

Appendix A

Time, Place and Manner Regulations for University Affiliates

Santa Clara University (hereinafter “University”) is operated as a privately owned institution of higher education. It has not been dedicated to public uses. The University’s sole purpose is and shall remain that of an institution of higher learning providing an education to its students. This policy shall be interpreted to achieve that purpose and to protect the valuable property rights of the Board of Trustees of Santa Clara University, the rights of students to receive academic instruction from the University faculty and to participate in University activities without outside interference.

The time, place, and manner of university affiliates’ ability to exercise freedom of speech on campus are subject to regulations adopted by the University administration. Pre-registration of event, orderly conduct, noninterference with University functions or activities, and identification of sponsoring groups or individuals are required. Outdoor sound amplification will be permitted only with explicit approval of the dean of student life or his/her designee. University Affiliates include members of the faculty, academic departments, staff, administrative offices, or student organizations registered by authorized student government bodies. Students who are not registered by authorized student government bodies will be asked to provide the name of a sponsoring entity at the time of the reservation. The purpose of the sponsor is to assist with communication between the students planning the activity and the Event Planning Office.

The time, place, and manner for Expressive Activity on campus are subject to the following regulations adopted by the University administration.

1. University affiliates wishing to use the University property for purposes of engaging in Expressive Activity must register their event with the Benson Memorial Center Event Planning Office and reserve the appropriate venue. The topic, intent and nature of the Expressive Activity must be given at the time of the original reservation.
2. The following criteria will be used by the Director of the Benson Memorial Center and the Dean of Student Life to determine the time place and manner of Expressive Activity:
 - The effect of the Expressive Activity on University functions and activities including but not limited to classroom instruction, liturgical celebrations, and major University events such as Commencement;
 - The availability of an appropriate space on a particular day;
 - The manner in which the activity will be presented;
 - The availability of furnishings (such as tables, benches, and chairs);
 - Expected crowd size and traffic condition on the proposed day and time of the Expressive Activity.
3. Event registration must include the name, address, telephone number, and signature of the event sponsor.

4. Individuals engaging in Expressive Activity shall conduct that activity in the venue deemed most appropriate by the Director of the Benson Memorial Center and the Dean of Student Life in consultation with members of the sponsoring organization. The time during which Expressive Activity may be engaged in will be determined at the time of the reservation. Noted exception times include the week before finals, finals week, commencement, etc. Reservations will not be issued during finals week and the week before (both quarter and semester academic calendars,) nor will permits be issued during Commencement Weeks (Law School and Undergraduate). In order to provide equal access to the many organizations seeking use of University venues, Expressive Activity registration may not exceed a period of time greater than five consecutive days.
5. No person engaged in Expressive Activity shall engage in activity, conduct, or behavior that interferes with University functions or activities or potentially poses a threat to the safety, health, welfare, or general well being of University students, faculty or staffs. The following criteria will be used by the Director of the Benson Memorial Center and the Dean of Student Life to determine whether the activity, conduct, or behavior poses a potential disruption or threat:
 - Whether the activity is disruptive of University functions and activities;
 - Whether the activity violates the Fire Code;
 - Whether the activity violates the California Occupational Safety and Health Act, or any building standards as defined by the California Health and Safety Code which relate to occupational safety and health;
 - Whether the activity violates any traffic, safety or health ordinances, standards or regulations adopted by the City of Santa Clara or Santa Clara County;
 - Whether the activity violates the Uniform Building Code;
 - Whether the activity violates any safety or health standards adopted by the American National Standards Institute; and/or
 - Whether the activity constitutes a breach of the peace as set forth in California Penal Code section 415.
6. Each person engaged in Expressive Activity shall be responsible to clean up any debris or garbage occasioned by his or her activity, including picking up and properly disposing of any handbills, flyers or other material distributed or made available to University students, faculty or staff as a part of such activity. All debris or garbage shall be deposited in receptacles provided for that purpose by the University. Failure to provide adequate clean up may result in clean up costs being charged to the sponsoring organization.
7. Requests for amplification of sound permits can be obtained in the office of the director of the Benson Memorial Center.

Time, Place and Manner Regulations for Non-University Affiliates

The Santa Clara University campus is not a place of expressive activity for off-campus groups. Permission for independent, non-University affiliates to use the campus for such activity is by special exception only.

