

CHAPTER 100: University Organization and Campuswide Policies

140 FREE EXPRESSION, SPONSORSHIP, COMMERCIALISM AND USE OF BUILDINGS AND GROUNDS

141 Freedom of Expression

141.1 Policy Objective

Through this policy, the University seeks to foster and sustain a forum for the free, civil and orderly exchange of ideas, values and opinions, recognizing that individuals grow and learn when confronted with differing views, alternative ways of thinking and conflicting values.

141.2 Policy Statement

As Justice Jackson observed, in *Terminiello v. Chicago* 337 U.S. 1 (1949):

“Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea. That is why freedom of speech, though not an absolute, . . . is nevertheless protected against censorship or punishment, unless shown likely to produce clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance or unrest.”

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. Cal Poly accepts and embraces this obligation, recognizing that such expression may take a variety of forms, such as speeches, signs, written materials, public assemblies, parades,

demonstrations and artistic representation.

Acknowledging the central role the unfettered exchange of information and ideas plays in learning and in a free society, the University shall ensure that individuals and groups are afforded wide latitude in exercising the right of free expression and that their constitutionally protected right to free expression is not abridged.

“Freedom either is a growing thing or it is not freedom . . . Principles remain unchanged while the understanding of them grows and their application enlarges.”

— *(Irving Brant, The Bill of Rights: Its Origin and Meaning, Indianapolis, The Bobbs-Merrill Co., 1965, pp. 52, 78)*

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

“The choice is not between liberty and order, it is between liberty with order and anarchy without either.”

— *[Justice Jackson in Terminiello v. Chicago 337 U.S. 1 (1949)]*

To ensure that exercise of the right of free expression does not interfere with University functions, imperil public safety, obstruct or damage University facilities, or cause individuals to become audiences against their will, the University will establish and enforce campus regulations regarding the time, place and manner of the exercise of free expression by individuals and groups.

The University recognizes that causing discomfort and even causing offense is not, of itself, a basis for limiting free speech. At the same time, all members of the University community should recognize that freedom of expression includes a responsibility to respect the dignity of others, to acknowledge the right of others to express differing opinions and to maintain civility at all times.

Reference

Any laws, regulations or codes of practice which should be referred to in conjunction with the policy: California Education Code, § 89030-31; Title 5, California Code of Regulations, Sections 41301 and 42350-42354

141.3 Limitations and Guidelines for Campus Events and Activities

141.3.1 General Limitations

All campus events and activities shall be conducted consistent with Federal and State law, with existing University policies, with the orderly conduct of University business, with preservation of the campus learning environment, with the preservation of public safety, with maintenance of University property and with the free flow of pedestrian and vehicular traffic. Entrances to

campus facilities shall not be obstructed. No individual or group shall abridge, halt or disrupt the right of others to present their views. In addition, plans for outdoor events and activities should address potential impacts on residential communities, on and off campus.

141.3.2 Time, Place and Manner Guidelines

The University may impose reasonable time, place and manner restrictions on exercise of the right of free expression, to preserve the safe and orderly operation of the campus.

141.3.2.1 Guidelines as to Time

Indoor events and activities are not assigned fixed limits as to time of day or day of the week, but University scheduling protocols must be followed. (See sections 144.4 and 141.3.2.2)

Outdoor events and activities that involve amplified music or speech are limited to the hours of: 7:00 a.m. to 10:00 p.m., Monday through Sunday, and University scheduling protocols must be followed. (See sections 144.4 and 141.3.2.2)

Outdoor events and activities that do not require use of amplified sound (for speech or music) may be held between 7:00 a.m. and midnight, Monday through Sunday. Use of the University's scheduling protocols is encouraged, to facilitate coordination with other events and among potential campus service providers.

Regardless of the time they are held, events and activities must be conducted in a manner consistent with Section 141.3.1 (General Limitations) and in conformity with any additional guidelines pertinent to a particular venue.

141.3.2.2 Guidelines as to Place

Freedom of expression is an individual right and therefore is not restricted to place. While freedom of expression is encouraged everywhere on campus, several outdoor campus spaces have come to be viewed as "University Commons," places where individuals and groups assemble to exercise the right of free expression without necessarily having to schedule use of the space in advance.

Designated University Commons include the UU Plaza, Dexter Lawn and the Theatre Lawn. It should be noted that on occasion all or some portion of a University common may have been reserved in advance. In such cases the individuals or groups having initially reserved the University common will be deemed to have priority and other individuals or groups may be referred to another, available University common.

Other outdoor spaces on campus may be used as public gathering spaces for events and activities. Use of University scheduling protocols is encouraged in all cases, to facilitate coordination with other events and among potential campus service providers. Where

amplified sound, equipment or commercialism are involved, use of University scheduling protocols is required. (See section 144.4)

All indoor facilities and certain campus outdoor spaces must be reserved in advance, through the E-plan process (for student clubs) or through the University Scheduling Office [for faculty, staff, individual students, State-sponsored student programs, student organizations (other than clubs) and off-campus individuals or groups]. Any questions about use of campus indoor or outdoor spaces may be referred to the UU Epicenter (for student clubs) or the University Scheduling Office (other users). (See section 144.4)

Whether conducted indoors or out of doors, activities must be conducted in a manner consistent with Section 141.3.1 (General Limitations) and in conformity with any additional guidelines pertinent to a particular venue.

