

Gina Anderson

From: Gina Anderson
Sent: Monday, March 10, 2014 8:42 AM
To: Molly M. Theodossy
Cc: Academic Senate Chair
Subject: RE: PPM Review Request

Dear Molly,

Per our standard process, I am requesting an extension for the Academic Senate's response until April 25, 2014 to allow for the standard six week committee review period.

Please let me know if there are any concerns.

Best,
Gina

From: Molly M. Theodossy
Sent: Monday, March 10, 2014 8:00 AM
To: Gina Anderson; Jacob A Appelsmith; Michael F. Sweeney; eatanasiu@ucdavis.edu; Terri De La Mora; Karl M Engelbach; Sandi Glithero; Ralph J Hexter; Wendi Delmendo; Karl Mohr; csandstrom@ucdavis.edu; Yvonne S. Sundahl; Lora Jo Bossio
Subject: FW: PPM Review Request

Policy and Procedure Manual Review Request

Date: 3/10/14

Response requested by: 4/1/14

To: CODVC
Senior Advisors
G. Anderson, Academic Senate/Academic Federation
J. Applesmith/M. Sweeney, Office of the Campus Counsel
E. AtanasIU, GSA
L. Bossio, Student Affairs
T. De La Mora, Human Resources
K. Engelbach, Office of the Chancellor
S. Glithero, Academic Personnel
R. Hexter/W. Delmendo/K. Mohr, Office of the Provost and Executive Vice Chancellor
C. Sandstrom, ASUCD
Y. Sundahl, UCDHS Policy

Section: 400-01, Freedom of Expression

Purpose: New; this section describes the policy and procedures for the protection and encouragement of free and open expression, association, discussion, and debate on campus.

A draft of the section is attached for your review. Please review the draft, entering your edits and comments in the attached file.

Return the edited file directly to me, via email, by the response date indicated above. In your return email, indicate any additional individuals in your office who have reviewed the draft.

No response by the deadline above will be interpreted as your concurrence with the proposed manual section.

Reviewers' comments and suggestions will be compiled, and I will work with the policy/process originator to resolve any issues. Once the comments are reconciled, I will prepare a final draft for approval by the originator, the department head and the appropriate vice chancellor or vice provost prior to publication.

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Molly M. Theodossy  
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Compliance and Policy Unit  
Office of the Provost and Executive Vice Chancellor  
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# UC Davis Policy and Procedure Manual

## Chapter 400, Campus Climate

### Section 01, Freedom of Expression

Date: Draft 3/5/14

Supersedes: New

Responsible Department: Office of the Chancellor

Source Document: N/A

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#### I. Preamble

Independent thought and diversity of opinions are the essence of the University, and freedom of expression is necessary for the University to fulfill its mission of producing and disseminating knowledge. Without the ability of its members to freely hear, express, and debate different ideas and points of view, the University would lack the culture of free inquiry that lies at the foundation of the academic enterprise. In furtherance of this mission, the University's Principles of Community aspire to create an environment committed to the highest standards of civility, respect, and decency.

Accordingly, the University resolutely affirms the following principles:

- A. All members of the University community have the right to express and debate their views, to voice criticism of existing practices and policies, and to protest against laws, policies, actions, and opinions with which they disagree.
- B. In performing its teaching, research, and public service missions, the University has the obligation to cultivate an environment that allows the members of the University community to conduct their work and activities in accordance with the highest standards of freedom of expression and independent thought.
- C. University policies are to be interpreted and applied in a manner that promotes free and open debate and discussion to ensure the highest standards of freedom of expression and independent thought for the members of the University community. The First Amendment to the U.S. Constitution and Article 1, Section 1, of the California Constitution set a floor, not a ceiling with respect to expressive activity, and the University is committed to fostering expressive rights in excess of these protections.

#### II. Purpose

This section describes the policy and procedures for the protection and encouragement of free and open expression, association, discussion, and debate on campus.

#### III. Policy

- A. The University is committed to ensuring that all persons may exercise their constitutionally protected rights of free expression, speech, assembly, and worship, even in instances in which the positions expressed may be viewed by some as controversial or unpopular.
  1. The freedom to experiment; to present and examine alternative data and theories; to hear, express, and debate various views; and to voice criticism of existing practices and values are important aspects of an academic environment.
  2. It is the University's responsibility to ensure an ongoing opportunity for the expression of a wide array of diverse viewpoints.
  3. The University recognizes, supports, and shall not abridge the constitutional rights of faculty, students, or staff to participate in political activity, either as individuals or as members of a group.

