



California State University Monterey Bay

100 Campus Center · Seaside, CA 93955-8001

INTERIM Freedom of Expression Policy and Time, Place, and Manner Requirements

1.00 Purpose

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

However, it is recognized that some events may substantially disrupt the orderly operation of the University and/or can raise significant security or safety concerns. To ensure the safety of the University and the campus community while protecting First Amendment rights of those who wish to participate in events hosted on University property, the University will enforce this policy. This policy shall be applied in a viewpoint-neutral manner.

2.00 Scope

Except where noted and/or where other policies are incorporated by reference, this policy is intended to be the controlling document regarding the University's time, place, and manner requirements.

This policy and the accompanying *Time, Place, and Manner Requirements* apply to all persons and entities accessing and using University facilities, buildings, and grounds, including students, faculty, staff, guests, and the public.

All use of University information technology resources must adhere to the provisions of the University's *Policy on the Acceptable Use of Computing & Information Technology Resources* and its Addendum, and other policies governing the use of University information technology resources.

3.00 Activities Associated with Freedom of Expression and First Amendment Rights

Freedom of expression is a cornerstone of a democratic society and is essential to the educational process. Universities have a special obligation not only to tolerate but also to encourage and support the free expression of ideas, values, and opinions, even where they may be unpopular or controversial. The University accepts and embraces this obligation, recognizing that such expression may take a variety of forms, including but

not limited to speeches, signs, written materials, public assemblies, parades, marches, demonstrations, and artistic representation.

Acknowledging the central role the unfettered exchange of information and ideas plays in learning and in a free society, the University shall ensure that individuals and groups are afforded wide latitude in exercising the right of free expression and that their constitutionally protected right to free expression is not abridged. Freedom of expression, however, is not an absolute right. It coexists with other rights and the need for public order and safety. The exercise of freedom of expression and assembly rights must comply with all applicable federal, state, and local laws. Illegal speech activity not protected by the First Amendment to the United States Constitution or by this policy includes defamation, terrorist threats, false advertising, or the promotion of actual or imminent violence or harm.

All members of the University community should recognize that causing discomfort and even causing offense is not a basis for limiting free expression. At the same time, they should recognize that freedom of expression includes a responsibility to respect the dignity of others, to acknowledge the right of others to express differing opinions, and to do so in a lawful manner at all times.

Sometimes, freedom of expression activities and posted materials direct hurtful and/or hateful messages toward an individual or group. While there will always be disagreements over what may constitute good taste or appropriate comment, there can be no question, particularly in a university setting, that freedom of expression as guaranteed by the First Amendment of the United States Constitution, is a cherished and protected right.

Accordingly, the campus community promotes tolerance of differing points of view and to respect the rights of others to express themselves. While one may find certain expressions or materials to be quite offensive or even insulting, the appropriate way to counteract such materials is through discourse, criticism, and the expression of contrary points of view. Free speech is allowed and supported as long as it does not violate the law or University policies and procedures.

3.10 Off-Campus Speech by State Employees

In publicly expressing opinions on off-campus issues, state employees have an obligation to take every reasonable precaution to make it clear that they are expressing their personal views and not purporting to represent the University.

3.20 Political Activity in Election Campaigns by State Employees

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

1. Employees shall not solicit political funds or contributions from co-workers (other than requests for political contributions sent to a significant segment of the public that may include employees).

2. An employee who holds or is seeking election or appointment to any political office shall not use that position to influence any University-related personnel matter.
3. Employees may not use or permit others to use state resources to support or oppose a ballot proposition or a political candidate. Examples of prohibited activity include making telephone calls, writing letters, and sending email messages using University resources or during working hours.

4.00 Time, Place, and Manner Requirements for the Use of University Facilities and Grounds¹

All use of University facilities and grounds use must adhere to the *Time, Place, and Manner Requirements*, and be in conformance with all applicable federal, state, and local laws. Activities must not substantially disrupt instructional programs or the operation of the campus, in accordance with the *Facilities and Grounds Use Policy and Procedures*.

