



## CALIFORNIA STATE UNIVERSITY, SACRAMENTO UNIVERSITY POLICY MANUAL

**Policy Title: Time, Place & Manner Restrictions on Speech and Speech-Related Activities****Policy Administrator:** Vice President for Student Affairs**Authority:** California Code of Regulations, Title 5, sections 42350-42354**Effective Date:** October 25, 2016**Updated:** October 2016**Index Cross-References:****Policy File Number:** STU-0125

### **TIME, PLACE & MANNER RESTRICTIONS ON SPEECH AND SPEECH-RELATED ACTIVITIES**

**Policy Statement:**

It is the policy of California State University, Sacramento (hereinafter referred to as “Sacramento State” or “University”) to permit the fullest expression of beliefs through any means, including protest and demonstration, that do not incite or promote illegal activity or disrupt the educational process. In no instance will the University be used as a device for censorship or restraint beyond valid University policies, or local, state, or federal laws. These rules regulating the time, place, and manner of individual expression and conduct on the Sacramento State campus will not be employed to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly. Under this policy, “campus” refers to all buildings, residential facilities, structures, facilities, surface lots and grounds areas on the University’s main campus (located at 6000 J St., Sacramento, CA) as well as the following locations: Napa Hall, Modoc Hall, Folsom Hall, Upper Eastside Lofts, Capital Public Radio and the ASI Aquatic Center, the downtown location, and any other property leased, controlled, and/or owned by the University.

This policy concerns the time, place, and manner restrictions for freedom of expression activities, commercial transactions and solicitation, non-commercial transactions and solicitation, amplified sound, and posting or chalking, including the distribution of handbills and circulars at Sacramento State.

These activities serve an important purpose at Sacramento State. They communicate upcoming events and activities, and disseminate information, materials, and opinions on important issues. Sometimes, however, freedom of expression activities and posted materials may direct messages perceived to be hurtful and/or hateful 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, that freedom of expression as guaranteed by the First

Amendment of the Constitution is a cherished and protected right. Accordingly, the campus community is asked to be tolerant of different points of view and is expected to respect the rights of others to express themselves. While one may find certain expressions or materials to be 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 or procedures. Any member of the campus community who finds freedom of expression activities or posted materials to be offensive or disrespectful is encouraged to contact the responsible organization or individual to address their objections.

Although freedom of expression is subject to reasonable restrictions on time, place, and manner, such restrictions shall be applied without regard to the content of the views being expressed or the speaker. The use of a University forum shall not imply acceptance or endorsement by the University of the views expressed by students, faculty, staff, a University affiliate and/or a guest speaker.

The use of campus buildings, facilities, or grounds for purposes of non-commercial solicitations, commercial solicitations or transactions, freedom of expression activities, amplified sound and posting or chalking, including the distribution of handbills and circulars, is contingent upon the agreement of those engaging in such activities to assume responsibility for observing the following:

1. The activities must be conducted in conformance with all applicable federal, state, and local laws.
2. The activities must be conducted in conformance with all applicable University policies, procedures, and regulations.
3. The activities must not unreasonably interfere with and/or disrupt instructional programs, campus-sponsored events (including athletics), and/or the operation of the campus.
4. The activities must not conflict with regular University use or prior reservation of that space for another use. (Casual or unscheduled users will not be allowed to interfere with scheduled, organized, or traditional use.)
5. The activities must conform to the time, place, and manner restrictions established by this policy.
6. Overnight lodging in campus buildings that have not been specifically designed, constructed and designated for this purpose is prohibited, as is camping on campus property, unless part of a University sponsored program approved in writing in advance by the President Vice President of Student Affairs. ([See ADM-0168.](#))
7. Erection of any temporary structure or display on campus must be: (a) approved by the Vice President for Student Affairs and the Vice President for Administration and Business Affairs or their respective designees for the safety of all participants and bystanders; and (b) accompanied by an approved reservation through space management.

**Who the policy applies to:**

This policy applies to students, student organizations, campus-affiliated organizations, faculty, staff, and other off-campus groups or persons while on campus, including commercial vendors or solicitors.

**Why the policy is necessary:**

To establish time, place, and manner rules that allow for free expression while promoting safety and avoiding interference with the University's normal operations.

