October 22, 1987

Update of Executive Memorandum 86-12

TO: Deans, Department Chairs, Program Coordinators, Administrative Supervisors, and Staff Deans

FROM: Robin S. Wilson
President

SUBJECT: Update of Guidelines for Speech and Advocacy, EM 86-12

The Speech and Advocacy Board has recommended the following changes in EM 86-12. I approve them for incorporation into that document.

Page 3: II.B.1.—Add leafleting to the second sentence: "This includes but is not limited to heckling, picketing, leafleting, unobstructive sit-ins, and boycotts."

Page 15: Delete III.D.
III.E. becomes III.D.
December 15, 1986

EXECUTIVE MEMORANDUM

86-12

TO: Deans, Department Chairs, and Program Coordinators

FROM: Robin S. Wilson, President

SUBJECT: Guidelines for Speech and Advocacy

Several technical revisions to the Guidelines for Speech and Advocacy have been proposed by The Speech and Advocacy Board. The updated document is approved for immediate implementation.
GUIDELINES FOR SPEECH AND ADVOCACY

I. PRINCIPLES AND DEFINITIONS

A. Principles

1. A university is the primary social institution established to protect and promote rational inquiry. In realizing its function, this University is fully committed to facilitating and protecting the free exchange of ideas through advocacy and inquiry.

2. The United States Constitution establishes the freedom to speak and engage in various forms of advocacy. These freedoms have been regulated by public laws and may be further regulated on campus in the interest of good order and educational purpose. Membership in the academic community, although it is voluntary, does not imply a waiver of any constitutional right, including that of freedom of speech.

3. Acceptance of membership in the academic community includes responsibility and accountability for oneself as well as for the educational function and mission of the University. Among the responsibilities of the University are attainment of educational objectives; maintenance of academic and general freedoms; the continuance of public service, consultative, and cocurricular programs; and the promotion of a climate which encourages vigorous exchange of ideas through research, inquiry, advocacy, and challenge.

4. Members of the university community share the responsibility for educating one another and the community at large in the purposes and methods of advocacy and the uses of academic and general freedoms.

5. This document does not pertain to faculty in the classroom, invited guest speakers in the classroom, or to office situations.

B. Definitions

1. "University community" means students, faculty, and staff of California State University, Chico.
2. "University campus" means that property in which the State of California and the Board of Trustees of The California State University place title in the name of California State University, Chico or in which the management or disposition resides with California State University, Chico or its auxiliary organizations (California State University, Chico Foundation and the Associated Students of California State University, Chico).

3. "Student" means one who is regularly enrolled at California State University, Chico.

4. "Faculty" means one who is defined as such in Article III of the Constitution of the Faculty, California State University, Chico.

5. "Staff" means any nonfaculty employee of California State University, Chico.

6. "University groups" mean those whose membership is drawn from the university community and which are registered on the campus. ("Student organizations" are groups recognized by the University and are registered in the Student Activities office; "faculty groups" are registered in the Office of the Provost; and "staff groups" are registered in the Office of the Associate Vice President for Faculty and Staff Affairs.) "Nonuniversity groups" are all other groups.

II. ADVOCACY

A. Guest Speakers

1. Members of the university community are encouraged to invite guest speakers who are able to contribute to and participate in the process of dialogue and inquiry within the university setting.

2. Any member of the university community proposing to invite guest speakers to campus must schedule the event in the appropriate office at least twenty-four hours in advance and is encouraged to
give longer notice so as to assure adequate planning and publicity. Scheduling of guest speakers is provided for in two university documents: Executive Memorandum 77-11, Policy and Procedures for the Use of University Facilities, and Executive Memorandum 73-14, Scheduling Procedures and Public Exercises Committee.

3. The University may not refuse the use of its facilities to anyone who has complied with these guidelines. Mere anticipated violations are an insufficient basis for denial, but those who violate these rules, or any state or federal law, may be subject to appropriate sanctions.

4. Where appropriate, it is desirable to provide guest speakers with a reasonable opportunity to receive and answer questions from the audience.

