

Executive Directive #89-13 - Time, Place, and Manner: Use of Buildings and Grounds



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Responsible Executive: Vice President for Student Affairs & Enrollment Management

Responsible Offices: Associate Vice President & Dean of Students (students); Associate Vice President for Business Operations (employees & 3rd parties)

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I. PREAMBLE

Public universities are venues for creative and thoughtful discourse where differing perspectives are debated and thoroughly discussed - a “marketplace of ideas” consistent with the goals of a liberal education. The guiding values of the institution - Courage, Life of the Mind, Community, Equity, and Resilience - set the framework for our commitment to being a principled, value-driven University. To that end, the University provides an environment for freedom of expression, as well as a forum for ideas, perspectives and viewpoints to be stated and questioned, as well as tested and clarified. In doing so, we uphold a long-standing tradition at SF State of supporting critical thought and expression, engendering greater awareness of systemic societal issues, and championing the development of one’s own mind.

By creating this type of open climate for free expression, inevitably there will be moments in time where viewpoints conflict and dissent occurs. We will challenge each other as community members, and the community at large will challenge us. There will be times when one may be offended by the tone or content of speech being expressed. There will be times where viewpoints differ, and moral codes are called into question. This will likely elicit negative feelings and/or responses; however, it is the University’s responsibility to uphold the US Constitution and the right to freedom of expression, and we will do so with as few constraints as possible.

Freedom of expression at SF State is subject to reasonable restrictions of time, place, and manner. Through this Executive Directive, the University seeks to foster and sustain a forum for the free and orderly exchange of ideas, values and opinions. It also endeavors to ensure that the exercise of the right of free expression does not imperil public safety, obstruct or damage University facilities, or interfere with the University’s educational mission and functions.

Within the context of this Executive Directive, free speech activity includes, but is not limited to the following: pure or symbolic speech, assembly, meeting, demonstrations or rallies, picketing, petitioning, mime and theater, music and singing, and religious or political expression.¹ Please refer to Section V for speech that is not constitutionally protected. Yet, the University has a duty to restrict expression that violates the law, falsely defames a specific individual, constitutes a genuine threat or harassment, unjustifiably invades substantial privacy and confidentiality interests, or is otherwise directly incompatible with the University’s function.

¹ California State University *Handbook of Free Speech Issues*, May 2009:
<https://www.calstate.edu/gc/Docs/FreeSpeechHandbook.pdf>

II. POLICY STATEMENT

While the primary use of the buildings and grounds at SF State is to provide a high-quality learning experience and to support curricular and co-curricular purposes, these campus resources are also available for certain non-academic programming. This policy establishes the priorities for such use, legal requirements as needed, and other matters relating to the scheduling and use of SF State facilities. The use of University facilities must always be in accord with the applicable provisions of federal and state laws, as well as University policies.

Among these provisions are the California Education Code² and the administrative regulations of the California State University (CSU) Board of Trustees (Title V of the California Code of Regulations³).⁴

III. AUTHORITY

California Education Code Sec. 89031 states that, “The Trustees may establish rules and regulations for the government and maintenance of the buildings and grounds of the California State University. Every person who violates or attempts to violate the rules and regulations is guilty of a misdemeanor.”

This policy is promulgated under the authority of Title V, California Code of Regulations, and subsequent directives, resolutions, standing orders, and Executive Orders of the CSU Board of Trustees and Chancellor of the California State University, and the President of San Francisco State University. Where applicable, University contracts, leases and operating agreements made with University Auxiliary Organizations for the specific use of campus property or facilities augment the provisions of this policy and should be in alignment with its terms; where there are conflicts, this Executive Directive shall prevail.

² *California Education Code*: <http://www.calstate.edu/app/policies/>

³ *Title V of the California Code of Regulations*: <http://www.calstate.edu/app/policies/>

⁴ This policy does not restrict or interfere with rights provided to union employees under the Higher Education Employer-Employee Relations Act.

IV. TIME, PLACE AND MANNER GUIDELINES

The University may impose reasonable time, place and manner restrictions on the exercise of the right of free expression in order to preserve the safe and orderly operation of the campus. These restrictions are as follows:

Three general principles apply to all events:

1. Scheduled events take precedence over spur-of-the-moment activities.
2. Because an event may interfere with academic classes in session and/or other activities, sound amplification is generally limited to times when academic classes are not in session. *See Amplified Sound Procedures beginning on page 7.*
3. Activities that restrict or disturb the routine business of the University are generally prohibited and as such, may be directed to cease.

Guidelines as to Time

The University's standard operating hours are Monday - Friday from 7am - 10 pm Pacific Standard Time. SF State registered students, student organizations, staff and faculty may hold outdoor events that do not use amplified sound at any time. Non-University affiliates may hold outdoor events that do not use amplified sound between 7am and 10pm Monday through Sunday. In all cases outdoor events, that are approved for amplified sound, shall not exceed 75 decibels, and shall not disrupt University business.

In order to minimize interference with academic programs, activities that involve amplified sound (e.g., music, speech, drumming) may only occur between 12 pm to 2 pm, Monday - Friday, in Malcolm X Plaza, unless prior University approval is obtained. Scheduling protocols must be followed in order to use amplified sound (see *Section VI: Amplification, and VIII.*). The Dean of Students or designee is charged with making a final determination about whether amplified sound is considered disruptive.

Guidelines as to Place

While freedom of expression is encouraged everywhere on campus, Malcolm X Plaza, located outside of the Cesar Chavez Student Center on the east side of the building, is the most common place where individuals and groups assemble to exercise the right of free expression, **unless the space has already been prior reserved for a scheduled event or activity** (See *Section VIII, Reserving University Venues*).

Freedom of expression activities may take place on campus with the following exceptions: inside parking lots⁵ and university buildings, and within 20 feet of any location in which instructional, educational and/or official business activities are being conducted.

A request for use of university property may be denied if the request is not in accordance with university policies and shall be denied if circumstances are such that the use may cause an unreasonable disruption to the orderly operation of the University or create a threat to the health and/or safety of persons or property, as determined by the University.

Whether conducted indoors or outdoors, activities and events must be conducted in a manner consistent with *Section V, General Limitations and Guidelines of Campus Activities and Events*, and in conformity with any additional written and promulgated guidelines pertinent to a particular venue.

