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San José
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San Marcos
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Stanislaus

September 30, 2020

TO: Campus Community

FROM: Time, Place and Manner Working Group

SUBJECT: Proposed Revision of SJSU's Time, Place, and Manner Regulations for Free Expression

San José State University's regulations concerning free expression are currently located in three different Presidential Directives. The first two are:

- a. [Presidential Directive 2001-01](#) "SJSU 'Time, Place, & Manner' Regulations"
- b. [Presidential Directive 2009-01](#) "Freedom of Speech and Artistic Expression: The Rights and Obligations of Speakers, Performers, Audience Members, Co-Sponsors, Campus Guests, and Protesters at San José State University"

[Presidential Directive 2011-01](#) "Policy for Use of University Facilities and Outdoor Spaces for Special Events, Activities, and Programs" includes some policy language, which has been incorporated into the consolidated version below. Administrative process and operational language has been removed and will be incorporated into guidelines approved by the President and delegated to appropriate offices for implementation.

The President has charged a working group with consolidating the three directives into one comprehensive policy. This revision process presents opportunities to improve upon past directives. For instance, language in the current Presidential Directives are inconsistent and at times contradictory. And, the current policies do not take into account digital and virtual spaces.

Working Group Members

- Lisa Millora, Vice President for Strategy and Chief of Staff (Chair)
- Tamsen Burke, Executive Director, Student Union

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- Sonja Daniels, Associate Vice President, Campus Life
- Vincent Del Casino, Jr., Provost and Senior Vice President of Academic Affairs
- Gina Di Napoli, Chief of Police, University Police Department
- Traci Ferdolage (with input from her team), Senior Associate Vice President, Office of Facilities, Development & Operations
- Cynthia Fernandez-Rios, Student Board Member, Student Union Board
- Stefan Frazier, Former Chair of Academic Senate and Associate Professor of Linguistics and Language Development
- Christine Hutchins, Senior Associate Vice President, Strategic Communications and Marketing
- Ravisha Mathur, Chair of Academic Senate and Associate Professor of Child and Adolescent Development
- Eric Rollerson, Executive Director, University Housing Services
- Stephen Silver, University Counsel
- Edwin Tan, Director of Advocacy and Community Relations
- Ryan M. Ward, Director of Advocacy and Federal Relations
- Joanne Wright, Senior Associate Vice President, University Personnel

The draft policy below consolidates the directives mentioned above. Some sections are new and were added to address gaps in the current directives. The policy derives from the working group's review of twelve other CSU campus policies for content and structure. Additionally, staff in the Office of the President engaged in conversations with other universities about their recently updated time, place, and manner policies to better understand their process, implementation, and enforcement mechanisms to help guide our own process.

We aim to present a revised policy to the President before the end of October to ensure that we have an effective tool in place for the new academic year. The policy will be issued as an interim policy to conclude at the end of the summer of 2021. This approach will provide a window for testing out new policy language concerning digital and virtual spaces, as well.

When we meet, we would be happy to answer questions about the process and the rationale behind the structure of the draft as well as discuss the timeline and next steps. However, we wish to spend our time gathering input and feedback from you, especially on these key issues: (1) adequacy of incorporating digital and virtual spaces as “place”, (2) assemblies, demonstrations, and protests, and (3) posting.

Please review the document in advance and come prepared to offer your feedback. We will also invite your written feedback during the week following your meeting. Thank you in advance for contributing to this important work. We look forward to meeting with you.

Freedom of Expression and Time, Place, and Manner Policy (DRAFT)

This document should not be viewed in isolation, but should be considered together with other relevant federal and state laws, regulations and CSU policies. This policy may evolve and change based on the feedback received from the campus community.

