



Interim Policy on Expressive Activities and Assembly: Protests, Demonstrations, Non-University Speakers and Posting on Campus and in University Facilities

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| Responsible Official: | Associate Chancellor and Senior Advisor to the Chancellor |
| Responsible Office: | Office of Campus Climate and Compliance (OC3) |
| Issuance Date: | January 9, 2018 |
| Effective Date: | January 9, 2018 – January 8, 2019 |
| Summary: | Describes the University's policy on expressive activities and assembly, including protests, demonstrations, outside speakers and posting, including time, place and manner procedures implemented pursuant to this policy. |
| Scope: | This policy applies to all University employees, including faculty and staff, students and non-affiliates. |

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I. REFERENCES AND RESOURCES

Federal Laws and Regulations

- [Amendment I of the Constitution of the United States](#)

State Laws and Regulations

- [California Penal Code Sec. 626-626.11](#)

University of California Policies and Procedures

- [Procedures Governing Conduct of Non-Affiliates in the Buildings and on the Grounds of the University of California](#)
- [UC Merced Campus Activities and Use of Facilities \(Reference: UC Systemwide PACAOS 30.00 & 40.00\)](#)

University of California, Merced Campus Policies and Procedures

- [UC Merced Department of Public Safety Use of Force Policy 300](#)
- [UC Merced Department of Public Safety Demonstrations Policy 317](#)
- [UC Merced Department of Public Safety Crowd Management and Control Policy 318](#)
- [UC Merced Peaceful Protest Guidelines](#)

II. POLICY/PROCEDURE SUMMARY & SCOPE

Free and open expression and association, discussion and debate are important aspects of the educational environment and are part of the rich culture and history of the University.

The right to free expression and association should be actively protected and encouraged, even where the issues and positions advocated are controversial and unpopular.

The University of California, Merced is committed to assuring that all persons may exercise the constitutionally protected rights of free expression, speech, assembly, and worship. In order to carry out its mission of teaching, research, and public service, the University has an obligation to maintain conditions under which the work of the University can go forward freely, in accordance with the highest standards of quality, institutional integrity, and freedom of expression, with full recognition by all concerned of the rights and privileges, as well as the responsibilities, of those who comprise the University. Each member of the University shares responsibility for maintaining conditions conducive to the achievement of the University's mission of teaching, research, and public service.

This policy and associated procedures apply to assemblies, protests and demonstrations, hosting of outside speakers and posting of material on the campus and/or properties of UC Merced. They are designed to protect and promote the rights of members of the University community, including the right to freedom of expression, to prevent interference with University functions or activities, to protect University facilities and to assure compliance with all pertinent laws and other applicable University policies. They address the rights and responsibilities of all UC Merced students, staff and faculty, as well as non-affiliates, including members of the public. This policy and associated procedures apply to all areas of University operations and programs and to all University facilities, including off-campus locations where University programs and business are conducted.

III. DEFINITIONS

Campus: The UC Merced campus, or any other University of California campus.

Civil Disobedience: The refusal to comply with certain laws as a peaceful form of protest. Civil disobedience by definition 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.

Employees: All staff, faculty, and other academic appointees, including graduate student employees, postdoctoral scholars, fellows and visiting scholars.

Freedom of Assembly: The right to hold public meetings and form associations without the interference of the government.

Freedom of Speech: The legal right to express one's opinions freely. Also referred to as "free speech".

Grounds Open to the Public: Outdoor areas of the campus (open space, lawns, patios and plazas) that are adjacent to campus buildings and parking lots.

Merced Irrigation District (MID) Easements: The area extending 75 feet in both directions from the center point of the Fairfield and LeGrand Canals.

Non-Affiliates: Any person who is not a student, officer, official volunteer, employee, Regent, or emeritus of the University of California.

Non-University Speaker: Any person or group that proposes to engage in expressive activity on campus, not including speakers participating in programs, meetings, lectures or other events hosted by the University or faculty as part of University business or education or research activities.

Posting: Display of written or printed material including advertisements, notices, flyers, posters, banners, or literature for noncommercial purposes, occasional/incidental sale by campus affiliate, or promotion of events/goods/services on university property.