Guidelines as to Manner

Regardless of the time or place, expressive activity conducted in a manner that violates the *General Limitations and Guidelines of Campus Activities and Events* as outlined in Section V below is prohibited.

Student organizations and campus departments are strongly encouraged to work in collaboration with the Dean of Students Office and University Police Department to assist with event coordination in order to preserve the safety and welfare of all participants and minimize negative impact on the educational environment. If the intended audience will primarily be employees or guests to campus, then student organizations and campus departments should work with Enterprise Risk Management and University Police Department.

The SF State University Police Department (UPD) has an obligation to protect the rights of free speech, assembly, and petition as well as to always protect the safety and welfare of the campus community.

Violations

Behavior in violation of any of these regulations is subject to intervention by university and/or law enforcement officials. In the event of an alleged or perceived violation, those in violation will be asked to comply with the applicable regulations by the appropriate campus authorities – typically the Dean of Students Office if violators are students, and Enterprise Risk Management if violators are University employees or guests or visitors to campus.

If a violation persists or is repeated, or if the assembly poses an imminent danger to public safety, those assembled may be required to disperse immediately. Continued violation may result in arrest and subsequent legal action by the university. If the violation occurs at a scheduled event, the permission for the event may be summarily revoked, and future requests by those individuals or groups in violation may be canceled or denied.

⁵ This is not intended to prohibit the use of bumper stickers, ornaments, decals or other

signs or symbols on private vehicles.

University disciplinary action against SF State community members alleged to have violated this policy and procedure shall be in conformity with the Code of Student Conduct (for students), and/or applicable collective bargaining agreements and established University policies and guidelines (for employees).

V. GENERAL LIMITATIONS AND GUIDELINES FOR CAMPUS EVENTS AND ACTIVITIES

Activities on the SF State campuses (19th & Holloway “main” campus, Downtown Campus, Romberg Tiburon Center, and Sierra Nevada Field Campus) may not interfere with or disrupt University business. Activities that are not permitted include, but are not limited to, the following examples:

- A. Interference with classes in session or other scheduled academic, educational, cultural/arts programs or with use of the University libraries;
- B. Obstruction to the free flow of pedestrian or vehicular traffic;
- C. Employing unauthorized sound amplification or creating unreasonable noise disruptive of normal University activities;
- D. Violating any federal, state, or local safety code, including regulations set by the State Fire Marshal;
- E. Visual blockage or the physical displacement of performers/programs that have reserved the venue;
- F. Activities that damage facilities or interfere with necessary facilities maintenance and repair activities or the function of campus utilities (sewer, water, power, etc.);
- G. Camping on University property or living in privately owned, temporary lodging parked or erected on university property is prohibited without written permission from the Vice President for Student Affairs & Enrollment Management or designee;
- H. Erection of temporary structures on campus must be approved by Facilities & Services Enterprises and Enterprise Risk Management for the safety of all participants and by-standers;
- I. All activities must abide by the University’s alcohol and other drugs (AOD) policy;
- J. Pets will be allowed on campus only when on a leash and accompanied by their owner. No animals, except when being used for official University instructional purposes, and/or service animals, will be permitted inside campus buildings without prior approval of the University.

Speech that is Protected

There shall be no restrictions on legally protected free speech activity based on the content of such speech or expression, or on the political, religious, or other affiliations of speakers.

Further, **speech that is otherwise protected may not be disallowed solely because it is offensive, or because members of the audience find it offensive, even where such members react to the speech in a disruptive manner.** In such circumstances, while

there may be a legitimate need to take action against the disruptive members of the audience, the speech itself must be allowed to continue.⁶ This includes speech that is commonly referred to as “hate speech.”

“Hate speech” is commonly defined as speech that “offends, threatens, or insults groups, based on race, color, religion, national origin, sexual orientation, disability, or other traits.”⁷

When speech is part of a planned event (e.g., invited speaker), an individual or group wishing to protest at that event may do so as long as any speaker’s right to free speech and the audience’s right to see and hear a speaker are not violated. In the interest of protecting the free speech rights of all, *University administrators (defined in Section XII)* may warn anyone unduly interfering with a speaker’s freedom of expression to cease the disruptive behavior. If such warnings are not heeded, those individuals may be removed from the facility and/or area. Students who fail to comply with such warnings may be subject to sanctioning in accordance with CSU and SFSU Student Conduct Procedures.⁸

Speech that is Not Protected

Speech activity not protected by the US or California Constitutions or by this policy includes speech that is “de minimis,” e.g., a student’s complaint about a seating assignment, or the fact that a theater student is compelled to recite certain lines for a play. Such speech is therefore excluded from constitutional protection. Furthermore, speech that promotes actual violence or harm⁹, i.e., “*fighting words*,” *true and/or credible threats*; expression that constitutes *criminal or severe harassment*; *defamation*; *obscenity*¹⁰; false advertising; or the use of public resources for partisan political activities is also excluded,¹¹ University administrators and University Police officers will make the determination when speech is no longer protected and will take the appropriate action to address the situation.

⁶ *California State University Handbook of Free Speech Issues*, May 2009:

<https://www.calstate.edu/gc/Docs/FreeSpeechHandbook.pdf>

⁷ *American Bar Association*:

http://www.americanbar.org/groups/public_education/initiatives_awards/students_in_action/debate_hate.html

⁸ Title V, Article 2, § 41301. Standards for Student Conduct, <http://conduct.sfsu.edu/standards>

⁹ The fact that the speech of a particular individual or group may in the past have resulted in some violence or harm is not a sufficient rationale to prohibit that person or group from engaging in future speech activities on campus.

California State University Handbook of Free Speech Issues, May 2009:

<https://www.calstate.edu/gc/Docs/FreeSpeechHandbook.pdf>

¹⁰ Words in italics are defined in Section XVII

¹¹ *California State University Handbook of Free Speech Issues*, May 2009:

<https://www.calstate.edu/gc/Docs/FreeSpeechHandbook.pdf>

VI. AMPLIFICATION

Approval to use Amplified Sound

The use of amplified sound outdoors should be scheduled through the Dean of Students Office by contacting the Dean of Students: Student Services Building, Suite 403 (SSB 403), email dos@sfsu.edu, phone 415-338-3888.