**Responsibilities:**

The Vice President for Student Affairs (or designees) is responsible for implementation of this policy. Notice shall be posted at or near the principal entrances to Sacramento State, calling attention to the existence of time, place, and manner restrictions relating to speech and speech-related activities and designating the places where copies thereof and of directives issued by the campus President pursuant thereto may be examined.

**Procedures:**

Rules Regulating the Time, Place, and Manner of Expression and Conduct on Campus:

**I. FREE SPEECH ACTIVITIES: GENERAL TIME, PLACE, AND MANNER RESTRICTIONS****II. GUEST SPEAKERS AND PRESENTATIONS****III. POSTING /PUBLICITY/CHALKING****IV. NON-COMMERCIAL SOLICITATIONS****V. COMMERCIAL SOLICITATIONS AND SALES ON CAMPUS****VI. HANDBILLS OR CIRCULARS****VII. AMPLIFIED SOUND POLICY****I. FREE SPEECH ACTIVITIES: GENERAL TIME, PLACE, AND MANNER RESTRICTIONS**

A. Overview: All activities set forth in this policy are subject to these general time, place, and manner restrictions in addition to any other time, place, and manner restrictions specified below.

B. TIME: At all times, except for non-University affiliated organizations and individuals, who are limited to normal operating hours.

C. PLACE: Freedom of expression activities may take place anywhere on campus with the following exceptions: inside parking lots and structures, inside University buildings, and near

any location in which instructional, educational, and/or official business activities are being conducted (generally within 20 feet). Popular locations for freedom of expression activities are the Library Quad, Main Quad, and South Green.

D. MANNER:

1. Freedom of expression, which includes marches and/or moving protests, must be conducted in a manner that (1) shall not interfere with or obstruct the free flow of pedestrian or vehicular traffic; (2) shall not interfere with or disrupt the conduct of University business; (3) shall be carried out without creating excessive noise by use of a device; (4) shall not unreasonably interfere with classes in session or other scheduled academic, educational, co-curricular, and/or cultural/arts programs; (5) shall not promote an unlawful end, such as promoting actual violence or bodily or property harms, terrorist threats, defamation, obscenity, and false advertising; and (6) shall not violate any federal, state, or local safety code, such as regulations set by the State Fire Marshal, or University policy.
2. For any public meeting, demonstration, rally, etc., held on University grounds, advance reservations are advised to avoid conflict with previously reserved activities. Use of space shall not conflict with prior reservation of that space for another use. (Casual or unscheduled users will not be allowed to interfere with scheduled, organized, or traditional use). Use of any campus buildings for this purpose requires advance reservations and is restricted to non-profit organizations or student organizations, and faculty-, staff- or administration-sponsored events. To maintain access and safety, the use of ramps, entrances, breezeways, hallways, and other pedestrian pathways is not authorized for such purposes.
3. The scheduling process will ensure order and adequate preparation for the event and a suitable space for the intended use and expected attendance. Policies and procedures for reserving campus facilities are available in the Student Organizations & Leadership office and the Office of Space Management. Requests for student organization-sponsored events shall be directed to the Student Organizations & Leadership office. Requests for faculty-, staff- and administration-sponsored, and community events shall be directed to the Office of Space Management or the office that oversees reservations for that particular venue (e.g., requests for University Union space must be made through the University Union Events Services Office). Please consult the University's Office of Space Management's website for information relating to the appropriate office to contact to make reservations for a particular location on the University's campus.

## II. GUEST SPEAKERS AND PRESENTATIONS

**All activities in this section are subject to the general time, place, and manner restrictions set forth in Section I of this policy in addition to any other time, place, and manner restrictions specified below.**

A. OVERVIEW: Although freedom of expression is subject to reasonable restrictions on time, place, and manner, such restrictions shall be applied without discrimination toward the content of the views being expressed or the speaker. The use of the University forum shall not imply acceptance or endorsement by the University of the views expressed by a guest speaker or anyone in attendance.

