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## **Time, Place and Manner of Free Expression**

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## **1. Policy Statement**

### **1.1. Introduction**

In order to support and achieve its educational mission, the University has an obligation to maintain an environment in which the business of the University can be conducted with minimal disruption, in accordance with the highest standards of institutional integrity, academic freedom, freedom of expression, and recognition of the rights, privileges and responsibilities of University community members and the public.

This Policy addresses rights, privileges and responsibilities, and applies to all users, including students, recognized student organizations, individuals or groups sponsored by academic or administrative departments, faculty, staff, Athletics, University auxiliaries, University auxiliary employees, and all off campus individuals, groups and members of the public, including commercial vendors or solicitors in so far as they wish to use the University facilities for free speech events. This Policy concerns the use of University property for all purposes and events including but not limited to non-commercial transactions and solicitation, commercial transactions and solicitation, freedom of expression activities, electronic communications, amplified sound, display or distribution of published materials, including posting, signage and chalking, distribution of handbills, circulars and flyers, and political activity by state employees.

This Policy also sets forth reasonable time, place, and manner regulations regarding the use of University property to ensure that individuals and groups exercising their legitimate rights do not disrupt the educational process or other operations of the University, infringe on the rights of others, or engage in unlawful acts, including but not limited to defamation, terrorist threats, false advertising, or the promotion or incitement of actual or imminent violence or harm. Nothing in this policy should be construed as trying to regulate the behavior of individuals, or the content of their communications. Furthermore, nothing in this policy applies to the actions of faculty in their classrooms, lecture halls, or offices as part of their normal academic duties. Except where noted or where other policies are incorporated by reference, this Policy is intended to be the controlling document with regard to the University's time, place, and manner regulations regarding the use of University Property.

The use of University Property not authorized in this Policy or pursuant to other University policies, procedures or written agreements is prohibited. All persons using University property must abide by University policies and the law. Except where otherwise indicated (including but not limited to [APM 127](#), [APM 622](#), [APM 623](#), [APM 625](#), and other policies applicable to faculty), this Policy supersedes all other related University policies.

### **1.2. Purpose of Policy**

The purpose of this policy is to facilitate the effective use and enjoyment of the University's property as an educational institution. Orderly procedures are necessary to promote the use of University property, to conserve and protect University property, to prevent interference with or disruption of University functions, and to protect the rights of those using University property.

The University is committed to free expression as essential to its educational mission. The University is also committed to enabling recognized student organizations, University affiliated groups, and the public in hosting a variety of events on campus to supplement and enrich the educational experience.

We recognize, however, that some events may disrupt the orderly operation of the University and/or can raise significant security or safety concerns. To ensure the safety of the University and the campus community while protecting First Amendment rights of those who wish to participate in events hosted on University property, and protecting Academic Freedom at Fresno State as defined by the [1940 Statement on Academic Freedom of the American Association of University Professors](#) and [APM 103](#), the University will enforce this Policy. **All criteria for assessing events shall be applied in a viewpoint neutral manner.**

### **1.3. Policy Statement Regarding Free Expression and First Amendment Rights**

The University seeks to foster and sustain a forum for the free 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. The search for knowledge requires the freedom to speak openly about concerns and issues. All members of the University community and the public are free to lawfully exercise their right to freedom of expression on University property.

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. The University accepts and embraces this obligation, recognizing that such expression may take a variety of forms, including but not limited to speeches, signs, written materials, public assemblies, parades, marches, demonstrations, and artistic representation. Fresno State embraces free speech and is dedicated to reducing any barriers to success that come from race, ethnicity, socioeconomic state, culture, religion, sex, national origin, color, linguistic diversity, ability, gender identity, sexual orientation, age, geographical region, personality, learning styles, life experiences and other human characteristics.

Acknowledging the central role of 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 and safety. 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, terrorist threats, false advertising, or the promotion of actual or imminent violence or harm.

The University recognizes that causing discomfort and even causing offense is not a basis for limiting free expression. At the same time, all members of the University community should recognize that freedom of expression includes a responsibility to respect the dignity of others, to acknowledge the right of others to express differing opinions, and to do so in a lawful manner at all times. Sometimes, freedom of expression activities and posted materials 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 setting, that freedom of expression as guaranteed by the First Amendment of the United States Constitution is a cherished and protected right.

Accordingly, the campus community promotes tolerance 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 policies and procedures.

## **2. 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, Fresno.

## **3. Scope of this Policy**

The use of University property is contingent upon assuming responsibility for observing the following requirements:

- 3.1. The activities must be conducted in a lawful manner.
- 3.2. The activities must not unreasonably interfere with or disrupt instructional programs or University operations.
- 3.3. The activities must be conducted in conformance with all applicable federal, state, and local laws, as well as University policies, procedures and regulations.
- 3.4. Use of certain University properties must be scheduled in advance.

Use of University property may be subject to fees and/or require liability insurance and/or an indemnity agreement. Where this is the case, persons or groups granted the use of University property are responsible for reimbursing the University or its auxiliaries. Such users also assume responsibility for all damage they cause to University property. Failure to reimburse the University for use charges or for damage to property may jeopardize future access to and/or use of University property.

The University's Chief of Police or designee will determine the type of security necessary for events based on the public safety needs of any event being held in or around University property. Each event will be considered on a case-by-case basis to determine appropriate staffing and other security and safety measures. The University will assess security needs, and assess fees for security provided by the University, based on content and viewpoint neutral factors. The University always reserves the right to charge fees for security and other expenses related to facilities use on a content and viewpoint neutral basis.

This policy shall apply unless in conflict with the statutory rights provided by Higher Education Employer-Employee Relations Act, California Government Code sections 3560 et seq or the terms of a controlling Collective Bargaining Agreement.

**4. Exclusions**

N/A

**5. Supersedes**

This policy supersedes Interim Time, Place and Manner of Free Expression policy (effective date June 15, 2015).

**6. Definitions For This Policy**

**6.1. Academic Department:** A college, school, division of a college or school, or a department within a college or school of the University. For purposes of this policy, the term "academic department" includes organized research units and academic centers.

**6.2. Administrative Department:** A non-academic campus unit dedicated to the operational, financial, and/or strategic functions of the University, including all University auxiliaries.

**6.3. Commercial transaction, solicitation, and sale:** See definitions set forth in Section 25.

**6.4. Events:**

**6.4.1.** A "University event" is defined as University activity authorized by the University President's designee that furthers the educational mission of the University wherein the University is partly or wholly responsible and the event is under control and supervision of an authorized University host.

**6.4.2.** A "public event" is defined as one in which the University advertises the event as open to anyone who would like to attend (e.g., the general public).