1. Policy Statement

It is the policy of San José State University (SJSU) to ensure that all members of our campus community are able to fully exercise their constitutional rights to free expression and peaceful assembly. As an institution of higher education, SJSU serves as a forum for the free exchange of ideas through discussion and debate that manifests itself in a variety of forms, including speeches, written materials, rallies, signs, and artistic representation, among many others. This policy provides guidance to our campus community and visitors regarding the ways in which they can express their rights through the use of campus facilities -- physical and virtual¹ -- and other resources, while providing campus community members with guidelines for limiting speech that incites threats to public safety or

¹ Virtual spaces include Zoom, Coursera, Microsoft Teams, Google Meetings, eCampus, Twitter, and other spaces.

severely inhibits the educational goals of SJSU². This policy applies to students, faculty, staff, student organizations, campus affiliated organizations, and other off-campus groups or persons while on campus grounds, including commercial vendors or solicitors as well as contractors, consultants, and service providers.

Except where noted and/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 restrictions on freedom of speech and artistic expression activities, assemblies, events, marches, demonstrations, display or distribution of published materials, non-commercial transactions and solicitation, handbills and circulars, amplified sound, digital display, commercial filming and photography, and the use of unmanned aircraft systems. It expressly supersedes the following Policies and Procedures³:

- a. [Presidential Directive 2001-01](#) "SJSU 'Time, Place, & Manner' Regulations (Excerpts)"
- b. [Presidential Directive 2009-01](#) "Freedom of Speech and Artistic Expression: The Rights and Obligations of Speakers, Performers, Audience Members, Co-Sponsors, Campus Guests, and Protesters at San José State University"
- c. [Presidential Directive 2011-01](#) "Policy for Use of University Facilities and Outdoor Spaces for Special Events, Activities, and Programs"

Guidelines associated with the reservation, permitting, and use of all facilities and outdoor spaces on lands owned by the campus are managed by campus entities designated by the President.

² This policy is issued by the University President, pursuant to California Code of Regulations, Title 5, sections 42350-42353, and concerns the use of university buildings and grounds for purposes of commercial transactions and solicitation, non-commercial transactions and solicitation, freedom of expression activities, amplified sound, electronic communications, and posting or chalking, including the distribution of handbills and circulars at San Jose State University.

³ Id, SJSU Presidential Directives added

2. Freedom of Speech and Artistic Expression

Note to campus community members: This policy should make reference to the University Policy on Academic Freedom and Professional Responsibility. We seek input from campus stakeholders on how best to do so.

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. SJSU accepts and embraces this obligation, recognizing that such expression may take a variety of forms. Freedom of expression activity includes, but is not limited to, pure or symbolic speech (e.g. wearing armbands, silent protests, flag waving, etc.), assembly, meetings, demonstrations or rallies, picketing, petitioning, distributing flyers, mime and theater, music and singing, survey research, and religious or political activity.

The free exchange of information and ideas is part of the foundation of a free and democratic society. The university shall ensure that individuals and groups are afforded wide latitude in exercising the right of free expression and that their constitutionally protected right to free expression is not abridged. Freedom of expression, however, is not an absolute right. It coexists with other rights and the need for public order. To ensure that exercise of the right of free expression does not interfere with university functions, imperil public safety, or obstruct or damage university facilities, the university will establish and enforce campus regulations regarding the time, place and manner of the exercise of free expression by individuals and groups.⁴

There is no legal definition of “hate speech” and it is not a category of speech that the courts have held is an exception to the First Amendment. In fact, the courts have made it clear that no one has a constitutional right to not be offended by speech. For this reason,

⁴ Id.

what some may label “hate speech” is as fully protected as any other form of protected speech. People, including those in the SJSU community, are as free to condemn any category of individual – whether on the basis of race, religion, national origin, ethnicity, sexual orientation, citizenship status, political party, ideology, hair style or taste in music. Free speech protections only apply to speech and expressive conduct and not to an individual’s actions. For example, hate crimes are regulated under both state and federal law. If you believe a hate crime has occurred, contact the University Police Department.