B. TIME: As reservations permit.

C. PLACE: As reservations permit.

D. MANNER:

1. Student organizations that are currently registered with Sacramento State may invite non-University speakers to address meetings on campus in accordance with University policy. University-affiliated groups that have a University sponsor may invite non-University speakers to address meetings on campus in accordance with University policy. For purposes of this section, a “meeting” is an event organized by an individual or group primarily for the dissemination or exchange of ideas and is not to be construed to include academic convocations, regularly scheduled classes, or regular business meetings of University departments. Individual students or student groups that have not qualified as registered student organizations may not invite non-University speakers to address meetings on campus.
2. Plans for speeches and presentations must be developed so as to ensure the guest speaker’s right to express views. Such plans also should provide opportunities for individuals and groups that disagree with the speaker to register their opposition.
3. The rights of the dissenter(s) should be respected as much as the rights of the guest speaker. The speaker, however, is entitled to communicate the speech to the audience during the allotted time, and the audience is entitled to hear the speech during that time. The dissenter(s) must not interfere with the speaker’s ability to communicate or the audience’s ability to hear the speaker.
4. To ensure an exchange of ideas, the sponsoring group should consider informing groups most likely to be offended by the views of the speaker at the event. This is only a recommendation and should not be construed as a restriction on speakers or topics.
5. In the furtherance of educational objectives, guest speakers should be encouraged by the sponsoring organization to accept questions from the audience. In addition, the organization should be encouraged to have the meeting chaired or moderated by a neutral party.
6. Guidelines for the event must be in place prior to the event. Recommended guidelines include a written agreement with the speaker, assigning individuals to be responsible for various aspects of the event, requiring forms of identification if

appropriate, providing an adequate number of student monitors, assessing any parking and/or traffic needs in coordination with UTAPS, and evaluating the costs associated with the event.

7. The University Police Department must be notified of the event by the sponsoring organization if the number of anticipated participants is likely to exceed the capacity of the scheduled location and/or when the University determines that the staging of the event is likely to cause some sort of disruption. This notification will enable the University Police Department to plan the campus security response and assign responsibility for carrying out this response.
8. If the event is likely to have more participants than the capacity of the scheduled location, or when the University determines that the staging of the event is likely to cause some sort of disruption, tickets will need to be issued to attendees in advance of the event so the campus can ascertain the total amount of persons attending the event. The organization must also announce in advance where and when to obtain tickets, as well as the fact that tickets are required for admission.
9. The University may determine to not allow the speaker (or terminate a speech) if the speaker advocates or it reasonably appears that the speaker will advocate:
  - a. Violent overthrow of the government;
  - b. Willful destruction or seizure of campus buildings or other property;
  - c. Disruptions or impairment by force of the campus's regularly scheduled classes or other educational functions;
  - d. Physical harm, coercion, or intimidation, or other invasion of lawful rights of campus officials, faculty or students; or
  - e. Other campus disorder of a violent nature.
10. Members of a registered student organization or affiliated University group with a sponsor, who believe that a decision to refuse a guest speaker has been made in a manner that denies their rights as members of the University community, may file an appeal, in writing, with the Vice President for Student Affairs or designee. The decision of the Vice President may be appealed to the President or designee. The decision of the President or designee is final.

### **III. POSTING /PUBLICITY/CHALKING**

**All activities in this section are subject to the general time, place, and manner restrictions set forth in Section I of this policy in addition to any other time, place, and manner restrictions specified below.**

A. OVERVIEW: Posting, publicity, and chalking are permitted on campus, subject to the time, place, and manner restrictions established below. The time, place, and manner guidelines vary depending upon the individual and/or group engaging in the activity as follows:

1. **RECOGNIZED CAMPUS ORGANIZATIONS**: Recognized campus organizations or departments are permitted to post materials publicizing their on-

and off-campus events, provided such materials include the name of the sponsoring organization, the time and place of the event, and the amount of admission if charged. Events include, but are not limited to, dances, films, speakers, concerts, athletic contests, performances, etc. Publicity that meets these criteria may be posted on outdoor bulletin boards and in the breezeways of Kadema and Eureka halls for up to two weeks. Recognized campus organizations may seek special permission from the office of Student Organizations & Leadership to post materials for up to three weeks. Posted materials must be removed by the recognized campus organization responsible for posting. If not removed in a timely manner, Student Organizations & Leadership will remove these materials. Materials removed will not be returned, and the University reserves the right to charge organizations for the cost of removal.