**6.4.3.** A "private event" is defined as one in which the University utilizes invitations to the event and thus the event is closed to the general public.

**6.4.4.** A "ticketed event" is defined as one in which the University or host utilizes tickets as a requirement for entry to the event.

**6.4.5.** An "event" in general is any planned gathering including but not limited to celebrations, dances, lectures, forums, performances, rallies, social gatherings, concerts, speaker presentations, and conferences.

**6.4.6.** A "major event" is defined at Section 12.

**6.5. Freedom of Expression Activity:** Freedom of expression activity includes, but is not

limited to, pure or symbolic speech, assembly, meeting, demonstrations, marches or rallies, picketing, petitioning, distributing flyers, mime and theater, music and singing, survey research, and personal religious or political activity.

- 6.6. **Guest or non-affiliate:** A “guest or non-affiliate” refers to a member of the public that is not affiliated with the University at the time of action or contact associated with this Policy. If the guest/non-affiliate engages in unlawful conduct or violation of this Policy and refuses to stop or leave University property, upon request, the person may be subject to immediate exclusion and/or criminal prosecution.
- 6.7. **Non-Departmental User:** (1) An individual not currently employed by the University, or an employee acting outside the course and scope of employment; or (2) A group, association, corporation, or other combination of individuals that is neither an academic nor administrative department of the University.
- 6.8. **Open to the Public:** A term used to describe campus events that anyone may attend, including individuals who are not University faculty, staff, students, or auxiliary employees.
- 6.9. **Property:** Any building or outdoor facility owned or leased by the Board of Trustees of the California State University on behalf of its campus, California University, Fresno. Property also includes University services, resources, names, branding, trademarks, logos, computers, computing devices, and network systems owned, maintained or controlled by the University, funded by University funds, or University auxiliary funds, or designated by the University as subject to this Policy.
- 6.10. **Recognized Student Organization:** Recognized Student Organization (RSO) means a student organization officially recognized by the University pursuant to CSU Executive Order 1068, or superseding executive order.
- 6.11. **Sponsored Departmental Organization:** A “sponsored departmental organization” refers to any group of students, faculty, and/or staff from a college, school, department, division, or other unit or combination of units of the University who organize to become involved in a common academic or instructionally related activity not involving the representation of employees, and who obtain formal approval from the unit in compliance. Individuals and organizations may not in any way represent that their activities are endorsed, sponsored, or sanctioned by the University without the express written consent of an authorized University official.
- 6.12. **Student:** an applicant for admission to the CSU, an admitted CSU student, an enrolled CSU student, a CSU extended education student, a CSU student between academic terms, a CSU graduate awaiting a degree, and a CSU student who withdraws from the University while a disciplinary matter (including investigation) is pending.
- 6.13. **Supervision:** Direct, on-site responsibility for an event.
- 6.14. **University:** California State University, Fresno, one of 23 campuses in the California State University system, and the Trustees of the California State University.

## **7. Policy Procedures**

### **7.1. Approved and Priority Uses of University Property, Facilities and Services**

Priority for the use of University property will be given to academic and administrative departments of the University. Subject to the requirements of this policy, and to campus policies applicable to specific facilities, campus facilities may be made available for use by non-departmental users provided those facilities are not needed by the University at that time, and use by the non-departmental users does not disrupt campus business or activities.

This policy operates in conjunction with specific deadlines, policies and regulations for each campus facility, as well as [APM 625](#) on Outside Speakers and Events on Campus. Facility reservation deadlines and other procedural details may vary among campus facilities. Therefore, the facility manager of the requested venue must be consulted before the event to obtain specific details concerning reservation and event procedures.

### **7.2. Recognized Student Organizations**

Student organizations officially recognized through the Student Involvement Center wishing to use University property, facilities or services are required to complete an event proposal form. Use of the event proposal form facilitates campus coordination with other events and among potential campus service providers. Use of the event proposal form is required for all on-campus recognized student organization events/meetings.

Recognized student organizations are required to comply with all University policies. Failure to adhere to policies may result in revocation of recognition, loss of privileges, or other sanctions for violation of such policies. Procedures for denying or revoking recognition are set forth in applicable provisions of the Code of Student Conduct governing individual and organization misconduct for students.

### **7.3. University Affiliated Individuals or Groups Sponsored by Academic or Administrative Departments and Instructionally Related Activities**

Faculty, staff, students and student groups sponsored by academic or administrative departments or engaged in instructionally related activities (other than recognized student organizations) wishing to use University property, facilities or services may request the use of University property, facilities or services through the campus event reservation system, [25Live](#). For questions or assistance with the 25Live reservations system and to ensure the facilitation of campus coordination with other events, requesters may contact the [Scheduling Office](#) at 559.278.2941. Where events or activities require use of facilities or other scheduled campus spaces, scheduling through the [University Master Calendar](#) is required. Where equipment or other support services are needed, or whenever authorized commercial activity is involved, scheduling through the Scheduling Office is also required.



Major events sponsored by Academic or Administrative Departments in conjunction with an off-campus entity wishing to use University property, facilities or services, the sponsoring Academic or Administrative Department may make the reservation request through the [25Live](#) campus event reservation system. For assistance to ensure the appropriate campus entities are notified, requesters may contact the Scheduling Office at 559.278.2491.

#### **7.4. Non-University Affiliated Individuals, Groups and Guests (Non-Departmental Users)**

Non-departmental users (including off-campus entities and individuals not sponsored by an academic or administrative department) wishing to use University facilities or services to conduct events or activities on campus consistent with the Policy are required to contact the Vice President for Administration. Requests for use of University property by non-departmental users, groups or guests will be subject to evaluation in relation to potential competing University users. University users will ordinarily be given priority over non-departmental users.

To ensure that the orderly and peaceful flow of campus business and activities will not be disrupted, all non-departmental users wishing to engage in freedom of expression activity should schedule the time and location of such an event in advance with the Scheduling Office thereby avoiding a conflict with University or student events that may already be scheduled, which take precedence, along with life and physical safety issues.

#### **7.5. Events or Activities in University Residential Communities and Facilities**

Any events or activities held in University residential communities and facilities are subject to the policies of Fresno State Student Housing. Questions about these policies may be directed to [Fresno State Student Housing](#).

#### **7.6. Facilities Use During University-Wide Special Events**

During certain University-wide special events (e.g. Dog Days, Week of Welcome, Parent & Family Weekend, Homecoming, Vintage Days, Preview Day and Commencement) priority reservation will be given to event-related activities in the scheduling of University property, facilities, services and resources.