141.3.2.3 Guidelines as to Manner

141.3.2.3.1

Solicitation

As defined in Title 5 of the California Code of Regulations (Section 42350),

“Solicitation’ means to importune, or endeavor to persuade or obtain by asking, but does not include ‘commercial’ solicitation.”

As further provided by Title 5, Section 42350.5:

“Solicitation shall be permitted on a campus subject, however, to a reasonable regulation by the campus president as to time, place and manner thereof. Solicitation in violation of established campus directives regarding time, place and manner is prohibited.”

Organizations or individuals wishing to engage in solicitation on the Cal Poly campus should consult CAP section 144.4, Scheduling of Campus Events and Activities, for guidance.

141.3.2.3.2 Off-Campus Speech by State Employees

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

141.3.2.3.3 Political Activity in Election Campaigns by State Employees

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

employees' participation in election campaigns.

1. Employees shall not solicit political funds or contributions from co-workers (other than requests for political contributions sent to a significant segment of the public that may include employees).
2. An employee who holds or is seeking election or appointment to any political office shall not use that position to influence any University-related personnel matter.
3. Employees may not use or permit others to use State resources to support or oppose a ballot proposition or a political candidate. Examples of prohibited activity include making telephone calls, writing letters, and sending e-mail messages using University resources or during working hours. (A more detailed explanation concerning this prohibition can be found in Cal Poly's Information Technology Resources Responsible Use Policy, Sec. E.6.) (<http://its.calpoly.edu/Policies/RUP-INT/>)

Reference

Any laws, regulations or codes of practice that should be referred to in conjunction with the policy: Calif. Gov. Code, Sections 3201 et seq. and 8314.

141.3.2.3.4 Electronic Communications

All use of University information technology resources for purposes of individual or collective free expression must adhere to the provisions of the campus Responsible Use Policy and other policies governing use of University information technology resources (<http://its.calpoly.edu/Policies/RUP-INT/>).

141.3.2.3.5 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 Section 141.3.1, General Limitations.

To address public safety issues (routes of march, necessary public safety staffing, etc.) groups contemplating holding public assemblies, marches or demonstrations are strongly encouraged to notify the University Police in advance of the event, preferably at least 24 hours in advance.

In addition, to avoid conflicts with other scheduled University events, reserve other necessary support services and ensure event success, campus organizers of public assemblies, marches or demonstrations are also encouraged to utilize the E-plan scheduling process (student clubs) or notify the University Scheduling Office [individual students, State-sponsored student programs, student organizations (other than clubs) and University employee individuals and groups].

Off-campus individuals and groups must schedule their assemblies, marches or demonstrations at least 24 hours in advance through the University Scheduling Office. (An exception to this requirement may be made for spontaneous events, occasioned by an incident or development that has become a matter of public knowledge and concern no more than 48 hours prior to the event.)

Where facilities or equipment are required or commercial activity is involved, formal scheduling protocols must be followed. (See Section 144.4, Scheduling of Campus Events and Activities.)

The University President has delegated oversight of campus demonstrations to the Vice President for Student Affairs and Chief of University Police, to ensure protection of freedom of expression and constitutional rights, participant safety, and if needed to implement dispersal procedures only when participants have exceeded limits of their constitutional rights or exceeded the general limitations of this policy (See Section 141.3.1, General Limitations).

Reference

Related University Policies/Documents/Manuals/Handbooks: Emergency Operations Procedures for Civil Disobedience/Demonstrations.

141.3.2.4 Withholding or Withdrawal of Approval

Approval for events or activities encompassed by the campuswide policies on free expression may be withheld or withdrawn where determined by the University president or designee (the Vice President for Administration and Finance, in consultation with the Vice President for Student Affairs, in cases involving students; or in consultation with the Provost and Vice President for Academic Affairs, in cases involving non-students) to be inconsistent with Federal or State law, with existing University policies, with the orderly conduct of University business, with preservation of the campus learning environment, with the preservation of public safety, with maintenance of University property and/or with the free flow of pedestrian and vehicular traffic. (Any decisions to withdraw approval may be appealed through the processes described in Section 141.3.2.5, Handling of Appeals.)

141.3.2.5 Handling of Appeals

An Appeals Board may be convened in a timely manner to consider appeals of decisions regarding events or activities encompassed by the campuswide policies on free expression. The Appeals Board shall consist of three members: an administrative representative chosen by the University President; a faculty representative chosen by the Chair of the Academic Senate; and a student representative chosen by the ASI President. The decisions of the Appeals Board shall be final unless overturned by the University President.