Amplified sound is only permitted with prior approval in the Malcolm X Plaza Monday through Friday from 12 pm

– 2 pm during the academic year, with the exception of the last week of classes and final examinations week for each Fall and Spring semester when the use of amplified sound is not permitted.

Amplification for any other location and/or time requires prior approval through the Dean of Students or designee. Requests to use amplification outside of the 12 – 2pm period must be in writing at least three (3) working days prior to the event. Exceptions may be made for spontaneous events and in other extraordinary circumstances. The Dean of Students can be reached at dos@sfsu.edu or 415-338-3888.

An outdoor sound amplification request that otherwise complies with applicable requirements or restrictions of this policy may be denied due to time/date conflicts. This could be either a prior reservation is already present, or the requested amplified sound hours are outside the allotted policy hours. Amplified sound will not be approved when the campus is facilitating study sessions and dedicated study hours to minimize disruptions to the primary educational mission of the university, i.e., the week before finals each semester.

Control of Amplified Sound

At approved outdoor events on campus, the amount of amplification is monitored using a sound meter to ensure that sound does not exceed 82 decibels, 25 feet from the amplified sound source. The Dean of Student Office will work with event planners to ensure that all approvals, when required, are obtained to use amplified sound.

It is the responsibility of the sponsoring student organization/department and its performers, in collaboration with University personnel, not to exceed the 82-decibel level. In all cases, the sound level of amplification or non-amplified sound, such as drumming, must not exceed 82 decibels as measured by a sound meter using the ‘A’ weighted network (scale) at slow meter response. For example, 82-decibel level is comparable to the range of sound between a garbage disposal and a food blender at close proximity.

Though the 82-decibel limit is the maximum decibel limit for amplified sound on campus, the University reserves the right to reduce the allowable decibel limit should conditions warrant. For instance, during warm weather when the temperature rises, instructors may need to open classroom windows to improve ventilation in academic classrooms. To not interfere with instruction in academic classrooms, a lower maximum decibel level of amplified sound may be required. University personnel shall be responsible for determining the appropriate decibel level

for approved outdoor events.

Amplified Devices Defined

Hand-held or portable amplification (e.g., bullhorns, portable amplifier, portable speakers, etc.) are considered sound amplification devices under this policy, and all amplified sound must conform to the general limitations outlined in Section V. The Dean of Students or designee has the authority to make the final determination, using reasonable judgment, whether an item is considered a sound amplification device for purposes of enforcing this policy.

How to File a Sound Complaint

Recognizing the importance of instructional activities, sound complaints concerning outdoor events should be directed to the Dean of Students Office, 415-338-3888, which is charged with administering complaint procedures. The Dean of Students Office personnel

shall keep records of all written and verbal amplified sound complaints; they will further prepare and provide the Vice President for Student Affairs & Enrollment Management with reports annually. Decibel level is subject to administrative review.

VII. RESERVING INDOOR & OUTDOOR UNIVERSITY FACILITIES

The University has established formal procedures for event planning and scheduling to ensure effective campus coordination. These scheduling protocols apply to all campus events and activities, regardless of affiliation with the University.

Event Planning & Scheduling (Excluding Spontaneous Events)

The Vice President for Student Affairs & Enrollment Management is responsible for designating an individual to serve as Coordinator of Special Events to serve as a point of contact and coordination for large, one-time or special events. For purposes of implementing this policy, “*large*” will be defined as any event involving 150 or more participants. The name and contact information of the designee shall remain on file at all times in the Office of the Vice President for Student Affairs & Enrollment Management.

Any sponsor (On-Campus affiliate, Off-Campus person(s) or organizations, recognized Student Organization, University Auxiliary Organization, etc.) hosting large campus events, or special events featuring a major speaker or talent shall notify the Coordinator of Special Events in order to initiate the event planning process, whether the event is to be held in an indoor or outdoor space.

The Coordinator of Special Events may be reached at 415-338-3970.

Off-Campus Sponsors

The Coordinator of Special Events shall serve as the campus point of contact for facilities use requests from off-campus entities that do not have a student organization or SF State department/unit sponsor. The Coordinator of Special Events will connect the requesting party to relevant facilities managers across campus to begin the event planning process. See Appendix A for more information.

On-Campus Sponsors & Student Organizations

On-Campus Sponsors and *Student Organizations* (both defined in Section XVII) hosting large events shall work directly with the Coordinator of Special Events to initiate the event planning process. The Coordinator of Special Events will provide assistance, guidance and referral as needed, e.g., consulting with UPD regarding security for large events, regardless of the use of a campus-based sponsor.

Event planning for activities and events with fewer than 150 people can be arranged through the appropriate campus contact. On-Campus Sponsors will work directly with the relevant

facility managers across campus and Student Organizations will request event space and plan events with the Dean of Students Office. See **Appendix A – Event Planning** for more information about planning events at indoor and outdoor university facilities.

Planning Timeline for Events

On-campus sponsor and student organization requests for *large* events (excluding spontaneous events) must be submitted at least three (3) working days prior to the proposed event date. While not required, it is strongly recommended that On-campus sponsors and student organizations begin the event planning process with the Dean of Students Office as early as possible to ensure availability of desired campus venues and a smooth planning process. For larger campus events or events that feature notable speakers/artists who may draw a large audience, based on prior recorded or visible presentations or performances, it is recommended that event planning begin a minimum of thirty (30) working days prior to the event to ensure that insurance, facility, and security needs are addressed in advance of the event.

Student organizations that wish to apply for an exception must do so in writing to the Dean of Student Office at dos@sfsu.edu. Campus departments and off-campus sponsors may apply for an exception by contacting the Coordinator of Special Events at 415-338-3970.

Costs and Fees

Use of reserved indoor campus facilities may be subject to a fee for additional staffing or additional maintenance required for an event, or for the cost of special event insurance.

Persons or groups granted the use of campus facilities are responsible for providing proof of insurance coverage (including all supporting documentation) acceptable to the University. Proof of insurance coverage must be submitted to the University for approval. If no insurance is in place, or if insurance coverage is denied, insurance acceptable to the University can be purchased on behalf of the event by Enterprise Risk Management through the University special event insurance provider.

Persons or groups granted the use of campus facilities are responsible for demonstrating compliance with health and safety requirements in advance of the event.

