Home > Expressive Activities Held on UCSF Property

Topic General Administration [1]
Policy Number 050-27
Reviewed Date February 19, 2020
Responsible Office

- Office of the Senior Vice Chancellor, Finance and Administration [2]

Purpose

Free and open expression is a constitutional right under the First Amendment. For Students, free and open expression is particularly important to a rich educational experience at the University of California.

It is the policy of the University of California, San Francisco (University or UCSF) to ensure that the exercise of free and open expression on University Property is at all times conducted in compliance with First Amendment rights, with orderly and civil behavior that ensures public safety, and in a manner that does not disrupt University operations or damage University Property.

To provide clarity, relevant terms used in these policies and procedures are defined below. Terms with definitions are identified with Quotation Marks when used for the first time in this document.

Definitions

Student(s)

An individual for whom UCSF maintains student records and who: (a) is enrolled in or registered with an academic program of the University; (b) has completed the immediately preceding term, is not presently enrolled, and is eligible for re-enrollment; or (c) is on an approved educational leave or other approved leave status, or is on filing-fee status. For the purposes of reserving and accessing space to hold Expressive Activities on UCSF Property, students attending other University of California campuses (or other university altogether) are considered members of the General Public.

University of California

All campuses of The Regents of the University of California, including laboratories and the Office of the President.

The University or UCSF

The University of California, San Francisco, also referred to as UCSF, and all of its campus sites, including UCSF?ís campus in Fresno.

University Property

Any UCSF owned or operated property, including property leased in whole by UCSF, is considered University Property, including buildings and grounds for research, teaching, administration, and patient care (UCSF Health clinics and hospitals).

Expressive Activities

Free speech and open expression events, including, but not limited to: assemblies, associations, debates, demonstrations, picketing, protests, rallies, and speeches.
Employee(s)

All staff, faculty (paid and unpaid), and other academic appointees, including postdoctoral scholars, fellows, residents, and visiting scholars. For the purposes of reserving and accessing space to hold an Expressive Activity on UCSF Property, employees acting outside the scope of their duties are considered members of the General Public.

Affiliate(s)

Regents, emeritus, alumni, volunteers, or member of a household living on campus and others without a University ?Employee? or ?Student? status. For the purposes of reserving and accessing space to hold an Expressive Activities on UCSF Property, Affiliates acting outside the scope of their duties are considered members of the General Public.

University Business

Activity considered University Business includes, but is not limited to, teaching a class, fulfilling a grant or other contractual deliverable, or hosting an education seminar or lecture.

University Official

An Employee of the University, including but not limited to, University Police Officers, Security Guards, Facilities Managers, acting within the scope of their employment to, ensure the safety of the public, protect University facilities, or to minimize disruption to university operations.

General Public

All people in society, regardless of their affiliation with any particular group.

Time, Place, and Manner

Reasonable restrictions to use of University Grounds that ensure public safety and enable the University to operate without disruption or physical damage.

Organizer(s)

The organizing body or lead person planning an Expressive Activity.

Authorized University Office

Specific University Offices permitted to approve Expressive Activities arranged in advance on University Property.

Amplified

Sound from power operated instruments or equipment.

Non-Amplified

Sound from chanting, clapping, drumming and sound otherwise not produced by a power operated instrument or equipment.
Facility Operator(s)

Employees of the University who have responsibility for managing reservations, upkeep, etc. of conference rooms or other event space within their departments, units, schools, etc.

Civil Disobedience

The refusal to comply with laws that ensure a peaceful Expressive Activity. Civil Disobedience involves a violation of law or regulation and is not protected speech under the state or federal constitutions. Those engaging in Civil Disobedience may be held accountable for violations of law, regulation, and/or University policies.

Student Government(s)

An entity recognized by the University and authorized by the Chancellor to represent Student constituencies comprising either the Student body as a whole or particular segments of it, consistent with the status of such governments as official units of the University of California.