142 Endorsement and Sponsorship

142.1 Endorsement of Events

“Endorsement” here implies simply that an event or activity has received the approval or encouragement of a group or individual in their formal University capacity. The involvement of the group or individual may or may not be limited in scope and need not involve official participation in the planning, development or production of the program. This should not be construed as limiting, in any way, the participation of an individual in a program that he or she supports. Individuals acting in a private capacity are not subject to procedures for approval for endorsement. Endorsement does not imply liability or cost assumption by the University.

Approval for endorsement by groups or individuals in their formal University capacity will be granted through the dean or designated department head or chair for faculty and staff groups and individuals. Approved endorsement must be consistent with Federal and State law, with the objectives of the University and with University policies and regulations, including those pertaining to use of the University’s name. The Director of Public Affairs should be notified of all approved endorsements by the office granting approval.

142.2 Sponsorships and Co-Sponsorships

Sponsored and co-sponsored events involve several factors including approval, encouragement and participation. These factors operate simultaneously and will be considered both individually and together in arriving at a decision as to whether a proposed co-sponsorship is to be approved. The event must be of a nature appropriate to and consistent with the objectives and mission of the University and each co-sponsor, and have balanced participation by each co-sponsor in the planning, development, implementation, and production of the event.

142.3 Commercial or Corporate Co-Sponsorship

The term “commercial or corporate co-sponsorship” means the active support by a for-profit or not-for-profit entity of an event, activity or program held on or off campus by an organization duly recognized by the University. Active support can take the form of monetary or in-kind donations or consideration. No action of any kind may be taken which would confer or appear to confer a commercial endorsement of any product or service by California Polytechnic State University or the

In all promoting of an event involving a commercial or corporate co-sponsor, the promotional material shall indicate that the event is co-sponsored and the letters of the Cal Poly group's name shall be at least the same size as that of the outside commercial/corporate sponsor.

While a banner, poster, or paid ad might include the outside agency's logo, it shall not include any wording that implies Cal Poly endorsement of the co-sponsor's product. (For co-sponsorship activities involving commercial activities, see additional protocols for review and approval in Section 143.)

142.4 Criteria for Approval of Sponsorships or Co-Sponsorships

The following criteria are intended to guide the review and approval of proposed sponsorship of a campus event organized by a student, faculty, staff or off-campus individual or entity.

1. The sponsorship stimulates participation by students, faculty and/or staff in a program, activity, or event that is consistent with the University's educational mission.
2. The sponsorship may serve to strengthen or enhance a University program or objective.
3. The sponsor's requirements bear a direct and reasonable relationship to the nature of the event, and specify how sponsorship is to be recognized.
4. A cost savings could be or may be realized from sponsorship.

In addition the following criteria for sponsorship must be met:

1. The sponsored event or activity must be consistent with Federal and State law, with University objectives and with University policies and regulations, including policies on use of the University's name.
 2. The sponsorship shall strictly avoid any commercial transaction or commercial solicitations unless prior written authorization is granted by the University president or designee.
 3. There shall not be conditions proposed by the sponsor that would preclude the University, or any campus organization, from conducting a subsequent identical or similar event with another sponsor.
 4. Any issues related to activity or tax liability risks and the responsibility for such risks shall be resolved in writing prior to any sponsorship agreements.
 5. Sponsorship-related contributions, whether monetary or in-kind, shall be referred for evaluation and approval to the Vice President for University Advancement (in consultation with the President), where it is determined that the gift may expose Cal Poly to adverse publicity, require expenditures beyond Cal Poly's resources or involve Cal Poly in unexpected responsibilities because of their source, condition or purpose.
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142.5 Approval of Sponsorships and Co-Sponsorships

If sufficient criteria for sponsorships or co-sponsorships are met, approval may be granted: (1) by the dean, program manager, or designated department head or chair in the case of faculty and staff; (2) by means of submission and approval of an E-plan in the case of events organized by student clubs; (3) by the Vice President for Student Affairs in the case of events organized by individual students, State-sponsored student programs or student organizations (other than clubs); (4) by the Director of Housing where non-University groups are involved. Proper consultation with the Director of Public Affairs shall occur prior to the granting of approval.

143 Commercial Activities

Commercial activities are defined here as including:

- “Commercial Transactions,” meaning the selling or purchasing, or both selling and purchasing by any person, in the course of employment in or the carrying on of a trade or business.
- “Commercial Solicitations,” meaning any direct and personal communication in the course of a trade or business reasonably intended to result in a sale. This section does not apply to “Private Sales,” meaning occasional selling between persons who are campus students or employees.

Commercial activities are permitted by Cal Poly Corporation and Associated Students, Inc. operations and from time to time include such things as the exclusive rights to operate food service and the bookstore, as provided in operating agreements and leases.

Commercial activities proposed by campus clubs must be scheduled and submitted for approval through the E-Plan process. Other campus individuals or organizations must schedule and seek approval for these activities through the University Scheduling Office. The President’s Designee for approval of commercial activities by campus organizations is the Vice President for Administration and Finance, in consultation with the Vice President for Student Affairs (student organizations) or the Provost and Vice President for Academic Affairs (other campus individuals or organizations).