If insurance coverage documentation and/or compliance with health and safety measures is/are not satisfied at least 3 (three) working days in advance of the event, the University reserves the right to withhold or withdraw approval of the event. Event sponsors will be responsible for payment of any fees and for reimbursing the University or its auxiliary organizations for any outstanding costs incurred.

Spontaneous Events

Spontaneous events occasioned by news or issues coming into public knowledge may be held on campus without advance permission so long as they adhere to all University policies and the restrictions outlined above (*see section V*). Recognizing the University is a part of the community it serves, the University will attempt to accommodate and provide access to University space/facilities that are available, and which do not interfere with

scheduled events and programs. Student organizations and departments are strongly encouraged to work in collaboration with the Dean of Students and University Police to assist with event coordination in order to preserve the safety and welfare of all participants and minimize negative impact on the educational environment.

Filming on Campus

SF State film students seeking to perform filming on campus for academic coursework must comply with all Department of Cinema policies and protocols including submitting such campus filming request to the Campus Events Office (CEO) for review and issuance of permit. Student film project proposals are coordinated by the Department of Cinema and approved by a Campus Events representative prior to confirming the use of campus facilities and/or space.

All other individuals (non-Cinema students, faculty, staff, and the general public) seeking to film on campus must apply for a film permit by contacting the Conference & Event Services office at hdcscs@sfsu.edu. The Conference & Event Services office will coordinate the project with university stakeholders to secure final approval.

VIII. POSTING and CHALKING

Posting Information on University Property

The University recognizes that signs (to include but not be limited to white boards, sandwich boards, placards, posters, flyers, handbills, announcements, notices, brochures, etc.) can serve as a means for communicating information to the campus community in a timely and orderly manner.

Posting is permitted on public bulletin boards. A list identifying public bulletin boards is attached as Appendix B and can be found on the Dean of Students website at: <https://dos.sfsu.edu>. In addition, public bulletin boards are labeled as such throughout campus.

Postings found on bulletin boards not identified in Appendix B are not permitted and will be removed by University personnel. As examples, postings are not permitted in the following locations: on departmental bulletin boards, building walls, restrooms, windows, glass surfaces, doors, benches, utility poles, sculptures, garbage receptacles, railings, trees, traffic control signs, stairs, bus stop areas, and sidewalks. The University reserves the sole right to post signage for emergency and safety purposes on otherwise prohibited surfaces.

All postings exceeding 14" x 28" in size, and duplicate copies of a posting on a single bulletin board, are subject to removal at any time. A posting may not be placed over another posting.

All literature and printed materials that refer to a specific event or date must be removed by the posting entity within 72 hours after the event or program. Directional signs must be removed within 48 hours after the event advertised concludes. Event- or date-specific promotional material still posted after these timelines are subject to removal by the University. Further, the University will remove all flyers, postings, etc., from public bulletin boards at the end of each academic term (Fall, Spring, Summer).

Anonymous postings are permissible. However, postings containing defamation, obscenity,

terrorist threats, false advertising, or the promotion of actual or imminent violence or harm, speech not protected by the United States Constitution and/or the California Constitution, or speech that otherwise violates the restrictions in this policy, are not permitted and will be removed at any time by personnel designated by the President. Removal of signs, other than by the posting party, or University personnel acting pursuant to their assigned or delegated duties, is prohibited.

To report postings that are in violation of this policy, please contact the Dean of Students Office at 415-338-3888 or dos@sfsu.edu.

Posting in University Housing requires approval from the Office of Residential Life. More information about the posting policy in University Housing can be found at: <http://www.sfsu.edu/~reslife/publicityguidelines.html>.

Exceptions to Posting Policy

Individual faculty offices, including office doors, are not subject to this policy. Academic departments may post materials in designated areas assigned to them.

Signage and similar materials placed by the University to support the University's operations (such as directional signs, room numbers, notices regarding cancellation of classes or office closures) are not considered postings. University business notices and materials (such as mandatory Human Resources notices) may be posted by University units in designated areas and are not subject to duration limits when they are of an ongoing nature.

Artwork installed by the University, pursuant to UED 20-45, the Acquisition, Installation, and Maintenance of Public Art, or any successor policy is not considered a posting. For instance, artwork obtained by the University and formally approved for installation by the Campus Art Committee is not subject to this Policy. Also, materials used for the decoration of employees' offices or workspace are not considered artwork. It is expected that any decoration reflects a professional environment and complies with the policies and practices of the department or office.

Department-related signage and materials may be posted on academic department bulletin boards with the permission of the academic department.

Banners and Free-Standing Signs

Banners are postings that exceed 36" on any side. Free-standing signs are signage intended to be placed on campus grounds such as A-frame signs, yard signs, or other free-standing objects. Banners and free-standing signs are a special category of postings because of their size and will only be permitted in designated locations; a list and map of approved locations is attached as Appendix C and can be found on the Dean of Students website at: <https://dos.sfsu.edu>.

To display a banner, the posting entity or person must receive prior approval of the location and method of installation. Students shall submit requests to the Dean of Students Office (Student Services Building, Room 403 or dos@sfsu.edu). Employees (faculty, staff, administrators) and 3rd parties shall submit requests to Enterprise Risk Management (Administration Building, Room 260). The University reserves the right to deny a request to display a banner or free-standing sign based on factors unrelated to the content of the signs, such as, but not limited to, space availability and safety concerns.

Banners and free-standing signs for official University business of an ongoing nature may only be displayed for three weeks unless granted an exception by the President or President's designee(s). Banners and free-standing signs that note specific event

dates must be removed within 48 hours after the noted date. Unapproved banners and free-standing signs may be removed at any time by designated University personnel.

Use of Chalk (or Chalking) on University Property

Chalking must be at least 20 feet away from building entrances and may not be placed on any sidewalk under an overhang, canopy, or other cover. Chalking is not permitted on buildings, steps, windows, posts, lawn areas, railings, trees, traffic control signs, utility poles, construction fences, vehicles, garden areas, flowerbeds, newspaper racks, trash or recycle bins.

