

## Policy on Time, Place and Manner of Free Expression and the Use of Campus Buildings and Grounds (Interim)

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**Policy No.: 900-19**

Effective: August 28, 2017

### 1. Policy Objective

Through this policy, the California State University, Northridge (CSUN) seeks to: 1) 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; 2) provide processes and polices that support an essential value of CSUN, which is respect for all people; and 3) provide for the orderly and efficient use of campus building and grounds in a manner that aligns with the university's primary mission and priorities.

### 2. Policy Statement

- 2.1. 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 allow but also to encourage and support the free expression of ideas, values and opinions, even where they may be unpopular or controversial. CSUN accepts and embraces this obligation, recognizing that such expression may take a variety of forms, such as speeches, signs, written materials, public assemblies, demonstrations, performances and artistic representations.
- 2.2. Acknowledging the central role the unfettered exchange of information and ideas plays in learning and in a free society, CSUN will 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.
- 2.3. To ensure that exercise of the right of free expression does not interfere with CSUN functions, imperil public safety, interfere with the rights of members of the campus community to be free from unlawful discrimination and harassment, or obstruct or damage university facilities, CSUN hereby establishes and will enforce the campus regulations set forth herein regarding the time, place and manner of the exercise of free expression and the use of campus buildings and grounds by individuals

and groups. In addition, free expression is also limited by and exists within the context of policies and procedures established pursuant to California Education Code sections 89030 thru 89031; and Title 5, California Code of Regulations, Sections 41301 and 42350-42354.

- 2.4. Like all public universities, CSUN may not restrict free expression solely because it causes offense or discomfort. At the same time, all members of the CSUN community should recognize that freedom of expression includes respecting the dignity of others and acknowledging the right of others to express their opinions.
- 2.5. CSUN will maintain control of its grounds and facilities in a manner that will not censor constitutionally protected speech based on its content. In exercising content neutrality, the university will not necessarily sanction or condone the messages that are being declared or the methods of communication used, but will recognize the right to express those messages.

### **3. 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 the 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, Northridge.

### **4. Scope/Applicability**

This policy applies to all students, faculty and staff of the University, and others while on university property or attending university functions.

### **5. Supersedes**

This policy supersedes CSUN Policies and Procedures: 750-01, Handbills, Circulars, Petitions, Surveys, Questionnaires, and other forms of Written Materials; 750-02, Postings, Billboards and Banners; 750-03, On Campus Solicitation of Donations and Non-commercial Fundraising; 900-01, General Use of Campus Grounds; and 900-02, Public Meetings, Performances, Rallies, Speakers and Similar Events.

## **6. General Limitations and Guidelines for Campus Events and Activities**

### **6.1. Limitations**

- 6.1.1. At CSUN, the time, place, and manner of expression are limited solely by the following general conditions and by additional specific conditions as defined in this policy.
- 6.1.2. The exercise of free expression, assembly rights and the use of campus buildings and

grounds must comply with all applicable federal, state, and local laws. In addition, such activities may not:

- A. Unreasonably interfere with or disrupt CSUN business, operations or activities, including classes in session or other scheduled academic, educational, athletic, recreational, cultural arts, career programs, student-organized activities, work conducted in faculty, staff, or administrative offices and facilities, use of the Valley Performing Arts Center, or with the use of the Oviatt Library;
- B. Interfere with or obstruct the free flow of pedestrian or vehicular traffic, or interfere with access for persons with disabilities;
- C. Employ unauthorized outdoor sound amplification or create unreasonable noise that disrupts normal university activities;
- D. Violate any federal, state, or local laws, including regulations set by the State Fire Marshal.

**6.1.3** There shall be no restrictions on constitutionally protected expressive activity based on the content of such speech or expression or on the political, religious, or other affiliations of speakers. Expressive activity not protected by the First Amendment to the U.S. Constitution, the California Constitution or by this policy, includes defamation, obscenity, false advertising, unlawful discrimination/harassment, the promotion of imminent violence or harm, and the use of public resources for partisan political activities.