Commercial activities proposed by off-campus entities on campus are prohibited unless prior written permission has been obtained from the campus president or his/her designees. As provided for by Title 5 of the California Code of Regulations:

- Permission for commercial transactions is contingent upon determination that “the proposed activity aids achievement of the educational objectives of the campus, does not unreasonably interfere with the operation of the campus and is not prohibited by law, or the prospective buyer has agreed in writing in advance to an appointment and the prospective seller makes no more than one appointment for any day, and such appointment does not interfere with the operation of the

campus”

— (Title 5, Section 42350.1)

- Permission for commercial solicitation is subject to “regulation as to time, place and manner thereof, unless such solicitation for sale would be in violation of law”
— (Title 5, Section 42350.6)
- Sites available to marketers of student credit cards shall be limited to the UU Plaza. Marketers of student credit cards should receive approval from the El Corral Bookstore or they must be pre-approved via contract with the University. Those marketers shall be prohibited from offering gifts to students for filling out student credit card applications. As used in this section, “student credit cards” shall have the meaning in Civil Code section 1747.02 (m). (See Title 5, Section 42350.6).

As a general rule, off-campus entities will be permitted to engage in commercial activities at Cal Poly only where they have entered into an approved formal relationship of co-sponsorship with a recognized University organization or department, as provided for in CAP Section 142.3.

In addition, any such commercial activities will be reviewed to ensure they do not violate the Cal Poly Corporation’s exclusivity rights.

Commercial activities proposed by off-campus entities to be carried out in the Bookstore Plaza area of the University Union require prior review and approval by the El Corral Bookstore.

The President has designated the Vice President for Administration and Finance as the president’s designee for review of other commercial activity proposals by off-campus entities, including commercial activities conducted at events co-sponsored with campus entities. (See Section 142.2 - 5 for protocols for review/approval of co-sponsorships).

Where approved by the Vice President for Administration and Finance, commercial activities typically will be directed to University Commons areas (See Section 141.3.2.2), in order to avoid interference with orderly conduct of the University’s educational programs.

Commercial activities involving the use of University information technology resources must comply with Responsible Use (<http://its.calpoly.edu/Policies/RUP-INT/>) and other applicable IT policies and be reviewed and approved by the Vice Provost/CIO for Information Technology Services and by the Vice President for Administration and Finance.

143.1 Selling of Publications

Title 5, Section 42351 (a) provides that “the selling or displaying for sale of any books, newspapers, pamphlets and other published materials shall be permitted on campus provided:

(i) such published materials are not available for sale at the campus bookstore, and

(ii) the selling or display of such published materials is conducted in compliance with any time, place

(ii) the selling or display of such published materials is conducted in compliance with any time, place and manner directives adopted by the president, and

(iii) the published materials displayed or offered for sale are not in violation of the provisions of Chapter 7.5, Title 9, Part 1 (commencing with Section 311) of the Penal Code (relating to the sale and distribution of obscene matter), or of Chapter 6, Title 3 (commencing with Section 66400) of the Education Code (relating to the preparation, sale and distribution of term papers, theses and other materials to be submitted for academic credit).”

Selling or displaying for sale of published materials in violation of the above conditions in Section 42351 (a) is prohibited.

Sale of published materials proposed by campus clubs must be scheduled and submitted for approval through the E-Plan process. Other campus individuals or organizations must schedule and seek approval for this activity through the University Scheduling Office.

Consistent with Title 5, Section 42351, companies or individuals may offer for sale newspapers on campus through standard newspaper vending machines located in designated areas. The vendor must have prior approval for placement of newspaper vending machines from the Vice President for Administration and Finance. Vendors may post advertisements for their papers in the space available on the vending machines.

143.2 Selling of Souvenir Programs and Related Material

Groups or individuals leasing campus facilities for entertainment and cultural events may be permitted to sell souvenir programs and related material under conditions established in the lease.

143.3 Advertising in Publications

Advertising may be permitted in faculty, staff, alumni and student publications subject to the policies of each publication. Publications in electronic format, utilizing campus information technology resources, are subject to Responsible Use (<http://its.calpoly.edu/Policies/RUP-INT/>) (<http://its.calpoly.edu/Policies/RUP-INT/>) and other applicable information technology policies. (Commercial solicitation is addressed in Section 143.)

143.4 Tobacco Advertising at University Events

In the interest of promoting a safe and healthy environment for members of the University and wider community, the University prohibits advertising of tobacco products at all Cal Poly events.