#### **7.7. Major Events**

For purposes of this Policy, an event is any planned gathering including but not limited to celebrations, dances, lectures, forums, performances, rallies, social gatherings, concerts, speaker presentations, and conferences. Major Events are events at which one or more of the following conditions apply:

- 7.7.1. Over 200 persons are anticipated to attend;

- 7.7.2. Authorized campus officials determine that the event requires ticketing or entry by invitation only;
- 7.7.3. Authorized campus officials determine that the complexity of the event requires the involvement of more than one campus administrative unit;
- 7.7.4. Authorized campus officials determine that the event is likely to significantly affect campus safety and security (based on assessment from the Fresno State Police Department) or significantly affects campus services (including, but not limited to, kiosk attendants, parking, service roads, or vehicular or pedestrian traffic); Authorized campus officials determine that the event has a substantial likelihood of interfering with other campus functions or activities;
- 7.7.5. The event is a concert or dance, regardless of how many attendees;
- 7.7.6. Alcohol is intended to be served or consumed; or
- 7.7.7. Outdoor amplified sound will be used.

Any determination by authorized campus officials that an event constitutes a Major Event under items 2, 3, or 4 above shall be based on the officials' assessment of information other than the content or viewpoints anticipated to be expressed during the event. The Event Review Committee (comprised of various representatives throughout campus) will further determine the potential impact of an event and what permits, licenses, reviews, or other requirements are necessary. The University reserves the right to classify any proposed event a Major Event subject to this section of the Policy, consistent with the definition set forth above. Event sponsors are encouraged to consult with the appropriate University contact at the earliest possible time if they have any question whether their event may be classified as a Major Event.

This section of the Policy applies to Major Events that are scheduled, organized, or supervised by recognized student organizations and non-departmental users or over which those users have authority to decide whether to hold the event or to determine the scope of the event. For purposes of this Policy, supervision is defined as direct, onsite responsibility for the event.

Groups should schedule and register major events at least eight weeks or more prior to the major event, including the following requirements:

- 7.7.8. Complete and submit an Event Proposal Form (Appendix) to the Fresno State Police Department (FSPD) regarding a security assessment for the event. (See Appendix A to this Policy.)
- 7.7.9. Meet with Event Review Committee to review event details at least six weeks prior to the major event.
- 7.7.10. Submit all publicity materials to the assigned administrators, including but not limited to University Communications, FSPD and the Dean of Students office, prior to publication and at least two weeks prior to the event. The University will review publicity materials to verify that event details (such as date, time, and location) are accurate and will do so on a content and viewpoint neutral basis.
- 7.7.11. Secure event insurance, if required by the University, at least two weeks prior to

the event. Contact [Environmental Health and Safety and Risk Management](#) for information (559.278.7422).

- 7.7.12. Participate in event coordination meetings to exchange information about the event and discuss logistical expectations. The event coordination meetings will usually occur at least four weeks prior to the event, if not earlier. University officials may request additional meetings to ensure that all instructions agreed to at the event coordination meeting have been carried out.
- 7.7.13. Comply with event timelines on the day of the event.
- 7.7.14. Events must end at the time determined by University administration based on the FSPD security assessment, or as prescribed by University policies, and City of Fresno ordinances. Additional charges may be applicable to extend events beyond specific building hours.
- 7.7.15. Failure to follow these timelines could result in the cancelation or rescheduling of the event to properly accommodate safety and security.

Events scheduled, organized, and supervised by campus academic and administrative departments for instructionally related purposes are not subject to this section of the Policy related to Major Events. Only University employees acting in the course and scope of their University employment may supervise a departmental event. To the degree an academic or administrative department co-sponsors a Major Event with a non-departmental user or authorizes use of facilities under its control for events sponsored by a non-departmental user, the requirements of this Major Events section of the Policy will apply, including the requirement to reimburse security and other costs incurred by the University.

## **7.8. Security Procedures**

- 7.8.1. If required pursuant to the criteria set forth in Appendix A, the Fresno State Police Department (FSPD) will assess security needs based on objective and credible evidence of specific risks, and not on assessment of the viewpoints, opinions, or anticipated expression of event speakers, sponsors, participants, community, or performers. FSPD is responsible for determining and providing the appropriate event security, not the event host. Permissible factors for consideration include but are not limited to:
  - 7.8.1.1. The proposed location of the event;
  - 7.8.1.2. The estimated number of participants (whether open to the public, or by invitation or ticket);
  - 7.8.1.3. The time of the day that the event is to take place;
  - 7.8.1.4. The date and day of the week of the event;
  - 7.8.1.5. The proximity of the event to other activities or locations that may interfere, obstruct, or lessen the effectiveness of the security measures being implemented;
  - 7.8.1.6. The resources needed to secure the event;
  - 7.8.1.7. The anticipated weather conditions;
  - 7.8.1.8. The estimated duration of the event;

- 7.8.1.9. Parking and transportation needs;
- 7.8.1.10. Any additional viewpoint and content neutral considerations relevant to assessment of security needs.
- 7.8.2. FSPD will make security recommendations that, in FSPD's professional judgment, will address security threats identified as a result of the evaluation. The goals of FSPD's security recommendations will be to:
  - 7.8.2.1. Minimize risks to the health and safety of the event participants, audience, and campus community;
  - 7.8.2.2. minimize risks and physical damage to the campus and surrounding community;
  - 7.8.2.3. Maximize the ability of the event sponsors to successfully hold the event; and
  - 7.8.2.4. Protect the exercise of rights of free expression by all participants and the public.
- 7.8.3. Recommended security measures may include, but are not limited to, adjusting the venue, date, and/or time of the event; providing additional law enforcement or security; imposing controls or security checkpoints; and creating buffer zones around the venue.
- 7.8.4. If FSPD determines the event has substantial security needs, the host organization must schedule a security assessment meeting with FSPD no later than six weeks prior to the event date. The meeting may include, but is not limited to, the following: a staff member from Student Affairs and Enrollment Management; the facility manager or designee; and one or more student organization signatories and other representatives from the sponsoring organization. Individuals serving as first contacts or signatories will be made known to FSPD at this time and will be present at meetings and available for consultation throughout the event planning period. FSPD will discuss security concerns and recommendations at the security assessment meeting, and meeting participants will discuss options for addressing security needs that FSPD has identified.
- 7.8.5. If FSPD determines that, because of new information it has received or changing circumstances, its security assessment must be modified, it will schedule additional meetings or communications with the event sponsors, University stakeholders, and other appropriate individuals to discuss its revised recommendations.
- 7.8.6. Should the event sponsors and FSPD be unable to agree on implementation of security measures or recommendations, the event sponsor may submit an appeal to the University President's designee for final determination. The University President's designee may determine the security measures required for the event based on FSPD's security assessment. The goals of that determination will be to:
  - 7.8.6.1. Minimize any identified threat to health and safety of the event participants, audience and campus community;
  - 7.8.6.2. Minimize risks and physical damage to the campus and surrounding community;
  - 7.8.6.3. Maximize the ability of the event sponsors to successfully hold the event; and

