

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 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

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 . 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.

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 extensin

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 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 campus privileges revoked [[California Penal Code, section 626 e](#)].

Facilities and outdoor spaces are governed by the policies of the Board of Trustees, SJSU, and [campus auxiliaries](#)¹, 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

¹ The Board of Trustees or SJSU policy will prevail

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Amplified sound is defined as any sound that is broadcasted through

: An approving body containing representatives from Student Affairs, Student Union Event Services, Academic Affairs, the Office of Diversity, Equity, and Inclusion, the University

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.

Staked signs may not be placed in flower beds, in the center of lawn areas, or in areas blocking SM_p

action against Uni

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.

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).

For approval to engage in commercial solicitation on campus grounds, contact Business Services.

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].

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,