The time, place, and manner of University guests' ability to exercise freedom of speech on campus are subject to regulations adopted by the University administration. Pre-registration of event, orderly conduct, noninterference with University functions or activities, and identification of sponsoring groups or individuals are required. Outdoor sound amplification will be permitted only with explicit approval of the dean of student life or his/her designee. University guests include those persons who do not fall into one of the following categories: members of the faculty, academic departments, staff, administrative offices, or student organizations registered by authorized student government bodies. Guests to the campus will be asked to provide the name of University sponsor. The purpose of the sponsor is to assist with communication between the guests and the Event Planning Office, if needed.

The University reserves the right to request proof of insurance in the form of a certificate of insurance evidencing insurance coverage in the amount of \$1,000,000 for damage or injury to any persons or property occurring through the use of the University premises prior to the commencement of the Expressive Activity.

In cases where non-University affiliates wish to join an expressive activity on campus sponsored by a University affiliate, they shall be considered University guests.

University guests present at expressive activities on campus are subject to the same policies and guidelines as University affiliates. (Cf. above)

Guidelines for Expressive Activity:

Locations for Expressive Activity:

The Director of the Benson Memorial Center will meet with the event sponsors. At the discretion of the Director of the Benson Memorial Center, the following venues are available for expressive activity with approximate capacity:

- East of Walsh Administration Building (adjacent to Alameda Mall) 235 People
- Kenna Staff Lawn (St. Ignatius statue area) 640 People
- Santa Clara Mall (Alumni fountain area) 450 People
- East of de Saisset Museum 225 People
- Kennedy Mall (need to consult with Housing on this location) 550 People
- East of Benson on the Alameda Mall in front of Orradre (need to consult with Librarian) 900 People
- Benson Memorial Center East Plaza 135 People
- Athletic Fields Almost unlimited*

*A special calculation can determine how much space is needed for a large crowd.

Locations that were determined suitable for **overnight** activity include:

- Santa Clara Mall (Alumni fountain area)
- East of Benson on the Alameda Mall in front of Orradre)
- Benson Memorial Center East Plaza (current location for expressive activity)

In the case of overnight activity, restroom facilities in Campus Safety Services and the Benson Memorial Center will be made available.

Notwithstanding the Expressive Activity Policy, the University designates the Benson Memorial Center Plaza (specifically the 10' x 10' yellow brick square adjacent to the southwest corner of Shapell Lounge) as the designated campus location for university affiliates only, to exercise freedom of speech without any need for registration. Users of the free speech area must abide by the regulations found in the Expressive Activity Policy, except the requirement to register the event.. The free speech area will not be available if a university sponsored scheduled event is placed on the Plaza.

Marches:

When the intended expressive activity includes a march on Santa Clara University property, the Director of the Benson Memorial Center and the Dean of Student Life will work with the event sponsors to identify a route appropriate to the nature of the event. No march will be conducted such that the noise or activity level will interfere with University functions or activities or violate any of the criteria listed in 2. above.

Signage:

If signs or placards are to be used as part of the expressive activity, the signs will be of an appropriate size and material. Signs will be displayed according to the following guidelines:

Signs carried by individuals shall not be larger than 20 inches x 30 inches. Signs may be attached to a carrying device (handle) which must be wood; and cannot be larger than 1/2 in. by 1 1/2 in. in thickness and width, with blunted ends. The sign handle should not exceed 48 inches in length.

No signs or banners are to be affixed to University buildings or property without the express written permission of the University.

Distribution of materials:

If materials are to be distributed as part of the expressive activity the distribution must be conducted passively and in the context of the activity. The content of the material must comply with university policies and community expectations.

Conduct of Organizers and Participants

Organizers or participants of the Expressive Activity may not shout at, be aggressive toward, or in any means disrupt people who are in or passing by the area. Organizers or participants must stay in the bounds of the approved area for the event. Organizers and participants should understand there are limits to allowable expressive activity as outlined in these policies and guidelines, and, for students, in the Code of Student Conduct. Persons violating these limits will be held accountable under the appropriate University disciplinary procedures, and/or local, state, or federal laws.

Approved by Fr. Locatelli 02/03/03

Please send feedback for suggested changes to freespeech@scu.edu