Public Areas of Indoor Facilities: Communal areas inside buildings that are routinely open to the public including hallways and lobbies. Excluded from this definition are internal and external stairs and landings, private offices, classrooms and rooms subject to reservations.

Registered Campus Organization (RCO): Any group whose membership is comprised predominantly of University of California, Merced students, faculty, and/or staff that is registered with the Office of Student Life in order to have access to University facilities and/or resources.

Student: An individual for whom the University maintains student records and who: (a) is enrolled in or registered with an academic undergraduate or graduate 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.

University: The University of California, including all campuses, laboratories and the Office of the President.

University House: The Merced residence of the Chancellor of the University of California, Merced.

University Property: Any University-owned, -operated or -leased property, including all University grounds and structures or such other property as shall be designated as property subject to University policy.

IV. POLICY TEXT

A. General Provisions

University properties shall be used in accordance with federal, state and local laws and shall not be used for the purpose of organizing or carrying out unlawful activity.

All persons on University property are required to abide by University policies and campus procedures and shall identify themselves upon request to University officials acting in the performance of their duties. Violation of University policies or campus procedures may subject a person to possible legal penalties. If the person is a

student, faculty, or staff member of the University, that person may also be subject to disciplinary action in accordance with University policies.

B. Time, Place and Manner

The time, place and manner of exercising constitutionally protected rights of free expression, speech, assembly and worship are subject to the procedures below that provide for noninterference with University functions, and provide reasonable protection to persons from practices that would make them involuntary audiences, or place them in reasonable fear, as determined by the University, for their personal safety.

Subject to the procedures implementing this policy, on University grounds open to the public and in public areas of indoor facilities, all persons may exercise the constitutionally protected rights of free expression, speech and assembly. Such activities must not, however, interfere with the right of the University to conduct its affairs in an orderly manner and to maintain its property. Further, no activities may interfere with the University's obligation to protect the rights of all to teach, study and fully exchange ideas. Physical force, the threat of force, and other coercive activities used to subject anyone to speech of any kind are expressly prohibited.

The University House is a residence and is not open to the public. Activities on the University House grounds, other than those sponsored and approved by the Office of the Chancellor are prohibited.

C. Non-University Speakers

Non-university speakers or entities (often referred to as "outside speakers") may be invited to participate in events sponsored in University facilities upon invitation by the administration, academic divisions or departments, and registered campus organizations. Non-University speakers or entities may not schedule the use of University facilities directly, and may not collect funds on University property unless sponsored by the administration, academic divisions or departments, or registered campus organizations. The sponsoring division, department or organization is required to reserve facilities for use by non-university speakers through the appropriate room reservation system in advance of issuing an invitation to speak or participate in an event and is required to pay all fees associated with the use of University facilities, including facility and equipment rental fees and security fees, at least 10 days in advance of the scheduled event. Failure to pay all fees will result in the automatic cancellation of the facility reservation. A list of facilities available for use by non-University speakers and the associate fee schedules is maintained by the Office of Student Life (OSL). Priority for the use of University facilities will be given to academic and administrative departments of the campus and other University of California users.

It is the expectation of the University that all speakers and entities will recognize that the essence of the University is to provide for the free exchange of ideas and the expression of a variety of intellectual perspectives. On-campus programs should be designed in the best interests of the educational process, allowing appropriate opportunities for audience interaction. Non-university speakers, as well as the audience at speaker events, are expected to comply with all University policies and procedures, and applicable laws.

The only campus areas exempt from the sponsorship requirements set forth in this policy are the outdoor campus grounds open to the public, as defined herein. Use of these areas by non-University speakers or persons, however, must be at least 100 feet from building entrances and external stairways, may not involve the use of amplified sound, and may not interfere with the normal operation of the University, including other events scheduled by registered campus organizations, the administration, Schools, departments and official units.