IX. COMMERCIAL TRANSACTIONS

(Title V, 42350.1)

In accordance with Section 42350.1 of Title V of the California Code of Regulations, commercial transactions, including but not limited to the selling of books, newspapers, magazines, pamphlets, or similar published materials, and the display of property or services for sale on campus is prohibited except with written permission by the campus President or designee. Such permission shall be granted if:

1. 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
2. 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.

This section does not apply to private sales.

Transactions that aid in the achievement of educational objectives of the campus, do not unreasonably interfere with the operation of the campus, comply with the restrictions in this policy, and are not prohibited by law may be conducted on campus contingent upon appropriate authorization of the President or designee (see Commercial Vendor program below). Such transactions shall be conducted in the University designated area(s). At no time shall commercial transactions be carried out in the private living spaces within University Housing, or in any academic building.

Commercial Vendors

Commercial vendors authorized to engage in commercial transactions as described in this policy are permitted on campus through the Vendor Program and with sponsorship by a University recognized student organization. Craft vendors are also allowed to sell their crafts at the bi-annual Associated Students-sponsored Crafts Fair. All student organization-sponsored vending activities must obtain permits from the Dean of Students Office.

Permission shall only be granted if the off-campus vendor is providing funds to the student organization and the arrangement is outlined in writing prior to the activity. Applications may be made via: Student Activities & Events, Student Services Building, Suite 206 (SSB 206), email sicc@sfsu.edu, phone 415-338-1761.

At the conclusion of the activity, the student organization shall provide the Dean of Students Office with proof of the receipt of the funds. If the student organization fails to provide proof of receipt of funds, the vendor will not be allowed to conduct commercial transactions on campus in the future. The sponsoring student organization is responsible for all transactions.

A form for requesting permission to host a vendor is required by and available from the Dean of Students Office. The form must be submitted at least three (3) working days prior to the commencement of the proposed vending date. A standard coordination fee is also required and must be paid by the vendor prior to activity approval. A list of current fees can be found on the following website: <https://activities.sfsu.edu/sf-state-vendor-program>

Off-Campus Food Vendors

For reasons of public health and food safety, student organizations may not invite off-campus food vendors to sell food on campus as a fundraiser for the organization. Campus departments and units who wish to contract with off-campus catering vendors should consult with the appropriate facility event planner to ensure compliance with campus regulations and contracts.

X. SOLICITATION

(Title V, 42350.5)

As defined in Title V of the California Code of Regulations (Section 42350.5), “Solicitation” means to importune, or endeavor to persuade or obtain by asking, but does not include “commercial” solicitation. With that in mind:

1. Solicitation shall be permitted on a campus subject to a reasonable regulation by the campus President or designee as to time, place and manner thereof. Solicitation in violation of established campus directives regarding time, place and manner is prohibited.
2. All directives issued by the campus president or designee pursuant to this section shall be available to the public at places designated pursuant to Section 42354.

Commercial Solicitation

(Title V, 42350.6)

As defined in Title V of the California Code of Regulations (Section 42350.6) “commercial solicitation” means any direct and personal communication in the course of a trade or business reasonably intended to result in a sale. The following provisions are in effect:

1. Commercial solicitation on a campus is prohibited unless prior written authorization has been obtained from the campus president or designee. Permission for commercial solicitation shall be granted by the campus president or designee subject, however, to regulation as to time, place and manner thereof, unless such solicitation for sale would be in violation of law.
2. Sites available to marketers of student credit cards shall be limited and registered with the office of the Vice President for Student Affairs & Enrollment Management (Student Services Building, 403). Those marketers shall be prohibited from offering gifts to students for filling out student credit cards applications. As used in this section, “student credit cards” shall have the meaning in Civil Code section 1747.02(m)¹².
3. All directives issued by the campus president or designee pursuant to this section shall be available to the public at places designated pursuant to Section 42354¹³.

Solicitors shall abide by all laws and University policies. Solicitation of goods is prohibited in the University residences.

XI. SELLING OF PUBLISHED MATERIALS

(Title V, 42351)

No person shall prepare, offer to prepare, cause to be prepared, sell, or otherwise distribute any term paper, thesis, dissertation, or other written material for another person, for a fee or other compensation, with the knowledge, or under circumstances in which the individual should reasonably have known, that such term paper, thesis, dissertation, or other written material is to be submitted by any other person(s) for academic credit at San Francisco State University. Additionally,

1. Except in the case of private sales and commercial transactions, the selling or displaying for sale of any books, newspapers, pamphlets and other published materials shall be permitted on campus provided:
 - a. such published materials are not available for sale at the campus bookstore, and;
 - b. the selling or display of such published materials is conducted in compliance with the time, place and manner directives set forth in this policy, and;
 - c. 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)

¹² Civil Code section 1747.02(m): http://www.leginfo.ca.gov/pub/01-02/bill/asm/ab_0501-0550/ab_521_bill_20010912_chaptered.html

¹³ Section 42354: <https://govt.westlaw.com/calregs/Search/Index?Template=Find>

of the Penal Code¹⁴ (relating to the sale and distribution of obscene matter), or of Chapter 6, Title 3 (commencing with Section 66400) of the Education Code¹⁵ (relating to the preparation, sale and distribution of term papers, theses and other materials to be submitted for academic credit).

2. Selling or displaying for sale of published materials in violation of subsection (1) is prohibited.

Sale of literature may occur only in designated University areas. Literature may not be distributed or sold inside University buildings. Literature that is sold must not be available in the University Bookstore, nor be a term paper, thesis, or other materials to be submitted for academic credit. Literature that is sold must not be obscene.

Any outdoor literature being sold must be in designated University vending areas per the University vending policy (see Commercial Vendors section and section X above). Literature materials may also be sold at student organization information tables. No specific permit is needed from UPD to distribute or sell literature if authorization to have the table is obtained from the Dean of Students Office.

XII. HANDBILLS & CIRCULARS

(Title V, 42352)

1. No person or persons shall cast, throw, deposit, or distribute any advertising handbills or circulars which contain false, misleading, or illegal advertising on the campus of San Francisco State University.
2. The distribution of written or printed matter shall be permitted on campus, subject, however, to the time, place and manner herein. This policy will be made available to the public at:
http://policiesandpracticedirectives.sfsu.edu/sites/default/files/ued%2089_13_v2_0.pdf. Distribution of written or printed matter in violation of time, place and manner restrictions is prohibited.

