

The California State University:  
Chancellor's Office  
Bakersfield  
Channel Islands  
Chico  
Dominguez Hills  
East Bay  
Fresno  
Fullerton  
Humboldt  
Long Beach  
Los Angeles  
Maritime Academy  
Monterey Bay  
Northridge  
Pomona  
Sacramento  
San Bernardino  
San Diego  
San Francisco  
San José  
San Luis Obispo  
San Marcos  
Sonoma  
Stanislaus

**January 1, 2024**

**To: Campus Community**

**From: Cynthia Teniente-Matson, President** *Cynthia Teniente-Matson*

**Re: San José State University's Presidential Directive on Freedom of Expression and Time, Place, and Manner (PD-2024-02)**

**Presidential Directive on Freedom of Expression and Time, Place, and Manner**

**1. Policy Statement**

It is the policy of San José State University (SJSU or University) 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 physical and virtual 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, online posts, and artistic representation, among many others.

This Presidential Directive is effective January 1, 2024, and provides guidance to our campus community and guests regarding the ways in which they can express their rights through the use of campus facilities -- physical and virtual -- and other resources, while providing campus community members with guidelines for limiting speech that incites threats to public safety or severely inhibits the educational goals of SJSU.

This directive applies to students, faculty, staff, administrators, student organizations, campus affiliated organizations, and other off-campus guests such as groups or persons while utilizing virtual spaces controlled by SJSU and on campus grounds, including commercial vendors or solicitors as well as contractors, consultants, and service providers.

This directive should not be viewed in isolation, but should be considered together with other federal and state laws, regulations, and CSU policies, which will be noted where applicable in this directive, and can be provided upon request.

Except where noted and/or where other policies are incorporated by reference, this directive is intended to be the controlling document with regard to the University's Time, Place, and Manner limitations on freedom of speech

and artistic expression activities, including but not limited to, assemblies, events, marches, demonstrations, display or distribution of published materials, non-commercial transactions and solicitation, handbills and circulars, amplified sound, digital display, and commercial filming and photography. It expressly supersedes the following Policies and Procedures:

- 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"
- d. [Presidential Directive 2021-04](#) "Interim Presidential Directive on Freedom of Expression and Time, Place, and Manner"

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 Student Involvement, Event Services, and Facilities Development and Operations.

The President delegates responsibility for implementation of this policy to a university designated official. All questions may be directed to the Office of the President.

## **2. Freedom of Speech and Artistic Expression**

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, whether in physical or virtual settings, is part of the foundation of a free and democratic society. The University shall ensure that individuals and groups are afforded latitude in exercising the right of free expression and that their constitutionally protected

right to free expression is not abridged. Similarly, academic freedom (a sub-component of freedom of speech), being a central principle of SJSU and universities in general, shall be upheld and defended in order to provide for a healthy teaching and research environment.

There is no legal definition of “hate speech,” and it is not a category of speech that the courts have found to be outside First Amendment protection. In fact, the courts have made it clear that no one has a constitutional right to not be offended by speech. For this reason, what some may label “hate speech” is generally as fully protected as any other form of protected speech. The exception is speech (or expressive conduct) that violates the law or CSU policy. Hate crimes are regulated under both state and federal law, and certain types of speech may violate CSU policy. If you believe a hate crime has occurred, you should contact the University Police Department, and if you believe there has been a violation of CSU policy prohibiting discrimination or harassment, you should contact the University’s Title IX Coordinator or Discrimination, Harassment, and Retaliation (DHR) Administrator.

One of the University’s principal values is to serve as a place where differing points of view converge and to respect the rights of others to express themselves. While one may find certain expressions or materials to be offensive or even insulting, the appropriate way to counteract such materials is through discourse, criticism, and the expression of contrary points of view. 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.

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. Campuses may not prohibit or take any adverse action based on an employee’s personal political affiliation, activity or beliefs.

The law prohibits the use of public funds for political campaign activity. This means state resources cannot be used to promote a partisan position. For example, an employee cannot use the University photocopier to duplicate campaign flyers for their 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.” 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 their title and CSU letterhead to endorse a particular political candidate or link from a CSU website to that candidate’s website.

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 limitations regarding 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.