Accordingly, the campus community is asked to be tolerant 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 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. For further information, contact the Office of the President.

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

- Interfere with University activities, including classes in session or other scheduled academic, educational, athletics, cultural arts, and career programs or with use of the University Library;
- Obstruct the flow of pedestrian or vehicular traffic;
- Interfere with or disrupt the conduct of University operations;
- Employ unauthorized sound amplification or create unreasonable noise disruptive of normal University activities;
- Employ unauthorized Uncrewed Aerial Vehicles (also known as “drones”); or
- Violate any applicable federal, state, and local laws, as well as University policies, procedures, and regulations

Becoming a public servant (i.e., state employee) does not require that an employee refrain from engaging in political activity. The “right of political association” is a form of protected speech and the California Labor Code specifically prohibits employers from controlling or preventing their employees from engaging in political activities or affiliations.⁵ Campuses may not prohibit or take any adverse action based on an employee’s personal political affiliation, activity or beliefs.⁶

The law prohibits the use of public funds for political campaign activity.⁷ This means state resources cannot be used to promote a partisan position. For example, an employee cannot use the office photocopier to duplicate campaign flyers for his/her chosen political candidate. Likewise, a campus cannot choose to allow only one candidate to speak on campus while denying others because of their political message and/or affiliation -- universities within the CSU system must also remain “entirely independent of all political and sectarian influence.”⁸ While expressing one’s political views as a public citizen is appropriate – and protected, creating the perception that one’s viewpoint is the official view of the university or CSU is not. So while it may be acceptable to wear a political button to work on Election Day, it would generally not be appropriate for a CSU employee to use his/her title and CSU letterhead to endorse a particular political candidate or link from a CSU website to that candidate’s website.⁹

SJSU values the freedom to speak openly about concerns and issues and all students and employees of SJSU and members of the public are free to lawfully exercise their constitutional right to freedom of expression on University property. The University may, however, establish reasonable time, place, and manner regulations regarding

⁵ Cal. Labor Code § 1101

⁶ *Smedley v. Capps, Staples, Etc.*, 820 F. Supp. 1227 (N.D. Cal. 1993)

⁷ See, e.g., Cal. Government Code § 8314; *Stanson v. Mott*, 17 Cal.3d 206, 210 (1976) (“[A] public agency may not expend public funds to promote a partisan position in an election campaign”)

⁸ Cal. Education Code § 66607

⁹ For additional information see the CSU Office of General Counsel’s “Handbook of Election Issues.”

the use of its public facilities and resources to ensure that individuals and groups exercising their legitimate rights do not infringe on the rights of others or disrupt the educational process or other operations of the University.¹⁰

Freedom of expression activity is governed by the SJSU's **Time, Place, and Manner restrictions**. To ensure that the orderly and peaceful flow of campus business and activities will not be disrupted, all non-campus affiliated organizations or individuals wishing to engage in freedom of expression activity should contact the Office of the President for more information on scheduling the time and location of such an event in advance to avoid a conflict with teaching and learning activities or a special campus or student event that may already be scheduled, which take precedence, the prior scheduling of which, along with life/physical safety issues (e.g., water main/power line breaks and the like), shall be the sole bases for declining to schedule free expression activity that otherwise adheres to this directive.¹¹

3. Time, Place, and Manner Limitations

Reasonable time, place, and manner restrictions¹² on the use of public forums 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"¹³ 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

¹⁰ Found under "5.00 Freedom of Expression Procedures" of CSUMB policy.

¹¹ *Id.*

¹² Education Code, Sections 66600, 66606, 89030, 89031, and 89035. California Code of Regulations, Title 5, Sections 42350 - 42353. Penal Code Sections, 148, 407, 409, 415.5, 602.1, 626.4, 626.6, and 647c. (From CSUMB)

¹³ The Supreme Court will uphold "regulations of the time, place, and manner of expression which are content-neutral, are narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication." *Perry Education Assn. v. Perry Local Educators' Assn.*, 460 U.S. 37, 45 (1983)

public on notice as to exactly what is authorized and what is forbidden.¹⁴

TIME: Generally, daily from 7 a.m. to 10 p.m. unless otherwise stated.