5. Guests of the university community and other nonmembers must abide by these guidelines. Those who are in violation will be subject to sanction by appropriate authorities.

B. Other Forms of Advocacy

1. Acts of nonviolent advocacy carried out in compliance with pertinent state, federal, and campus laws, regulations, policy, and statutes, including these guidelines, are all recognized as legitimate forms of advocacy so long as the first amendment rights of others are not violated. This includes but is not limited to heckling, picketing, leafleting, unobstructive sit-ins, and boycotts. Individuals and groups participating in these forms of advocacy should attempt to avoid having activities create unsafe conditions or causing serious interference with university classes, meetings, or business.

2. Any activity on campus or at a campus function which disrupts the operation or activities of the University, its auxiliary organizations, or any other university groups is prohibited.
III. FUND RAISING

A. Members of the university community may raise funds on the campus within the limits of applicable law with prior registration and in accordance with the following:

1. Members of the university community may collect dues, initiation fees, and admission charges where applicable;
2. Members of the university community may solicit donations for any legal purpose;
3. Members of the university community may raise funds through the authorized sale of goods and services if not for personal profit. Fundraising must also comply with institutional and organizational policies, including the University Solicitation Policy (Appendix A attached).

B. Members of the university community using the campus to solicit donations and to raise funds through sale of goods and services must register their intent to do so and the purpose for which funds are to be used. They must keep current adequate records showing the amount and means by which funds were raised on campus. Student groups must register and file at the Student Activities office, faculty groups with the Office of the Provost, and staff groups with the Office of the Associate Vice President for Faculty and Staff Affairs.

C. Nonmembers of the university community may not raise funds on campus except when using rented facilities in accordance with established policies or when selling publications not available through the Associated Students Bookstore and as allowed in IV.D. of this document.
IV. POSTING, DISTRIBUTING, EXHIBITING, ADVERTISING, AND SELLING*

A. Posting notices on campus, including advertisements by members of the university community on bulletin boards, is subject to regulation as specified in the University Publicity Policy (Appendix B, attached), which generally provides that posting of notices in places other than bulletin boards or similar designated areas is prohibited.

B. Advertisements in the publications of the University and university groups are subject to the regulations of the publications, applicable law, and university policies.

C. Members of the university community may distribute or sell literature at designated areas on campus at places where there is no interference with the ongoing activities of the University, as specified in the University Solicitation Policy.

D. Nonmembers of the university community may distribute or sell literature in accordance with Title 5, Sections 42351 and 42352. Individuals who wish to do this must register in the Student Activities office, Bell Memorial Union, must file a copy of their literature with their registration and must maintain their assigned stations for the authorized period of their activity.

E. Posting notices and advertisements by nonmembers of the university community on the campus is permitted when in accordance with A and B of this section.

*See also Title 5, Sections 42350, 42351, 42352, 42353, 42354, California Administrative Code.

V. USE OF BUILDINGS AND GROUNDS

The use of university buildings and grounds by members of the university community and by nonmembers is regulated by Executive Memoranda 73-14 and 77-11. In addition, the following guidelines apply:

A. A Free Speech Area has been established to facilitate the exercise of freedom of expression by the university community. The
VI. USE OF THE UNIVERSITY NAME

No one may represent an official relationship with or speak for the University without prior authorization from the President or his or her designee. This includes uses of the university name, e.g., California State University, Chico; Chico State; CSU, Chico. However, the university name may be used for I.D. purposes.

VII. ADMINISTRATION OF THESE GUIDELINES

A. The need for some means of advocacy, the occasional presence of a climate of tension, and the need to consider and make recommendations on possible questions and conflicts with regard to these guidelines have resulted in creation of a Speech and Advocacy Board. This Board will provide advisory and consultative services to the university community. Regardless of immediate need, the Board shall be impaneled and active each semester. The Board will be constituted as outlined in Appendix D attached.

B. The President or his or her designee will have the responsibility for the decision to call upon appropriate law enforcement
agencies should disruption of the orderly campus process occur.