- 7.8.6.4. Protect the exercise of rights of free expression by the event sponsors, participants, and community.
- 7.8.7. Implemented security measures may include, but are not limited to, adjusting the venue, date, and time of the event; providing additional law enforcement or security presence at the event; imposing controls or security checkpoints at the event; and creating buffer zones around the event venue. The University President's designee will provide the event sponsor with a written explanation of the reasons for the final decision.
- 7.8.8. If during an event an imminent threat to safety or property arises, avoidance or minimization of which requires termination of the event, authority to terminate the event rests with the most senior law enforcement operations personnel assigned to the event.
- 7.8.9. The event sponsors must agree to reimburse costs of basic security provided by FSPD. Security fees will be based on standard, approved, and published recharge rates for FSPD or other security personnel and for any associated equipment costs or rentals. The number of personnel and amount and type of equipment charged will be based on assessment including but not limited to the following criteria:
  - 7.8.9.1. Event venue, including venue size, location, number of entrances and exits to be staffed;
  - 7.8.9.2. Time of day;
  - 7.8.9.3. Number of expected attendees;
  - 7.8.9.4. Whether entrances will be controlled and whether tickets will be sold;
  - 7.8.9.5. Whether the event will be open and/or advertised to non-affiliates of the University;
  - 7.8.9.6. Whether the event will be restricted to invited guests only and/or will be ticketed;
  - 7.8.9.7. Whether alcohol will be served;
  - 7.8.9.8. Whether there will be sales of food, beverages, or other items and whether cash handling will occur;
  - 7.8.9.9. Whether event performers come with personal security teams or details that require FSPD liaison;
  - 7.8.9.10. Whether event sponsors or event performers request additional security measures;
  - 7.8.9.11. Whether vehicles, equipment, or items of value will be brought onto campus requiring security;
  - 7.8.9.12. Whether parking and traffic control will be required for the event;
- 7.8.10. Security fees will not be charged to event sponsors based on concerns that the subject matter of the event or viewpoints, opinions, or anticipated expression of the sponsors, event performers, or others participating in the event might provoke disturbances or incur costs to respond to such disturbances.

## **7.9. Time, Place and Manner Restrictions for Events and Activities**

All events and activities shall be conducted in a lawful manner, consistent with (1) federal and state laws; (2) existing University policies; (3) orderly conduct of University business; (4) preservation of the campus learning environment; (5) preservation of public safety;

(6) maintenance of University property; (7) the free flow of pedestrian and vehicular traffic; and (8) the CSU Student Code of Conduct. Entrances, walkways and throughways to University facilities shall not be obstructed. No individual or group shall abridge, halt or disrupt the right of others to present their views. In addition, plans for outdoor events and activities should address potential impacts and disruption on residential communities, on and off campus.

Reasonable time, place and manner restrictions on the use of University 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 what is authorized and what is forbidden.

The University, like most other institutions, routinely sets forth regulations pertaining to the way activities and events may be conducted on University property. Three examples of such restrictions are: (1) Scheduled events take precedence over spur of the moment activities; (2) Because an event may interfere with classes in session and/or other University and academic activities, sound amplification is generally limited to times when classes are not in session; or (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 or continue in a different location should it be determined that such activity is disrupting the routine business of the University.

#### **7.10. Violations**

Violation of any of these regulations is subject to intervention by the 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 activity or assembly poses an imminent danger to public safety, those involved in the activity may be required to disperse immediately. Continued violation may result in arrest, code of conduct violations for students, discipline for employees, and subsequent legal action by the University. If 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.

### **7.11. Time**

Allowable times are as follows, except for currently enrolled students, recognized student organizations, staff and faculty, who may engage in freedom of expression activities at any time, in accordance with the requirements of this Policy.

Outdoor events and activities that involve amplified music or speech are limited to the hours of: 12:00 PM-1:00 PM daily for all users, with the exception of approved academic programs and intercollegiate athletics. Scheduling protocols must be followed.

Outdoor events and activities that do not require use of amplified sound may be held between 7:00 AM-12:00 AM (midnight) daily. University scheduling protocols must be followed to facilitate coordination with other events and among potential campus service providers.

All indoor events and activities are subject to scheduling protocols.

Exceptions for activities taking place outside of these prescribed hours can be made on a case by case basis with the approval of the University President's designee.

### **7.12. Place**

Freedom of expression activities may take place on campus with the following exceptions: Vehicular roadways (without express permission and in coordination with the University Chief of Police); parking lots; residential housing and facilities; and within 30 feet of any location in which instructional, educational, residential, and/or official university business activities are being conducted.

Popular locations for freedom of expression activities have traditionally been designated at the Speaker's Platform. It should be noted that on occasion all or some portion of this area may have been reserved in advance. In such cases, the individuals or groups having initially reserved those spaces will be deemed to have priority, and other individuals or groups may be referred to another available outdoor space.

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

All indoor facilities and certain campus outdoor spaces must be reserved in advance. Any questions about use of campus indoor or outdoor spaces may be referred to Reservation Center at 559.278.6024 (for recognized student organizations) or Scheduling Office at 559.278.2941 (other users).

### **7.13. Manner**

No person on University property or at University functions may:

- 7.13.1. block entrances to or otherwise interfere with the free flow pedestrian or vehicular traffic into and out of University buildings and facilities;
- 7.13.2. interfere with or disrupt the conduct of University business;
- 7.13.3. have unauthorized entry to, possession of, or use of any University services, equipment, resources, or properties, including the University's name, trademark, branding or logos;
- 7.13.4. unreasonably interfere with classes in session or other scheduled academic, educational, cultural/arts programs;
- 7.13.5. promote an unlawful end, such as promoting actual violence or bodily or property harm, terrorist threats, defamation, and false advertising;
- 7.13.6. engage in physical abuse including but not limited to sexual assault, sex offenses, sexual misconduct, and other physical assault; threats of violence; or other conduct that threatens the physical health and safety of any person;
- 7.13.7. obstruct or disrupt teaching, research, administration, disciplinary procedures, or other University activities;
- 7.13.8. exhibit disorderly or lewd conduct;
- 7.13.9. participate in a disturbance of the peace or unlawful assembly;
- 7.13.10. unlawfully manufacture, distribute, dispense, possess, use, or sell, or attempt to unlawfully manufacture, distribute, dispense, possess, use, or sell controlled substances, identified in federal or state law or regulations;
- 7.13.11. manufacture, distribute, dispense, possess, use, or sell, or attempt to manufacture, distribute, dispense, possess, use, or sell alcohol that is unlawful or otherwise prohibited by, or not in compliance with, University policy or campus regulations;
- 7.13.12. possess, use, store, or manufacture explosives, including, but not limited to: smoke bombs, nerve agents /pepper spray, fireworks or other destructive devices;<sup>1</sup>
- 7.13.13. possess, use, store, or manufacture a firearm or weapon;<sup>2</sup>
- 7.13.14. possess, use, or carry an open flame of any kind, except as authorized by University officials;
- 7.13.15. possess, use, or carry equipment or supplies intended for war, war games, battle, and/or to inflict physical violence including but not limited to any length of lumber, sticks, rods, pipes, shields, helmets, body armor, or any object intended to be used as a weapon or shield.<sup>3</sup>
- 7.13.16. engage in the theft of, conversion of, destruction of, or damage to any property of the University, or any property of others while on University premises, or possession of any property when the individual had knowledge or reasonably should have had knowledge that it was stolen;
- 7.13.17. fail to comply with the directions of a University official or other public official

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<sup>1</sup> This restriction does not apply to members of law enforcement.

<sup>2</sup> This restriction does not apply to members of law enforcement.

<sup>3</sup> This restriction does not apply to members of law enforcement.



acting in the performance of his or her duties while on University property or at official University functions; or resisting or obstructing such University or other public officials in the performance of or the attempt to perform their duties;

- 7.13.18. unauthorized camping or lodging on University property other than in pre-approved housing facilities;
- 7.13.19. climb up or rappel down any tree, building, or structure on University property;
- 7.13.20. participate in indecent exposure or public nudity on University property, except for specifically designated “changing areas/locker rooms” of campus gymnasiums and recreation facilities. This prohibition does not apply to visual or performing arts productions, or academic programs or classes scheduled or sponsored by campus academic units or departments as determined by the departmental chair or unit director;
- 7.13.21. violate any federal, state or local laws or safety codes, such as regulations set by the State Fire Marshal or other authority.

#### **7.14. 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 addressed in this Policy.

To address public safety issues (routes of march, necessary public safety staffing, disruption of campus academic programs and other events etc.), groups contemplating holding public assemblies, marches or demonstrations are strongly encouraged to notify the Fresno State Police Department at least 24 hours in advance of the event.

In addition, to avoid conflicts with other scheduled University events, reserve other necessary support services, and ensure event success, organizers of public assemblies, marches or demonstrations are also strongly encouraged to utilize University scheduling protocols.

Where facilities or equipment are required or commercial activity is involved, formal scheduling protocols must be followed.

The University President has delegated oversight of campus demonstrations to the Chief of 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 their constitutional rights, engaged in unlawful assembly or conduct, or exceeded the general limitations of this policy.

### **7.15. 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: (1) do not violate state or federal laws; (2) do not consist of term papers, theses, or other written materials submitted for academic credit that the displayer knows will be used to engage in academic dishonesty, including, but not limited to, plagiarism and cheating, or otherwise violate the Student Code of Conduct; (3) are not available for sale at the campus bookstore. The published materials displayed shall not be 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).<sup>4</sup> Selling or displaying for sale of published materials in violation of these requirements is prohibited.

**Time:** Distribution of material shall occur 7:00 AM-10:00 PM daily, except for current students, recognized student organizations, staff and faculty, who may display or publish at any time in conformity with this policy.

**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 or entity; (2) news racks at building locations shall be grouped in clusters; the precise placement of the racks shall be approved by the Campus Planning Committee.

**Manner:** Display or distribution of published materials 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 state or federal laws, and (6) shall not occur during commencement time periods. Persons using areas generally available to students and the public 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 area(s) that day.

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<sup>4</sup> 5 CCR section 42351.

## **7.16. Chalking, Posting and Signage**

In general, the University does not encourage chalking as a method of communication due to the negative environmental and resource impacts associated with it. Removal wastes water and runs the risk of introducing pollutants into the natural storm water removal network of campus streams. For these reasons, the University encourages members of the campus community to use other, more environmentally friendly modes of expression.

Requests submitted to the Reservations Center to communicate via chalking will be considered only from recognized student organizations, faculty and staff members or individual students, and those off-campus individuals or organizations that are co-sponsored by a recognized University organization.

### **7.16.1. Chalking**

**Time:** 7:00 AM-10:00 PM daily, except for current students, student clubs/organizations, staff, and faculty who may chalk at any time in conformity with this policy.

**Place:**

- 7.16.1.1. Chalking is permitted only on concrete sidewalks. Crayola Washable Sidewalk Chalk is recommended for freehand art or message. Spray Chalk is permitted for stencils. Chalking must be located at least 20 feet away from building entrances and may not be located under an overhang, canopy, or other cover.
- 7.16.1.2. Chalking is prohibited in all other locations, including but not limited to: brick pathways, granite slabs, interior walkways within the Peace Garden, around the Memorial Fountain, stairs, structures, buildings, walls, fences, gates, steps, windows, posts, lawn areas, railings, trees, signs, traffic control signs, vehicular roadways, bike lanes, utility poles, construction fences, vehicles, in planted garden areas or flowerbeds, newspaper racks, campus directories, within fountains, or on trash or recycle bins.

**Manner:** The form of chalk must be washable with water. Red colored chalk is NOT allowed. Requests to chalk must conform to the following procedures:

- 7.16.1.3. A request to chalk, including date(s), location, the name of the responsible individual(s) or organization(s) and a commitment to clean and remove the chalking (following University guidelines) must be submitted via an approved event proposal form. .
- 7.16.1.4. Those who chalk, like those who post temporary signage, shall identify the organization(s), group(s) or individual(s) responsible for the chalking on the chalk-marked sign. Message content will not be considered in University reviews of requests to chalk.
- 7.16.1.5. Chalking must not interfere with pedestrian traffic. A three-day maximum duration must be observed. Removal of chalk must be scheduled to avoid disruption of campus activities.

- 7.16.1.6. Should the responsible individual/organization chalk without permission or fail to adhere to the written removal plan, cleanup may be performed by the University and charged to sponsor(s).

### **7.16.2. Posting and Signage**

**Time:** 7:00 AM-10:00 PM daily, except for current students, recognized student organizations, staff and faculty, who may distribute at any time in conformity with this policy.