D. Posting on Campus and in University Facilities

The University strictly regulates the posting of all material on campus and within University Facilities. No written material may be posted on campus or in University Facilities without the express approval of the appropriate campus department as defined herein and may be posted only in designated areas. Material approved for posting by an administrative or academic department or division must be stamped by the OSL. OSL may specify a date by which the material may be removed by campus officials; however, the individuals posting the material are required to take steps to remove all of the posted material by the specified date or no later than the date of any function or activity for which the posted material was prepared.

The University's Policies Applying to Campus Activities, Organizations and Students (PACAOS) contain specific regulations and procedures relating to posting that must be followed by all campus employees, including faculty and staff, students, RCOs and non-affiliates. In the event of conflict between this policy and campus procedures under the PACAOS, the requirements of this policy shall control.

OSL maintains an up-to-date list of all areas designated for posting. Material posted in areas not designated for posting, material past the expiration of the posting dates or material that has not been properly approved, may be removed by the University at any time.

Materials posted to advertise events sponsored by an administrative or academic department or division, or relating to educational or research activities undertaken by faculty members are not subject to the approval requirements of this policy but must be posted only in areas designated for posting or within private offices or cubicles.

Approval of posting material: Any employee seeking to post material must first obtain the written approval of the Vice Chancellor of the employee's administrative division, or their designee. Any faculty member seeking to post material must first obtain the written approval of the Dean of the faculty member's School, or their designee. Any student or RCO seeking to post material must obtain the approval of OSL consistent with [PACAOS](#) (section 306 – 310). All approved material must be stamped by OSL prior to posting. Individuals should present OSL with a copy of the written approval prior to requesting that the material be stamped for posting.

Designated posting locations: OSL maintains a current map of designated posting locations. Generally posting is not allowed on classroom chalkboards/dry erase boards, on sidewalks, walkways and buildings, trees, bike path railings, windows (except as approved by specific departments), traffic signs, fixed poles, blue light poles, lamp poles, fountains, benches, trashcans, shrubbery, on top of other approved

announcements/flyers, on automobiles, or unattended. Employees may not post material on the inside or outside of doors to private offices, with the exception of materials that are exempt from the requirements of this policy, as described above.

Posting inside private offices: Posting of material is not restricted within private offices; however, all individuals are encouraged to consider the impact of any controversial or objectively offensive postings on the University community. The University has the right to require postings by staff and faculty be removed if it determines the material has the effect of undermining the efficient operation of its business or its pursuit of its mission by creating a hostile or disruptive workplace environment.

Posting on doors to private offices: Individuals with private offices may post material related events sponsored by an administrative or academic department or division, or relating to educational or research activities undertaken by faculty members on the inside or outside of the door to their office. The University has the right to require postings be removed if it determines the material has the effect of undermining the efficient operation of its business or pursuit of its mission by creating a hostile or disruptive workplace environment.

Posting inside open cubicles: Posting of material is not restricted on the interior walls of single-person dedicated cubicles or workspaces; however, all individuals are encouraged to consider the impact of any controversial or offensive postings on the University community. The University has the right to require postings be removed if it determines the material has the effect of undermining the efficient operation of its business or pursuit of its mission by creating a hostile or disruptive workplace environment.

Posting in shared workspaces: Material shall not be posted in shared workspaces except with the approval of all employees sharing the workspace and the direct supervisor(s) of such employees.

Posting related to electoral politics: Because the University by law does not engage in electoral politics or campaigns and its physical facilities are fundamentally under its control and responsibility, the University prohibits in all locations on campus and in University facilities the posting of material relating to electoral politics, including campaign posters, stickers, buttons or other materials. This does not preclude individuals from wearing buttons, hats or clothing relating to electoral politics.

V. PROCEDURES FOR EXPRESSIVE ACTIVITIES AND ASSEMBLY

The following “Time, Place and Manner” procedures provide a framework for the conduct of assemblies and expressive activities, including speakers, demonstrations and protests, to protect the rights of all persons (demonstrators and non-demonstrators), to ensure that the activity conforms to all applicable campus rules, procedures, and state laws, and to address health and safety and risk management issues.

A. Time: Hours

Individuals may conduct their assembly, demonstration and protest activities during normal business hours (8:00 a.m. to 5:00 p.m.) in the public areas of any indoor facility, or at any time on any grounds open to the public as defined herein.