C. Appeals for relief from administrative restrictions respecting speech and advocacy shall be directed to the Speech and Advocacy Board which, upon review, shall make its recommendations to the Provost or Vice President for Student Affairs, depending upon the area out of which the appeal arose. While ultimate responsibility for the administration resides in the President, subject to these guidelines and state and federal law, if the President (through the appropriate Vice President) rejects a decision by the Speech and Advocacy Board on an appeal, the President shall state in writing the reasons for that rejection within 48 hours.

D. Infractions of these guidelines may constitute grounds for the initiation of disciplinary procedures through the Coordinator for Student Judicial Affairs, the Student Activities office, or other appropriate university officials. Such applicable procedures currently include those outlined in Title 5, Executive Order No. 148, Executive Order No. 274, the Code of Students' Rights and Responsibilities, and VPSA 85-1 Guidelines and Procedures for the Recognition and Governance of Student Organizations. Alleged infractions by nonmembers of the University may be referred to appropriate law enforcement agencies.

E. All proposals for amending or revising these guidelines shall be brought to the Speech and Advocacy Board. The Board will present all such items in proper form and language, together with the Board's own recommendations, to the President. The President will receive comments from the Vice President for Student Affairs, Associated Students Board of Directors, the Faculty Senate, and the Staff Council before acting on the proposed amendments or revisions. Proposals for changes in the organization or activities of the Speech and Advocacy Board may be made by any member of the campus community. All such proposals shall be brought to the President, who will receive comments from the Associated Students Board of Directors, the Faculty Senate, and the
Staff Council before acting on the proposed changes. Minor technical changes in the guidelines and the appendices may be initiated by administrators responsible for that area. Such changes will be reviewed and approved by the Board periodically and at least annually. Such changes are not subject to approval under paragraph VII. E.

F. Any person who witnesses or is a victim of an incident (whether or not a crime) on or involving campus property or which takes place at a campus function which is believed by the observer or victim to violate any law, including the Penal Code, the Education Code, including Section 89535, and Title 5 of the California Administrative Code, including sections 41301, 42350, 42351, and 42353; or to violate any campus rule, including this Executive Memorandum, is urged to complete and promptly file a California State University, Chico Incident Report. Completed reports should be filed with the Coordinator for Student Judicial Affairs.

G. Copies of all applicable campus and state regulations referred to in these Guidelines for Speech and Advocacy are located in the Student Activities office, the Office of the Provost, the Office of the Vice President for Student Affairs, and the library archives.
APPENDIX A

GUIDELINES FOR SPEECH AND ADVOCACY

SOLICITATION POLICY

I. The following policy governs the use of all university space used for vending, solicitation, sales, information or distribution purposes on the university campus. Only faculty, staff, and students may sell items on campus, unless otherwise provided for in Title 5, Article 9, Section 42350, or as provided for in the Student Union Policy as established by the Associated Students.

A. Permits for reservation and use of tables and space may be obtained at the Student Activities office, Bell Memorial Union.

B. The permit will include:

1. name of sponsoring organization and name of individual requesting permit
2. address
3. phone number
4. location where permit may be used
5. description and price of what is to be sold or distributed.

C. All tables must have visible permits while selling, distributing, soliciting, or displaying items. An organization member with a current CSU, Chico I.D. card must be at the table at all times.

D. Tables and space may be used for distribution of information or sale of items with certain restrictions.

1. The following items may be sold with no user's fee required:
   a. Food items included within the Food Policy list (generally baked goods, popcorn, and single-service commercially prepared beverages);
   b. Tickets for organization events;
c. Donations for drawings;
d. Items purchased or produced by the group, which are directly related to the purpose of the university organization;
e. Literature not sold in the Bookstore, which is related to the purpose of the university organization.

2. Other nonprofit-making items may be sold only in the Bell Memorial Union at the mall tables. The fee schedule and appropriate policies are available at the Associated Students Information Center.

E. No commercial merchant may use campus facilities for sales. Exceptions may be made on the occasion of Pioneer Days and other special cultural or recreational festivals as approved by the Student Activities office.