Freedom of expression activity is governed by the University’s **Time, Place, and Manner limitations**. Support for freedom of expression activity is the responsibility of multiple areas on the campus. Allowing time to prepare and plan to meet those needs will help ensure speech goals can be met in accordance with campus business and activities. To ensure that the orderly and peaceful flow of campus business and activities will not be disrupted, all affiliated and non-campus affiliated organizations or individuals wishing to engage in freedom of expression activity must contact Student Involvement, Event Services, or Facilities Development and Operations for more information on scheduling the time and location of such an event in advance. Advance notice will prevent a conflict with teaching and learning activities or a special campus or student event that may already be scheduled and will take precedence. 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.

### **3. Time, Place, and Manner Limitations**

Freedom of expression, however, is not an absolute right. It coexists with other rights and the need for public order. To ensure that the 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.

Reasonable Time, Place, and Manner limitations on the use of public forums for expression activities 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” 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. Such limitations apply to students, staff, faculty, and non-affiliates engaging in expression activities.

Reviews of freedom of speech activities are viewpoint neutral and pursuant to narrow, objective, and definite standards that do not involve the exercise of judgment or formation of an opinion concerning the content. A governing body containing designated representatives from Student Affairs, Student Union Administration, Academic Affairs, the Office of Diversity Equity and Inclusion, and Facilities Development and Operations will share oversight of approvals for freedom of expression activities on campus.

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

**PLACE:** Freedom of expression activities may take place on University campus except within parking lots and garages, and provided such expression does not disrupt any location in which University business is conducted, including instructional, educational, cultural/art, or other curricular or co-curricular programs and/or University essential business operations, such as Student Health, Financial Aid, Counseling, and the Registrar, among others, are conducted. This provision extends to virtual 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 activities must be conducted in a manner that (1) shall not interfere with or obstruct the free flow of pedestrian or motorized or non-motorized vehicular traffic; (2) shall not interfere with or disrupt the conduct of University essential business 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

threats of violence or bodily or property harms, defamation, obscenity, and false advertising; (6) shall not include unauthorized entry to, possession of, or use of any University services, equipment, resources, or properties -- virtual or physical, including the University's name, trademark, branding or logos; and (7) shall not violate any federal, state or local code, including those regulations set by the State Fire Marshal or Campus Deputy Building Official.

In general, persons using outdoor 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 appropriate racks, shall retrieve and remove such materials, prior to their departure from the areas that day.

**VIOLATIONS:** Violations of this directive constitute a violation of University regulations, and applicable statutes and regulations. University disciplinary action against University community members alleged to have violated this directive and procedure shall be in conformity with the [SJSU Student Conduct Code](#) and/or applicable collective bargaining agreements and University policies. 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 as well as disciplinary action, as applicable. Non-campus affiliated groups or individuals may also have their future privileges revoked [[California Penal Code, section 626 et seq.](#)].

#### ***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](#)<sup>1</sup>, and exist for the primary purpose of serving a planned and scheduled program of educational activity, including curricular, co-curricular, and extracurricular activities, 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-University affiliated entities.

The use of campus facilities and outdoor spaces must comply with this Time, Place, and Manner directive. Approvals of freedom of speech activities are viewpoint neutral and pursuant to narrow, objective, and definite standards

---

<sup>1</sup> The Board of Trustees or SJSU policy will prevail in the case of any conflict with an auxiliary's policy.

that do not involve the exercise of judgment or formation of an opinion concerning the content.

The use of campus buildings, facilities or grounds for purposes of freedom of expression activities is contingent upon the agreement of those engaging in such activities to assume responsibility for observing the following:

- Activities must take place in a space not reserved for other events or activities.
- 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 essential business, operations, or activities, including classes in session or other scheduled academic, educational, athletics, cultural arts, career programs, co-curricular activities, extracurricular activities, or with use of the University Library.
- The activities must conform to the time, place, and manner limitations established by this directive.
- In general, no activities will be scheduled during final examination periods or commencement ceremonies unless they support the academic mission of the university. Exceptions may be granted for those reasons.
- To ensure an appropriate level of sanitation is maintained as necessary for the safe use of University facilities, individuals with bare feet are prohibited from entering University buildings, with the exception of appropriate areas designated and designed for such activities including physical education, the pool, and dance and performance spaces.
- Camping or residing on or in University property or buildings, whether on a temporary or permanent basis, or living in privately owned, temporary or permanent lodging parked or erected on or in University property or buildings is prohibited without written permission from Facilities Development and Operations.
- Erection of any temporary or permanent structure on campus requires prior approval for the safety of all participants and by-standers. Contact Facilities Development and Operations to learn more about the approval process and requirements.
- Employ unauthorized Uncrewed Aerial Vehicles (also known as “UAVs” or “drones”) in connection with expressive activity