Reasonable time, place, and manner restrictions on the use of University property 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 prohibit particular forms of expression; (2) serve a significant government interest and are not more extensive than necessary to serve that interest; and (3) leave open ample alternative channels for communication of the information. They must be clear and specific enough to place the public on notice as to exactly what is authorized and what is forbidden.

4.10 Time Limitations

Daily, 8 a.m. to 10 p.m., except for current CSUMB registered students, student clubs/organizations, and University and auxiliary employees who may engage in freedom of expression activities at any time.

4.20 Place Limitations

Freedom of expression activities may take place on-campus except within parking lots, vehicular roadways, inside all University buildings and facilities, and within 20 feet of any location in which instructional, educational, residential, and/or official business activities are being conducted. This rule does not apply to private activities within residential spaces, unless the activities violate the law or cause substantial disruption to others who reside in residential spaces.

¹ California Education Code sections 66600, 66606, 89030, 89031, and 89035; Title 5, California Code of Regulations, sections 42350 – 42353; California Penal Code sections 626.4 and 626.6.

Popular locations for freedom of expression activities include outside the Tanimura and Antle Family Memorial Library or the Otter Student Union, and on the Main Quad.

4.30 Manner Limitations

Freedom of expression activities must be conducted in a manner that **shall not**:

1. interfere with or obstruct the free flow of pedestrian or vehicular traffic;
2. substantially disrupt the conduct of university business or the quiet enjoyment of residents in private residential spaces;
3. be carried out in a manner that creates excessive noise that causes substantial disruption of university business and educational activities;
4. substantially disrupt classes in session or other academic, educational, cultural/arts, and University programs;
5. cause an unlawful end, such as defamation; illegal harassment; terrorist threats; and/or promoting or inciting actual or imminent violence or bodily injury or harm to property; and,
6. violate any federal, state or local safety code, including but not limited to State Fire Marshal regulations.

For specific guidance on freedom of expression activities, see the Time, Place, and Manner Requirements below.

5.00 Violations

Violation of this policy is subject to intervention by University officials. In the event of an alleged or perceived violation, those in violation will be asked to comply with the applicable regulations by the appropriate campus authorities.

If a violation persists or is repeated, or if the behavior poses an imminent threat or danger to public safety, the individual(s) in violation may be required to disperse or depart University property immediately. Continued violation may result in code of conduct violations for students, discipline for employees, and subsequent legal action by the University.² If the violation occurs at a scheduled event, permission for the event may be summarily revoked, and future requests by the individual or group(s) found to be in violation of this policy may be canceled or denied.³

Personal or corporate liability for the reasonable cost(s) incurred by the University due to violations of this policy may be imposed upon the responsible party(s).

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

² California Education Code section 89031; Title 5, California Code of Regulations, sections 41301-41303.

³ California Penal Code section 626.4 and 626.6.

University disciplinary action against CSUMB students and employees alleged to have violated this policy and/or its accompanying procedures shall be in conformity with the Code of Student Conduct and CSU Executive Order 1098, and/or applicable collective bargaining agreements.

6.00 Continuous Renewal

This policy shall be reviewed five years from its effective date to determine its effectiveness and appropriateness. This policy may be reviewed, as necessary, before that time.



President Vanya Quiñones

Effective Date: February 17, 2023

Certification of Process

Reviewed by: Policy Facilitation Team, Human Resources, Student Affairs, Administration and Finance, University Corporation, University Advancement, Academic Affairs, Associated Students, Academic Senate, Educational Planning & Policy Committee, CSU Office of General Counsel, Provost.

Time Place and Manner Requirements

The following requirements have been developed as a means to assist all university community members, including university groups, student organizations, and guests or non-affiliates in planning for safe and successful activities while on University grounds:

- A. Distribution of Published Materials*
- B. Solicitation (Non-commercial and Commercial)*
- C. Commercial Transaction*
- D. Distribution of Handbill and Circulars*
- E. Amplified Sound*
- F. Chalking*
- G. Posting*
- H. Special Events*

A. Display or Distribution of Printed and Published Materials⁴

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; or (2) consist of term papers, theses, or other written materials submitted for academic credit that may be used to engage in academic dishonesty, including, but not limited to, plagiarism and cheating, or otherwise violate the Code of Student Conduct.