**Place:**

- 7.16.2.1. General Use Public Bulletin Boards – Posting is permitted on any “General Use Public Bulletin Board.” Such boards are located in the hallways and public areas of most campus buildings. Check with the appropriate Dean’s office, department or division for questions on posting procedures and locations of general use public bulletin boards. General use public bulletin boards will be completely cleared off at the end of each semester. Posters and signs must not exceed 11” x 17” and only one poster or sign per group or individual may be placed on any one general use public bulletin board. Material may not overlap other posters and signs, and must be fastened with tacks or staples – NO TAPE may be used
- 7.16.2.2. Staked temporary signs are not to exceed 24” X 36” and may be placed on surveying stakes, not to exceed 36” in height. Staked temporary signs are to be placed in shrub areas. They are not allowed to be placed on lawn areas. Violations will result in the removal and disposal of the signs without notification.
- 7.16.2.3. Signs, posters and flyers may not be wrapped around or attached to trees or any campus structures without prior written approval by Facilities Management at 559.278.2373.
- 7.16.2.4. Posters and signage may not be placed on the outside of buildings (walls, doors, windows, roofs or steps) or on interior doors, windows, walls, floors or ceilings. Posters and signage may not be placed on trees, utility poles, traffic control signs, trash cans, hand rails, fences, in planted garden areas or flowerbeds, non-general/non-public use bulletin boards, newspaper racks or hillsides. Posters and signage may not obstruct the entrances or exits of buildings or the line of vision to vehicular or pedestrian traffic. Posting of signage on vehicles without the owner’s permission is not permitted. No posting is permitted on campus directories, within fountains, trash or recycle bins. Signs of any nature on any classroom chalkboard, bulletin board, dry-erase board, or any other surface are prohibited and violate this Policy.
- 7.16.2.5. Sandwich boards may be used with a maximum size 4’ x 4’; sandwich boards may not be placed on lawns or shrub areas; may not restrict access to sidewalks or building entrances; and signs may not be locked to buildings, handrails, or other fixtures or structures.
- 7.16.2.6. Banners (not to exceed 3’ X 5’) will require approval submitted no less than two weeks in advance to Facilities Management (559.278.2373).

Violations will result in the removal and disposal of the signs without notification.

**Manner:** Signage (signs, posters, and flyers) may be posted on campus, subject to the following guidelines and limitations.

- 7.16.2.7. Temporary signage shall clearly identify the date of posting. To aid the University in maintaining an uncluttered and attractive campus, the organization or persons responsible for the posting of the signage shall identify themselves and provide contact information on the signage.
- 7.16.2.8. All posters, flyers, sandwich boards, and signs must include the name(s) of the organization or persons responsible for the posting and their contact information. All posters, flyers and signs without this information will be removed.
- 7.16.2.9. The organization or person responsible for placing signage shall be responsible for its removal no more than two weeks after its posting or, if it is advertising an event, when the event is over. In order to ensure maintenance of an uncluttered, attractive and safe campus, the University otherwise reserves the right to remove signage (non-commercial and commercial) if it is not in compliance with University policy, if it has been posted for more than two weeks, or if the event it advertises has taken place, whichever comes first. Signage may also be removed when damaged, displaced or weathered so that it is no longer legible. Organizations or persons who fail to remove signage in a timely manner may be held responsible for the cost of its removal.
- 7.16.2.10. Staked temporary signs may not advertise for longer than one week. Both stakes and signs must clearly identify the name of the organization sponsoring the activity. Violations will result in the removal and disposal of the signs without notification.
- 7.16.2.11. Placement of signage must comply with this policy and is subject to review by Facilities Management (559.278.2373) for interference with or disruption of University operations, and safety regarding size, format and placement.

#### **7.17. Distribution of Handbills, Circulars and Flyers (Printed Materials)**

Distribution of non-commercial handbills, circulars or flyers 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.

**Time:** 7:00 AM-10:00 PM daily, except for current students, recognized student organizations, staff and faculty, who may distribute at any time in conformity with this policy.

**Place:** A popular location is the Speaker's Platform but distribution is allowed in any area generally available to students and the community, subject to the following exceptions: (1) Distribution inside University buildings is prohibited, except for current students, staff

and faculty, who may distribute in University buildings in conformity with this policy; 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 is prohibited; (3) Distribution at an outdoor space that has been properly reserved under this policy and has identified event boundaries is prohibited; and (4) Distribution during class is prohibited without the permission of the instructor.

**Manner:** Distribution of handbills, circulars and flyers must be conducted in a manner that (1) shall not unreasonably interfere with classes or any other operations of the University, (2) shall not unreasonably 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 solicitation.

7.17.1. Distribution of handbills, circulars and flyers on vehicles is prohibited.

7.17.2. Individuals or groups distributing materials, other than material discarded or dropped in appropriate receptacles, shall make a reasonable effort to retrieve and remove such materials, prior to their departure from the areas that day.

7.17.3. Where facilities or equipment are required, use of campus scheduling procedures is required.

## **7.18. Amplified Sound**

The following procedures are established for the use of amplified sound equipment. The following procedures both protect the delivery of instructional programs from intrusive sound, while still providing an opportunity and a forum for a variety of student development and support programs. Amplified sound is defined as any sound that is broadcasted through electronically amplified equipment or sound that is electronically enhanced. Additionally, amplified sound includes sound that is enhanced with the aid of a device (i.e. megaphone or bullhorn). Amplified sound may be used when observing the following conditions:

**Time:** Outdoor events and activities that involve amplified music or speech are permitted 12:00 p.m. to 1:00 p.m. University scheduling protocols must be followed. Amplified sound at these times is allowed without prior approval. The use of amplified sound outside of these hours require prior written approval through the University President's designee. Regardless of the time they are held, events and activities must be conducted in a manner consistent with Section 7.1 and 7.2 of this policy and in conformity with any additional guidelines pertinent to a particular venue.

**Place:** Designated locations include but are not limited to the Speaker's Platform and the USU Pit. On occasion all or some portion of a University common may have been reserved in advance. In such cases, the individuals or groups having initially reserved the University common will be deemed to have priority and other individuals or groups may be referred

to another, available University area. Other outdoor spaces on campus may be used as public gathering spaces for events and activities. Use of University scheduling protocols is encouraged in all cases, to facilitate coordination with other events and among potential campus service providers. Where amplified sound, equipment or commercialism are involved, use of University scheduling protocols is required to ensure that the proposed volume does not interfere with instructional or previously scheduled programs and University business.

