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PUBLIC ASSEMBLY **POLICY**

Implementation Date: 10/12/2018

Definition

All students and employees of California State University San Marcos and members of the public are free to exercise lawfully their constitutional right to assemble on University property. Students and employees may use University buildings, facilities, and other services in conformity with approved policies and procedures. The University may establish reasonable time, place and manner regulations regarding the use of its public facilities 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.

Authority

Title 5, California Administrative Code, Sections 41302-41304 and 42350-42354; Educational Code, Part 40, Chapter 1, Section 66017; Office of the Chancellor Executive Order Number 628, Subject: Student Disciplinary Procedures.

Scope

This policy and any related procedures apply to the campus community and members of the public.

DocuSigned by:
Karen S. Haynes
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Karen S. Haynes, President

10/12/2018

Approval Date

Revised 9/10/18
Revised: 8/5/08
Revised: 11/01/05
Revised: 11/20/01
Implemented initially: 00/00/97

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I. SCHEDULED USE OF UNIVERSITY FACILITIES

The University has established procedures for the scheduling of instruction-related and non-instruction-related events and activities. Students and employees may reserve these facilities and invite external community members to participate in these events in conformity with established procedures.

II. NON-SCHEDULED USE OF UNIVERSITY FACILITIES

Scheduling procedures do not apply to spontaneous events, or events by individuals or groups who wish to use the campus grounds to express viewpoints. Although it is recommended and preferred that individuals and groups follow the scheduling protocols, it is not required; however, such events must follow all other time, place and manner guidelines outlined herein and in other campus policies and procedures.

While freedom of expression is allowed in all outdoor spaces on campus, the spaces in front of University Hall and the Craven Rotunda are common areas where individuals and groups assemble to exercise the right of free expression unless these spaces have already been scheduled in advance.

Sound amplification is permitted in outdoor spaces on campus provided it does not disrupt instruction, research, or administrative operations, disturb areas set aside for study, or interrupt a scheduled activity. The University Police Department will respond to noise complaints and may require limitation or cessation of amplification.

III. REGULATIONS GOVERNING ASSEMBLY ON CAMPUS

- Individuals are expected to conduct themselves in a manner compatible with the educational mission of the University and in accordance with the applicable Collective Bargaining Agreements, and to observe Cal State San Marcos regulations, obey state and federal law, and to behave responsibly so as not to endanger the safety of others. Use of buildings and grounds requires that fire regulations, including building and room capacities, be observed.
- In the exercise of their right to assemble, individuals and groups will not impede or disrupt foot and vehicular traffic. Obstructing, disrupting, or otherwise interfering with the instructional, research, or administrative operations of the University is not permissible. Reasonable access to and exit from classrooms, laboratories, offices, and buildings must be provided. Symbolic speech, such as displaying signs, is permitted, but because of public safety concerns, signs may not be carried on metal pipes or poles or any length of lumber in excess of 3/4" in thickness and 2" in width. Signs displayed on prohibited materials create potential public safety issues for both involved and uninvolved parties.
- Assembly must be peaceful and orderly. Assembly is not permitted in corridors or inside areas and facilities not available on a scheduled basis.

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- Noise levels must not disrupt classes, meetings, administrative operations, or scheduled activities.
- Making loud or sustained noise that interferes with a speaker's ability to be heard by those assembled is prohibited.
- Any attempt to prevent a University activity, event, or lawful assembly by threat or use of force or violence is prohibited.
- Those assembled must exercise care not to damage or destroy University property.
- Organizations and individuals engaging in freedom of expression activity are responsible for cleaning up all discarded handouts or refuse resulting from their activity.

IV. ENFORCEMENT

In non-violent situations, where there is a need for university intervention, the Vice President for Finance and Administrative Services, or designee, shall make the initial contact. Every effort will be made to allow free speech to continue. When necessary, Police Officers shall intervene to protect life and property and to ensure that there is no obstruction, disruption, or otherwise interference with the instructional, research, or administrative operations of the University. Stopping the free speech and making arrests are actions of last resort.

Behavior in violation of any of these regulations is subject to intervention by University and/or law enforcement officials.

If a violation persists or is repeated, or if the assembly poses an imminent danger to public safety, those assembled may be required to disperse immediately. Continued violation may result in arrest and subsequent legal action by the University. If the violation occurs at a scheduled event, the permission for the event may be summarily revoked, and future requests by those in violation may be canceled or denied should there not be a reasonable showing when requested that another violation will not occur.

University disciplinary action against a student or employee alleged to have violated this policy and procedures shall be in conformity with the Code of Student Conduct, or applicable collective bargaining agreements and established university guidelines.