PLACE: Freedom of expression activities may take place on campus with the following exceptions: inside parking lots and SJSU buildings, and within 20 feet of any location in which instructional, educational and/or University operations are being conducted. The exception extends to virtual instructional spaces, as well.

Popular locations for freedom of expression activities include but are not limited to: Tower Hall Lawn (Smith/ Carlos statue); Arch of Dignity, Equality and Justice/César Chavez Monument; Paseo de Cesar E. Chavez; MLK/Caret Plaza.

Freedom of expression 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 operations; (3) shall be carried out without creating excessive noise; (4) shall not unreasonably interfere with classes in session, including virtual instruction, or other scheduled academic, educational, cultural/arts programs, curricular and/or co-curricular (such as career fairs); (5) shall not promote an unlawful end, such as promoting actual violence or bodily or property harms, terrorist threats, defamation, obscenity, and false advertising; (6) shall not include unauthorized entry to, possession of, or use of any University services, equipment, resources, or properties, including the University's name, trademark, branding or logos¹⁵; and (7) shall not violate any federal, state or local code, such as regulations set by the State Fire Marshal (for more information, please contact the SJSU Deputy Building Official).

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

¹⁴ Found under "6.00 Time, Place, and Manner Restrictions" of CSUMB policy.

¹⁵ SJSU logos permission:

<https://www.sjsu.edu/communications/identity/permission/>

dropped in appropriate receptacles, shall retrieve and remove such materials, prior to their departure from the areas that day. Similar language will be repeated throughout this directive.

Note: Any questions regarding this directive may be directed to Community and Government Relations in the Office of the President.

VIOLATIONS: Behavior in violation of any of these regulations is subject to intervention by SJSU. In the event of a 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 assembly poses an imminent danger to public safety, those assembled may be required to disperse immediately. Continued violation may result in arrest and subsequent discipline by the University. If the violation occurs at a scheduled event, the permission for the event may be revoked and future requests by those individuals or groups in violation may be canceled or denied.

Unauthorized removal of properly posted materials is an act of vandalism and subject to appropriate disciplinary action.

University disciplinary action against SJSU community members alleged to have violated this directive and procedure shall be in conformity with the [SJSU Student Conduct Code](#)¹⁶, and/or applicable collective bargaining agreements and University policies.

For further information, contact the Office of the President.

A. Use of University Buildings, Facilities, or Grounds

Facilities and outdoor spaces are governed by the policies of the Board of Trustees, SJSU, and campus auxiliaries, and exist for the primary purpose of serving a planned and scheduled program of

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[https://www.sjsu.edu/studentconduct/docs/Student%20Conduct%20Code%202016.p df](https://www.sjsu.edu/studentconduct/docs/Student%20Conduct%20Code%202016.pdf)

educational activity on behalf of SJSU students, faculty and staff. When not required for regularly planned educational or research programs, facilities or outdoor space may be made available for use, via a facilities use permit/lease, by campus units, student organizations, and non-SJSU affiliated entities.¹⁷ Regulations governing the use of facilities, buildings, and grounds are managed by campus entities designated by the President.¹⁸

The use of campus facilities and outdoor spaces must comply with this Time, Place, and Manner directive.

The use of campus buildings, facilities or grounds for purposes of freedom expression activities, non-commercial solicitations, commercial solicitations or transactions, amplified sound and posting or, 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:

- The activities must comply with all applicable federal, state, and local laws, as well as University policies, procedures, and regulations.
- The activities must not interfere with University business, operations, or activities, including classes in session or other scheduled academic, educational, athletics, cultural arts, and career programs or with use of the University Library.
- The activities must conform to the time, place, and manner restrictions established by this directive. Hard copies may be obtained from the Office of the President.
- In general, no events will be scheduled during final examination periods or commencement ceremonies unless they support the academic mission of the university. Exceptions will be granted by the Office of the President.
- In order to facilitate safety and floor maintenance, individuals with bare feet are prohibited from entering University buildings, with the exception of appropriate areas of University facilities and physical education facilities.