Student Registered Campus Organization (RCO)

An organization whose membership is comprised of University students and that attains recognition by complying with the requirements and procedures set forth in campus implementing regulations, including registration with UCSF Student Life.

Non-University Speaker(s)

Individual(s) unaffiliated with the University, acting for non-University Business purposes, who are invited in advance to speak at an Expressive Activity on Limited-Public or Special-Use Grounds.

Policy

A. APPLICABILITY

These policies and procedures apply to all free speech and open expression events held on University Property, collectively referred to as “Expressive Activities,” including, but not limited to: assemblies, associations, demonstrations, debates, picketing, protests, rallies, and speeches.

Lectures, seminars or other presentations conducted or organized by Students, Employees, or Affiliates within the scope of their studies, employment, or affiliation are, for the purposes of this policy, considered University Business. University Business activities are not covered by these policies and procedures, except if such activities have the potential for inciting behavior that could impede public safety, cause property damage, or disrupt University operations, in which case, these Expressive Activities policies and procedures may apply.

B. VIEWPOINT NEUTRAL

It is the policy of the University to remain viewpoint neutral when making determinations as to what types of events constitute Expressive Activities and when charging event costs to Organizers.

C. PREVAILING POLICIES AND PROCEDURES

During an emergency, UCSF’s Police Department General Orders (See “Related Information” below) prevail should a conflict arise with these Expressive Activities Policies and Procedures.

Should a conflict arise with any event-related UCSF policies or procedures, the requirements stated in these
Expressive Activities Policies and Procedures prevail.

D. POLICY AND PROCEDURES EXCEPTIONS

These policies and procedures must be followed for all Expressive Activities held on University Property, unless the UCSF Police Department, the Expressive Activity Review Committee (Section C.4) or a ?University Official? determines that a deviation is in the best interest of public safety and/or the orderly continuation of the University?s business operations.

Procedures

A. PUBLIC GROUNDS, LIMITED-PUBLIC GROUNDS & SPECIAL-USE GROUNDS

1. Public Grounds

It is the policy of the University that all persons, including the ?General Public,? may exercise their right to hold or participate in Expressive Activities on the University?s Public Grounds, subject to the University?s ?Time, Place, and Manner? restrictions (Section B). For the purposes of these policies and procedures Employees and Affiliates organizing Expressive Activities are considered members of the General Public, except when organizing University Business activities.

A list of Public Grounds is in Attachment A [3].

The University strongly recommends the use of Recommended Public Grounds, a subset of the University?s Public Grounds, for Expressive Activities. Furthermore, a University Official has the right to direct Expressive Activities to these Recommended Public Grounds whenever the University Official determines the use of these recommended areas is in the best interest of the University or event participants, in accordance with Time, Place, and Manner restrictions (Section B).

A list of Recommended Public Grounds is in Attachment A [3].

Although several city sidewalks surround or bifurcate University Property and may be used for Expressive Activities, these public areas are under the jurisdiction of the respective city (San Francisco, Fresno, etc.) and Organizers of and participants in Expressive Activities must comply with city rules and regulations, as applicable.

2. Limited-Public Grounds ? Advanced Notice

The University extends the additional use of Limited-Public Grounds, including to the General Public, when arrangements are made in advance through an ?Authorized University Office? (Section C).

A list of Limited-Public Grounds is in Attachment A [3].

3. Special-Use Grounds ? Advanced Notice

The University will extend use of the University?s Special-Use Grounds to the University?s Students, when such activities are arranged in advance through an Authorized University Office (Section C). Because freedom of expression is considered a part of a constructive learning and research experience, the University grants Students access to additional space on University Property, beyond what is extended to other populations for expressive activities.

A list of Special-Use Grounds is in Attachment A [3].
Students of the University who do not arrange their activities in advance and in accordance with Section C are restricted to using Public Grounds for Expressive Activities.