## **6.2 Scheduling of Campus Events and Activities**

**6.2.1** CSUN has established procedures for planned events and activities to ensure effective coordination and to provide individuals and groups with a means to reserve facilities, spaces, equipment, and other resources and support services. These scheduling protocols apply to organized campus events and activities, including but not limited to musical and artistic performances and exhibitions, theatrical performances, exhibitions, athletic competitions, and commercial activities. Campus events and activities may be scheduled through the Matador Involvement Center or through other scheduling offices. Specifically, with the exception of commercial facilities and grounds operated by The University Corporation (i.e., Bamboo Terrace, Freudian Sip, Geronimo's and Matador Mercado), any event occurring in Student Housing and Conference Services shall be scheduled through the Office of the Director of Student Housing and Conference Services. Events in the University Student Union and the Student Recreation Center shall be scheduled through Reservations and Event Services (<http://www.csun.edu/usu/reservations>). Events at the Valley Performing Arts Center (VPAC) and the Plaza del Sol Performance Hall are arranged through the VPAC Main Office

(<http://www.valleyperformingartscenter.org/rentals/rental-and-facilities-information/>). Generally speaking, events and activities hosted by off campus individuals, groups or entities on university grounds or in buildings as well as all filming are scheduled through the University Licensing Office (<http://www.csun.edu/licensing/facilities-use>). Use of commercial facilities and grounds under the supervision of The University Corporation (TUC) (see <http://www.csun.edu/csundining/locationhours>) shall be requested through the TUC Director of Administrative Services.

These scheduling procedures do not apply to spontaneous events. In such cases it is recommended and preferred that individuals and groups follow scheduling protocols, but they are not required. Such events are subject to the general limitations listed in section 6.1 and must comply with the time, place and manner directives set forth in this policy.

### **6.3 Time, Place and Manner Directives**

CSUN may establish procedures to implement the time, place and manner directives set forth in this policy and to preserve the safe and orderly operation of the campus. The following directives are not all inclusive, as rules and procedures applicable to specific venues must also be observed as noted above. Questions regarding venue specific rules and procedures should be addressed to the appropriate scheduling office referenced in section 6.2.1 above.

#### **6.3.1 Directives as to Time**

- A.** Indoor events and activities are not assigned fixed limits as to time of day or day of the week, but the use of all indoor spaces must be scheduled via the appropriate method described in section 6.2.1.

With the exception of CSUN sponsored events, outdoor events and activities that involve amplified music or speech are prohibited during the hours of: 10:00 pm to 7:00 am, Sunday through Thursday; and 11:00 pm to 7:00 am. Friday and Saturday. University scheduling protocols must be followed. Outdoor events and activities that do not involve the use of amplified sound (for speech or music) may be held between 7:00 a.m. and midnight, Monday through Sunday.

- B.** Use of CSUN's scheduling protocols is encouraged to facilitate coordination of outdoor events and activities with other events and among potential campus service providers.
- C.** Amplified sound is permitted at outdoor events and activities on campus so long as its use will not materially disrupt University activities, including but not limited to classes and other academic or administrative activities as outlined in section 6.1. With the exception of the University Student Union, amplified sound on campus is limited to one hour per event between the hours of 11:00 am to 1:00 pm, and the sound level from amplified equipment shall normally not exceed 75dbA average or 90dbA peak when measured a distance of 50' from the source,

unless a specific authorization for greater and/or longer amplification is granted by the Matador Involvement Center.

- D. Regardless of the time they are held, events and activities must be conducted in a manner consistent with Section 6.1 and in conformity with any additional guidelines pertinent to the particular venue.

### **6.3.2 Directives as to Place**

- A. While freedom of expression is allowed in all outdoor spaces on campus, the Matador Square is the place where individuals and groups are encouraged to assemble to exercise the right of free expression unless the space has already been scheduled by others in advance. With the exception of dining locations under the supervision of The University Corporation, other outdoor spaces on campus may be used as public gathering spaces for events and activities, including the USU Plaza Del Sol, Bookstore Lawn, Bayramian Lawn, Sierra Quad, and Oviatt Lawn.
- B. Whether conducted indoors or out, the location of events and activities must be consistent with Section 6.1 and must conform to any additional guidelines pertinent to the particular venue.
- C. Commercial solicitation as defined below in Section 6.3.3 B.iii is prohibited in outdoor eating areas.