After-hours activities may be authorized in the public area of indoor facilities, after consultation with the appropriate campus officials and approval under Section D below. After-hours activities in indoor locations require the presence of campus staff and/or faculty acting as activity monitors.

B. Place: Grounds Open to the Public and Public Areas of Indoor Facilities

On University grounds open to the public and public areas of indoor facilities, all persons may exercise the constitutionally protected rights of free expression, speech, assembly, worship and distribution of literature incidental to the exercise of these freedoms; however, these activities:

1. Are subject to the time restrictions in section V(A)
2. Must not interfere with the orderly operation of the campus
3. May not include sales or solicitation without a permit
4. Are subject to the standard reservation system and fee schedules for University Facilities.
5. May not occur on the MID easements, except on bridges open to the public (such as the Scholars Lane bridge).
6. May not take place in facility entrances, or on internal or external stairs or landings. This restriction applies to the Lantern and stairs to the Kolligian Library, among other locations. Exceptions will be considered subject to the approval process set forth in Section D below.
7. Tables or moveable stands may not be placed in areas where passages to any entrance or walkways are blocked, where the free flow of pedestrian traffic is restricted, or where emergency fire lanes are blocked. Additional and more restrictive policies may apply to specific facilities or use areas.
8. Student groups using moveable tables or stands at any location on the campus must have the prior approval of the Office of Student Life. Authority for approval rests with the Director of Student Life or their designee.

C. Manner: Rules of conduct applicable to all persons, including demonstrators and non-demonstrators, and the rights and responsibilities of individuals participating in assembly, protests and demonstrations

1. All individuals participating in assembly, protests and demonstrations shall have the following rights and responsibilities, subject to the restrictions regarding time, place and manner set forth in these procedures:

- To exercise the right to freedom of speech and expression in a way that is nonviolent and does not result in harm to people or damage to property.
 - To respect the rights of other members of the campus community to go about the mission and business of the University without interference.
 - To exercise the right to assemble in a manner consistent with University policies as well as state and federal law, understanding that, while free speech is protected by the First Amendment, civil disobedience is not protected speech and may have consequences for those who engage in it.
 - To promote a safe, non-violent, and constructive environment in which community members may engage their right to free speech and assembly, and where the exchange of opinions and ideas from all community members is encouraged.
 - To file a complaint with the UC Police Department, Ombuds Office, Dean of Students, or other appropriate body if individual rights are believed to have been violated by a police officer, university official or other member of the University community.
2. No one may interfere with, block or impede the normal access, ingress or egress to or from any building or portion of one.
 3. No one may congregate in front of elevators, or at the top, bottom or on the steps or landings of stairways. Stairways and elevators may be used to move from floor to floor.
 4. No one may block or impede access to any emergency alarm system(s).
 5. No one may interfere or tamper with any part of any emergency alarm system.
 6. No one may engage in any activity which endangers personal safety, which results in damage to personal or University property, or which violates the privacy and/or confidentiality of sensitive University records.
 7. No one may interfere with, or disrupt, normal University business, classes, or any organized and authorized University activity inside or outside a campus building.
 8. No one may refuse to follow the lawful directions of a university official or police officer acting in their official capacities.
 9. No one may interfere with the ability of vehicles to enter or exit a roadway or with the normal flow of vehicular traffic.
 10. Sound amplification equipment may not be used at any indoor or outdoor location without the prior written approval of the Office of Student Life. Use of sound amplification equipment will only be approved in accordance with Section 304.00 of the UC Merced Student Handbook. If complaints are received indicating that the amplification sound level is interfering with the normal operations of the campus, the responsible person(s) will be directed to lower the volume by Student Life staff.

If additional complaints occur, the person(s) in charge of the amplification equipment will be directed to turn off the sound completely. These limitations do not apply to campus-wide events, such as speakers, concerts, dances, rallies, sports events and other outdoor educational, athletic or entertainment events, sponsored by an administrative or academic division or department.

