and OSPLD requirements.
- I. Student means any person enrolled in course work at SF State, has paid fees and is currently attending courses including Extended Learning courses.
- J. Non-student means faculty, staff or off-campus persons wishing to utilize SF State facilities.
- K. President's designee means any person the President has chosen to exercise his/her authority.
- L. University Housing means the areas/buildings including the residence halls, Seven Hills Conference Center, Dining Center, the Village at Centennial Square, the Towers at Centennial Square, University Park North and University Park South.

Approved:

Not Approved:

*Signed by Robert A. Corrigan, President*

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Robert A. Corrigan, President

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Robert A. Corrigan, President

Date: \_\_\_\_\_04/28/2009\_\_\_\_\_

Date: \_\_\_\_\_