**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 42350-56 and 42402](#)].

**VIOLATIONS:** Violations of this directive constitute a violation of University regulations, and applicable statutes and regulations. University disciplinary action against University community members alleged to have violated this directive and procedure shall be in conformity with the SJSU Student Conduct Code, and/or applicable collective bargaining agreements and University policies. 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 as well as disciplinary action, as applicable. Non-campus affiliated groups or individuals may also have their future privileges revoked [Section 626 et seq. of the Penal Code].

#### ***B. Assemblies, Marches and Demonstrations***

Freedom of expression extends to the right to demonstrate, protest and advocate through public assemblies, marches and demonstrations. 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. Review of assemblies, marches, demonstrations and other similar freedom of speech activities will be viewpoint neutral and pursuant to narrow, objective, and definite standards that do not involve the exercise of judgment or formation of an opinion concerning the content

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

**PLACE:** Assemblies, marches, and demonstrations may not take place anywhere on campus within 10 feet from building entrances, including in front of and to the side of all building entries. Demonstrations, marches, and assemblies shall not take any form that would prevent safe and reasonable access to or egress from a building.

No assemblies, marches, or demonstrations may take place inside parking lots and structures, inside University buildings, and near any location in which University essential business, operations, or activities, including classes in session or other scheduled academic, educational, athletics, cultural arts, and career programs, co-curricular activities, extracurricular activities are being conducted.



Popular locations for assemblies, marches, and demonstrations include: Paseo de Cesar E. Chavez, Tower Hall Lawn (Smith/Carlos Black Power Statue), 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 expected to notify Student Involvement, Event Services, or Facilities Development and Operations for implementation of this policy 72 hours in advance of the event.

If facilities or equipment are required for any assembly, march, or demonstration, formal scheduling protocols must be followed in addition to notifying Student Involvement, Event Services, or Facilities Development and Operations in advance. Procedures for reserving facilities or equipment for campus events can be found at [Facilities Requests](#).

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.

**VIOLATIONS:** Violations of this directive constitute a violation of University regulations, and applicable statutes and regulations. University disciplinary action against University community members alleged to have violated this directive and procedure shall be in conformity with the SJSU Student Conduct Code, and/or applicable collective bargaining agreements and University policies. 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 as well as disciplinary action, as applicable. Non-campus affiliated groups or individuals may also have their future privileges revoked [Section 626 et seq. of the Penal Code].

If you are planning an assembly, demonstration, or rally and have questions or concerns, please contact Student Involvement, Event Services, or Facilities Development and Operations 72 hours in advance.

### **C. Amplified Sound**

Amplified sound is defined as any sound that is broadcasted through electronically amplified equipment or sound that is electronically enhanced during freedom of speech activities and events. Additionally, amplified sound may include sound that is enhanced with the aid of a device such as a megaphone, and similar sound or voice amplification devices. This directive does not pertain to events that take place inside Provident Credit Union Event Center at SJSU.

This section pertains to amplified sound as it relates to freedom of expression activities. The intent of this directive is to protect classes in session or other scheduled academic, educational, athletics, cultural arts, and career programs, co-curricular activities, and extracurricular activities from intrusive sound and still provide an opportunity and a forum for a variety of free expression activities. Approvals of freedom of speech activities utilizing amplified sound are viewpoint neutral and pursuant to narrow, objective, and definite standards that do not involve the exercise of judgment or formation of an opinion concerning the content.

An appropriate balance of these goals may be achieved by observing the following conditions:

- **Weekdays**
  - In general, so long as they are not disruptive to classes, residential life, and/or campus operations, amplified sound activities will be permitted in specific reservable areas Monday through Friday from 11:00 a.m. to 2:00 p.m. and 4:00 p.m. to 9:00 p.m. Exceptions will be made for special university events organized by the President's Office or University Divisions.
- **Weekends**
  - In general, so long as they are not disruptive to classes, residential life, and/or campus operations, amplified sound activities will be permitted in specific reservable areas from 11:00 a.m. to 10:00 p.m. on Saturday and Sunday. Exceptions will be made for special university events.