4. The University shall attempt to ensure that, at any meeting, event, or demonstration, constitutionally protected free expression is not infringed, and shall take necessary steps to attempt to ensure the continuing openness and effectiveness of channels of communication among members of the University community.
  5. The content of the views expressed is not an appropriate basis for restriction on expression, assembly, or demonstration.
  6. University policies are to be interpreted and applied in accordance with the First Amendment of the United States Constitution and Article 1, Section 1, of the California Constitution to ensure the highest standards of freedom of expression, independent thought, and dissemination of knowledge.
- B. The University has aspirational Principles of Community and affirms its commitment to the highest standards of civility and decency toward all. The University recognizes that some speech may be considered to be offensive and uncivil to some people; that alone is not a lawful basis for limiting speech. At the same time, however, the University has a responsibility to protect employees and students from unlawful discrimination and harassment and will take appropriate corrective action as required by law and University policy. (See V.C, below for the relevant University policies on discrimination and harassment.)

#### **IV. Time, Place, and Manner Regulations**

- A. The University, as an educational institution, has various core goals and interests, the protection and promotion of which are essential to its effective functioning, including:
1. the opportunity of all members of the University community to attain their educational objectives;
  2. the generation and maintenance of an intellectual and educational atmosphere throughout the University community; and
  3. the protection of the health, safety, welfare, property, and civil and human rights of all members of the University community, and the safety and property interests of the University.
- B. Consistent with University of California *Policies Applying to Campus Activities, Organizations and Students* 30.00, *Policy on Speech and Advocacy*, the campus has adopted policies that provide for non-interference with University functions, referred to as time, place, and manner regulations.
1. Consistent with the First Amendment of the U.S. Constitution, time, place, and manner regulations are reasonable limitations on when, where, and how public speech or assembly may occur.
  2. Time, Place, and Manner Regulations:
    - a. On University grounds open to the public generally, all persons may exercise the constitutionally protected rights of free expression, speech, assembly, and worship (including the distribution or sale of noncommercial literature incidental to the exercise of these freedoms) (see University of California *Policies Applying to Campus Activities, Organizations and Students* 40.40).
    - b. All individuals or organizations using University properties and services must avoid any unauthorized implication that they are sponsored, endorsed, or favored by the University (see University of California *Policies Applying to Campus Activities, Organizations and Students* 41.00).

- c. As a State instrumentality, the University must remain neutral on religious and political matters. The University cannot sponsor or fund religious or political activities, except when authorized for University purposes by the Regents of the University of California, the President of this University, or their designees (see University of California *Policies Applying to Campus Activities, Organizations and Students* 41.10).
- d. Religious, political, and ideological Registered Campus Organizations and other campus organizations shall have access to University properties on the same basis as all other campus organizations (see University of California *Policies Applying to Campus Activities, Organizations and Students* 41.11).
- e. Public spaces, including sidewalks, lobbies, courtyards, hallways, and other paths, thoroughfares, and open areas must be maintained to permit safe access and travel for pedestrians, and, where appropriate, bicycles and other vehicles (see Section 310-25).
- f. The University has designated a site on the Quad for “symbolic speech,” where symbolic structures may be placed (see Center for Student Involvement, *Policies, Symbolic Structures*, <http://csi.ucdavis.edu/student-organizations/policies/#symbolic-structures>).
- g. Amplified sound may be used at outdoor events provided an approved amplified sound permit is obtained through Conference & Event Services prior to the event (see Section 270-20; Center for Student Involvement, *Policies, Amplified Sound*, <http://csi.ucdavis.edu/student-organizations/policies/#sound>).
- h. Use of University properties for overnight camping is generally prohibited absent express permission by the University (see Section 270-20).
- i. Areas of campus buildings generally accessible to the campus community are normally open between 7:00 a.m. and 5:30 p.m., unless otherwise specified (see Section 360-30).
- j. Civil disobedience has played an important and historic role on the University campuses, in bringing important and beneficial changes within society, and in the development of our democracy. However, civil disobedience is not protected speech under the Constitution. The Constitution does not guarantee any right to engage in civil disobedience – which, by its very definition, involves the violation of laws or regulations – without incurring consequences (see UC Davis Police Department Policy Manual, Policy 425, Crowd and Demonstration Management [http://police.ucdavis.edu/departmental-policy-and-procedures/Policy\\_Manual\\_RELEASE\\_20130917.pdf/view](http://police.ucdavis.edu/departmental-policy-and-procedures/Policy_Manual_RELEASE_20130917.pdf/view)).
- k. Additional time, place, and manner regulations:
  - 1) Reservation and use of University properties by University departments and organizations (see Sections 270-05 and 270-20).
  - 2) Reservation and use of University properties by non-University organizations. (See Section 270-20.)
  - 3) Fundraising on University properties (see Section 270-16).
  - 4) Commercial activities on University properties (see Section 270-25).
  - 5) Distribution of information and literature on University properties (see Section 310-25).