**Manner:** The sound level for any event may not exceed that which is disruptive to instructional programs, scheduled events, University business operations, and/or Library or classroom study and research. Amplified sound is intended to be heard in the immediate area only. Amplified sound base decibel rates of 75dbA and spikes of 90dbA are permitted. Outdoor amplified sound events are subject to monitoring and regulation.

**Enforcement:**

- 7.18.1. The University retains the right to monitor and/or limit the sound level generated by amplification systems. Enforcement will be the responsibility of the Fresno State Police Department (FSPD) and/or designated Student Affairs representatives (Dean of Students designee(s)). Failure to abide by this procedure may result in the sponsoring student organization and/or individual going through the Student Code of Conduct process for students or the applicable discipline process for employees.
- 7.18.2. If the sound level is disruptive to instructional programs, scheduled events, University business operations, and/or library or classroom study/research and a noise related complaint is received, a warning will be issued. No more than three minutes will be allowed to correct the volume to a level that conforms to this policy, as determined by FSPD and/or designated Student Affairs representatives.
- 7.18.3. If additional complaints are received or the volume is not corrected, a second warning will be issued. The sponsoring organization and/or individual will be granted an additional minute to correct the volume to a level that conforms to this policy, as determined by FSPD and/or designated Student Affairs representatives.
- 7.18.4. If the volume is exceeded for a third time, an additional warning will not be issued. The sponsoring organization and/or individual will be asked to shut off all amplified sound.
- 7.18.5. Non-adherence to these guidelines may result in the activity being cancelled, notification to the appropriate governing entity, possible loss of future reservation privileges, and/or disciplinary action through the student judicial process.

#### **7.19. Solicitation (Non-Commercial and Commercial)**

Non-commercial solicitation such as seeking donations or fundraising sales for noncommercial ventures shall be permitted on campus subject to the time, place and manner regulations set forth in this policy. Commercial solicitation on campus is prohibited unless prior written authorization has been obtained from the University President's designee. Persons wishing to engage in authorized commercial solicitation may be granted permission (maximum of five (5) business days per academic semester) 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. The time, place, and manner regulations and the permit approval process for commercial solicitations do not apply to authorized fundraising activities of recognized student organizations. A recognized student organization's on-campus advisor is responsible for oversight of the organization's fundraising activities and ensuring that appropriate University approvals are obtained.

**Time:** 7:00 AM-10:00 PM daily, except for current Fresno State recognized student organizations, staff, and faculty, who may display or publish at any time in conformity with this policy.

**Place:** Popular locations are the Speaker's Platform but solicitation is allowed in any area generally available to students and the community, subject to the following exceptions: (a) Distribution inside University buildings with the exception of one-off, interpersonal exchanges, is prohibited; and (b) Distribution in campus parking lots and structures or placement of any written or printed materials on or in any motor vehicle parked on campus is prohibited. Posting paper solicitations on designated campus "general use" public bulletin boards is permitted, provided that the paper solicitation shall not exceed 11x17 and be limited to one page per "general use" public 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. A list of locations of these "general use" bulletin boards is available from [Facilities Management](#). 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 completion of credit card applications (California Code of Regulations, Title 5, Section 42350.6).

#### **7.20. 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 University President's designee. Such permission shall be granted if:

- 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
- The prospective buyer has agreed in writing in advance to an appointment, and the prospective seller makes no more than one appointment for any day, and such appointment does not interfere with the operation of the campus.<sup>5</sup>

Persons or organizations wishing to engage in commercial transactions or display of goods or services for sale on campus grounds may be granted permission (maximum of five (5) business days per academic semester) 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 University or Auxiliaries are excluded from this section, as are the fundraising activities of recognized student organizations.

**Time:** 7:00 AM-10:00 PM daily, except for current students, student clubs/organizations, staff, and faculty, who may display or publish at any time in conformity with this policy.

**Place:** A Popular location is near the Speaker's Platform but solicitation is allowed in any area generally available to students and the community, subject to the following exceptions: (a) Distribution inside University buildings with the exception of one-off, interpersonal exchanges, is prohibited; and (b) Distribution in campus parking lots or placement of any written or printed materials on or in any motor vehicle parked on campus is prohibited. Posting paper solicitations on designated campus "general use" public bulletin boards is permitted, provided that the paper solicitation shall not exceed 11x17 and be limited to one page per "general use" public 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. A list of locations of these "general use" bulletin boards is available from [Facilities Management](#). Personal solicitation inside campus buildings, with the exception of one off, interpersonal exchanges, is prohibited.

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<sup>5</sup> CCR section 42350.1.

**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 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 Student Code of 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.

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

#### **7.21. Responsible Use of Information Technology**

All use of University information technology for purposes of individual or collective free expression must adhere to the provisions of the campus Acceptable Use Policy ([APM 622](#)), the CSU Responsible Use Policy ([ICSUAM 8105](#)), and other policies governing use of CSU and Fresno State information technology.

#### **7.22. Off-Campus Speech by State Employees**

The University recognizes that employees, unless they have been identified as official spokespersons, do not in any way represent the official position of the University or of The California State University system when expressing their personal ideas and opinions about matters of public interest.

#### **7.23. Political Activity in Election Campaigns by State Employees**

Generally, under state law, state employees have the same rights as other citizens to engage in political activities, except that state law places the following limits on state employees' participation in election campaigns:

7.23.1. Employees shall not solicit political funds or contributions from co-

workers (other than requests for political contributions sent to a significant segment of the public that may include employees).

7.23.2. An employee who holds or is seeking election or appointment to any political office shall not use that position to influence any University-related personnel matter.

7.23.3. Employees may not use or permit others to use state resources to support or oppose a ballot proposition or a political candidate. Examples of prohibited activity include making telephone calls, writing letters, and sending e-mail messages using University resources or during working hours. (A more detailed explanation concerning this prohibition can be found in the Acceptable Use Policy of Information and Technology [APM 622](#))

#### **7.24. Withholding or Withdrawal of Approval**

Approval for events or activities encompassed by this policy may be withheld or withdrawn by the University President's designee (the Vice President for Administration and Finance, in consultation with the Vice President for Student Affairs and Enrollment Management, in cases involving students; or in consultation with the Provost and Vice President for Academic Affairs, in cases involving non-students) if determined to be inconsistent with federal or state law, with existing University policies, with the orderly conduct of University business, with the preservation of public safety, with maintenance of University property, and/or with the free flow of pedestrian and vehicular traffic.

#### **7.25. Responsible Administrators and Departments**

This policy will be administered by the Vice President for Administration and Finance (University President's designee) and the Vice President for Student Affairs and Enrollment Management (or designee), and will be enforced by the Fresno State Police Department, and other appropriate campus divisions, as warranted. Enforcement will be in compliance with existing state and federal laws.