**TIME:** Activities involving amplified sound are permitted in specific reservable areas on weekdays from 11:00 am to 2:00 pm and 4:00 p.m. to 9:00 p.m, and from 11:00 a.m. to 10:00 p.m. on weekends.

**PLACE:** An approving body containing representatives from Student Affairs, Student Union Event Services, Academic Affairs, the Office of Diversity, Equity, and Inclusion, the University Police Department, and Facilities Development and Operations will maintain a list of campus locations for which these events may be scheduled.

**MANNER:** Events and activities using amplified sound are allowed on campus during the above timeframes as long as they follow time guidelines.

**VIOLATIONS:** Violations of this directive constitute a violation of University regulations, and applicable statutes and regulations. University disciplinary action against University community members alleged to have violated this directive and procedure shall be in conformity with the SJSU Student Conduct Code, and/or applicable collective bargaining agreements and University policies. 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 as well as disciplinary action, as applicable. Non-campus affiliated groups or individuals may also have their future privileges revoked [Section 626 et seq. of the Penal Code].

#### ***D. Posting***

Posting is permitted on campus, subject to the Time, Place, and Manner regulations established below. Permanent fixtures, such as wayfinding signage and official university building signage, as well as long-term temporary signs in exterior locations (e.g. signs for construction projects) are not governed by these guidelines and must be reviewed and approved by Facilities Development and Operations. Operational messages, such as information provided by the university administration, are also not governed by these guidelines.

**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 policies and procedures developed by an approving body containing representatives from Student Affairs, Student Union Administration, Academic Affairs, the Office of Diversity, Equity, and Inclusion, and Facilities Development and Operations.

#### **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. General use bulletin boards do not include bulletin boards specifically designated for posting of materials by campus unions.

**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, posts or other similar structures. Postings are prohibited on buildings or structures, steps, windows, posts, railings, traffic control, regulatory or other campus signage, utility poles, fences, University vehicles, newspaper or other distribution racks, trees, outdoor art or sculptures, in garden areas including flower beds, benches, tables or other similar landscape furnishings, bollards, or refuse/recycling containers. Postings of a non-instructional nature on any instructional or research chalkboard, dry-erase board, digital boards, or projection surface is prohibited. Chalking is prohibited due to the need to preserve water.

**Digital Boards/Signage:** Posting is permitted on digital boards so long as it is in compliance with the policies set forth by the specific departments that oversee boards in their facilities.

**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. Individuals or groups are limited to 15 stakes on the grounds at any given point.

**APPROVALS:** Postings, including staked signs and A-frames, require approval of the campus. Authority is delegated by the Office of the President to a body containing representatives from Student Affairs, Student Union Event Services, Academic Affairs, the Office of Diversity, Equity, and Inclusion, and Facilities Development and Operations.

**VIOLATIONS:** Violations of this directive constitute a violation of University regulations, and applicable statutes and regulations. University disciplinary

action against University community members alleged to have violated this directive and procedure shall be in conformity with the SJSU Student Conduct Code, and/or applicable collective bargaining agreements and University policies. 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 as well as disciplinary action, as applicable. Non-campus affiliated groups or individuals may also have their future privileges revoked [Section 626 et seq. of the Penal Code].

Violations may result in the removal and disposal of the signs without notification. Unauthorized removal by students, employees, faculty, and non-affiliates of properly posted materials is an act of vandalism and subject to University action.

#### ***E. Flyers and Circulars***

Distribution of flyers or circulars not otherwise prohibited by law, and which do not contain false or misleading information and/or 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 for distribution of flyers and circulars is El Paseo de Cesar E. Chavez, a paved walkway on campus, but distribution of flyers and circulars is allowed in any outdoor area generally available to students and the community, subject to the following exceptions: 1) distribution inside University buildings, including Housing is prohibited; and 2) distribution in campus parking lots or garages of any written or printed materials from any motor vehicle 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 University instructional, educational, cultural/art, or other curricular or co-curricular programs and/or University essential business operations; (2) shall not interfere with or obstruct the free flow of pedestrian or motorized or non-motorized vehicular traffic; (3) shall not unduly interfere with 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 final examinations or commencement time periods unless otherwise excepted.

Placement of handbills and circulars on vehicles is prohibited.