D. Advanced Arrangements for Planned Activities

UC Merced understands that many forms of assembly, protest and demonstration occur spontaneously. For the events that are planned in advance, coordination with the appropriate offices within the University is encouraged to ensure the success of the event and minimize the potential to disrupt the normal operation of the University. Although not mandatory, the following procedures are administered by the Office of Student Life for planned events on campus. Student Life will coordinate with other administrative units, including the Office of the Chancellor, the Provost, Facilities, Public Safety and the Protest Oversight Group, as necessary.

1. If the assistance of OSL is desired for a planned event, a representative for the event should prepare a proposal in writing and submit it to the Office of Student Life at least 48 hours in advance of the planned activity. The Office of Student Life should be provided further advanced notice if possible, depending on the scale of the event.
2. A proposal for a planned event should include the proposed location and date of the event, the proposed start and end time, the purpose of the event, the anticipated participants, such as students, staff, faculty, campus administration or community members, the estimated number of participants, and any identified security requirements.
3. If the proposed event includes a march, the sponsoring group should attach a proposed route for the march.
4. If the proposed event includes sound amplification equipment, the use of such equipment must be approved by OSL in writing in advance for all events.

VI. RESPONSIBILITIES

As needed, the Chancellor or designee will convene the Protest Oversight Group (POG) to coordinate the University's involvement in assemblies, protests and demonstrations on campus. The POG is responsible for operating in a manner that continually re-assesses the event and objectives, and emphasizes teamwork, timely and effective communication and actions that support the University's teaching, research and service missions while protecting and respecting the right to assemble and protest. It is the University's explicit intention to accomplish these goals with the least possible show or use of force or other means of control. In situations where this objective cannot be met, clear protocols for escalation identified in the Police Operations Plan approved by the Vice Chancellor of Business and Administrative Services and provided to the POG will be understood and strictly observed by all law-enforcement personnel. The Chancellor has the ultimate authority over and responsibility for the University's involvement in assemblies, protests

and demonstrations, and the POG is expected to continually brief and coordinate with the Chancellor.

In the rare event of an imminent and substantial threat of harm to persons or property, and with no reasonable opportunity to consult with the Chancellor or designee, Campus Police will follow the approved Police Operations Plan for responding. The Chief of Police is responsible for exercising sound judgment and appropriate restraint.

MEMBERSHIP AND RESPONSIBILITIES OF THE PROTEST OVERSIGHT GROUP:

The POG shall consist of the senior administrator, or their designee, from each of the divisions identified below. Responsibilities of each member are as outlined. The Faculty Welfare and Academic Freedom Committee may appoint an ex officio member to the POG who may attend meetings and coordinate with the Office of the Provost in carrying out its responsibilities under this policy with respect to faculty.

A. Office of the Chancellor:

- Set expectations for monitoring and managing the event
- Designate appropriate individual as Chancellor's representative "on the ground" to event organizers/protest leaders and law enforcement
- Ensure appropriate and effective communication between event organizers/protesters, senior administrators, and law enforcement
- Appoint or designate mediator as appropriate
- Appoint a designee with decision-making authority if the Chancellor is unavailable.
- Make decisions regarding police action against protesters on the property of UC Merced, except in emergency situations (threat of imminent and substantial harm to persons or property)
- Provide direct communication with the UC Office of the President

B. Office of the Vice Chancellor for Student Affairs:

- Direct personal communication with students regarding interpretation of policies, expectations, academics, student discipline, and general guidance provided by the UC Merced Principles of Community; health and safety requirements; federal, state and local laws; and university policy
- Monitor mental and physical health of students
- Identify and communicate health, safety, security and academic needs of students to the POG
- Communicate with parents and student caregivers as appropriate
- Appoint Student Affairs spokesperson for media interviews, if appropriate, in consultation with the Office of University Communications
- Provide planning guidance to students proposing assembly, protest or demonstration activities
- Designate one or more "on the ground" liaisons if students are primarily involved in the protest

C. Office of the Provost and Executive Vice Chancellor:

- Direct communication with faculty regarding all appropriate aspects of faculty involvement in assemblies or protests
- Initiate educational opportunities involving faculty, when appropriate, around issues of protest