2. **CAMPUS COMMUNITY:** Individual members of the campus community – students, faculty, and staff – are permitted to post materials that legally offer or seek articles or services, for sale or at no cost, provided such transactions are not commercial in nature. The publicity materials must include the name of the individual and the date the material is first posted. Materials can be posted no longer than two weeks and must be removed after the expiration of two weeks. Materials may be posted at designated bulletin boards and kiosks located throughout the campus. (Note: The definition of commercial versus personal sale transaction can be found in Section IV. COMMERCIAL SOLICITATIONS AND SALES ON CAMPUS). The University reserves the right to charge for the cost of removal.
3. **ELECTIONS:** For recognized Associated Students Incorporated elections, Sacramento State students are permitted to post materials as long as the materials are posted in accordance with the posting guidelines for recognized campus organizations outlined in Section II.A.1. Detailed information on Associated Students Incorporated's rules and regulation regarding election materials can be found online at <http://www.asi.csus.edu/>.
4. **SACRAMENTO COMMUNITY:** Members of the Sacramento community may post materials that advertise events on campus and/or offer articles or services for sale or at no cost. Such materials must be presented to Student Organizations & Leadership, which will review them to make sure they comply with these limitations. Postings must include the name and address of the person or group sponsoring the activity (e.g., an event or sale). Sales and solicitation for future sales will be approved as part of a scheduled event only when such sale or solicitation is an integral part of the educational purpose or objective of such activity. The date that the item is posted must also be on the materials. Approved off-campus materials may be posted on outdoor bulletin boards located throughout campus as outlined below. The Director of Student Organizations & Leadership may withhold permission to post when overcrowding occurs, and preference will be given to on-campus activities and groups.

B. TIME: As specified above.

C. PLACE AND MANNER

**All items mentioned in the Section A, Overview, must be followed, in addition to what is required below.**

1. Posters, banners, and/or billboards on A-frames can be used for a period of up to three weeks to publicize approved campus events. The placement of billboards, banners, and A-frames is limited to 1) the Library Quad lawns; 2) the lawn between the AIRC, the South Green, and Parking Structure III; and 3) the sidewalk north of Shasta Hall. Billboards, banners, or A-frames must be neatly presented, painted or mounted on a solid surface (e.g., plywood, masonite-paper banners on stakes are not acceptable), and must not be larger than 4' high by 8' wide (excluding ASI elections in which the solid surface may not exceed 4' high by 4' wide). The University reserves the right to remove billboards that interfere with the normal operations of the campus, obstruct vehicular sight lines, or are deemed in any way to be unsafe.
2. Outdoor bulletin boards are located in the front of several campus buildings. Only one copy of a particular posting, not exceeding 8.5"x 11", may be hung on the cork of the bulletin board. Posting over other materials is prohibited and will be removed. Materials may be posted for a period up to two weeks. The glass case is reserved for on-campus multi-date events. It is limited to one poster or flier per event. Student Organizations & Leadership will facilitate approval and management of this area.
3. Lawn stakes and lawn signs to post publicity materials are not permissible.
4. Chalking (with stick chalk) of walkways (no walls or vertical surfaces), concrete, or asphalt to promote campus events is permissible (all other methods of marking, including aerosol chalk, are prohibited). Chalking must be at least 30 feet away from the entrance to any building. Chalking is prohibited at the Residence Hall properties, The WELL and University Union properties (including on outside walkways leading to these buildings), the Library Breezeway, and the Bookstore Plaza.
5. To post in areas or ways not listed above (e.g., the esplanade and south campus entrance) requires permission from the Director of Student Organizations & Leadership prior to posting.
6. Interior bulletin boards (including those inside and outside classrooms), other than locations noted above, belong to the departments that are assigned the space (the operating departments) in which the boards are placed. Approval for posting and removal of materials on such boards resides with the operating department. Such posting shall comply with the content rules of this policy.

7. Certain locations are not permissible posting areas: doors and windows, restrooms, glass, entryways, bus shelters, phone booths, windows, interior walls, light posts, trees, doors, building exteriors, automobiles, departmental bulletin boards, and the railings of the Library. Student Organizations & Leadership and Facilities Management will remove items posted in non-approved locations. An exception is automatically extended to University Police in matters of public safety or for campus emergencies as designated by the Vice President of Student Affairs. Adhesive stickers are forbidden, and persons using them may be charged with vandalism.