B. TIME, PLACE & MANNER RESTRICTIONS

The University’s Time, Place, and Manner restrictions identified herein uphold an individual’s constitutional rights and also ensure public safety and enable the University to operate without disruption or physical damage.

1. Time Restrictions

There are no specific time restrictions for holding Expressive Activities on Public Grounds.

However, at all times, sound levels must be reasonable, whether the sound is Amplified or Not Amplified. Reasonable means the sound may not be at levels that would disturb the peace of patients or neighbors or disrupt business operations. Refusal to lower levels as requested by the UCSF Police Department could result in citation and seizure of sound equipment.

Times for holding Expressive Activities in Limited-Public and Special-Use Grounds must be held in accordance with times permitted by the Facility Operator and approved by the Facility Operator in advance.

2. Place Restrictions

Use of all University Property is subject to the following in and outdoor place restrictions:

a. May not take place in front of elevators, or at the top, bottom or on the steps or landings of stairways. Stairways and elevators may only be used to move from floor to floor
b. May not interfere with, block, or impede the normal access to or egress from any building or room or a portion of one
c. May not block passages to any entrance, walkways, or fire lanes such as by placing tables and stands in these areas
d. With the exception of the Kalmanovitz Library Forecourt, activities must be at least 50 feet away from University building entrances and external stairways (outdoor events), including the entrances and external stairs of University hospitals, clinics, and other types of patient-care facilities
e. May not impede patient drop-off and pick-up locations that may be at or near building entrances
f. May not restrict the free flow of pedestrian traffic such as by overcrowding or placing tables and stands on sidewalks
g. May not interfere with the ability of vehicles to enter or exit a roadway, or parking lots or structures
h. May not interfere with the ability of vehicles to drive with the normal flow of vehicular traffic

3. Manner Restrictions

The University will not tolerate acts of Civil Disobedience on University Property. To promote a safe, non-violent, and constructive environment, all persons participating in Expressive Activities on University Property are subject to the following manner restrictions. Since no safety list is completely comprehensive, University Police may impose additional safety measures.

a. May not engage in any activity which endangers personal safety
b. May not engage in, organize, or carry out unlawful activity
c. May not engage in any activity which results in damage to personal or University Property or which violates the privacy and/or confidentiality of sensitive University records or information
d. May not interfere with or disrupt normal University business, classes, patient care, healthcare, or any organized and authorized University activity inside or outside of a University Property
e. May not include a structure or display larger than two feet in dimension
f. May not block or impede access to any emergency alarm system(s)
g. May not interfere or tamper with any part of any emergency alarm system(s)
h. May not interfere with an individual’s wish to exit a forum where they do not wish to be, listen or participate for whatever reason
i. May not disregard instructions given by a University Official acting in their official capacities
j. May not rise above sound levels considered unreasonable (Section B.1)
k. May not paint faces or wear non-respiratory masks
l. May not carry or transport signs, posters, placards or banners exceeding thirty inches (30”) by thirty inches (30”) in size or with handles or supports made out of non-wood material.

C. ARRANGEMENTS

1. Use of Public Grounds Without Arrangements

The University understands that many forms of Expressive Activities occur spontaneously. As such, advanced arrangements are not required to use Public Grounds. Although not required for use of Public Grounds, advanced notice is encouraged and procedures in Sections C.2/3. should be followed.

2. Use of Limited- and Special-Use Grounds With Arrangements

Reservations for use of Limited-Public Grounds or Special Use Areas (Students only) must be made through one of the Authorized University Offices listed below.

All arrangements for services, such as, but not limited to, police, security, barriers, portable toilets, trash bins, and custodial, must be coordinated through the applicable Authorized University Office, including for Expressive Activities organized by “Student Governments” or “Student Registered Campus Organizations.”

