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Issuing Offices:

Vice Chancellor – External and Business Affairs, Vice Chancellor – Student Affairs and Vice Chancellor – Resource Management/Planning

POLICY ON SPEECH, ADVOCACY AND DISTRIBUTION OF LITERATURE ON UNIVERSITY GROUNDS

I. REFERENCES

- A. *UC Policy on Speech and Advocacy:*
<http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc30.html>.
- B. *UC Policy on Non-Affiliates:*
<http://www.ucop.edu/regs/naffil/documents/naffilreg.pdf>
- C. *UC Policies Applying to Campus Activities, Organizations, and Students.*
<http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/toc.html>
- D. *UC Policy on Use of University Properties, including Section 42.20 (“Posting of Noncommercial Materials”):*
<http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc40.html>.
- E. *UC Policy and Supplemental Guidelines on the On-campus Marketing of Credit Cards to Students*
<http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/ucappd.html>.
- F. *UCSD PPM 510-1 Section V.A. “Public Events: Safety and Liability”:*
<http://adminrecords.ucsd.edu/ppm/docs/510-1.5a.HTML>
- G. *University Centers Facilities Usage Policy and Procedures, including Library Walk and Town Square:*
http://universitycenters.ucsd.edu/aboutus_policies_and_procedures.php
- H. *UCSD Library Use and Conduct Code:*
<http://libraries.ucsd.edu/services/conduct.html>.
- I. *UCSD Policies and Procedures Applying to Student Activities:*
http://ugr8.ucsd.edu/judicial/tblcontents_src.html
- J. *UCSD Environmental Sanitation Housing Policy:*
<http://adminrecords.ucsd.edu/ppm/docs/516-10-3.html>
- K. *HR Policy: Higher Education Employer-Employee Relations Act (HEERA):*
<http://www.ucop.edu/ucophome/coordrev/policy/4-24-80.html>

II. PREAMBLE

UC San Diego is dedicated to the dissemination of information and ideas, and the presence of engaged scholarly, cultural, and political debate. The ability of the community and the community at-large to engage in expressive activity is central to the identity of a public university. Of all social institutions in a democracy, a university has a special responsibility to promote an open atmosphere and to honor the first amendment.

In support of free speech, UC San Diego recognizes that opposing or unpopular views are important. It is the responsibility of the university community to provide opportunities for dialogue based on mutual respect and learning in accordance with the aspirations articulated in the UC San Diego Principles of Community.

To this end, this speech Policy is designed to be broad, flexible, and to acknowledge the historic significance of free speech, while also preserving the research, teaching, and public service mission of the university.

III. POLICY

Expressive activity may occur on all university grounds. The time, place, and manner of exercising expression and advocacy are subject to the regulations that provide for the noninterference with university functions and protect persons against practices that cause bodily harm, or otherwise infringe upon the legally defined rights of others. UC San Diego shall apply the following time, place and manner restrictions in a reasonable fashion and in a manner that promotes and protects free speech. Such restrictions shall be enacted in a manner that minimizes the limitation on expressive activity. In all matters pertaining to speech, advocacy, and the distribution of literature on university grounds, this policy shall be the primary reference for university affiliates.

A. Definitions

1. “Expressive Activity” means activity whose principal purpose is to communicate information to other people as indicated by the First Amendment to the U.S. Constitution.
2. “University Affiliate” is a student, employee, official volunteer, officer, Regent, or emeritus of the university.
3. “Non Affiliate” means any person who is not a student, employee, official volunteer, officer, Regent, or emeritus of the university.
4. “University Grounds” mean the outdoor open spaces of the UC San Diego campus, excluding outdoor recreational areas (e.g., playing fields, basketball and tennis courts, and swimming pools).
5. “Designated Areas” means portions of the University Grounds where handheld amplified sound and an information table and chairs are permitted without a reservation.
6. “Amplified Sound” means sound that is made louder or stronger through the use of an instrument, device, or other equipment.
7. “Ambient Noise” is the background noise in a given environment, often a composite of sounds from many sources, for example, traffic at a busy intersection, nearby construction, general crowd noise.
8. “University Business” means a function, service, event, program or act sponsored or approved by an authorized university official, including – by way of example – activities such as classes, research, lectures, administrative and student services, meetings, housing, and programs and events (such as commencement).

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 USE OF UNIVERSITY PROPERTIES
 SECTION 510-1, IX AND XII Page 3**

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B. General Rules

Expressive activity on all university grounds is protected provided that it does not:

1. Unreasonably disrupt or interfere with university business;
2. Violate the legal rights of other persons, endanger their safety, or unreasonably disrupt, interfere, or obstruct viewing or hearing an expressive activity of another person or group that is in compliance with university policy;
3. Obstruct the ingress or egress to any university facility, or obstruct the use of any pedestrian walkways, roadways, or fire lanes;
4. Unreasonably pose risk of damage to the environment (e.g., trees and other vegetation, wildlife) or to property.