#### **IV. NON-COMMERCIAL SOLICITATIONS**

**All activities in this section are subject to the general time, place, and manner restrictions set forth in Section I of this policy in addition to any other time, place, and manner restrictions specified below.**

A. OVERVIEW: Solicitation in violation of established campus directives regarding time, place, and manner is prohibited. Solicitation means to importune, or endeavor to persuade or obtain by asking, but does not include "commercial solicitation." (5 CA ADC § 42350.5)

B. TIME: M-F, 9 a.m. TO 4:30 p.m.

C. PLACE: The edge of walkways adjacent to the Library Quad, Main Quad, South Green, or Science Quad. The edge of walkways adjacent to the South University Union Lawn when the solicitation is by a group sponsoring a program in that area at the same time. Solicitation indoors is not allowed, except for solicitation associated with a program occurring indoors (approved and with reservations) and conducted by the sponsor of the program (e.g., membership in the sponsoring organization and/or donations to a non-profit).

D. MANNER:

1. Solicitors must register with Student Organizations & Leadership to determine whether they meet the non-commercial requirements (e.g., for non-profits, they need to show documentation of their non-profit status).
2. Permission may be withheld as to time when areas may be overcrowded by campus activities. Occasional and necessary exceptions to this policy pertaining to time, place, and manner may be granted by Student Organizations & Leadership when such exceptions will not be contrary to the considered intent of this policy.
3. Solicitation shall be carried out (1) without amplification equipment; (2) at a noise level no louder than normal conversation; (3) without any misrepresentation of the true name or purpose of material or organization soliciting; and (4) without prolonged or repeated contact with persons who have declined the solicitation.
4. Solicitors must make a reasonable effort to retrieve and remove such materials prior to their departure from the areas that day.

## V. COMMERCIAL SOLICITATIONS AND SALES ON CAMPUS

**All activities in this section are subject to the general time, place, and manner restrictions set forth in Section I of this policy in addition to any other time, place, and manner restrictions specified below.**

### A. OVERVIEW:

1. Certain organizations are permitted to use designated campus facilities to raise funds through commercial solicitations and sales, provided the funds raised will support the educational mission of the organization and are not used for personal profit. Commercial solicitation and sales on campus are prohibited unless prior written authorization has been obtained.
2. Registered student organizations, University departments, and outside groups may raise funds on campus if they complete the appropriate application process, receive approval to conduct the fundraising activity, and are issued a fundraising permit. In some cases, the student organization or University department may choose to partner with a commercial vendor. In these cases, the campus organization must make appropriate arrangements with the Director of Student Organizations & Leadership.
3. On-campus commercial sales and solicitation policies and practices will be consistent with established University policy, CSU General Counsel opinion, relevant court cases and local and state regulations.
4. On-campus commercial sales and solicitations may not be in violation of University Enterprises, Inc. (UEI), vendor agreements for exclusivity in food services, bookstore, and other campus operations.
5. Student Organizations & Leadership and UEI will prepare and submit reports on commercial activities to the Vice President for Student Affairs at the end of each semester. The reports are to contain the names of soliciting groups; the number and date of solicitation days; the contact person for soliciting entity; the fees paid; etc.
6. "Commercial solicitation" means any direct and personal communication in the course of a trade or business reasonably intended to result in a sale. Commercial solicitation is prohibited unless prior written authorization is obtained from Sacramento State. Permission will be granted subject to regulation as to time, place, and manner as follows (unless the solicitation or sale would be in violation of law). (5 CA ADC § 42350.1)
7. Commercial transactions and the display of property or services for sale are prohibited except with written permission from Sacramento State. 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. (5 CA ADC § 42350.1)

8. “Private sale” means occasional selling between persons who are campus students or employees, and is not covered by this policy. (5 CA ADC § 42350.1)
9. Selling of published materials is also governed by CA Administrative Code, Title 5, Section 42351, which states, “Except in the case of private sales and commercial transactions to which Section 42350.1 applies, the selling or displaying for sale of any books, newspapers, pamphlets and other published materials shall be permitted on campus provided: such published materials are not available for sale at the campus bookstore, and the selling or display of such published materials is conducted in compliance with any time, place and manner directives adopted by the president, and the published materials displayed or offered for sale are not in violation of the provisions of Chapter 7.5, Title 9, Part 1 (commencing with Section 311) of the Penal Code (relating to the sale and distribution of obscene matter), or of Chapter 6, Title 3 (commencing with Section 66400) of the Education Code (relating to the preparation, sale, and distribution of term papers, theses and other materials to be submitted for academic credit).”

