




CALIFORNIA STATE
UNIVERSITY
E A S T B A Y

University Executive Directive #11-04	Issue Date: June 8, 2011
Subject: Time, Place, and Manner of Free Expression	Revision Date: October 20, 2011 Revision Date: March 25, 2016
Approved:  President	
Division: Office of Student Affairs	
Contact: VP, Student Affairs - 510 885-3646	

Authority:

This policy was developed in accordance with Title 5 of the California Code of Regulations, the California Education Code, state and federal law, and subsequent directives, resolutions, standing orders, and Executive Orders of the Board of Trustees and Chancellor of the California State University, and the President of California State University, East Bay.

Policy on Time, Place, and Manner of Free Expression

Draft – Rev March 25, 2016

Policy Objective

Through this policy, the University seeks to foster and sustain a forum for the free, civil and orderly exchange of ideas, values and opinions, recognizing that individuals grow and learn when confronted with differing views, alternative ways of thinking and conflicting values.

Policy Statement

Freedom of expression is a cornerstone of a democratic society and is essential to the educational process. Universities have a special obligation not only to tolerate but also to encourage and support the free expression of ideas, values and opinions, even where they may be unpopular or controversial. California State University, East Bay (herein after the University) accepts and embraces this obligation, recognizing that such expression may take a variety of forms, such as speeches, signs, written materials, public assemblies, parades, demonstrations and artistic representation.

Acknowledging the central role the unfettered exchange of information and ideas plays in learning and in a free society, the University shall ensure that individuals and groups are afforded wide latitude in exercising the right of free expression and that their constitutionally protected right to free expression is not abridged. Freedom of expression, however, is not an absolute right. It coexists with other rights and the need for public order.

To ensure that exercise of the right of free expression does not interfere with University functions, imperil public safety, or obstruct or damage University facilities, the University will establish and enforce campus regulations regarding the time, place and manner of the exercise of free expression by individuals and groups.

The University recognizes that causing discomfort and even causing offense is not, of itself, a basis for limiting free speech. At the same time, all members of the University community should recognize that freedom of expression includes respecting the dignity of others and acknowledging the right of others to express differing opinions.

Authority

This policy is promulgated under the authority of Title 5 of the California Code of Regulations, the California Education Code, state and Federal law, and subsequent directives, resolutions, standing orders, and Executive Orders of the Board of Trustees and Chancellor of the California State University, and the President of California State University, East Bay.

General Limitations and Guidelines for Campus Events and Activities

At California State University, East Bay, the time, place, and manner of expression are limited solely by the following general conditions and by additional specific conditions as defined in this policy:

The exercise of free speech and assembly rights must comply with all applicable federal, state, and local laws. In addition, such activities may not:

- Interfere with University activities, including classes in session or other scheduled academic, educational, athletics, cultural arts, and career programs or with use of the University Library;
- Obstruct the flow of pedestrian or vehicular traffic;
- Interfere with or disrupt the conduct of University business and operations;
- Employ unauthorized sound amplification or create unreasonable noise disruptive of normal University activities; or
- Violate any federal, state, local, or University 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 affiliations of speakers. 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.

Time, Place and Manner Guidelines

The University may impose reasonable time, place and manner restrictions on exercise of the right of free expression, to preserve the safe and orderly operation of the campus.

Guidelines as to Time

Indoor events and activities are not assigned fixed limits as to time of day or day of the week, but University scheduling protocols must be followed. (See Scheduling of Campus Events and Activities and Guidelines as to Place sections).

Outdoor events and activities that involve amplified music or speech are prohibited during the hours of: 10:00 pm to 7:00 am, Sunday through Thursday; and 11:00 pm to 7:00 am. Friday and Saturday. University scheduling protocols must be followed. (See Guidelines as to Place and, Scheduling of Campus Events and Activities sections).

Outdoor events and activities that do not require use of amplified sound (for speech or music) may be held between 7:00 a.m. and midnight, Monday through Sunday. Use of the University's

scheduling protocols is encouraged to facilitate coordination with other events and among potential campus service providers.

Regardless of the time they are held, events and activities must be conducted in a manner consistent with General Limitations Section and in conformity with any additional guidelines pertinent to a particular venue.

Guidelines as to Place

Freedom of expression is an individual right, and therefore is not restricted to place. While freedom of expression is encouraged everywhere on campus, the Agora Stage area is the most common place where individuals and groups assemble to exercise the right of free expression unless the space has already been scheduled in advance. (See Scheduling of Campus Events and Activities section).