### **6.3.3 Directives as to Manner**

#### **A. Amplified Sound**

Amplified sound is permitted at outdoor events and activities on campus so long as its use will not materially disrupt University activities, including but not limited to classes and other academic or administrative activities as outlined in section 6.1.2. With the exception of the University Student Union, amplified sound on campus is limited to one hour per event between the hours of 11:00 am to 1:00 pm, and the sound level from amplified equipment shall normally not exceed 75dbA average or 90dbA peak when measured a distance of 50' from the source, unless a specific authorization for greater and/or longer amplification is granted by the Matador Involvement Center.

#### **B. Solicitation and Commercial Activities**

- i. As defined in Title 5 of the California Code of Regulations (section 42350), "Solicitation" means to importune, or endeavor to persuade or obtain by asking, but does not include 'commercial' solicitation."

- ii. Solicitation, including gathering signatures on petitions and requesting donations, is permitted on campus subject to the limitations set forth in this policy. Solicitation is prohibited in outdoor eating areas.
- iii. "Commercial solicitation" means any direct and personal communication in the course of a trade or business reasonably intended to result in a sale." Organizations or individuals wishing to engage in commercial solicitation or transactions at CSUN, including the sale of published material, must obtain prior approval as provided in CSUN Policy No. 900-4, Commercially Oriented Activity.
- iv. No person or organization may throw, deposit or distribute on campus any materials that contain false, misleading, or illegal advertising.

**C. Electronic Communications**

- i. All use of CSUN information technology resources for purposes of individual or collective free expression must adhere to the provisions of CSUN Policy No. 500-10, Use of Computing Resources.

**D. Assemblies, Marches and Demonstrations**

- i. Freedom of expression extends to the right to protest and advocate through public assemblies, marches and demonstrations.
- ii. These activities must comply with the limitations and restrictions set forth in this policy.
- iii. To address public safety issues (routes of march, necessary public safety staffing, etc.), groups contemplating holding public assemblies, marches or demonstrations are strongly encouraged to notify the CSUN Police at least 72 hours in advance of the event. Prior coordination for these types of events can help mitigate logistical and safety concerns and ensure the event is in conformance with Section 6.1 of this policy.
- iv. In addition, to avoid conflicts with other scheduled CSUN events, and to reserve other necessary support services and ensure event success, organizers of public assemblies, marches or demonstrations are also strongly encouraged to notify the Matador Involvement Center and seek assistance in completing a Field/Space Reservation Form and any other applicable procedures.

- v. The CSUN President has delegated oversight of campus demonstrations to the Vice President for Student Affairs and the CSUN Chief of Police to ensure protection of freedom of expression and constitutional rights, campus safety and, if needed, to implement dispersal procedures when participants have exceeded the limits of their constitutional rights or the general limitations of this policy (Section 6.1)

#### **E. Lodging/camping**

- i. "Lodging/camping" is defined as the use of campus property for living accommodation purposes such as sleeping or making preparations to sleep regardless of the intent of the participants or the nature of any other activities in which they may also be engaged.
- ii. California State University, Northridge prohibits, on its property, lodging/camping as well as the erection of any temporary structure(s) for sleeping without the written permission of the University (See Section 6.2, Scheduling Campus Events and Activities for authorizing office)

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

- 6.4.1. Approval of events or activities encompassed by this policy may be withheld or withdrawn where determined by the President or designee to be in violation of this policy, CSU policies, or Federal or state law.

#### **6.5. Advertising in Publications**

- 6.5.1. Advertising may be permitted in faculty, staff, alumni and student publications subject to the policies of each publication. Restrictions regarding advertising of alcohol at CSUN are contained in CSUN Policy No. 900-06, Use of Alcohol and Illicit Drugs, and California State University Executive Order 966. Publications in electronic format, utilizing campus information technology resources, are subject to CSUN Policy No. 500-10, Use of Computing Resources

#### **6.6. Approved and Priority Uses of CSUN Facilities**

- 6.6.1. The use of university academic and administrative buildings is primarily intended for educational pursuits. When not needed for educationally related activity, university buildings and all appropriate space therein may be used by groups and organizations when reserved in accordance with university procedures and the payment of associated fees, if required. See CSUN Policy No. 100-1, Reserving the Use of Academic and Administrative Buildings, Space and Grounds.