144 Use of Cal Poly Buildings and Grounds

Reference

Any laws, regulations or codes of practice which should be referred to in conjunction with the policy: California Education Code, § 89030-31; Title 5, California Code of Regulations, Sections 41301 and 42350-42354

144.1 Approved and Priority Uses of University Facilities

Use of those University facilities that may be scheduled for activities or events is limited to the following purposes and is normally granted in the following order of precedence:

1. The Regular University Instructional Program: Actual classes and scheduled meetings that are part of the regular academic program.
2. The Broad University Instructional Program: Discussions, instructionally related activities/programs such as music, drama, forensics, journalism, intercollegiate athletics; special programs and other activities, that are a part of normal class-associated or academic programs; courses that are a part of the authorized campus Continuing Education program.
3. Research and Consultant Activities: Programs that are research-oriented in nature which contribute to the professional development of students, faculty and staff and consultant activities that have been approved by the University.
4. Educational and Co-Curricular Activities Sponsored by Student, Faculty and/or Staff Individuals and Groups: Events such as conferences, meetings, lectures, musicals, concerts, films, productions, contests or public assemblies concerned with the professional, cultural, recreational, or entertainment phases of University life. Participants and guests may include students, faculty, and staff of other educational institutions and the general public when such participants or guests are appropriate to the function.
5. Meetings of Groups Sponsored by or Related to the University: Examples include meetings called by State agencies; by professional organizations of faculty, students or staff; or by University-related organizations; county and city school district-sponsored meetings; meetings of federal, state, and local government organizations.
6. Other Uses: Use of facilities for programs consistent with the objectives of the University may be granted to those agencies and organizations with whom the University is authorized to make lease agreements, specifically: government agencies; nonprofit, charitable, educational or character-building organizations; or groups for educational or non-commercial purposes.
7. Commercial Uses: Use of facilities for commercial purposes is prohibited unless prior written permission has been obtained, on an exceptional basis, from the University president or designees

(See Section 143).

144.2 Prohibited Uses of University Facilities

Unauthorized residence on University property or living in privately owned, temporary lodging parked or erected on University property is generally prohibited. In unusual circumstances exceptions are permitted with the written permission of the campus President or designee (Vice President for Administration and Finance).

In general, the use of University facilities or property for personal or private events is not authorized. The category “personal or private events” includes, but is not limited to, weddings and memorial services. The scheduling of these or similar events on University property may be authorized only in unusual circumstances and requires prior approval of the University President or designee (the Vice President for Administration and Finance).

144.3 Costs and Fees

Use of campus facilities or other property may be subject to a fee and/or require liability insurance or indemnity agreement. Where this is the case, persons or groups granted the use of campus facilities or other property are responsible for reimbursing the University or its auxiliaries. Such users also assume responsibility for all damage. Failure to reimburse the University, ASI or other University auxiliaries for use charges or for damage to facilities may jeopardize the person or group’s future access to campus facilities. (Any decisions to deny access may be appealed through the processes described in Section 141.3.2.5, Handling of Appeals.)

144.4 Scheduling of Campus Events and Activities

The University has established formal scheduling protocols for events and activities to ensure effective campus coordination and to provide individuals and groups with a means by which to reserve facilities, spaces, equipment, other resources and support services. These scheduling protocols apply to all campus events and activities, including but not limited to speeches, musical and artistic performances and exhibitions, public assemblies and events, marches and parades, non-commercial solicitation and commercial activities.

- Student clubs wishing to conduct events or activities on campus are encouraged to utilize ASI’s E-

plan process, through the UU Epicenter, to facilitate campus coordination with other events and among potential campus service providers. Where events or activities require use of facilities or other scheduled campus spaces, use of the E-plan process is required. Use of the E-Plan is also required where equipment or other support services are needed or whenever commercial activity is involved.

- Faculty and staff members, individual students, State-sponsored student programs and student organizations (other than clubs) wishing to conduct events or activities on campus are encouraged to contact the University Scheduling Office, to facilitate campus coordination with other events and among potential campus service providers. Where events or activities require use of facilities or other scheduled campus spaces, scheduling through the University Scheduling Office is required. Where equipment or other support services are needed, or whenever commercial activity is involved, scheduling through the University Scheduling Office is also required.
- Off-campus individuals or groups wishing to use University facilities or grounds to conduct events or activities on campus are required to contact the University Scheduling Office so that the event or activity can be referred to appropriate campus offices. Requests for use of campus facilities or grounds by off-campus individuals or groups will be subject to evaluation in relation to potential competing University uses. Consistent with CAP 144.1, "Approved and Priority Uses of University Facilities," University uses will ordinarily be given priority over those of off-campus individuals or groups. Furthermore, use of campus facilities or grounds by off-campus individuals or groups must be consistent with the general and specific limitations contained in campus policy. Use of campus facilities or grounds by off-campus individuals or groups may also be subject to a fee.

Any events or activities held in Cal Poly's residential communities are subject to the policies of Cal Poly's Housing and Residential Life Program. Questions about these policies may be directed to the Office of Housing and Residential Life.

During certain campus wide special events (e.g. Open House, Week of Welcome) priority will be given to event-related activities in the scheduling of campus facilities, grounds and resources.

In carrying out the scheduling function, the University will retain a position of strict neutrality regarding the views groups or individuals may wish to express. The institutional control of campus facilities shall not be used as a device for censorship. The University will not preclude groups or individuals from expressing their views because of disagreement with the views to be presented.