Other outdoor spaces on campus may be used as public gathering spaces for events and activities. Where amplified sound, equipment, or commercialism is involved, use of University scheduling protocols is required. (See Scheduling of Campus Events and Activities section.) Use of University scheduling protocols is encouraged in all cases to facilitate coordination with other events and among potential campus service providers.

All indoor facilities and certain campus outdoor spaces must be reserved in advance, through the University Scheduling Office. (See Scheduling of Campus Events and Activities section).

Whether conducted indoors or out of doors, activities must be conducted in a manner consistent with General Limitations Section and in conformity with any additional guidelines pertinent to a particular venue

Guidelines as to Manner

This document contains guidelines as to manner all throughout.

Solicitation

As defined in Title 5 of the California Code of Regulations (Section 42350), “‘Solicitation’ means to importune, or endeavor to persuade or obtain by asking, but does not include ‘commercial’ solicitation.” As further provided by Title 5, Section 42350.5:

“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.”

Organizations or individuals wishing to engage in commercial solicitation at the University must contact Commercial Services. (See Appendix A – Reference List).

Electronic Communications

All use of University information technology resources for purposes of individual or collective free expression must adhere to the provisions of the CSUEB Acceptable Computing Use Policy found at: [Computing Use Policy](#)

Assemblies, Marches and Demonstrations

Freedom of expression extends to the right to demonstrate, protest and advocate through public assemblies, marches and demonstrations.

These activities must be consistent with the University's general requirements regarding preservation of campus order and public safety, as presented in General Limitations, and Time, Place and Manner Guidelines sections.

To address public safety issues (routes of march, necessary public safety staffing, etc.), groups contemplating holding public assemblies, marches or demonstrations are strongly encouraged to notify the University Police in advance of the event, preferably at least 72 hours in advance. In addition, to avoid conflicts with other scheduled University events, and to reserve other necessary support services and ensure event success, organizers of public assemblies, marches or demonstrations are also strongly encouraged to notify the University Scheduling Office.

Where facilities or equipment are required, formal scheduling protocols must be followed. Procedures for booking equipment for campus events found at [Facilities Reservations](#)

The University President has delegated oversight of campus demonstrations to the Vice President of Student Affairs (SA) and the Chief of University Police, to ensure protection of freedom of expression and constitutional rights, participant safety, and, if needed, to implement dispersal procedures only when participants have exceeded the limits of their constitutional rights or exceeded the general limitations of this policy (See General Limitations Section).

Withholding or Withdrawal of Approval

Approval for events or activities encompassed by the campus wide policies on free expression may be withheld or withdrawn where determined by the University President or designee to be inconsistent with Federal or state law, with existing University policies, with the orderly conduct of University business, with preservation of the campus learning environment, with the preservation of public safety, with maintenance of University property, and/or with the free flow of pedestrian and vehicular traffic

Advertising in Publications

Advertising may be permitted in faculty, staff, alumni and student publications subject to the policies of each publication. Restrictions regarding advertising of alcohol and tobacco products at the University are contained in the Policy on Alcohol and Other Drugs ([Alcohol Policy](#)). Publications in electronic format, utilizing campus information technology resources, are subject to the CSUEB Acceptable Computing Use Policy [Computing Use Policy](#)

Use of the University Buildings and Grounds

See California Education Code, § 89030-31; Title 5, California Code of Regulations, Sections 41301 and 42350-42354 for specific references

Approved and Priority Uses of University Facilities

Use of those University facilities that may be scheduled for activities or events is limited to the following purposes and is normally granted in the following order of precedence:

The Regular University Instructional Program: Actual classes and scheduled meetings that are part of the regular academic program.

The Broad University Instructional Program: Discussions, instructionally related activities/programs such as music, drama, forensics, journalism, intercollegiate athletics; special programs and other activities, that are a part of normal class-associated or academic programs; courses that are a part of the authorized campus Continuing Education program.

Research and Consultant Activities: Programs that are research-oriented in nature which contribute to the professional development of students, faculty and staff and consultant activities that have been approved by the University.

Educational and Co-Curricular Activities: Events such as conferences, meetings, lectures, musicals, concerts, films, productions, contests or public assemblies concerned with the professional, cultural, recreational, or entertainment phases of University life. Participants and guests may include students, faculty, and staff of other educational institutions and the general public when such participants or guests are appropriate to the function.

