

Santa Clara University
Expressive Activity Regulations

Introduction

Santa Clara 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, which includes encouraging the free exchange of ideas for the purpose of developing knowledge and pursuing truth. The University recognizes and supports the rights of free expression. In view of the University's responsibility to promote free expression, the campus is open, but only to University affiliates (Santa Clara University students, faculty, staff, organizations, departments, and offices), for the purpose of freedom of speech and related expressive activity, subject to the time, place, and manner regulations indicated below. The right of free expression includes, but is not limited to, the right to peaceful dissent, protests in peaceable assembly, and orderly demonstrations such as picketing, protests, vigils, and rallies.

Purpose and Regulations

The purpose of these time, place, and manner regulations is to guarantee the right of free expression; ensure the safety of students, faculty, and staff; advance the academic mission of the University; and protect the property rights of the University. No person shall engage in expressive activity, conduct, or behavior that disrupts the normal or essential operations of the University, including but not limited to, classes, residence hall quiet hours, University business, liturgical celebrations, or other scheduled University functions. Nor shall persons engaged in an expressive activity engage in any conduct or behavior that potentially poses a threat to the safety, welfare, and/or property of the University, its students, faculty, or staff. The Vice Provost for Student Life, in consultation with the Director of Campus Safety Services and the Director of University Event Planning, will determine whether the activity, conduct, or behavior poses an imminent threat and/or disrupts the normal or essential operations of the University. If such a determination is made, the event may be cancelled, postponed, moved, or terminated.

Notification

The Vice Provost for Student Life is responsible for reviewing requests for expressive activity to ensure compliance with time, place, and manner regulations. University affiliates wishing to use the University for purposes of engaging in expressive activity must complete an Expressive Activity Management Form (available in the University Event Planning Office) 72 hours in advance of the planned activity. The Expressive Activity Management Form must include information about the sponsoring and co-sponsoring organizations, including any proposed participation by non-affiliates. Notification is not required for normal, regularly scheduled, or otherwise routine or essential University activities such as classes, liturgical celebrations, etc.

Reservations

The purpose of a reservation is to assist with communication between those planning the activity and the University Event Planning Office and to ensure that adequate services are available for the event. A reservation will secure the appropriate venue for an expressive activity. When reservations are made for an expressive activity event, the following information may be collected: the name, address, telephone number, and signature of the event organizer(s); the intended topic; the name(s) of the invited speaker(s); and the nature, location, and anticipated attendance at the event.

The University Event Planning Office can suggest venues that are most appropriate for the event. In order to ensure equal access to the many groups wanting to use the University for events, there may be times when limits on the length of time that a venue can be reserved by a single group will be imposed.

Mission Church

The Mission Church, including the area bounded by the walkways on each of the four sides of the Mission Church, is an operating Roman Catholic Church. As such, the Mission Church is used exclusively for liturgical celebrations and certain University functions approved by the rector of the Jesuit Community or the president of the University. It is not a permissible location for expressive activity.

Amplification of Sound

Organizations wishing to have amplified music at an outside event must obtain specific approval from the manager of the facility being reserved. Approval must then be granted from the City of Santa Clara for an outside noise permit. The general hours available for outdoor amplification of sound are Friday from 4:30 p.m. to 10 p.m., Saturday from 11 a.m. to 10 p.m., and Sunday from 11 a.m. to 5 p.m. Outdoor amplification is not permitted Monday through Thursday. No outdoor amplification is allowed during the undergraduate and graduate final exam periods and law school final exam periods. Amplification of music or speech is not permitted in outside areas immediately adjacent to classroom buildings while classes are in session.

Clean-up of Property

Each person engaged in expressive activity shall be responsible for cleaning up any debris or garbage occasioned by his or her activity, including picking up and properly disposing of any handbills, fliers, or other material distributed as a part of such activity. The event organizer(s) will be charged for failure to provide adequate clean-up and/or if damage to property occurs resulting from or in any way connected with the event.

Appeals Process

Should event organizers feel that their rights to expressive activity have been violated, they shall have the right to appeal in the following manner:

1. The appeal shall be in writing and should state with specificity how their rights to expressive activity under this policy have been violated.
2. The appeal shall be filed within five business days of the occurrence.
3. Appeals related to expressive activity sponsored by students shall be filed with the Vice Provost for Student Life. The Vice Provost for Student Life will consult with a student member of the University Policy Committee for Student Affairs in reviewing the request for appeal.
4. Appeals related to expressive activity sponsored by faculty shall be filed with the Provost.
5. Appeals related to expressive activity sponsored by staff shall be filed with the Assistant Vice President of Human Resources.
6. The appropriate official (see Nos. 3–5 above) shall review the information submitted and shall provide a written determination as to the merits of the appeal within five business days of the appeal.
7. The event organizer(s) may then appeal any adverse decision to the University President in writing, within five business days, following the date of the written determination.
8. The University President shall render a final decision regarding the expressive activity and shall provide the event organizer(s) with written notification of this decision within five business days after receipt of the appeal to the President.

In exceptional circumstances, the Vice Provost for Student Life may suspend the published timeline and establish an appropriate procedure for the particular needs of a pending event.