**6.6.2.** Use of campus facilities that may be scheduled for activities or events is typically limited to the following purposes and is normally granted in the following order of precedence:

- A.** The regular CSUN instructional program, including actual classes and scheduled meetings that are part of the regular academic program.
- B.** The broad CSUN instructional program, including discussions, instructionally related activities/programs such as music, drama, forensics, journalism, intercollegiate athletics; special programs and other activities that are a part of normal class-associated or academic programs; and courses and programs offered through the Tseng College of Graduate, International and Mid-Career Education.
- C.** Research and consultant activities, which are research-oriented in nature and that contribute to the professional development of students, faculty and staff, and consultant activities that have been approved by CSUN.
- D.** Educational and co-curricular activities, including events such as conferences, meetings, lectures, musicals, concerts, films, productions, contests or public assemblies concerned with the professional, cultural, recreational, or entertainment phases of campus life. Participants and guests may include students, faculty, and staff of other educational institutions and the general public when such participants or guests are appropriate to the function.
- E.** Other uses of facilities for programs consistent with the mission, priorities and objectives of CSUN may be granted to those agencies and organizations with whom CSUN has entered into a lease, operating, or similar agreements.

**6.6.3. Costs and Fees**

- A.** Use of campus facilities may be subject to a fee, require liability insurance, and/or may require a written use agreement. Information regarding these requirements can be obtained through the appropriate scheduling office as provided in Section 6.2., Scheduling Campus Events and Activities.

**6.7. Leafleting and Handing Out of Non-Commercial Written and Printed Materials**

**6.7.1.** Leafleting or distributing handbills, literature, written materials and circulars is permitted on campus but must be consistent with the limitations and restrictions set forth in this policy.

**6.7.2.** Commercially oriented written and printed materials must comply with CSUN Policy No 900-4, Commercially Oriented Activity. Non-commercial written and printed materials may, without prior written approval, be distributed in any outdoor area of CSUN-



Individuals are strongly encouraged to complete the Application to Distribute and/or Post Information form in the Matador Involvement Center, where guidance is available about the distribution of written materials in compliance with this policy.

- 6.7.3.** Littering is not permitted. Posting of written and printed materials over existing university signage, on walls, fences, campus statues and works of art, trees, or light posts, without the university's prior permission, is not permitted.
- 6.7.4.** Distribution of materials in electronic format using CSUN information technology resources must comply with CSUN Policy No. 500-10, Use of Computing Resources.

### **6.8. Temporary non-Commercial Signage**

Temporary non-commercial signage (e.g., signs, posters, fliers, lawn signs, A-frames, billboards and banners) may be posted on campus, subject to the general limitations set forth in this policy, as well as the following:

- 6.8.1** Temporary non-commercial 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 are also encouraged to identify themselves and provide contact information on the signage.
- 6.8.2** Temporary signage may not be placed in the following locations:
  - A. The outside of buildings (walls, doors, windows, roofs, or steps);
  - B. With the exception of private offices and personal workspaces, temporary signage may not be placed on interior doors, windows, walls, floors, or ceilings;
  - C. Trees, poles, traffic signs, trashcans, or fences;
  - D. Obstructing the entrances or exits of buildings or the line of vision of vehicular or pedestrian traffic.
  - E. On vehicles without the owner's permission.
- 6.8.3** The organization or individual responsible for placing temporary 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 temporary signage (commercial and non-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 readable.

**6.8.4** Posting of temporary signage is subject to additional location-specific guidelines applicable to and available at the following:

- A. University Student Union
- B. Retail Operations of The University Corporation
- C. Student Housing and Conference Services
- D. Valley Performing Arts Center

## **7. Responsibilities**

- 7.1.** The Vice President for Student Affairs shall be responsible for facilitating the update of this policy and shall provide policy interpretation as required.
- 7.2.** The Vice President for Student Affairs shall ensure that implementing procedures align with this policy and shall insure the proper public positing of policies and procedures as required by Title 5, California Code of Regulations.

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

- 8.1.** California Education Code, §§ 66600, 66606, 89030-31, 89035
- 8.2.** Title 5, California Code of Regulations, Sections 41301 and 42350-42354

## **9. Contact Information**

If you have any questions, please contact the Office of the Vice President for Student Affairs at (818) 677-2391

**Note: This policy was adapted from similar policies in use at other CSU campuses including East Bay and Fresno.**