¹⁷ Direct language found on Page 3 of 12 of Presidential Directive 2011-01.

¹⁸ https://www.sjsu.edu/president/docs/pd_2011-01.pdf

- Camping on University property or living in privately owned, temporary lodging parked or erected on University property is prohibited without written permission from the University.
- Erection of any temporary structure on campus requires prior approval for the safety of all participants and by-standers. Contact the Facilities Development and Operations Office to request approval.¹⁹

AUTHORITY: Campus regulations and procedures are adopted pursuant to the authority of the University President, who is responsible for the general welfare of the campus over which s/he presides [Title 5, California Code of Regulations, Sections 42350-53 and 42402].²⁰

VIOLATIONS: Violations of this directive constitute a violation of SJSU regulations, and applicable statutes and regulations. Violations may result in removal of the offending party or parties from the campus, as well as possible loss of further use of campus facilities and grounds. Personal or corporate liability for any cost incurred by the campus due to the improper use may be imposed upon the responsible party(s). In addition, a violation of this directive may constitute a crime under the Penal Code, and the offending party may be found guilty of a misdemeanor [Education Code Section 89031], and also may subject the violator, if a student, to [student disciplinary actions](#) [Title 5, California Code of Regulations, Sections 41301-41303]. Non-campus affiliated groups or individuals may also have their future privileges revoked [Section 626 et seq. of the Penal Code].²¹

B. Assemblies, Marches and Demonstrations

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

¹⁹ Found under “4.00 Use of University Buildings, Facilities, or Grounds” of CSUMB policy: <https://csumb.edu/policy/time-place-and-manner-policy-interim>

²⁰ Id.

²¹ Id.

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

TIME: Daily, 7 a.m. to 10 p.m.

PLACE: Assemblies, marches, and demonstrations 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 (within 20 feet). Popular locations include Paseo de Cesar E. Chavez, Tower Hall Lawn (Smith/Carlos Black Power Statue), and Arch of Dignity, Equality and Justice (Cesar Chavez Monument) and Student Union Theater Courtyard, area between Spartan Recreation and Aquatic Center (SRAC), Event Center and Wellness Center (next to the fountain).

MANNER: 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 Community and Government Relations in advance of the event, preferably at least 72 hours in advance.

Where facilities or equipment are required, formal scheduling protocols must be followed. Procedures for booking equipment for campus events found at [Facilities Requests](#).²²

The University Police Department has authority to ensure protection of freedom of expression and constitutional rights, participant safety, and, if needed, to implement dispersal procedures only when participants have exceeded the limits of their constitutional rights or exceeded the general limitations of this directive.²³

²² <https://www.sjsu.edu/fdo/eventreq/index.html>

²³ This is a variation on language from "Assemblies, Marches, and Demonstrations" of CSUEB policy:

If you are planning an assembly, demonstration, or rally and have questions or concerns, please contact the Office of the President.

C. Amplified Sound

Amplified sound is defined as any sound that is broadcasted 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, and the like.

The intent of this policy is to protect the delivery of instructional programs from intrusive sound and yet still provide an opportunity and a forum for a variety of student development and support programs. An appropriate balance of these two goals may be achieved by observing the following conditions:

- Weekdays
 - Indoor amplified sound is permitted provided the level of noise is not disruptive to nearby activities.
 - Outdoor amplified sound is not permitted in areas disruptive to classes, residential life, or campus operations. For outdoor areas where amplified sound would not be disruptive, the sound may not exceed 80 decibels.