- Communicate with the Office of the Chancellor all recommendations to alter daily campus business as usual, to facilitate the immediate needs of the students and faculty regarding the issues of protest or the safety of the campus
- Appoint academic spokesperson for media interviews, if appropriate, in consultation with the Office of University Communications
- Designate one or more “on the ground” liaisons if faculty or instructional staff are primarily involved in the protest

D. Office of Human Resources:

- Direct communication with employees and labor union representatives regarding interpretation of policies, expectations, employee discipline and general guidance related to assemblies or protests
- Monitor mental and physical health of employees
- Identify and communicate health, safety and security needs of employees to the POG
- Designate one or more “on the ground” liaisons if staff are primarily involved in the protest

E. Office of University Communications:

- Develop communications/media strategy and news points
- Recommend and provide oversight of all media outlets, interviews, releases and press conferences
- Monitor news coverage and blogosphere to provide real-time feedback to decision-makers
- Designate official event videographer, if appropriate

F. Office of Facilities Management:

Provide facilities support as identified by POG including but not limited to:

- Sanitation and trash receptacles and pick up
- Lighting
- Building-access control
- Grounds maintenance and irrigation control
- Signage
- Facility maintenance
- Safety, health and security equipment needs
- Transportation and parking needs

G. Office of Environmental Health and Safety:

- Monitor and provide guidance for meeting the fire, health and safety needs during sustained protests

H. Office of Governmental and Community Relations:

- Provide communication to governmental entities as appropriate, in coordination with the Office of University Communications
- Identify independent community observers

I. Department of Public Safety:

- Provide continuous and appropriate levels of security for the safety of all involved people and UC property
- Develop Police Operations Plan, approved by the Vice Chancellor of Business and Administrative Services, and provide to POG

- Ensure all on and off-campus responding law-enforcement personnel are thoroughly briefed on the chancellor's authority and the approved Police Operations Plan
- Identify one UC Merced police official responsible for giving an order to use force prior to deployment and establish direct line of communication with the Chancellor's on the ground representative
- As needed, and upon the directive of the Chancellor or designee, activate the POG Operations Center and provide 24/7 staffing for the center to monitor the event and coordinate communications and response
- Provide proactive planning guidance to affiliates if requested
- Identify staffing needs and proactively request appropriate levels of staffing from UC campuses, CSU campuses, CHP, local law enforcement agencies, fire and EMS when appropriate for the safety, security and timely response of or to the needs of the community
- Provide violence-prevention education and advocacy support as appropriate
- Establish, if necessary, field incident command post and communicate the location to the POG
- Assist in identifying non-affiliates participating in a sustained or encampment protest

AFTER-ACTION REPORTING

The office/department designated as the lead for the event by the Chancellor will compile an after-action report to be presented to the Chancellor no later than 30 days following the end of the event. A summary of observations and recommendations from the neutral observers, if applicable, must be included in the after-action report.

VII. POLICY OR PROCEDURE REVISION HISTORY

| Date | Action/Summary of Changes |
|-----------------|---|
| January 9, 2018 | Interim Policy Issued (Interim policy expires on January 8, 2019) |
| | |

VIII. APPENDIX

APPENDIX 1 –Protest Event Proposal Form

APPENDIX 1



Protest/Demonstration Event Proposal Form

Prior to sponsoring a peaceful assembly, the sponsoring organization is encouraged to prepare a written proposal for the event at least 48 hours in advance of any activity and submit it to the Office of Student Life (OSL). Sponsoring organizations are encouraged to give OSL notice further in advance where possible, depending on the scale of the event. Student Life will coordinate with other campus administrative units, including the Office of the Chancellor, the Provost, Facilities, Public Safety and the Protest Oversight Group, as necessary.

Proposal should include the following information to the extent available:

1. Proposed date of the event:
2. Proposed location of the event:
3. Proposed start and end time:
4. Estimated number of participants:
5. Security requirements:
6. Proposed use of sound amplification:
7. If the proposed event includes a march, the sponsoring group should attach a proposed route.

Note: Any use of amplified sound on campus must be approved in advance by OSL.