144.5 Leafleting and Handing Out of Non-Commercial Written and Printed Materials

All groups or individuals wishing to leaflet, hand out or otherwise distribute non-commercial written or printed materials on campus are encouraged to utilize the E-plan process (student clubs) or notify the University Scheduling Office (faculty, staff, individual students, State-sponsored student programs,

student organizations (other than clubs) and off-campus individuals and groups).

Individuals may, however, without prior scheduling, distribute non-commercial written and printed materials in any outdoor area of the University (excepting roadways) or in any University common.

Where facilities or equipment are required or commercial activity is involved, use of campus scheduling protocols is required. (See Section 144.4, Scheduling of Campus Events and Activities; See also Section 143, Commercial Activities; and Section 144.7, Temporary Commercial Signage).

Student clubs using the E-plan may consult with the UU Epicenter staff, should they wish assistance in ensuring that leaflets and fliers comply with the provisions of campus policy, before they are distributed. Other individuals, organizations or groups may consult with the University Scheduling Office.

Littering is not permitted. Posting of written and printed materials on vehicles without the owner's permission is not permitted.

Distribution of materials in electronic format using University information technology resources must comply with the Responsible Use Policy(<http://its.calpoly.edu/Policies/RUP-INT/>) and other applicable University policies.

These activities must be consistent with the University's general requirements regarding preservation of campus order and public safety, as presented in Section 141.3.1, General Limitations and with Section 144.6, Temporary Non-Commercial Signage.

144.6 Temporary Non-Commercial Signage

Temporary non-commercial signage (signs, posters, fliers and banners) may be posted on campus, subject to the following guidelines and limitations.

Temporary non-commercial signage shall clearly identify the date of posting. To aid the university in maintaining an uncluttered and attractive campus, the organization or persons responsible for the posting of the signage are also encouraged to identify themselves and provide contact information on the signage.

Temporary signage may not be placed on the outside of buildings (walls, doors, windows, roofs or steps) or on interior doors, windows, walls, floors or ceilings. Temporary signage may not be placed on trees, poles, traffic signs, trashcans, fences, or hillsides. Temporary signage may also not obstruct the entrances or exits of buildings or the line of vision to vehicular or pedestrian traffic. Posting of signage on vehicles without the owner's permission is also not permitted.

The organization responsible for placing temporary signage shall be responsible for its removal no more than two weeks after its posting or, if it is advertising an event, when the event is over. In order to ensure maintenance of an uncluttered, attractive and safe campus, the University otherwise

to ensure maintenance of an uncluttered, attractive and safe campus, the University otherwise reserves the right to remove temporary signage (non-commercial and commercial) if it is not in compliance with University policy, if it has been posted for more than two weeks, or if the event it advertises has taken place, whichever comes first. Signage may also be removed when damaged, displaced or weathered so that it is no longer readable.

Organizations or persons who fail to remove temporary signage in a timely manner may be held responsible for the cost of its removal.

Posting of temporary signage is subject to the following additional location-specific guidelines:

- University Commons – Dexter Lawn and Theatre Lawn, subject to review by Facility Services; UU Plaza, consistent with University Union Facilities policies.
- Kiosks – no permission is needed.
- Residence Halls – permission is granted consistent with on-campus housing policies.
- Library, inside bulletin boards – Dean of Library Services' approval needed, following review for compliance with Library policy.
- University Union – permission granted consistent with University Union Facilities policies.
- Employee Relations Bulletin Boards in Various Buildings – As agreed through collective bargaining and implemented by the Director of Human Resources.
- In campus buildings other than referenced above: on public or non-designated bulletin boards, no permission is needed; on department/college bulletin boards, the permission of the appropriate

Department Head or Dean is needed, following review for compliance with department/college policy.

- Temporary signs for student organizations (sandwich boards and signs on lath-sized wood stakes) may be placed on campus lawns or adjacent to pedestrian paths, subject to review by Facility Services for interference with University operations or safety and compliance with specific guidelines regarding size, format, placement, etc. (Consult also ASI policies/codes regarding elections and clubs).

Student clubs are required to utilize the E-plan process to gain approval to set up sandwich boards. Student clubs may consult with UU Epicenter staff, should they wish assistance in reviewing any other non-commercial temporary signage before it is posted, to ensure compliance with the provisions of this policy and other specific guidelines regarding size, format, placement, etc.

Individual students, state-sponsored student programs, student organizations (other than clubs), and faculty and staff individuals and organizations must work through the University Scheduling Office to secure approval to set up sandwich boards. They may consult with the University Scheduling Office for assistance in reviewing any other non-commercial temporary signage before it is posted, to ensure compliance with the provisions of this policy and other specific guidelines regarding size, format, placement, etc.

Off-campus individuals or organizations must secure permission to post temporary signage on other than campus public bulletin boards and kiosks, through the University Scheduling Office.

Placement of temporary signage is subject to review by Facility Services for interference with University operations and safety and compliance with specific guidelines regarding size, format and placement. (Any questions about procedures for placement of temporary signage should be directed to Facility Services.)