- 6) Posting of information on University property (see Section 310-27).

## V. Further Information

For additional information, contact the Office of the Campus Counsel; (530)754-6295; <http://campuscounsel.ucdavis.edu/>).

## VI. References and Related Policies

- A. University of California *Policies Applying to Campus Activities, Organizations and Students*:
  1. Section 10.00, Preamble and General Provision  
<http://policy.ucop.edu/doc/2710517/PACAOS-10>.
  2. Section 20.00, Policy on Nondiscrimination <http://policy.ucop.edu/doc/2710522/PACAOS-20>.
  3. Section 30.00, Policy on Speech and Advocacy  
<http://policy.ucop.edu/doc/2710523/PACAOS-30>.
  4. Section 40.00, Policy on Use of University Properties  
<http://policy.ucop.edu/doc/2710524/PACAOS-40>.
  5. Section 50.00, Policy on Campus Emergencies,  
<http://policy.ucop.edu/doc/2710525/PACAOS-50>.
  6. Section 70.00, Policy on Registered Campus Organizations  
<http://policy.ucop.edu/doc/2710527/PACAOS-770>.
  7. Section 100:00, Policy on Student Conduct and Discipline  
<http://policy.ucop.edu/doc/2710530/PACAOS-100>.
- B. UC Davis Policy and Procedure Manual:
  1. Section 270-20, Use and Reservation of University Properties and Event Arrangements  
<http://manuals.ucdavis.edu/PPM/270/270-20.pdf>.
  2. Section 310-25, Distribution of Information and Literature  
<http://manuals.ucdavis.edu/PPM/310/310-25.pdf>.
  3. Section 310-26, Distribution of Periodical Publications  
<http://manuals.ucdavis.edu/PPM/310/310-26.pdf>.
  4. Section 310-27, Posting of Information <http://manuals.ucdavis.edu/PPM/310/310-27.pdf>.
  5. Section 380-21, Employee Organization Access Regulations  
<http://manuals.ucdavis.edu/PPM/380/380-21.pdf>.
  6. Section 390-20, Maintenance of Order <http://manuals.ucdavis.edu/PPM/390/390-20.pdf>.
  7. Section 390-25, Suspension of Individuals During Declared State of Emergency  
<http://manuals.ucdavis.edu/PPM/390/390-25.pdf>.
  8. Section 390-30, Disruptive Behavior in the Workplace  
<http://manuals.ucdavis.edu/PPM/390/390-30.pdf>.
- C. University Policies on Discrimination and Harassment:
  1. UC Policy on Sexual Harassment,  
[http://atyourservice.ucop.edu/employees/policies\\_employee\\_labor\\_relations/sexual\\_harassment\\_policies/sh\\_policy.pdf](http://atyourservice.ucop.edu/employees/policies_employee_labor_relations/sexual_harassment_policies/sh_policy.pdf). UC Davis Policy on Sexual Harassment,  
<http://manuals.ucdavis.edu/PPM/380/380-12.pdf>.

2. UC Policy on Student Conduct and Discipline, Section 102.09, <http://policy.ucop.edu/doc/2710530/PACAOS-100>.
  3. UC Policy on Nondiscrimination in Employment, <http://policy.ucop.edu/doc/4010391/PPSM-12>.
  4. UC Faculty Code of Conduct, Academic Personnel Manual 015, <http://www.ucop.edu/academic-personnel/files/apm/apm-015.pdf>.
- D. California Code of Regulations – Regulations Applying to Individuals Who are not Faculty, Students, and Staff:
- California Code of Regulations, Title 5, Sections 100000 – 100015, Regulations Governing Conduct of Non-Affiliates in the Buildings and on the Grounds of the University of California <http://government.westlaw.com/linkedslice/default.asp?Action=TOC&RS=GVT1.0&VR=2.0&SP=CCR-1000>.
1. Section 100004: Approval for Activity on University of California Property.
  2. Section 100005: Camping and Storage of Personal Belongings.
  3. Section 100006: Commercial Activities.
  4. Section 100007: Curfew.
  5. Section 100012: Passage on University Property.
  6. Section 100013: Prohibit Conduct.
  7. Section 100014: Signs, Posters, Placards, Banners, Handbills, Displays/Structures.