TIME: Approval of these events will not be limited to a certain time frame during the day unless otherwise stated.²⁴

PLACE: Student Union Event Services and Facilities Development and Operations will maintain lists of campus locations for which these

<https://www.csueastbay.edu/universitycommunications/posting-guidelines/time-place-matter.html>

²⁴ Language from SI5-2: <https://www.sjsu.edu/senate/docs/SI5-2.pdf>

events may be scheduled. This list will be reviewed and updated annually.²⁵

MANNER: Sound (amplified or otherwise) at campus events that is kept below 65 decibels does not need to be approved. However, all events still need to be properly scheduled through the Student Union Event Services. Events using sound (amplified or otherwise) in the 65-85 decibel range are allowed campus wide as long as they are approved by Student Union Event Services. Event organizers must notify the department chairs in the surrounding buildings of the scheduled event. This is a courtesy notification, not a step in the approval process. Student Union Event Services will maintain a list of email contact information.²⁶

The decibel levels referred to above are measured at 10 feet from the source of the sound.²⁷

VIOLATIONS: Those in violation will be asked to comply with the applicable regulations by the appropriate campus authorities. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031 and may constitute a violation of Sections 415(2) or 415.5(a)(2) of the Penal Code.²⁸

D. Posting

TIME: All physical postings shall be dated with the date of posting. All posters, A-frames, banners, billboards, flyers, and signs may be posted for a maximum of 14 days. Display of such materials by students and student organizations must adhere to [SJSU Advertisement & Posting Policies and Procedures](#).

²⁵ Id.

²⁶ Id.

²⁷ Id.

²⁸ Under Section 6 “Sound Amplification” on page 5-6 of 23 of Presidential Directive 2001-01.

PLACE:

General Use Bulletin Boards: Posting is permitted on any "General Use Bulletin Board." Such boards are located in the hallways of most campus buildings and labeled as such. General use bulletin boards may be completely cleared off once a month by representatives of the college or school where the bulletin board is located.

Grounds: Staked signs may not be placed in flower beds, in the center of lawn areas, or in areas blocking sprinklers, walkways, driveways or streets. Postings may not be wrapped around trees or any campus structures. Postings are prohibited on buildings, steps, windows, posts, railings, trees, traffic control signs, regulatory signs, utility poles, construction fences, vehicles, in garden areas, flower beds, newspaper racks, campus directories or trash or recycle bins. Postings of a non-instructional nature on any instructional or research chalkboard, dry-erase board, or projection surface is prohibited. Chalking on campus grounds is prohibited.

MANNER: The following criteria apply to all materials posted on general use bulletin boards: Posters, banners, and flyers must not exceed 11" x 17" and only one poster per group/individual may be placed on general use bulletin boards. A-frames must not exceed 24" x 34" in size. Material may not overlap other posters, banners, and flyers and must be fastened with tacks or staples - NO TAPE may be used.

The following applies to staked signs on grounds. Staked signs are not to exceed 11" x 17" and are only permitted on lawn perimeters that do not block areas for mowing and in non-flowering areas. Actual stakes may not exceed 36" in height.

APPROVALS: Postings, including staked signs and A-frames, require approval of the campus. Authority is delegated by the Office of the President to implement guidelines associated with the approval process for postings. Determinations respecting competing use shall be made by the Office of the President.

VIOLATIONS: Violations will result in the removal and disposal of the signs without notification. Repeated violations may result in discipline by the University.

E. Flyers and Circulars

Distribution of flyers or circulars²⁹ 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: Daily, 7 a.m. to 10 p.m.

PLACE: A popular location is El Paseo de Cesar E. Chavez, a paved walkway on campus, but distribution of flyers and circulars is allowed in any area generally available to students and the community, subject to the following exceptions: 1) Distribution inside University buildings is prohibited; 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, campus-affiliated or otherwise, is prohibited.