Other Uses: Use of facilities for programs consistent with the objectives of the University may be granted to those agencies and organizations with whom the University is authorized to make lease agreements ([See Facilities Reservation Policy](#)).

Costs and Fees

Use of campus facilities or other property may be subject to a fee and/or require liability insurance and/or an indemnity agreement. Where this is the case, persons or groups granted the use of campus facilities or other property are responsible for payment of any fees and for reimbursing the University or its auxiliaries for any costs incurred. Fee schedules and additional details can be found on the Scheduling Office web site:

<http://www.csueastbay.edu/pem/university-scheduling/>

and for the University Union at:

<http://www.csueastbay.edu/uu/>

Scheduling of Campus Events and Activities

The University has established formal procedures for events and activities to ensure effective campus coordination and to provide individuals and groups with a means by which to reserve facilities, spaces, equipment, and other resources and support services. These scheduling protocols apply to all campus events and activities, including but not limited to speeches, musical and artistic performances and exhibitions, public assemblies and events, marches and parades, non-commercial solicitation and commercial activities.

Unless otherwise noted below, all campus events and activities for the Hayward campus are scheduled through the University Scheduling office; and for the Concord campus through the Concord Campus Events Coordinator. The University Union is scheduled through the ASI office. (See Addendum A – References and Contacts).

Any events or activities held in CSUEB's residential communities are subject to the policies of CSUEB's Housing and Residence Life Program. Questions about these policies may be directed to the Office of Housing and Residence Life.

During certain campus wide special events (e.g. Commencement, Preview Day, Orientation), priority will be given to event-related activities in the scheduling of campus facilities, grounds and resources.

In carrying out the scheduling function, the University will retain a position of strict neutrality regarding the views groups or individuals may wish to express. The institutional control of campus facilities shall not be used as a device for censorship. The University will not preclude groups or individuals from expressing their views because of disagreement with the views to be presented.

Leafletting and Handing Out of Non-Commercial Written and Printed Materials

All groups or individuals wishing to leaflet, hand out or otherwise distribute non-commercial written or printed materials on campus must comply with the [CSUEB Posting Policy](#).

Individuals may, however, without prior scheduling, distribute non-commercial written and printed materials in any outdoor area of the University (excepting roadways) or in any University building.

Where facilities or equipment are required or commercial activity is involved, use of campus scheduling protocols is required. (See Scheduling of Campus Events and Activities section). Student clubs must consult with the Student Life and Leadership office for assistance in ensuring that leaflets and fliers comply with the provisions of campus policy before they are distributed. Other individuals, organizations or groups may consult with the University Scheduling Office. Littering is not permitted. Posting of written and printed materials on vehicles without the owner's permission is not permitted.

Distribution of materials in electronic format using University information technology resources must comply with the [Acceptable Computing Use Policy](#).

These activities must be consistent with the University's general requirements regarding preservation of campus order and public safety, as presented in General Limitations section.

Temporary Non-Commercial Signage

All temporary signage on university property must comply with the University Posting Policy.

Posting and Signage

All requests for commercial signage must go through Commercial Services.

Guidelines and restrictions on signage (non-commercial) and on posting of materials (including flyers, posters, chalking, banners) must comply with the [University Posting Policy](#).

Addendum A – References and Contacts

Departments

ASI University Union: <http://www.csueastbay.edu/uu/>
Phone: 510- 885-7245

Vice President, Student Affairs: <http://www.csueastbay.edu/sa/>
Phone: 510-885-3646

University Scheduling Office: <http://www.csueastbay.edu/pem/university-scheduling/>
Phone: 510-885-2876

Concord Campus Events Coordinator: <http://www.csueastbay.edu/concord/support/reserve-room.html>
Phone: 925-602-6717

Commercial Services: <http://www.csueastbay.edu/students/campus-life/housing/commercial-services/index.html>
Phone: 510-885-4546

Office of Housing and Residence Life:
<http://www20.csueastbay.edu/students/campus-life/housing/>
Phone: 510-885-7444

Office of Student Life and Leadership Programs:
<http://www20.csueastbay.edu/students/campus-life/student-life/slif/>
Phone: 510-885-3657

University Police Department: <http://www20.csueastbay.edu/af/departments/upd/>
Phone: 510-885-3791

Policies

Policy on Alcohol and Other Drugs [Alcohol Policy.pdf](#)

Posting Policy
[Posting Policy](#)

Facilities Reservations and Rentals
[Facility Reservations and Rentals Policy](#)

Acceptable Computing Policy
[Accepting Computing Use Policy](#)