TIME: Daily, 8 a.m. to 10 p.m., except for current CSUMB registered students, student clubs/organizations, and University or auxiliary employees, who may display or publish at any time in conformity with these procedures and the corresponding policy.

PLACE: (1) News publications other than leaflets, pamphlets and/or flyers, but including news books, magazines, newspapers, journals, and periodicals, distributed on University property and made available for members of the university community must be placed in racks typically provided by the publishing company; (2) racks identified for a specific publication may only be used for that publication; (3) the precise placement of

⁴ Title 5, California Code of Regulations, section 42351.

the racks shall be determined by [Facilities Management](#). Distribution in campus parking lots or on any vehicles of any written or printed materials from any motor vehicle parked within the campus is prohibited.

MANNER: The display or distribution of published or printed materials (1) shall not substantially disrupt 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 sound amplification equipment, (5) shall be carried out without prolonged or repeated contact with persons who have declined the transaction, (6) shall not occur during commencement, and (7) shall be removed on the last day of every month. 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.

APPROVAL: Any individual, organization, or entity may post non-commercial signs or displays at designated areas with the support of a sponsoring CSUMB organization/department, subject to applicable policies (except to the extent that such policies conflict with this policy). All signs or displays must include the name of the sponsoring CSUMB organization/department. Materials that are found to violate University policy or applicable law may be removed without notice. Violations of this policy may result in disciplinary action. In addition, the University may seek reimbursement for any costs incurred in cleaning up or repairing damage to CSUMB property or the removal of any signs or postings that violate this policy.

B. Solicitation (Non-Commercial and Commercial)⁵

Non-commercial solicitation such as seeking donations or fundraising sales for non-commercial ventures shall be permitted on campus subject to the time, place, and manner regulations set forth in these procedures and the corresponding policy.

Commercial solicitation on campus is prohibited unless prior written authorization has been obtained from the Campus President or designee. 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 be in violation of law.

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

⁵ Title 5, California Code of Regulations, sections 42350.5 and 42350.6.

is responsible for oversight of the club/organization's fundraising activities and ensuring that appropriate approvals are obtained.

TIME: Daily, 8 a.m. to 10 p.m., except for current CSUMB registered students, student clubs/organizations, staff, and faculty, who may conduct non-commercial solicitation at any time in conformity with these procedures and the corresponding policy.

PLACE: A popular location is the Main Quad, a central grassy area in front of the entrance to the Student Center, but solicitation is allowed in any area generally available to students and the community, subject to the following exceptions: 1) Distribution inside University buildings and facilities 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. Personal solicitation inside campus buildings is prohibited.

MANNER: Non-commercial and commercial solicitation must be conducted in a manner that (1) shall not substantially disrupt 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 sound amplification equipment, (4) shall be carried out without prolonged or repeated contact with persons who have declined the solicitation, (5) shall not violate applicable laws pertaining to obscene matters, and (6) shall not occur during commencement time periods. Persons using areas generally available to students and the community are allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Individuals or groups distributing materials in these areas, other than material discarded or dropped in or around appropriate receptacles, shall retrieve and remove such materials, prior to their departure from the areas that day.

Marketers of credit cards are prohibited from offering gifts to students for completing credit card applications.⁶

APPROVAL: Any individual, organization, or entity may conduct non-commercial solicitation in agreement with the terms outlined in this policy. Commercial solicitation needs the prior approval of the Campus President or designee. Anyone found to violate the policy will be instructed to stop.

C. Transactions (Non-Commercial and Commercial)⁷

Commercial transactions, including, but not limited to the selling of books, newspapers, magazines, pamphlets, or similar published materials, and the display of property or services for sale on campus are prohibited unless prior written authorization has been obtained from the Campus President or designee. 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

⁶ Title 5, California Code of Regulations, section 42350.6.