MANNER: Distribution of flyers, handbills and circulars (1) shall not unreasonably interfere with classes or any other operations of the University; (2) shall not 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; (5) shall be carried out without prolonged or repeated contact with persons who have declined the handbills and circulars; and (6) shall not occur during commencement time periods.

Placement of handbills and circulars on vehicles is prohibited.

²⁹ Education Code, Sections 66600, 66606, 89030, 89031, and 89035. California Code of Regulations, Title 5, Section 42352

APPROVAL: Authority is delegated by the Office of the President to develop and implement guidelines associated with the approval process for postings.

VIOLATIONS: Those in violation will be asked to comply with the applicable regulations by the appropriate campus authorities. Repeated violations may result in discipline by the University.

F. 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 do not: (1) violate applicable laws pertaining to obscene matters; or (2) 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 SJSU Student Conduct Code. Display of such materials by students and student organizations must adhere to [SJSU Advertisement & Posting Policies and Procedures](#).

TIME: Daily, 7 a.m. to 10 p.m.

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; (2) the precise placement of the racks shall be determined by the Office of the President after appropriate campus consultation. Distribution in campus parking lots or structures of any written or printed materials within the campus is prohibited.

MANNER: 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 retrieve and remove such materials, prior to their departure from the areas that day.

The display or distribution of published materials (1) shall not unreasonably interfere with classes or any other operations of the University; (2) shall not 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 use of amplification equipment; (5) shall be carried out without prolonged or repeated contact with persons who have declined the transaction; and (6) will be removed on the last day of every month; and (7) shall not occur during commencement.

VIOLATIONS: Those in violation will be asked to comply with the applicable regulations by the appropriate campus authorities. Repeated violations may result in discipline by the University.

G. Solicitation (Non-Commercial and Commercial)

Non-commercial solicitation such as **seeking donations or fundraising sales** for non-commercial ventures³⁰ shall be permitted on campus subject to the time, place, and manner regulations set forth in this directive.³¹

Commercial solicitation on a campus is prohibited unless prior written authorization has been obtained from the Office of the President. Persons or organizations wishing to engage in commercial solicitation on campus grounds may be granted permission (maximum of five (5) business days per academic term) 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 solicitation would

³⁰ Education Code, Sections 66600, 66606, 89030, 89031, and 89035. California Code of Regulations, Title 5, Sections 42350.5 and 42350.6. (from CSUMB)

³¹ Under "B. Solicitation (Non-Commercial and Commercial) of CSUMB policy: <https://csumb.edu/policy/time-place-and-manner-policy-interim>

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be in violation of law. For clarification, contact the Office of the President.

The time, place, and manner regulations process for commercial solicitations do not apply to the fundraising activities of on-campus student clubs/organizations, staff organizations, and faculty. A registered club/organization's on-campus advisor is responsible for oversight of the club/organization's fundraising activities and ensuring that appropriate approvals are obtained.

TIME: Daily, 7 a.m. to 10 p.m.

PLACE: A popular location is the El Paseo de Cesar E. Chavez, a paved walkway on campus, but solicitation is allowed in any area generally available to students and the community, subject to the following exceptions: 1) Distribution inside University buildings is prohibited; and 2) distribution in campus parking lots or placement of any written or printed materials on or in any motor vehicle parked on the campus is prohibited. Posting paper solicitations on designated campus "general use" bulletin boards is permitted, provided that the paper solicitation shall not exceed 11x17 and be limited to one page per "general use" bulletin board, and the paper solicitation shall be posted for a maximum duration of one month. Commercial solicitation inside campus buildings 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.

Marketers of credit cards are prohibited from offering gifts to students for their filling out credit card applications [California Code of Regulations, Title 5, Section 42350.6] and they are prohibited from marketing credit cards to students within 1,000 feet of campus (Credit Card Act of 2009).

APPROVAL: For approval to engage in commercial solicitation on campus grounds, contact the Office of the President.