F. Sales profits must be applied to a regular activity of the organization, through its normal accounting procedures.

G. All food sales shall be in compliance with policy governing food sales and be approved by the university Environmental Health and Safety Officer. Location for food sales or distribution may include the following, when held in connection with a special event:

1. Hallway by Tehama 120
2. Acker Gym Lobby
3. Shurmer Gym Lobby
4. Vending Machine Lobby in Acker Gym
5. Bell Memorial Union
6. Performing Arts Center Courtyard
7. Porch of Laxson Auditorium
8. University Stadium
9. Free Speech Area
10. Kendall Hall Lawn
11. Hallway by Tehama 106
H. Space may be reserved for three days of a week.

I. Those using tables outside must provide their own and are limited to spaces designated by the Student Activities office (normally the Free Speech Area and the Library Mall).

J. Groups abusing the privilege of solicitation space will lose their space privileges for one month.

K. This policy shall be monitored by the Student Activities office.

L. Those wishing to provide information or services during Registration must register with the Student Activities office. At the time of registration, the Student Activities office will stipulate which sites will be available for use and may charge appropriate fees to profit-making groups. It will be necessary for groups to provide their own tables, chairs, or other equipment. Normally, no sales are permitted.

M. This section does not apply to sales made by the University.
APPENDIX B
GUIDELINES FOR SPEECH AND ADVOCACY

PUBLICITY POLICY

I. No sign, picture, notice, flyer transparency, or advertisement shall be placed or maintained or caused to be placed or maintained on campus, except as provided below. Violation of this prohibition is a misdemeanor pursuant to Education Code, Section 89031. Use of campus bulletin boards is permitted, subject to the following rules of space and time priority.

A. All publicity items larger than 5" x 8" appearing on Student Bulletin Boards must be approved by the Student Activities office. Materials should be taken to the Bell Memorial Union Information Center.

B. Any posting exceeding 20" x 16" in size is subject to removal unless it receives prior approval.

C. All material shall be dated with the date of posting. If not dated, or if predated, it is subject to removal. If dated, it will be removed 14 days after posting or any time after the event has taken place.

D. Duplicate postings on the same bulletin board are subject to removal.

E. Posting shall be by thumbtack or staple only. Other methods of posting which damage a bulletin board will subject the posting party to liability for the cost of repair or replacement.

F. In the event of conflicting claims for limited space on bulletin boards in or on academic buildings, postings regarding academic programs offered in that building and activities of recognized campus organizations related to those programs shall have priority. Otherwise, priority shall be in the order posted.
G. Originality and design of posters is left to those posting the material, but the following information must appear on each poster:

1. Name of sponsor

2. Cost, price, or donation, if there is a charge for the event

3. Time

4. Place

5. Event

H. Removal of postings, other than by the posting party or university personnel acting pursuant to their duties, is prohibited unless the posting has been posted for 14 days, announces an event which has passed, or covers a current approved poster.

I. Residence halls have established publicity distribution policies. These stipulate that all materials to be placed in mailboxes must be addressed to the student and that no publicity material is to be slid under doors to student rooms.

J. The six campus residence halls (Lassen, Shasta, Whitney, Esken, Konkow, and Mechoopda) have bulletin boards for posting. Information regarding use of these boards may be obtained at the Information Desk in each of the residence halls.

K. Special all-university events such as Associated Students elections may have supplemental publicity policies approved prior to the occurrence of the event by the Student Activities office.

L. The University does not condone any illegal activity. In order to fulfill this responsibility, the following stipulations need to be met before signs, handbills, posters, or advertisements are approved for posting or distribution on the university campus.

1. If refreshments or beverages are to be advertised, the specific refreshment or beverage must be specified.
2. No advertisement of open parties where alcoholic beverages are served is permitted unless appropriate licenses have been issued.

M. Advertising for illegal purposes and false advertising on the university campus are prohibited.

N. Student Bulletin Boards are those bulletin boards which are labeled as such and are the only places on campus authorized for posting. A current list of approved boards and their locations is available at the A.S. Information Center and the Student Activities office.