⁷ Title 5, California Code of Regulations, section 42350.1.

the campus and is conducted in accordance with the time, place, and manner regulations established below, unless such transactions are in violation of law. Private sales and sales sponsored by the CSUMB Bookstore and/or the Corporation at CSU Monterey Bay are excluded from this section, as are the fundraising activities of registered student clubs/organizations, staff organizations, and faculty.

TIME: Daily, 8 a.m. to 10 p.m., except for current CSUMB registered students, student clubs/organizations, staff, and faculty, who may conduct transactions at any time in conformity with these procedures and the corresponding policy.

PLACE: A popular location is the Main Quad, a central grassy area in front of the Student Center. 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 transaction, posting paper solicitations related to said transaction 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 that the paper solicitation shall be posted for a maximum duration of one month with the sponsor clearly identified on the face of the paper solicitation. (See Posting Procedures.)

MANNER: Transactions must be conducted in a manner that (1) shall not substantially disrupt 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 sound 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. 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.

APPROVAL: Any individual, organization, or entity may conduct transactions in agreement with the terms outlined in this policy. Commercial transactions need the prior approval of the President or designee. Anyone found to violate the policy will be instructed to stop.

D. Handbills and Circulars⁸

Distribution of handbills or circulars 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.

⁸ Title 5, California Code of Regulations, section 42352.

TIME: Daily, 8 a.m. to 10 p.m., except for current CSUMB registered students, staff, student clubs/organizations, and faculty, who may distribute handbills and circulars at any time in conformity with this policy.

PLACE: (1) A popular location is the Main Quad, a central grassy area in front of the Student Center, but distribution of handbills 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 handbills and circulars (1) shall not substantially disrupt 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 sound 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. 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.

APPROVAL: Any individual, organization or entity may distribute handbills and circulars, as long as the sponsoring organization/department is noted on the materials and subject to applicable policies (except to the extent that such policies conflict with this policy). Materials that are found to violate University policy or applicable law may be removed without notice. Violations of this policy may result in disciplinary action. In addition, the University may seek reimbursement for any costs incurred in cleaning up or repairing damage to CSUMB property or the removal of any signs or postings that violate this policy.

E. Amplified Sound

The following procedural guidelines are established for the use of amplified sound equipment. The following procedures both protect the delivery of instructional programs from intrusive and substantially disruptive 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.

TIME: Mondays from 12 p.m. to 2 p.m. is the designated “University Hour” when classes are not in session. Amplified sound at these times is allowed without prior approval. The use of amplified sound outside of the University Hour requires prior approval through the normal event planning process.

PLACE: During University Hour, 12 p.m. -2 p.m. Mondays, amplified sound is permitted in the University Quad. If other times and/or campus locations are desired for the use of amplified sound, advance approval must be sought through the normal event planning process.

MANNER: The sound level for any event may not exceed that which is substantially disruptive to the instructional programs, scheduled events, library or classroom study, and/or residences. Amplified sound is intended to be heard in the immediate area only. Outdoor amplified sound events are subject to monitoring, and based on the level of volume/disruption, events may be required to discontinue use of amplified sound, relocate, or be terminated.

APPROVAL: Any individual, organization or entity may utilize amplified sound in agreement with the terms outlined in this policy. Amplified sound outside of the designated time needs the prior approval of the Dean of Students. Anyone found to violate the policy will be instructed to stop. Violations of this policy may result in disciplinary action.

F. Chalking

TIME: Daily, 8 a.m. to 10 p.m., except for current CSUMB registered students, student clubs/organizations, staff, and faculty, who may chalk at any time in conformity with these procedures and the corresponding policy.

PLACE: Chalking is only permitted on sidewalks. Chalking must be at least 20 feet away from building entrances, and may not be conducted on any sidewalk under an overhang, canopy, or other cover. Chalking on stairs located outside, and not connected to a building is permitted only on the top portion of the steps.

No chalking is permitted on buildings, steps, windows, posts, lawn areas, railings, trees, traffic control signs, utility poles, construction fences, vehicles, in garden areas, flowerbeds, or newspaper racks. In addition, no chalking is permitted on campus directories or trash or recycle bins.