B. TIME: Daily, 9 a.m. to 4:30 p.m.

C. PLACE: Commercial sales and solicitation by student organizations and other University departments shall be limited to the Library Quad, the area between Eureka and Brighton halls, and, upon special consideration, other areas of campus. Outside space contiguous to and within 50 feet of the Hornet Bookstore is reserved for commercial vendors sponsored by UEI. Commercial sales or solicitation by outside vendors not affiliated with student organizations or University departments may only take place on the edge of walkways adjacent to the Library Quad, Main Quad, or when approved as part of a scheduled event or activity in the space or facility scheduled for the event.

D. MANNER:

1. All individuals or entities seeking to engage in commercial sales and/or solicitations must secure a permit in advance from Student Organizations & Leadership. The Director of Student Organizations & Leadership will review sales and solicitation requests made by student organizations and University departments. Fundraising requests made by or in conjunction with off-campus organizations that wish to use campus facilities will be reviewed by both the Director of Student Organizations & Leadership and the Office of Space Management. As appropriate, the Director of Student Organizations & Leadership – often in consultation with the Executive Director of University Enterprises, Inc.

– may limit the maximum number of vendors permitted on campus at any one time.

2. Since proper agreements and payment of fees must be in place prior to the issuance of a fundraising permit, organization representatives should initiate the process at least two weeks in advance of the intended start dates for a commercial solicitation.
3. A minimum daily fee of \$300.00, payable in advance, will be required for commercial vendor access to campus through student organization representation. The minimum fee for direct commercial vendor access will be \$300.00 per day, also payable in advance. A higher fee or a fee based on sales may be applicable based upon the cost of goods to customers, the anticipated sales volume, the time of year, the campus services requested, and/or the amount of space required for a specific activity. The Director of Student Organizations & Leadership must be included in all negotiations prior to final contract agreement for student organizations.
4. Student organization funds will be placed on deposit through Student Organizations & Leadership in a designated campus account. (No off-campus accounts are permitted.) Payment should be in the form of a money order, cashier's check, or certified check; all other means of payment must clear the presenter's bank before the activity will be permitted to begin. Funds will be released into the designated student organization's campus account upon completion of the commercial solicitation and required paperwork.
5. Funds to University Enterprises, Inc., will follow standard UEI accounting procedures. Funds to other University departments, including Student Organizations & Leadership, will follow University procedures.
6. A commercial vendor who fails to comply with agreed-upon stipulations for the specified sale/solicitation will have its activity terminated and forfeit any funds previously paid.
7. Outside vendors not affiliated with a student organization or University department must obtain a permit in advance from the Student Organizations & Leadership Office, except when it is official University business. A copy of the permit must be in the possession of the individual initiating the commercial transaction at the transaction point as well as on display in connection with any table, booth, or display.
8. Permission may be withheld during times when areas may be overcrowded by campus activities.
9. Occasional and necessary exceptions to this policy pertaining to time, place and manner may be granted by the Student Organizations & Leadership Office when such exceptions will not be contrary to the considered intent of this policy.

10. Credit card regulation: Commercial solicitations that include credit card applications are subject to additional regulations. [Section 1747.02 of the Civil Code, Chapter 1.3; Section 99030 of Part 65 of the Education Code, relating to credit cards.] Promotions may not require the applicant to be a student for participation. Educational material about credit card debt must be available with all applications in conjunction with other educational activities as determined by Student Organizations & Leadership. Student Organizations & Leadership must approve educational material and activities in advance. Commercial solicitations offering a premium or gift as a part of the promotion may not require participation in the solicitation or sale as a condition for receiving the gift or premium, and said item must be made available to any person upon request.
11. Each vendor must prominently display, as determined by Student Organizations & Leadership or UEI as appropriate, the terms and conditions of any sales of goods or services offered by the vendor. The display must be visible to any prospective participant.
12. Commercial solicitations or sales may not:
  - a. interfere with classes or other scheduled campus activity; obstruct the free flow of traffic;
  - b. obstruct the free movement of individuals by solicitors (e.g., standing in front of them);
  - c. involve touching of individuals without their consent;
  - d. include prolonged or repeated contact with persons who have declined the sale or solicitation offer;
  - e. consist of noise louder than normal conversation;
  - f. misrepresent the true name or purpose of material or organization;
  - g. contain material or literature without the name of the organization or the person responsible for the material printed on it; and/or
  - h. be approved as part of a scheduled event or activity only when such sale or solicitation is an integral part of the educational purpose or objective of such activity.