<table>
<thead>
<tr>
<th>Expressive Activity Types</th>
<th>Authorized University Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Student Governments or Student Registered Campus Organizations</td>
<td>Student Life [4]</td>
</tr>
<tr>
<td>ii. Political or Governmental Expressive Activities</td>
<td>Government Relations [5]</td>
</tr>
<tr>
<td>iii. Labor Relations Expressive Activities</td>
<td>Labor and Employee Relations [6]</td>
</tr>
<tr>
<td>iv. All Other Expressive Activities, including Staff Registered Campus Organizations</td>
<td>Campus Life Services [7] (Facilities Services or Office of Senior Associate Vice Chancellor)</td>
</tr>
</tbody>
</table>

All individuals or organizations using University Property for Expressive Activities must avoid any unauthorized implication that they are sponsored, endorsed, or favored by the University.

3. Event Forms and Approval Process
To ensure public safety and avoid disruptions to University operations, the appropriate Event Form must be submitted 10-calendar days in advance to the applicable Authorized University Office for review and approval of all Expressive Activities held in Limited Public and Special Use Areas (Students Only). There should be no expectations that requests for use of Limited-Public or Special-Use Grounds (University Students only) will be approved, especially if the request is submitted with fewer than 10-calendar days' notice.

Student Organizers must submit an Event Form through their Student Government or Student Registered Campus Organization in OrgSync for review and approval by UCSF's Student Life.

All other non-Student Organizers must submit an Expressive Activity Event Form [8] (Attachment B [8]) to the applicable Authorized University Office.

It is the responsibility of Facility Operators to redirect individuals and organizations planning Expressive Activities to the appropriate Event Form and the Authorized University Office so that Expressive Activity logistics can be reviewed and approved in advance.

4. Review Committee

To apply these policies and procedures on a reasonably consistent basis, ensure viewpoint neutrality, and track Expressive Activities planned on University Property, the University has established an Expressive Activity Review Committee.

The Expressive Activity Review Committee is comprised of representatives from UCSF Police Department, Risk Management Services, Chancellor’s Office, Office of Diversity and Outreach, and the applicable Authorized University Office.

Should the Expressive Review Committee deny (Section C.5.) the use of University Grounds for an Expressive Activity, a written appeal may be made to the Expressive Activity Review Committee within two business days of receipt of the denial. The Expressive Activity Review Committee will review the appeal and issue a written and final decision within two business days of appeal receipt, though the decision time frames may be extended for good cause and with notice to the parties. Under no circumstances may the Expressive Activity be held during the time a denial is being appealed or before resolution of the appeal.

5. Denials / Event Closures

A request for use of Limited-Public and Special-Use Grounds (Student Only) may be denied if the nature of the proposed event would be inappropriate or unsafe for the space requested or does not otherwise meet applicable policies and procedures, including Time, Place, and Manner restrictions.

Furthermore, should a scheduling conflict arise, the University will follow its space prioritization procedures (See ?Related Information? below), which gives priority to use of University Property foremost to accommodate the University’s business needs.

University Property may be used only for the intended purpose stated on the Event Form. If other activities occur, a University Official may cancel the reservation and close the event.

D. NON-UNIVERSITY SPEAKERS

?Non-University Speakers? are only permitted to speak without an invitation at an Expressive Activity on public grounds.

An Expressive Activity that includes an invited Non-University Speaker on either Limited-Public or Special-
Use Grounds (Students) is only permitted when arrangements have been made in advance as described in Sections C.2/3. No invitation may be made to a Non-University Speaker until all arrangement procedures have been followed and approvals received.

E. COSTS FOR GROUNDS AND SERVICES

Use of University Grounds is either free or fee based, depending on the type of University Ground being used (list below). If the Ground? s use is fee-based, all Expressive Activities organized by off-campus groups incur the same rate to use the University Ground, regardless of the viewpoint expressed. Student groups organizing Expressive Activities are eligible for the on-campus rate for the use of fee-based University Grounds; the on-campus rate also does not vary dependent on viewpoint.