Distribution of literature may occur in University outdoor areas as long as pedestrian traffic is not impeded and passersby are not unduly harassed or followed.

¹⁴ Chapter 7.5, Title 9, Part 1 (commencing with Section 311) of the Penal Code:
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=311-312.7>

¹⁵ Chapter 6, Title 3 (commencing with Section 66400) of the Education Code: ¹⁵
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=66001-67000&file=66400-66410>

XIII. BICYCLES, SKATEBOARDS, ROLLER SKATES & ANIMALS

(Title V, 42353.1)

The president of the campus may permit forms of transportation and animals on the campus in accordance with reasonable directives issued by the campus president. The provisions provided by Title V, section 42353.1 are:

1. No person shall use forms of transportation upon the campus driveways, pathways, parking facilities or grounds except in accordance with directives issued by the campus president. The campus president may designate the campus areas that shall be open to use of forms of transportation and shall place appropriate signs indicating the time and the conditions for their use. "Forms of transportation," shall include bicycles, motorized bicycles, scooters, motorized scooters, skateboards, roller skates including inline skates, and other forms of transportation that are not motor vehicles.
2. No person shall bring an animal onto the grounds or into the buildings of a campus except in accordance with directives issued by the campus president. The president shall consider such factors as the safety of the campus community, cleanliness of the buildings and grounds of the campus, and the needs of the animal's owner as in the case of service animals.
 - a. Dogs, cats, and other animals may not be brought into or enter any SF State owned or operated campus buildings. This paragraph does not apply to guide dogs, or service dogs, as defined by California Civil Code Sections 54.1, and 54.2, accompanying a disabled person, or an approved Emotional Support Animals (ESAs). This paragraph does not apply to police service dogs as defined Penal Code section 600. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031. Animals brought to University property must be under the control of a responsible person and restrained so as not to pose a danger to others. All dogs must at all times be on a chain or leash not to exceed six feet in length. Animals on University property may not be tied or otherwise secured or restrained to any building, facility, fence, shrub, or other object or structure. Animals on University property may not be left unattended; unattended animals may be removed from University property.
 - b. Person(s) bringing any animal to University property must remove and properly dispose of all animal waste in appropriate waste receptacles.
3. University Executive Directive 85-08 provides additional guidance on the use of bicycles, skateboards and roller skates. The directive can be access at: <http://policiesandpracticelirectives.sfsu.edu/content/university-executive-directives-ueds>

XIV. MORE INFORMATION & POLICY OVERSIGHT

The Office of the Dean of Students or Enterprise Risk Management can provide further information regarding this policy or free speech generally. The Dean's Office, located at SSB 403, also maintains copies of the University's Posting and Vendor Policies. The Dean's Office can also

be reached at 415-338-3888.

For more information concerning the erection of temporary structures on campus, contact Facilities & Services Enterprises and Enterprise Risk Management at (415) 405-3522.

The Vice President for Student Affairs & Enrollment Management or designee is responsible for ensuring that appropriate and reasonable procedures are developed, maintained, and updated on a regular basis to ensure effective implementation of this policy. Further, the Vice President for Student Affairs & Enrollment Management will direct the review and revision of this policy as needed.

Denied permits will clearly state, in writing, the reason for that denial. Questions regarding a denied permit should be directed to the office issuing the permit denial. Contact information for permit requests and denials will be located on the permit forms or on the department website of the office issuing the denial.

A decision to deny a permit request may be appealed, in writing, to the Associate Vice President for Student Affairs/Dean of Students. Appeals will be considered, and a final decision provided in writing, within one working day of receipt of the appeal. Contact information for the Division of Student Affairs may be found at <https://vpsaem.sfsu.edu/>.

XV. DEFINITIONS

- BANNERS are postings that exceed 36” on any side.
- CAMPING means residing in or using university property for living accommodation purposes such as making preparations to sleep overnight, between the hours of sunset to sunrise, including the laying down of bedding for the purpose of sleeping or storing personal belongings, blankets, sheets, other bedding material, luggage, backpacks, kitchen utensils, cookware and similar material; erecting, maintaining or occupying any structure with natural or artificial material, including a building, tent, hut, or shelter; making any fire or using any tents; regular cooking of meals; living in a parked trailer, camper shell, motor home, or any motor vehicle as defined by the Vehicle Code; or setting up or using any camp paraphernalia.
- COMMERCIAL SOLICITATION means any direct and personal communication in the course of a trade or business reasonably intended to result in a sale.
- COMMERCIAL TRANSACTION means selling or purchasing or both selling and purchasing by any person in the course of employment in, or in the carrying on of, a trade or business.
- EVENT means a gathering of more than one person that is a noteworthy or scheduled occurrence, spontaneous or scheduled, either indoors, outside, or virtually through a computer or media connection.
- FIGHTING WORDS are “those which by their very utterance inflict injury or tend to incite an immediate breach of the peace.”
- FREEDOM OF/FREE SPEECH AND FREEDOM OF/FREE EXPRESSION are used interchangeably for the purpose of this document. Freedom of expression consists of the rights to freedom of speech, press, assembly and to petition the government for a redress of grievances, and the implied rights of association and belief.
- HARASSMENT means unwelcome conduct, based on the Complainant’s Protected Status, that is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, and is in fact considered by the Complainant, as limiting her/his ability to participate in or benefit from the services, activities or opportunities offered by the University.¹⁶
- LARGE EVENT means any event or activity on campus at which 150 or more people are expected to attend. This is inclusive of anticipated attendance.
- LIMITED/DESIGNATED PUBLIC FORUM is an area that has not been traditionally public, but which has been specifically identified as such by a CSU campus -- e.g., an auditorium or a lobby.