VIOLATIONS: Those in violation will be asked to comply with the applicable regulations by the appropriate campus authorities. Repeated violations may result in discipline by the University.

H. Commercial Transactions

Commercial transactions³², 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 prior written authorization has been obtained from Student Affairs for student organization and from Facilities Development and Operations from all other entities. Persons or organizations wishing to engage in commercial transactions or display goods or services for sale on campus grounds may be granted permission (maximum of five (5) business days per academic term) 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 the SJSU Bookstore, Spartan Eats, and/or the Spartan Shops Inc. are excluded from this section, as are the fundraising activities of on-campus student clubs/organizations. For clarification, contact the Office of the President.³³

TIME: Daily, 7 a.m. to 10 p.m.

PLACE: A popular location is El Paseo de Cesar E. Chavez, a paved walkway on campus. Distribution inside University buildings is prohibited. Distribution in campus parking lots of any written or printed materials from any motor vehicle parked within the campus is prohibited. Following authorization of a specified commercial transaction, posting paper solicitations related to said commercial

³² Education Code, Sections 66600, 66606, 89030, 89031, and 89035. California Code of Regulations, Title 5, Section 42350.1

³³ Under “C. Commercial Transactions” of CSUMB policy: <https://csumb.edu/policy/time-place-and-manner-policy-interim>

transaction on designated campus "general use" bulletin boards is permitted, provided that the paper solicitation shall not exceed 11" x 17" and be limited to one page per "general use" bulletin board, and that the paper solicitation shall be posted for a maximum duration of two weeks with the sponsor clearly identified on the face of the paper solicitation. (See Posting section)

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 use of 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 Code of Student Conduct; and (7) shall not occur during commencement time periods.

APPROVAL: For approval to engage in commercial transactions on campus grounds contact Student Affairs for student organization activities and Facilities, Development and Operations from all other entities.

VIOLATIONS: Those in violation will be asked to comply with the applicable regulations by the appropriate campus authorities. Repeated violations may result in discipline by the University.

I. Filming and Photography (Commercial and In Class)

Any use of campus facilities or grounds for commercial filming or photography purposes requires the express written approval of the campus. Filming or recording of classes -- in person or online -- is not permitted without express approval.³⁴

³⁴ <https://www.sjsu.edu/communications/request/permit/>

TIME: At any time, use of campus facilities or grounds for commercial filming or photography purposes requires express written approval.

PLACE: Use of campus facilities, grounds, or areas under control of the University for commercial filming or photography purposes requires express written approval.

MANNER: Commercial filming or photography in campus facilities, on campus grounds, or in areas under control of the University must adhere to the guidelines set for by Strategic Communications and Marketing.

APPROVALS: Authority is delegated to the Strategic Communications and Marketing to develop, manage, and maintain guidelines and the permitting process regarding use of campus facilities or grounds for other than occasional casual and personal photography.

VIOLATIONS: Those in violation will be asked to comply with the applicable regulations by the appropriate campus authorities. Repeated violations may result in discipline by the University.

J. Uncrewed Aerial Vehicles

An Uncrewed Aerial Vehicle (UAV) is an aircraft that carries no human pilot or passengers. UAVs (also known as a “drone”) can be fully or partially autonomous but are more often controlled remotely by a human pilot.

TIME: Operating a UAV or drone of any kind at any time from, on, or around University property or areas under control of the University requires express written approval.

PLACE: Operating a UAV or drone of any kind from, on, or around University property or areas under control of the University requires express written approval.

MANNER: No UAVs may be flown from, on or around SJSU property or areas under control of SJSU without express written approval from the campus. Authority is delegated to the SJSU Facilities Development and Operations to develop, manage, and maintain guidelines and the permitting process regarding the use of UAS equipment on SJSU property or areas under the control of SJSU.

VIOLATIONS: Those in violation will be asked to comply with the applicable regulations by the appropriate campus authorities. Repeated violations may result in discipline by the University.