## **VI. HANDBILLS OR CIRCULARS**

**All activities in this section are subject to the general time, place, and manner restrictions set forth in Section I of this policy in addition to any other time, place, and manner restrictions specified below.**

A. OVERVIEW: The distribution of handbills and circulars is governed by CA Administrative Code, Title 5, Section 42342, which states, “No person or persons shall, upon any of the grounds of any campus cast, throw, deposit, or distribute any advertising handbills or circulars which contain false, misleading, or illegal advertising. The distribution of written or printed matter shall be permitted on campus, subject to reasonable directives by the campus president as to the time, place, and manner thereof. All directives issued by a campus president pursuant to this section shall be available to the public at places designated pursuant to Section 42354. Distribution of

written or printed matter in violation of established campus directives regarding time, place, and manner is prohibited.”

B. TIME: At all times, except for non-University affiliated organizations and individuals, who are limited to normal operating hours M-F.

C. PLACE: The edge of walkways adjacent to the Library Quad, Main Quad, South Green, or Science Quad as well as the information desk in University Union and the information desk in Student Services Center if the material aids achievement of the educational objectives of the campus.

D. MANNER: Distribution in campus parking lots of any written or printed materials or on any motor vehicle parked on the campus by any person or group, campus-affiliated or otherwise, is prohibited.

## **VII. AMPLIFIED SOUND POLICY**

**All activities in this section are subject to the general time, place, and manner restrictions set forth in Section I of this policy in addition to any other time, place, and manner restrictions specified below.**

A. OVERVIEW: “Amplified sound” is defined as any sound that is broadcast through electronically amplified equipment or sound that is electronically enhanced. Additionally, amplified sound may include sound that is enhanced with the aid of a device such as a megaphone. Musical instruments, soloists, and bands must also comply with the amplified sound procedures. The purpose of the amplified sound policy is to regulate outdoor amplified sound so that it does not interfere with instruction or other University events, activities, or business.

B. TIME: As approved.

C. PLACE: For all locations desired for the use of amplified sound, advance approval must be sought from the Student Organizations & Leadership Office through reservations by Space Management. Amplified sound may be approved for locations where interference with instruction or other University events, activities, or business is not likely to occur.

D. MANNER:

1. The sound level for any event may not reach or exceed that which is disruptive to the instructional programs, scheduled events, and/or library or classroom study and/or University business. Amplified sound is intended to be heard in the immediate area only. Outdoor amplified sound events are subject to monitoring and regulation.
2. The volume of outdoor amplified sound for events held in locations such as the stadium must be controlled to sound levels and within time periods that are in

compliance with this procedure and city ordinances, and with consideration for neighboring communities.

3. PERMIT: To request approval for amplified sound, groups/individuals must request the space through University Space Management, indicating how amplified sound will be used. Space Management will request a permit from Student Organizations & Leadership. This request is due at least 10 days prior to the event, though exceptions may be made by Student Organizations & Leadership when spontaneous events may necessitate hand-held amplification devices and a short advance approval process. All requests for amplified sound must be approved by the Director of Student Organizations & Leadership.
4. The Student Organizations & Leadership Office retains the right to establish a maximum permissible sound level that must be maintained (but not exceeded) for any approved event and monitor the sound level generated by amplification systems.
5. The performing group(s) and/or sponsoring club/organization must provide a signed acknowledgment of their awareness and willingness to abide by the Amplified Sound Procedure.
6. Complaints about the noise emanating from approved events should be forwarded to Student Organizations & Leadership.

**Approved by:**

**Robert S. Nelsen**

October 25, 2016