¹⁶ <http://www.calstate.edu/eo/EO-1097-rev-6-23-15.html>

- NON-PUBLIC FORUMS are not open for public speech. By tradition or design they receive very little protection. CSU may adopt reasonable time, place, and manner regulations that apply to these areas, or may reserve them for their intended purposes only.
- NON-STUDENT means faculty, staff, administrators, or off-campus persons wishing to utilize SF State facilities.
- OBSCENITY¹⁷ is defined through three “basic guidelines”:
 - “Whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest.
 - “Whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law.
 - “Whether the work, taken as whole, lacks serious literary, artistic, political, or scientific value.”
- ON-CAMPUS SPONSOR means any University department/College, auxiliary unit, or individual who has a recognized and verifiable affiliation with SF State.
- OUTDOOR LODGING/CAMPING means the setting up and/or use of any bedding material, tent, portable shelter, structure, makeshift structure or building of any kind, on campus, day or night, for the purpose of staying, sleeping or living in.
- A POSTING is a communication in the format of a sign, poster, handbill, banner, notice, billboard, sandwich board, or related item with the objective that a passerby will view the communication.
- PRIVATE SALE means occasional selling between persons who are campus students or employees.
- PUBLIC FORUM is a public property that has traditionally been available to assembly or debate -- e.g., streets, parks and lawn areas.
- SALE, SELLING OR PURCHASING means an activity creating an obligation to transfer property or services for a valuable consideration.
- SOLICITATION means to importune, or endeavor to persuade or obtain by asking, but does not include "commercial solicitation.”
- STUDENT means any person enrolled in coursework at SF State, has paid fees and is currently attending courses, including Extended Learning courses.

¹⁷ <https://www.law.cornell.edu/wex/obscenity>

- STUDENT ORGANIZATION means an organization that has met all CSU and Student Activities & Events requirements and is officially recognized by the University.
- TRUE OR CREDIBLE THREAT is a statement not protected by the First Amendment if “a reasonable person would foresee that the statement would be a serious expression of intent to harm or assault...[in the context of] the surrounding events and reactions of listeners and whether the threat was unconditional and unequivocal and communicated a gravity of purpose and the prospect of immediate execution.¹⁸”
- UNIVERSITY means San Francisco State University, California State University (CSU) system.
- UNIVERSITY ADMINISTRATORS are defined as individuals who are part of the CSU Management Personnel Program.
- UNIVERSITY FACILITY means that place where a University function occurs.
- UNIVERSITY HOUSING means the areas/buildings including the residence halls (Mary Ward & Mary Park), Seven Hills Conference Center, Dining Center, the Village at Centennial Square, the Towers at Centennial Square, University Park North and University Park South.
- UNIVERSITY’S STANDARD OPERATION HOURS means the campuses’ operation times for classes, lectures, events, activities, etc. The University operation hours are 7:00AM – 10:00 PM, Pacific Standard Time.

¹⁸ <https://www.calstate.edu/gc/Docs/FreeSpeechHandbook.pdf>

Appendix – A: Event Planning

On-Campus Sponsors

For regular events or activities not defined as “large” (150 or more people), on-campus sponsors should work directly with the appropriate venue scheduling office regarding reservation requests and/or questions. Departments hosting large campus events shall work directly with the Coordinator of Special Events, who is designated by the Vice President for Student Affairs & Enrollment Management. Upon approval, written verification will be sent to the University Event Services Office who will help coordinate the logistics of the large campus-wide event.

Student Organization Sponsors

Recognized student organizations should submit reservation requests directly to the appropriate venue scheduling office, but confirmation is not complete until Dean of Students Office written approval is granted. Student organizations hosting events in a large campus venue will also be required to attend a University partners meeting. The Dean of Students Office, in collaboration with the student event planner(s), UPD, the venue manager/scheduler, hosts the meeting and other University offices attend as needed. During the meeting, all event details will be discussed, and based on the event information recommendations will be provided concerning event needs and University expectations.

Off-Campus Sponsors

After consulting with the Coordinator of Special Events, all events being hosted indoors by off-campus sponsors must work directly with University Event Services to submit and complete a Space Rental Agreement (formerly Presidential Lease Agreements). The University Event Services team will serve as a liaison between the event sponsor and the University. This will ensure that events where Space Rental Agreements are signed are properly insured, meet the mission of the University and do not displace any core University activity.

Space Rental Insurance Requirements

Users of SF State grounds or facilities are required to provide proof of appropriate insurance coverage protecting the university against liabilities or damage arising out of the use of campus grounds or facilities. These requirements apply to use of grounds and/or facilities by campus employees, student organizations, auxiliary organizations and private individuals and external organizations from outside the campus community.

Insurance requirements for the use of SF State grounds or facilities are outlined below. SF State and its employees can utilize the university’s coverage through CSURMA to meet these requirements. SF State-affiliated auxiliary organizations can utilize their auxiliary organization coverage through CSURMA to meet these requirements. Approved events sponsored by a registered student organization may utilize SF State’s Club Liability Insurance Program to meet these requirements.

Private individuals and external organizations must provide proof of insurance coverage meeting the requirements below and deemed acceptable by the university. If a user is unable to meet these

university requirements, some events can be insured through SF State's Special Event Insurance Program as at additional cost to the user.

Insurance Requirements for Use/Rental of Facilities

Renter shall procure and maintain for the duration of the rental period insurance against claims for injuries to persons or damages to property which may arise from or in connection with the rental of the facilities and the activities of the renter, or the guests, agents, representatives, employees, or subcontractors of the renter.

MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

- 1) Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
- 2) Automobile Liability (only if driving on Campus property): Insurance Services Office Form Number CA 0001 covering, Code 1 (any auto), or if Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than \$1,000,000 per accident for bodily injury and property damage.
- 3) Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limits of no less than \$1,000,000 per accident for bodily injury or disease. (Only for Clients with employees).

Coverage shall be at least as broad as Insurance Services Form CG 00 01 covering CGL on an "occurrence" basis, including property damage, bodily injury, and personal & advertising injury with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

If the contractor maintains broader coverage and/or higher limits than the minimums shown above, the Campus requires and shall be entitled to the broader coverage and/or higher limits maintained by the contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the Campus.

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

Additional Insured Status

The Campus, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of the rental of the facility, work or operations performed by or on behalf of the Renter including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Renter's insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10, CG 2026, CG 20 33, or CG 20

38; and CG 20 37 if a later edition is used).

Primary Coverage

For any claims related to this contract, the Renter's insurance coverage shall be primary insurance coverage at least as broad as ISO CG 2001 0413 as respects the Campus, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the Campus, its officers, officials, employees, or volunteers shall be excess of the Renter's insurance and shall not contribute with it.

Notice of Cancellation

Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to the Campus.