- Use of Public Grounds is free
- Use of outdoor Limited-Public Grounds is free
- Use of indoor Limited-Public Grounds is fee based
- Use of Special-Use Grounds varies in cost (from free to fee-based) depending on the space (per Facility Operators)

Use of a University Service (porta potties, trash / recycling bins, chairs, etc.) is fee based and subject to change from time-to-time and depends on attendance size, location, event length, and set up (e.g., march, seated lecture). All Expressive Activities organized by off-campus groups incur the same rate for services, regardless of the viewpoint expressed. Student groups organizing Expressive Activities are eligible for the on-campus rate; the on-campus rate also does not vary dependent on viewpoint.

The Servicing Department has responsibility for disclosing estimated costs for requested services, based on information submitted on the OrgSync Event Form or the Expressive Activities Event Form.

The individual or organization has full responsibility for complying with all applicable payment procedures and deadlines, including but not limited to paying upfront for estimated costs associated with making the space reservation, where applicable. Failure to pay all upfront fees will result in the cancellation of the University facility reservation.

Furthermore, the individual or organization has responsibility for all post-event costs, such as, but not limited to damages to facilities or University resources expended to remove event fliers not removed by the Organizer.

F. SECURITY REVIEW

A security review by the UCSF Police Department is required for any Expressive Activity that is planned in advance. To conduct this review, an OrgSync Event Form or Expressive Activities Event Form (Section 3) must be completed in advance and submitted to the Authorized University Office (Section 2).

Use of security and/or police services is based on an hourly rate, which is subject to change from time-to-time. All Expressive Activities organized by off-campus groups incur the same hourly rate for security or police services, regardless of the viewpoint expressed. Student groups organizing Expressive Activities are eligible for the on-campus group security or police hourly rate; the on-campus rate also does not vary dependent on viewpoint.

Hourly rates for security and police are published on the UCSF Police Department website.

Costs for security or police services will be the responsibility of the Organizer. If, however, the UCSF Police Department ascertains that a specific activity requires additional security or police personnel based on anticipated security concerns, such additional security or police costs will be borne by the University.

The UCSF Police Department is solely responsible for the contracting, scheduling, and posting of any
security or police personnel on University Property. Organizers may not contract with third-party providers of security or police services without advance approval from the UCSF Police Department.

G. INSURANCE

To ensure protection of participants and University Property, Expressive Activities organized in advance by Student Government or Student Registered Campus Organizations must have insurance coverage in accordance with the University’s Risk Management program.

Furthermore, Expressive Activities Organized in advance by the General Public also require insurance coverage in accordance with the University’s Risk Management program.

Risk Management policies and procedures are referenced in ?Related Information? below.

H. POSTING

Display of material on University Property including, but not limited to, advertisements, art, notices, flyers, posters, banners or literature may only be posted in designated areas.

All promotional materials for Expressive Activities held on University Property must avoid any unauthorized implication that they are sponsored, endorsed, or favored by the University.

I. OTHER APPLICABLE POLICIES

1. Compliance with University Policies and the Law

All persons on University Property, including the General Public, are required to abide by University policies and procedures and applicable laws.

To facilitate reading, potentially applicable policies and procedures are summarized in this Section I and/or listed in ?Related Information? below. Even if a University policy or procedure is not summarized or referred to herein, compliance with all University policies and procedures is required.

Violations of any of the policies and procedures outlined in this document may result in suspension of space use privileges.

Violation of University policies may subject a person to possible legal penalties. If the person is a Student or Employee of the University of California, that person may also be subject to disciplinary action in accordance with University of California and/or UCSF policies including, but not limited to applicable collective bargaining agreements, Faculty Code of Conduct, and the University of California Policies Applying to Campus Activities, Organizations, and Students (PACAOS) with campus implementing regulations. (See ?Related Information? below.)

2. Fundraising

Organizers of Expressive Activities held on University Property may not charge admission, unless approved in advance by an Authorized University Office and in accordance with the University’s Fundraising guidelines. (See ?Related Information? below.)