C. Non-Electronic and Electronic Amplified Sound

The use of amplified sound is subject to the General Rules section of this policy, in addition to the rules provided in this section.

1. Non-electronic amplified sound may be used anywhere on university grounds for expressive activity provided that the instrument of amplification is handheld (e.g., a megaphone).
2. Electronic amplified sound (e.g., a bullhorn) may be used in non-designated areas if 150 feet from an occupied building. It is also permitted in designated areas, provided that the usage occurs at the times and places specified below (the Designated Times):

DESIGNATED AREA	DESIGNATED TIMES
Revelle College Plaza	11:30 a.m. – 1:30 p.m.
Revelle College Grassy Knoll	11:30 a.m. – 1:30 p.m.
Muir College Quad	11:30 a.m. – 1:30 p.m.
Thurgood Marshall Solis Quad	11:30 a.m. - 1:30 p.m. M-F
Warren Student Activity Center (sidewalk area near shuttle stop)	11:30 a.m. - 1:00 p.m., 5:00 p.m. - 7:00 p.m. *
Warren Mall (near Engineering Complex)	11:30 a.m. – 1:30 p.m. M-F *
Warren Mall (near Snake Path)	11:30 a.m. – 1:30 p.m.* 8:00 p.m. - 10:00 p.m. M-F *
Eleanor Roosevelt College Admin Bldg Plaza	11:30 a.m. – 1:30 p.m.
Eleanor Roosevelt College Residence Halls Green	11:30 a.m. – 1:30 p.m.
Sixth College Res Hall Quad	11:30 a.m. - 1:30 p.m.
Sixth College Apartments Plaza	11:30 a.m. - 1:30 p.m.
Student Center Hump	All Times
Price Center Plaza	All Times **
Sun God Lawn	11:30 a.m. – 1:30 p.m.
Library Walk Dentils 1967 – 1993 (Lyman Lane north to intersection of Library Walk and Geisel Tree)	All Times

* Non-Electronic amplified voice only, prior approval required for amplified sound.

** Information table is not permitted without a reservation.

D. Maximum Decibel Limit for Amplified Sound

The maximum permissible decibel peak level for amplified sound is 90 dba with an average decibel level (measured over any 15 second period) of no more than 75 dba (using a weighted scale) measured from 50 feet away from the sound source. If the maximum allowable sound is exceeded, the group will be given an opportunity to reduce the volume. If the volume is not reduced to allowable levels, continued use of amplified sound shall be a violation of this Policy.

When enforcing the sound limitations, the ambient sound dba shall be taken into consideration. Should the ambient sound approach, reach or exceed the 90 dba limit, amplified sound may be increased so that it may be intelligibly heard at the edge of the assembled crowd or 50 feet from the speaker, whichever is greater.

E. Information Tables

Information tables of a reasonable size are permitted in the previously described designated areas at the designated times. Information tables must be staffed at all times, and literature on the table may not be left unattended.

F. Free-standing equipment, structures, or displays

Free-standing equipment, structures, or displays are permitted in the “Designated Areas” with a reservation, provided that the free-standing equipment, structures or displays do not pose a danger to people or property, will not interfere with the conduct of university business, will be completely removed without cost to UC San Diego and comply with the applicable use regulations for the “Designated Area”.

G. Reservable Outdoor Event Spaces

UC San Diego has outdoor event spaces which can be reserved in advance for events requiring the use of amplified sound, free-standing equipment, displays, or structures, or selling or distributing food or beverages. Each outdoor event space has use regulations administered by the university department that schedules it. If a conflict exists between use regulations and this policy, this policy supersedes the use regulations. The Center for Student Involvement provides a listing of the reservable outdoor event spaces at <http://getinvolved.ucsd.edu/pdf/OutdoorFacilities.pdf> .

H. Other Regulations

1. Individuals and organizations may not in any way represent that their activities are endorsed, sponsored, or sanctioned by UC San Diego without the express written consent of an authorized university official.
2. Individuals, organizations, and groups are solely responsible for their expressive and other activities, on- or off-campus. UC San Diego does not provide liability insurance coverage for student organizations or their members. Any individual, organization, or group participating in or conducting activities not under the auspices of the university does so voluntarily and at its own risk, with no right to seek indemnification from the university for the consequences of their actions.
3. When enforcing this policy, UC San Diego officials authorized to maintain order on the campus shall make a reasonable attempt to warn and advise a university affiliate to cease or modify the prohibited conduct or activity **before** imposing university sanctions and/or applying appropriate law enforcement measures for violation of this Policy, except where the conduct violating this policy reasonably appears to create a threat to or endanger health, safety, or property.