144.6.1 Chalking

In general, Cal Poly does not encourage chalking as a method of communication, due to the negative environmental and resource impacts associated with it. (Removal via washing wastes water and runs the risk of introducing pollutants into the natural storm water removal network of campus streams.) For these reasons, the University encourages members of the campus community to use other, more environmentally friendly modes of expression.

Requests to communicate via chalking will be considered only from members of the campus community (student clubs, state-sponsored student programs and organizations, faculty and staff members or individual students) and those off-campus individuals or organizations that are co-sponsored by a recognized Cal Poly organization.

Requests to chalk must conform to the following procedures:

- A request to chalk, including date(s), location, the name of the responsible individual(s) or organization(s) and a commitment to clean and remove the chalking (following university guidelines) must be submitted via an approved e-plan (for student clubs) or via referral to the University Scheduling Office (for other groups, organizations and individuals).
- Those who chalk, like those who post temporary signage, are encouraged to identify the organization(s), group(s) or individual(s) responsible for the chalking on the chalk-marked sign.
- Message content will not be considered in University or ASI reviews of requests to chalk.
- Only water-soluble chalk may be used.
- Chalking is permitted only on flat, horizontal, exterior surfaces e.g., sidewalks and plazas – no building surfaces or walls whatsoever.
- Chalking must not interfere with pedestrian traffic.
- A five-day maximum duration must be observed.
- Removal must be scheduled to avoid disruption of campus activities.

Should responsible individual/organization chalk without permission or fail to adhere to the written removal plan, cleanup may be performed by the University and charged to sponsor(s) at the University's discretion.

144.7 Temporary Commercial Signage

This policy is intended to provide general guidance for development and placement of temporary commercial signage on University properties. The elements of this policy may be amended or augmented in the context of policies and procedures for specific University event venues.

Commercial advertising otherwise consistent with University policy is permitted without prior scheduling or permission on public access bulletin boards and kiosks only.

Otherwise, commercial advertising using temporary signage (signs, posters, fliers, and banners) by University students (or recognized student organizations), employees (or recognized employee organizations) or non-University entities involved as approved co-sponsors of University activities is permitted under the following conditions:

Student clubs are required to utilize the E-plan process to post commercial advertising other than on public display areas.

Individual students, state-sponsored student programs and student organizations (other than clubs), faculty and staff individuals and organizations and off-campus event co-sponsors must work through the University Scheduling Office to post commercial advertisements on other than public display areas.

Commercial signage for purposes of advertising may not contain false, misleading, or illegal advertising.

All commercial advertising signage shall clearly identify the date of posting and the organization or persons responsible for posting of the signage. All commercial advertising signage shall clearly identify the date of posting and the organization or persons responsible for posting of the signage.

The organization responsible for placing temporary commercial signage announcing events shall be responsible for its removal promptly when the event is over.

The University otherwise reserves the right to remove all temporary signage (non-commercial and commercial) if it is not in compliance with University policy, if it has been posted for more than two weeks, or if the event it advertises has taken place, whichever comes first. Signage may also be removed when damaged, displaced or weathered so that it is no longer readable.

Organizations or persons who fail to remove temporary signage in a timely manner may be held responsible for the cost of its removal.

Posting of advertisements is subject to the following additional location-specific guidelines:

- University Commons – Dexter Lawn and Theatre Lawn, subject to Facility Services review; UU Plaza,

consistent with University Union Facilities' policies.

- Kiosks – no permission needed.
- Residence halls –permission is granted consistent with on-campus housing policies.
- Library, inside bulletin boards – Dean of Library Services approval needed, following review for compliance with Library policy.
- University Union – permission granted consistent with University Union Facilities' policies.
- Employee Relations Bulletin Boards in Various Buildings – As agreed through collective bargaining and implemented by the Director of Human Resources.
- Electronic ads, utilizing University Information Technology resources, including ads on Cal Poly Web sites, require prior approval by the Vice Provost/CIO or designee, following review for compliance with University policy.
- In campus buildings, other than referenced above: on public or non-designated bulletin boards, no permission needed; on department/college bulletin boards, permission of the appropriate department head or dean is needed, following review for compliance with department/college policy.
- Temporary signage may not be placed on the outside of buildings (walls, doors, windows, roofs or steps) or on interior doors, windows, walls, floors or ceilings.
- Temporary signage may not be placed on trees, poles, traffic signs, trashcans, fences or hillsides. Signage may also not obstruct the entrances or exits of buildings or the line of vision to vehicular or pedestrian traffic. Posting of signage on vehicles without the owner's permission is also not permitted.

Placement of signage is subject to review by Facility Services for interference with University operations, safety and compliance with specific guidelines regarding size, format, placement, etc.

Reference

- Date approved by the President: May 9, 2007
- Office responsible for implementation: Office of the President
- Editorial change only - made 3/15/17

144.8 Commercial Filming and Still Photography on Campus

144.8.1

Cal Poly allows for commercial filming and still photography on campus, subject to approval by the Communications office. Requests must be submitted in writing to comms@calpoly.edu.