Furthermore, an Expressive Activity may not include the sales of promotional material, unless a sales permit has been approved by an Authorized University Office and issued in accordance with the University Fundraising guidelines. (See ?Related Information? below.)

3. Alcohol
Possession of open containers of alcoholic beverages on the University’s Public Grounds is a violation of law and subject to prosecution. Alcohol may only be served in accordance with the University’s alcohol policies, which limits alcohol sale and consumption to specific locations and in accordance with guidelines that promote responsible behavior. (See “Related Information” below.)

4. Open Flames and Serving of Food

Use of an open flame during an Expressive Activity is prohibited. Any exception must be pre-approved in advance and in writing by the Campus Fire Marshal: https://ehs.ucsf.edu/fire-life-safety-applications-permits [9].

The serving of food to the public during an Expressive Activity is only permitted for events planned in advance and when Temporary Food Event Application has been approved by the department of Environmental Health & Safety: https://ehs.ucsf.edu/food-safety [10].

5. Robinson-Edley Report

The Robinson-Edley Report contains 49-best practices and is used as a guide by the UCSF Police Department when participants in an Expressive Activity choose to engage in civil disobedience or possibly violate laws and regulations.

6. Community Expectations

To maintain UCSF’s status as a global leader in education, research, and patient care, UCSF is committed to building a broadly diverse community, nurturing a culture that is welcoming and supportive of all, and engaging diverse ideas. Individuals on University Property are expected at all times to uphold the principals and standards of UCSF’s Code of Conduct:
https://chancellor.ucsf.edu/sites/chancellor.ucsf.edu/files/Code%20of%20Conduct.pdf [12]

7. Whistleblower Policy

Individuals are encouraged to use the University Whistleblower Policy if they have a good faith belief that an activity has occurred or is continuing to occur that is not in compliance with federal or state law or University policy: https://hr.ucsf.edu/hr.php?&A=889&org=c [13].

Notes

1 Operating times for the various Limited-Public Grounds and Special Use Areas are set by the respective Facility Operator and published and updated on the Facility Operator’s respective website.

2 Mask provision is consistent with requirements set forth in the Covenants, Conditions, & Restrictions of the Regents of the University of California Title V Division 10 Chapter 1 Sections 100013: Prohibited Conduct.
3 Sign sizes and material requirements are consistent with sign requirements set forth in the Covenants, Conditions, & Restrictions of the Regents of the University of California Title V Division 10 Chapter 1 Sections 1000000-1000015: Regulations Governing Conduct of Non-Affiliates in the Buildings on the Grounds of the University of California.

4 Rental rates for the various Limited-Public Grounds are set by each Facility Operator and published on the Facility Operator?'s respective website. Operators update their rates from time-to-time, typically on an annual basis.

Attachments

Attachment B: Expressive Activity Event Form [8]

Related Policies

- 050-11 - Personal Use of University Property [14]
- 050-14 - Use of Campus Public Spaces and Special Use Areas [15]
- 150-30 - UCSF Industry Relations Policy [16]
- 200-31 - Alcohol Policy [17]
- 450-16 - Fundraising Events [18]

References

Other related information:

1. UCSF Police Department General Orders Manual [19]
4. UCSF Campus Code of Conduct [22]
5. Faculty Code of Conduct [23]
7. Regulations Governing Conduct of Non-Affiliates in the Buildings and on the Grounds of the University of California [25]
8. Space Prioritization Policies [26]
9. UCSF Brand Identity [27]
10. University Support, Sponsorship, or Endorsement [26]
11. Student Government and RCO Fundraising Guidelines [28]
12. Service of Alcoholic Beverages [29]
13. Higher Education Employer-Employee Relations Act (HEERA) [30]
14. University of California Policies Applying to Campus Activities, Organizations and Students (PACAOS) with UCSF Implementing Regulations (PACAOS) [31]
15. Policy on Student Conduct and Discipline [32]