MANNER: The form of chalk must be washable with water. Spray chalk is NOT allowed.

APPROVAL: Any individual, organization, or entity may chalk in accordance with the terms outlined in this policy with the support of a Sponsoring CSUMB organization/department, subject to applicable policies (except to the extent that such policies conflict with this policy). All chalking must include the name of the Sponsoring CSUMB organization/department. Materials that are found to violate University policy or applicable law may be removed without notice. Violations of this policy may result in disciplinary action. In addition, the University may seek reimbursement for any costs incurred in cleaning up or repairing damage to CSUMB property or the removal of any chalking that violates this policy.

G. Posting

TIME: All posters, flyers, and signs may be posted for a maximum of 30 days.

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 are clearly marked "General Use Bulletin Board." Check with the appropriate Dean's office or department for locations of their respective general use bulletin boards. General use bulletin boards may be completely cleared off once per semester by representatives of the college or school where the bulletin board is located. The following criteria apply to all materials posted on general use bulletin boards: Posters/flyers must not exceed 11" x 17" and only one poster per group/individual may be placed on general use bulletin boards. Material may not overlap other posters/flyers and must be fastened with tacks or staples - NO TAPE may be used.

Grounds: No posting on buildings, steps, windows, posts, lawn areas, railings, trees, traffic control signs, regulatory signs, utility poles, construction fences, vehicles, in garden areas, flower beds, or newspaper racks. In addition, no posting on campus directories or trash or recycle bins. Signs of a non-instructional nature on any classroom chalkboard or dry-erase board are prohibited and violate this policy.

Student Housing and Residential Life (SHRL): In addition to the above, Student Housing and Residential Life have additional [posting/advertising procedures](#), which are subject to the same non-regulation of content as stated above. Student Housing and Residential Life (SHRL) property includes all residence halls and student housing located in East Campus.

MANNER: All printed advertisements, announcements, and signs must be identified with the sponsoring campus group, organization, committee, or department, if any, pre-printed on the front of the flyer.

APPROVAL: Any individual, organization or entity may post non-commercial signs or displays inside designated areas with the support of a Sponsoring CSUMB organization/department, subject to applicable policies (except to the extent that such policies conflict with this policy). Materials that are found to violate University policy or applicable law may be removed without notice. Violations of this policy may result in disciplinary action. In addition, the University may seek reimbursement for any costs incurred in cleaning up or repairing damage to CSUMB property or the removal of any signs or postings that violate this policy.

H. Special Events

For purposes of these procedures, a special event is any planned gathering including but not limited to celebrations, dances, lectures, forums, performances, rallies, social gatherings, concerts, speaker presentations, sporting events, marches/demonstrations, and conferences. Special Events are events at which one or more of the following conditions apply:

1. The event requires involvement of more than one campus administrative unit;

2. Authorized campus officials determine that the event requires ticketing or entry by invitation only;
3. Authorized campus officials determine that the complexity of the event requires the involvement of more than one campus administrative units;
4. Authorized campus officials determine that the event is likely to significantly affect campus safety and security (based on assessment from the University Police Department) or significantly affects campus services (including, but not limited to, traffic flow/control kiosk attendants, parking, building access, service roads, or vehicular or pedestrian traffic);
5. Authorized campus officials determine that the event has a substantial likelihood of substantially disrupting other campus functions or activities;
6. The event is a concert or dance, regardless of how many attendees;
7. Alcohol is intended to be served or consumed; or
8. Outdoor amplified sound will be used, other than allowed usage time.

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

TIME: Daily, 8 a.m. to 10 p.m.

PLACE: Any location owned, controlled, or leased by CSUMB or its auxiliaries.

MANNER: This section applies to Special Events that are scheduled, organized, or supervised by recognized student organizations and non-departmental users or over which those users have authority to decide whether to hold the event or to determine the scope of the event. For purposes of these procedures event planners should refer to the Facilities Use Policy and Guidelines.

APPROVAL: For information, contact [University Affairs and Ceremonies and Events](#)