I. Appeal of Denial of Use of University Grounds to University Affiliates

Any university affiliate denied use of university grounds may file a written appeal for reconsideration with the Chancellor's designee, the Vice Chancellor of Student Affairs, based upon (a) failure by the administration to follow university policies or campus regulations; or (b) arbitrary or capricious justification for the decision to deny use. The submitter of the appeal will be notified of a decision in writing on the appeal within three business days of the request.

J. Student Representation Policy

Associated Students (AS) and Graduate Student Association (GSA) will be informed if there are to be any changes made to this Policy. There shall be student representation on the committee(s) charged with making recommendations to change this Policy. Student representatives shall be appointed by AS and the GSA.

IV. DISTRIBUTION, POSTING, AND EXHIBITION OF LITERATURE

A. Application and Scope of Policy

This policy applies to all distribution, posting, and exhibiting of written materials on campus property. The purpose of this policy is to protect the free expression of non-commercial campus affiliates and their ability to distribute, post, and exhibit literature on campus. UC San Diego will not restrict distribution, posting, or exhibiting of non-commercial literature unless such activity violates state or federal law or constitutes a violation of university policy, as stated in this document.

Personal notices (offers of personal services such as typing or tutoring and offers of secondhand goods for sale not purchased specifically for resale) posted by university students, faculty and staff shall not be considered "Commercial Literature" for purposes of this policy.

B. Content of Material

UC San Diego does not endorse the content of posted, distributed or exhibited literature on its property. However, except as described in Subsections C.2. and C.3, below, the university will not restrict the distribution, posting, or exhibiting of non-commercial literature based on its content unless its distribution violates state or federal law or constitutes a violation of university policy as stated in this document. The university is not responsible or liable for the views and actions of affiliates governed by this section of the policy.

C. General Provisions

1. Distribution

Non-commercial literature may be distributed on university grounds provided such distribution: (i) does not interfere with the orderly conduct of university operations; (ii) is not forced upon others.

Distribution of non-commercial literature in on-campus residential areas is governed by rules promulgated by each of the respective college offices of residential life and all distributions in residential areas must be in accordance with rules applicable to the particular area.

2. Posting: General

This section of PPM 510 shall govern all outdoor public space at UC San Diego. Approval is not required for posting any materials that are in compliance with this section. The general public may post notices or announcements on bulletin boards, kiosks, and locations designated for this purpose. Information concerning the location of these boards and kiosks may be obtained at <http://ugr8.ucsd.edu/judicial/appendE.html>). Except as permitted herein, no posters, handbills, or any other form of announcement or statement may be placed on or against, attached to, or written on any structure or natural feature of the campus including, but not limited to the ground, trees, doors, signs, light poles, waste receptacles, building exteriors, windows, and fences and walkways. Postings shall not damage university property or facilities. Posting on top of other current postings is a violation of this policy as is the removal of other current postings.

Persons who are posting literature are encouraged to respect others' posting needs. Duplicates may be removed if posting space is unavailable.

3. Chalking

Chalking is permitted only on sidewalks of the university grounds that are exposed to weather elements and not covered by a roof or overhang.

The material used to mark sidewalks must be water-soluble stick chalk. The use of markers, paints, oil-based products, sprayable chalk, or other types of markers or liquids is prohibited.

Chalking is prohibited on other surfaces including roadways, buildings, steps, seating walls, benches, tables, signs, poles, columns, trash receptacles, trees, and other surfaces, structures and fixtures.

The university has no responsibility to preserve or remove chalked messages from sidewalks. Environmentally sound clean-up is encouraged.

4. Events

Certain areas are reserved for the posting of flyers, posters, and/or banners announcing campus events. Use of these areas for posting of event announcements requires compliance with procedures set forth in the Posting Procedures in Supplement 1.

5. Special Purpose Areas

Certain areas may be reserved for the posting of certain special-purpose notices (such as ride boards or housing information). Use of these areas is generally subject to the regulations and procedures described at the location.

6. Student Governments

Postings on or within kiosks and bulletin boards maintained by the duly established campus student governments such as the GSA, ASUCSD, and college councils must be approved and posted by the designated representative of the respective student government.

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SUPPLEMENT 1 POSTING PROCEDURES

1. Banners, posters and flyers announcing campus events should indicate the name of the sponsoring organization or group, the nature of the event, the date, time and location.
2. Only painters tape or other non-destructive and removable hanging material may be used to post flyers on approved posting areas. Paste, glue, nails, masking tape and duct tape are not permitted. Staples and tacks may be used on bulletin boards.
3. All event banners, posters, and flyers announcing campus events must be removed within 48 hours after the event. Approved posting locations for non-event postings may impose reasonable time limits on postings and may require postings to clearly identify their expiration date.