O. The policy in this Section I does not apply to signs, pictures, notices, transparencies, or advertisements posted by the University nor to notices of student body membership fee elections posted pursuant to Title 5, California Administrative Code, Section 41402.

II. Bell Memorial Union

A. The Associated Students is responsible for any area in or on the Bell Memorial Union. Any questions regarding policies for sales, publicity, or advocacy should be directed to the A.S. Information Center or the Director of the Student Union.

III. Sale or Free Distribution of Published Materials

A. Other than private sales between individuals where no general or public solicitation, exposure for sale, or offer to sell is involved, on-campus exposing for sale, offering for sale, or selling of books, newspapers, magazines, pamphlets, and similar published materials which are available for sale through the Associated Students Bookstore is prohibited. Violation of this prohibition is a misdemeanor pursuant to Education Code, Section 89031.

B. On-campus exposing for sale or selling of published materials which violates provisions of Chapter 7.5, Title 9, Part 1 of the California Penal Code (commencing with
Section 311 and dealing with obscenity) is prohibited.

C. Books, newspapers, magazines, pamphlets, handbills, and similar published materials other than those described above may be sold or given away on campus provided that their selling or distribution does not disrupt the operation or activity of the University and is nonprofit in nature. Particular care should be taken not to disturb instructional activities or to obstruct the free flow of pedestrian or vehicular traffic.

D. Handbills, circulars, and leaflets may be distributed in the Free Speech Area, outside the Bell Memorial Union main doors, at tables in the Bell Memorial Union Mall, at the outside tables north of the Library, and in the mall between Butte and Plumas Halls. At large public events, the sponsoring organization may give its approval to allow leafleting for all applicants who may wish to distribute handbills, circulars, or other leaflets at the event. Notification of such approval must be submitted in writing to the Student Activities office prior to the occurrence of the event.

E. Distribution of handbills by placing them in or on unoccupied vehicles parked on campus or by throwing or casting them is prohibited. Violation of this prohibition is a misdemeanor pursuant to Education Code, Section 89031.

IV. Sanctions

A. Every person who violates or attempts to violate Title 5, California Administrative Code, Sections 42350, 42351, and 42353 or any expressed prohibition regarding buildings and grounds contained in this Executive Memorandum is guilty of a misdemeanor pursuant to Education Code, Section 89536. In addition, a violation of these rules may constitute a crime under the Penal Code and may subject the violator, if a student, to student disciplinary action pursuant to Title 5, California Administrative Code, Section 41301-41303, or if an employee, to employee disciplinary action pursuant to Education Code, Sections 89535 and 89536, or if a
recognized student organization, to
disciplinary actions contained in the
Policies and Procedures for the Recognition
and Governance of Student Organizations.

B. Any university group which violates these
policies will have any posted material
removed. The group is also open to the
application of sanctions which may include:

1. exclusion from use of publicity outlets
2. denial of use of university and Bell
   Memorial Union facilities, and
3. denial of university recognition.
APPENDIX C

GUIDELINES FOR SPEECH AND ADVOCACY

FREE SPEECH AREA POLICY

I. The Free Speech Area is defined as the area bounded on the north by Trinity Hall, on the east by the driveway into Trinity Hall, on the south by the First Street Mall, and on the west by the sidewalk adjacent to Meriam Library. Power and a public address system are available at the light pole near the diagonal sidewalk. Policies regarding use of this area apply to all members of the campus and community. Use of the area by members of the university community does not require reservations (except for sound-amplified presentations) but reservations will preempt extemporaneous programs.

A. No prior reservations for nonmusical use need be made for the Free Speech Area, although reservations will preempt extemporaneous programs. Reservations, if desired, are to be made at the Student Activities office, Bell Memorial Union.

B. A description of the amount of space needed within the Free Speech Area, as well as the time it is to be in use, must be included on the reservation.

C. Once the reservation form has been completed, the reservation will be placed on the reservation calendar.

D. If space is available, reservation in the Free Speech Area can be made for up to three days in any one week by a single group.