### **8. Related Documents and Policies**

[CSU Executive Order 1068](#)

[CSU Executive Order 1097](#)

[CSU Executive Order 1098](#)

[California Penal Code Section 21310](#)

[California Code of Regulations, Title 5, Section 42350.6](#)

### **9. Contact Information**

If you have any questions, please contact the Office of the Vice President for Administration and Chief Financial Officer at 559.278.2083.

### **10. Key Search Words**

Free Expression, free speech, major events, events, chalking, signage

**11. History/Revision Dates**

June 15, 2015	Time, Place and Manner of Free Expression (Interim) effective date
November 29, 2018	Reviewed by Academic Senate Executive Committee
September 16, 2019	Meet and Confer with CFA
October 14, 2019	Meet and Confer with CSUEU
October 29, 2019	Time, Place and Manner of Free Expression Effective Date

**12. Next Evaluation Date:** October 2022

**13. Consultative Review by the Academic Senate:** Yes ☒ No ☐

Reviewed by Academic Senate Executive Committee on November 29, 2018.

## **Appendices**

## Appendix A



### **Event Proposal Form**

Before organizing your event, please fill out this form.

#### **Contact Information:**

Individual/Organization planning event: \_\_\_\_\_

Department sponsoring event: \_\_\_\_\_

Signature of Sponsoring Agent: \_\_\_\_\_

Contact Name(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_

#### **Event Information:**

Name of Event: \_\_\_\_\_

Brief Description/Purpose (250 word maximum. Attach any documents if necessary): \_\_\_\_\_

Event Type: **Please Select**

Event Date:

Set up day & time:

Take down day & time:

Event Location:

Will this be an annual event? ☐ Yes ☐ No

Has this event taken place before? ☐ Yes ☐ No Was this on campus? ☐ Yes ☐ No

Number of attendees?

Audience: **Please Select**

How do you plan on promoting event?

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Brochures/Flyers | <input type="checkbox"/> Newsletters           | <input type="checkbox"/> Personal Network |
| <input type="checkbox"/> Print Ads        | <input type="checkbox"/> Radio Ads             | <input type="checkbox"/> Social Media     |
| <input type="checkbox"/> TV Ads           | <input type="checkbox"/> Other: Please specify |   |

Entertainment Type: (e.g., Band, singer, dancers, speaker)

Will there be a charge to attend the event? If so, ticketing company? ☐ Yes ☐ No

Will you have event sponsor? (e.g., Pepsi, Budweiser, Producers Dairy)

Will sponsor assist with security? ☐ Yes ☐ No

Anticipated Parking/Traffic Control needs:

**Food, Beverage, and Goods:**

Will food be provided? ☐ Yes ☐ No

☐ Samples ☐ Purchase ☐ No Charge ☐ Booths, Food Trucks, Catered

Will alcohol be available? ☐ ☐

☐ Samples ☐ Purchase ☐ No Charge

Sale of goods or services? If yes, types of goods/services (ex. Arts/crafts) ☐ Yes ☐ No

Vendors:

**Electricity**

Audio/Visual: What vendor will you be using?

Equipment Vendor: What company will you be using?

Will this event be filmed? If so, by whom? (personal, professional, etc.) ☐ Yes ☐ No

Internet Connection: ☐ Yes ☐ No

Please attach any supporting documents if necessary.

**Submit to Augustine Perez at MS PO14, attach as email to [guperez@csufresno.edu](mailto:guperez@csufresno.edu), or call at 278-5232.**



## Student Involvement

### CAMPUS EVENT REQUEST AND AGREEMENT FORM

TODAY'S DATE: \_\_\_\_\_

ORGANIZATION NAME: \_\_\_\_\_

APPLICANT: \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

AREA REQUESTED: \_\_\_\_\_

DATE(S) REQUESTED: \_\_\_\_\_

NAME OF EVENT: \_\_\_\_\_

EXPECTED ATTENDANCE: \_\_\_\_\_

PARTICIPANTS: ☐ Fresno State Students Only ☐ Visitors/Guests Included

EVENT TIME: \_\_\_\_\_ SET-UP TIME: \_\_\_\_\_ CLEAN-UP TIME: \_\_\_\_\_

FOOD: ☐ Yes ☐ No FOOD PROVIDED BY: \_\_\_\_\_

#### CLEAN-UP/DAMAGE:

Groups that use the facility are responsible for leaving the area in satisfactory condition and must accept responsibility for any damage or loss incurred as the result of its use. **Damaging the grounds or leaving the grounds in an unusually dirty or disorderly condition may result in the organization being billed for the cost of restoring the facility to its normal condition. Extensive damage will also result in denial of future facility use. Failure to comply with conditions set by Event Planning Committee may result in denial of future facility use.**

By signing below, your organization agrees to the information listed above.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Advisor

\_\_\_\_\_  
Date

\*\*\*\*\*

#### OFFICE USE ONLY

Reference # \_\_\_\_\_

Emailed Form on \_\_\_\_\_

Event Review Committee Meeting Date: \_\_\_\_\_ Date Approved: \_\_\_\_\_





## Student Involvement

### CAMPUS EVENTS CHECK LIST

1. Detailed description of event: \_\_\_\_\_  
\_\_\_\_\_
2. Is your organization sponsoring this event for an off-campus organization? ☐ Yes ☐ No  
If yes, list name of organization and what they are providing? \_\_\_\_\_  
\_\_\_\_\_
3. How are you promoting your event? \_\_\_\_\_  
\_\_\_\_\_
4. Do you have event flyers/brochures? ☐ Yes ☐ No If yes, please submit it with this form
5. Will food be served or given to participants? ☐ Yes ☐ No  
If yes, where is food from? ☐ Food Services ☐ Potluck ☐ Donation  
Other: \_\_\_\_\_
6. Will there be information booths/tables? ☐ Yes ☐ No  
If yes, how many? \_\_\_\_\_
7. Will there be vendor booths? ☐ Yes ☐ No  
If yes, how many and what will they be selling? \_\_\_\_\_  
\_\_\_\_\_  
Are you charging the vendors? ☐ Yes ☐ No
8. Will there be vehicle displays or RV's? ☐ Yes ☐ No  
If yes, how many? \_\_\_\_\_
9. Will electricity be needed? ☐ Yes ☐ No
10. Will there be performers or music? ☐ Yes ☐ No
11. Will there be any large exhibits? ☐ Yes ☐ No  
If yes, please describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
12. Other information about your event: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_