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

**VIOLATIONS:** Violations of this directive constitute a violation of University regulations, and applicable statutes and regulations. University disciplinary action against University community members alleged to have violated this directive and procedure shall be in conformity with the SJSU Student Conduct Code, and/or applicable collective bargaining agreements and University policies. 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 as well as disciplinary action, as applicable. Non-campus affiliated groups or individuals may also have their future privileges revoked [Section 626 et seq. of the Penal Code].

***F. Solicitation (Non-Commercial and Commercial)***

Solicitation is defined as the act of asking for or trying to obtain something from someone. Commercial solicitation means any direct and personal communication in the course of a trade or business reasonably intended to result in a sale. 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 this directive.

Commercial solicitation on campus is prohibited unless prior written authorization has been obtained from Business Services. In general, 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. For clarification, contact [Business Services](#).

A registered club/organization's on-campus advisor is responsible for oversight of the club/organization's fundraising activities, including ensuring that appropriate approvals are obtained from Student Involvement and that activities comply with the SJSU Student Organization Handbook.

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

**PLACE:** A popular location for solicitation activities 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 of commercial solicitation materials inside University buildings is prohibited; and 2) distribution of such materials in campus parking lots or placement of any written or printed materials on or in any motor vehicle parked on the campus is prohibited. For posting related to solicitation, please reference the Posting section of this directive.

**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 motorized or non-motorized vehicular traffic; (2) shall not unduly interfere with 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; (6) shall not occur during final examinations or commencement time periods unless otherwise excepted; and (7) shall not interfere with employee work hours/duties.

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 Business Services.

**VIOLATIONS:** Violations of this directive constitute a violation of University regulations, and applicable statutes and regulations. University disciplinary action against University community members alleged to have violated this directive and procedure shall be in conformity with the SJSU Student Conduct Code, and/or applicable collective bargaining agreements and University policies. 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 as well as disciplinary action, as applicable. Non-campus affiliated groups or individuals may also have their future privileges revoked [Section 626 et seq. of the Penal Code].

### ***G. Commercial Transactions***

Commercial transactions, including, but not limited to the selling of services, 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 Involvement for student organizations 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, Spartan Shops Inc. and/or the Provident Credit Union are excluded from this section. Similar to the Solicitations section of this directive, fundraising activities of student clubs/organizations are permissible so long as they adhere to this directive. For clarification, contact the Office of Student Involvement.

**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. For posting related to commercial transactions, please reference the Posting section of this directive.

**MANNER:** Commercial transactions must be conducted in a manner that (1) shall not unreasonably interfere with or obstruct the free flow of pedestrian or motorized or non-motorized vehicular traffic; (2) shall not unduly interfere with 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 faculty lectures, term papers, theses, or other written materials submitted for academic credit to 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 final examinations or commencement time periods unless otherwise excepted.

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

**VIOLATIONS:** Violations of this directive constitute a violation of University regulations, and applicable statutes and regulations. University disciplinary action against University community members alleged to have violated this directive and procedure shall be in conformity with the SJSU Student Conduct Code, and/or applicable collective bargaining agreements and



University policies. 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 as well as disciplinary action, as applicable. Non-campus affiliated groups or individuals may also have their future privileges revoked [Section 626 et seq. of the Penal Code].

#### ***H. General and Commercial Photography and Videography on Campus***

Photography and videography on campus is subject to the Presidential Directive on Freedom of Expression and Time, Place, and Manner.

Photography and videography for commercial use requires express written approval by University Marketing and Communications. Review by Facilities and Development Operations and Risk Management may be required.

News media outlets and the public can photograph or shoot video of university buildings and campus life while utilizing public sidewalks and areas.

Photography and videography for commercial use is only permitted if your project's purpose directly aligns with the [educational mission, vision and values of the university](#).

Filming or recording of classes — in person or online — is not permitted without express written approval from the Academic Department, informed consent given by the participants, and advance notice provided to University Marketing and Communications.

For any questions, please email: Michelle Smith McDonald, Senior Director of Media Relations, University Marketing and Communications, [michelle.smithmcdonald@sjsu.edu](mailto:michelle.smithmcdonald@sjsu.edu).

**VIOLATIONS:** Violations of this directive constitute a violation of University regulations, and applicable statutes and regulations. University disciplinary action against University community members alleged to have violated this directive and procedure shall be in conformity with the SJSU Student Conduct Code, and/or applicable collective bargaining agreements and University policies. 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 as well as disciplinary action, as applicable. Non-campus affiliated groups or individuals may also have their future privileges revoked [Section 626 et seq. of the Penal Code].