E. Space may be reserved in the Free Speech Area for displays. Those using the area for display must provide their own tables and chairs.

F. Hours of use are 8:00 a.m. until sunset.

G. All requests for use of the Free Speech Area for musical performance must be made in advance through the Student Activities
office, Bell Memorial Union, in accordance with established reservation procedures.

H. Nonamplified music or speakers are permitted during all hours of use.

I. Electrically amplified music will be permitted in the Free Speech Area two days a week, Monday through Friday, from 11:50 a.m. to 1:00 p.m. Generally, musical groups will be limited to one performance per week. Amplified music is not permitted during the week prior to and final exam week. Groups playing electrically amplified music may reserve the entire time (11:50 - 1:00 p.m.) or two or more groups may share the time. The times are not extendable, although groups may set up prior to 11:50 a.m.

J. Sound amplification equipment, when used, shall be limited in volume so as not to be audible in any area where instructional activities are occurring. Sound amplification above this level is prohibited. Violation of this prohibition is a misdemeanor pursuant to Education Code, Section 89031.

K. The microphone and key needed to activate the public address system are available at the Student Activities office.

L. When using the Free Speech Area, vehicles may be brought to the area to unload equipment. After unloading, all vehicles must be cleared from the area and parked in designated parking areas.

M. The Student Activities office reserves the right to schedule and rearrange programs to allow for a balanced presentation of issues.

N. Request for exceptions (not already specified) to any of these policies or procedures should be made in written form and submitted to the Student Activities office at least twenty-four hours before the desired exception.
APPENDIX D

GUIDELINES FOR SPEECH AND ADVOCACY

SPEECH AND ADVOCACY BOARD

I. The Board shall be composed of nine voting members:

A. Four student members appointed annually by the Associated Students President with approval of the Board of Directors.

B. Four faculty members appointed annually by the Chair of Faculty Senate with approval of the Faculty Senate.

C. One staff member appointed annually by the Chair of Staff Council with approval of the Staff Council.

D. A quorum shall consist of four voting members, at least one of whom should be a student and one of whom should be a faculty member. Five voting members are required for the Board to act in its quasi-judicial role.

E. The Coordinator for Student Judicial Affairs shall sit as a permanent nonvoting member and act as adviser to the Speech and Advocacy Board. The Coordinator shall act as the clearinghouse for information exchange and publicity for the Board's meetings and shall maintain continuity between successive boards. The Coordinator shall provide for secretarial assistance and for disseminating to the campus community any information the Board feels should be publicized.

II. The function of the Board shall be to foster and facilitate an atmosphere of tolerance and openness for controversy, free speech and advocacy, and to recommend any changes in the Guidelines for Speech and Advocacy.

III. In the exercise of its functions, the Board shall:

A. Be convened by the Coordinator for Student Judicial Affairs for its first meeting in
order to have the Board elect officers from within its membership, to develop operating procedures, and to establish campus community access to the Board.

B. Report to the Board of Directors of the Associated Students, the Faculty Senate, the Staff Council, and the University President upon request and at least once a year. This report will include a summary of the Board's activity during the year.

C. Conduct its meetings in open sessions except as indicated in D and E below. Every attempt shall be made to post notices of all meetings in the campus newspaper and on bulletin boards. It shall be the responsibility of the board secretary to ensure that notice of such meetings is given. Anyone may attend meetings.

D. By a majority vote, decide to hold invitational meetings. Only specified individuals invited by the Board may attend these meetings.

E. Close its meetings, by majority vote of the Board, for deliberations when acting in its quasi-judicial role. Only Speech and Advocacy Board members may attend closed meetings.

F. Conduct its meetings in a manner deemed appropriate by the Board.

IV. The function of the Board requires impartiality of its members. A member whose prior or current association results in an inability to maintain impartiality toward an issue currently before the Board shall disqualify himself or herself with regard to that issue. Alternatively, upon the recommendation of an absolute majority of the Board, a member may be disqualified for cause with regard to that issue.