Waiver of Subrogation

Renter hereby grants to Campus a waiver of any right to subrogation which any insurer of said Renter may acquire against the Campus by virtue of the payment of any loss under such insurance. Renter agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the Campus has received a waiver of subrogation endorsement from the insurer.

Acceptability of Insurers

Insurance is to be placed with insurers authorized to conduct business in the state with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the Campus.

Verification of Coverage

Renter shall furnish the Campus with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements to Campus. All certificates and endorsements are to be received and approved by the Campus at least five days before Renter commences activities.

Liquor Liability

If Renter will be supplying alcoholic beverages, the general liability insurance shall include host liquor liability coverage. If Renter is using a caterer or other vendor to supply alcohol that vendor must have liquor liability coverage. If Renter intends to sell alcohol either the Renter or vendor providing the alcohol for sale must have a valid liquor sales license and liquor liability insurance covering the sale of alcohol.

Special Events Coverage

Facility users/renters may purchase Special Event insurance for a fee from Enterprise Risk Management to meet the SF State's insurance requirements. Facility user/renter can obtain additional information and cost estimates from Enterprise Risk Management.

Special Risks or Circumstances

Campus reserves the right to modify these requirements based on the nature of the risk, prior events, insurance coverage, or other special circumstances.

Appendix – B: University Locations of Public Bulletin Boards

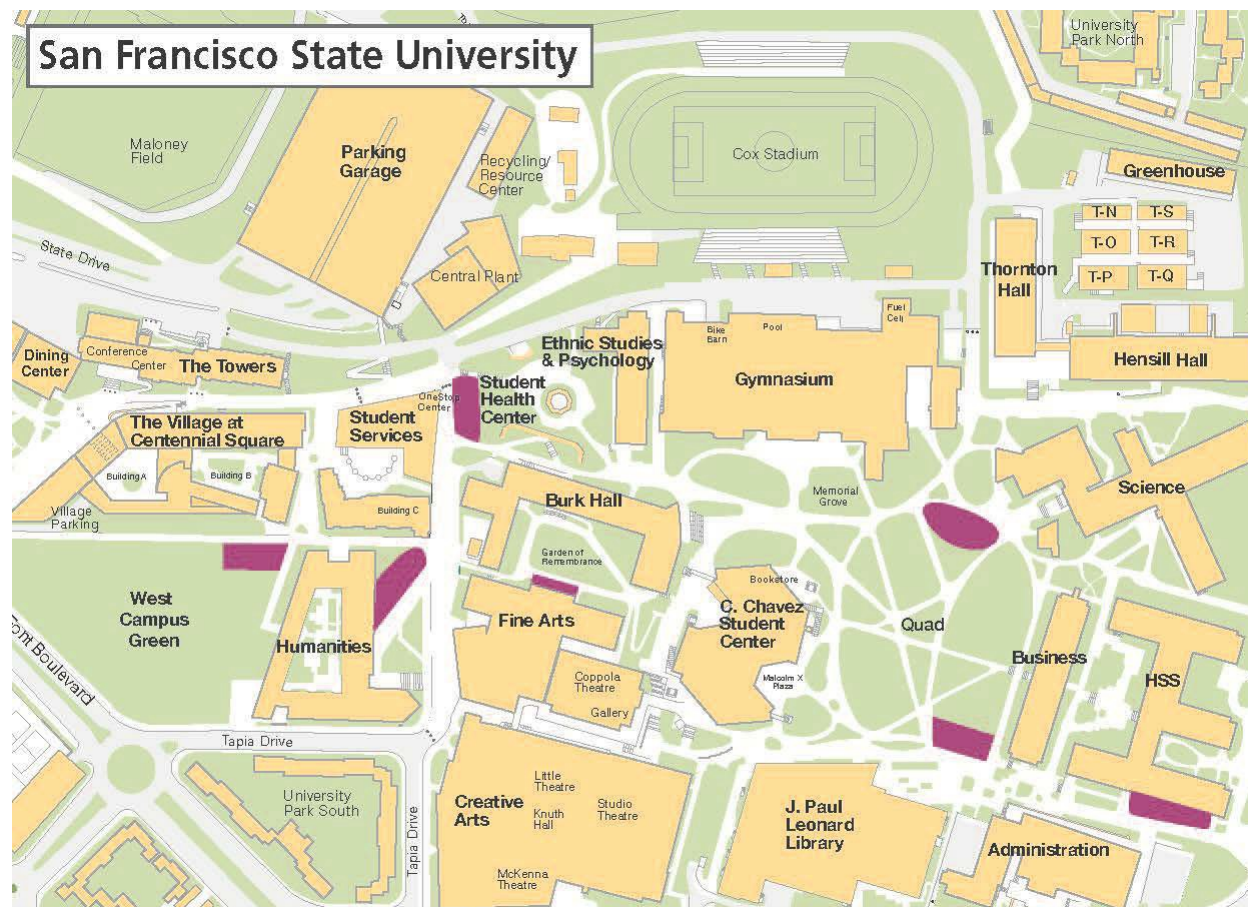
The following locations are permitted for public posting at any time:

- Student Services Building (SSB)- ground-floor north external entrance bulletin board facing toward the SF State parking structure
- Grass Area Above Student Health Services- circular post-style posting board
- J. Paul Leonard Library- bulletin board posting areas located on the ground/basement floor
- University Buildings- some University facilities have public bulletin board spaces for public use. Public postings of any kind are not permitted on university department bulletin boards that are labeled and identified for departmental or functional-area use. Such prohibited public postings are subject to immediate removal,

This Public Bulletin Board list will be updated at the beginning of each Fall and Spring term as more public bulletin boards become available.

Appendix – C: University Locations for Banners and Free-Standing Signs

The following locations (in purple) are permitted for banners and free-standing signs by approved exemption requests from the Offices of the Dean of Students or Enterprise Risk Management:



- Grass area near West Campus Green
- Grass area to the left of walkway toward Humanities Building front entrance
- Grass area across pathway from Student Services Building
- Areas near Garden of Remembrance in between the Fine Arts Building and Burke Hall
- University Quad grass areas near the J. Paul Leonard Library and near the Science Building
- Grass area in between University Administration Building and the HSS Building

Signature Page

APPROVED / NOT APPROVED

Lynn Mahoney, President
San Francisco State University

Date