144.8.2

All commercial film and photography requires a permit and certification of insurance.

Commercial film and photography projects will be charged a permitting and location management fee, to be determined by the University's Contracts & Procurement office depending on the size and scope of the project.

145 Policy on Use of University Names and Marks

145.1 Policy Objective

The name California Polytechnic State University (Cal Poly) and the generally recognized abbreviations or short forms of the University names, symbols, logos and other identifying marks (Marks) are a significant asset of the institution. If properly managed, these Marks provide a unified look and visual presence that is associated with the University and its quality programs. The University has the responsibility to protect the Marks against misuse and infringement. This policy seeks to communicate the appropriate use of the University Marks.

145.2 Legal Protections

The University name refers to California Polytechnic State University, San Luis Obispo as well as any generally recognized abbreviation or short form of the University name or symbol. The University name is protected by state law, violation of which is criminally punishable as a misdemeanor. The University name and Marks are further protected by state and federal trademark law, and University policy.

145.3 Use of University Name or Marks

Use of the University's name is a privilege reserved by law to the CSU and organizations officially related to and authorized by the University and may not be used to imply, either directly or indirectly, the University's endorsement, support, favor, association with, or opposition to an organization, product or service without the permission of the University.

This includes but is not limited to use of the University name or Marks in printed, electronic, or other such media. Unauthorized uses may constitute a violation of state law, trademark and/or copyright infringement.

145.4 Official Use

The Marketing and Communications office is responsible for overseeing the consistent use of the Cal Poly name and Marks. The official University logo should be used by all internal departments of the University with the exception of Athletics which is authorized to use the approved Athletic Marks. The University name or Marks may not be used for personal purposes.

145.4.1 University Print or Electronic Publications

All proposed non-scholarly publications intended for distribution outside Cal Poly, whether print or electronic, are official communications and must conform to University standards and be approved by the Communications staff prior to dissemination

145.4.2 Authorized Use of Letterhead and Business Cards

The official letterhead stationery of the University is authorized for state business only. Business cards may be used only by current, emeriti, or volunteer employees of the University and are not authorized to be used by others affiliated with the campus. The University Style Guide & Identification Standards Manual identifies approved layout, colors, etc., for official use.

145.5 Advertising

Approval shall not be given to advertising which lists the University as a user of any product or service on which a commercial program or publication is based, except that approval may be granted by the vice president for Administration and Finance for institutional or goodwill advertising clearly regarded as being in the best interests of the University.

145.6 Trademark Licensing Program

The Cal Poly Corporation is responsible for the management of the University's Trademark Licensing program. The Trademark Licensing program ensures through the licensing process that all authorized uses of the University Marks are professional and of a quality that reflects positively on the institution. The Cal Poly Corporation is authorized by the President to protect the use of the University's Marks.

All products (e.g., clothing, mugs, scarves, pennants, etc.) for manufacture and distribution bearing the name, trademarks, or other identifier of the University shall be permitted only under a license granted by the Cal Poly Corporation. Commercial retailers and distributors must receive their merchandise from a licensed manufacturer. The campus licensing requirement applies to all products using the University names and Marks whether the products produced are for resale, promotional, give-away, or for internal consumption. Products imprinted with the University's name or Marks are

subject to royalty fees with few exceptions. Royalty rates and exemptions are approved by the vice president for Administration and Finance. The licensing program ensures product quality associated with the Marks and appropriateness of products, promotions, and advertising upon which the Marks are used. Sale of commercial merchandise on campus is the exclusive right of the University Store.

References for CAP 145:

1. Date approved by the President: May 22, 2014
2. Effective Date: May 22, 2014
3. Responsible Department/Office: Marketing and Communications and the Cal Poly Corporation
4. Revision History: Not applicable.
5. Related University Policies, Procedures, Manuals and/or Documents:
 - a. [Trademark Licensing Program \(https://afd.calpoly.edu/tm_licensing/\)](https://afd.calpoly.edu/tm_licensing/)
 - b. [University Style Guide & Identification Standards Manual](#) 
 - c. [Cal Poly Athletics Brand and Graphics Guidelines](#) 
 - d. [Cal Poly Web Authoring Resource Center \(http://warc.calpoly.edu/universityid/index.html\)](http://warc.calpoly.edu/universityid/index.html)
6. Laws, Regulations and/or Codes of practice referred to herein or related to this policy:
 - a. California Education Code, Section 89005.5

References for CAP 140:

1. Date approved by the President: May 17, 2016
2. Effective Date: May 17, 2016
3. Responsible Department/Office: Office of University Communications
4. Revision History: New
5. Related University Policies, Procedures, Manuals and/or Documents:
 - a. [Commercial Filming and Still Photography on Campus \(http://calpolynews.calpoly.edu/filming-and-photography/filming.html\)](http://calpolynews.calpoly.edu/filming-and-photography/filming.html)
6. Laws, Regulations and/or Codes of practice referred to herein or related to this policy: None cited

Administration & Finance