



San José State
UNIVERSITY

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April 12, 2001

PD 01-01

MEMO TO: Vice Presidents, Deans, Directors, Department Chairs, and
Administrative Heads

FROM: Robert L. Caret
President

SUBJECT: Presidential Directive 01-01

SJSU "Time, Place & Manner" Regulations (Excerpts)

The mission of the University requires appropriate conditions for teaching, learning, scholarship, and research.

The following excerpts from the SJSU "Time, Place, and Manner" regulations (which we issued by the Office of the President under the authority of applicable sections of the California Education Code, Title 5 [California Code of Regulations], and the orders of the CSU Chancellor) are designed to insure that this mission can be carried out effectively:

- 1. Use of all state university facilities is subject to reservations, conditions, and priority scheduling.**
- 2. Activities that disrupt the normal operations of the University are prohibited.**
- 3. The selling or displaying for sale on campus of any books, newspapers, pamphlets, and other published materials that are available for sale at the campus bookstore is prohibited.**
- 4. Handbills, pamphlets, flyers, and other similar information materials (other than those described in #3 above) may be handed out, provided that such activities do not disrupt normal operations of the University and that the distribution of such materials is not prohibited under paragraph 3 above.**
- 5. Public solicitation, selling, exposing for sale, or offering for sale of goods, wares, merchandise, books, magazines, newspapers, property, published materials, or services of any kind (to be performed instantly or in the future), are subject to regulation and require obtaining a permit.**

- 6. Sound amplification or percussive sound is prohibited unless officially scheduled, and is restricted to certain locations and subject to strict conditions.**
- 7. Posting of material is permissible only on approved kiosks and bulletin boards, and is subject to regulations. Posting on trees, lampposts, phone booths, benches, buildings, or any other permanent structure not specifically designated for posting is prohibited. Self-standing signs, etc., are prohibited, as is distribution of any materials by placing on unoccupied automobiles.**

Violations of these regulations may constitute a crime under the Penal Code and/or may be subject to University disciplinary action. Enforcement of these regulations is under the province of the University Police Department, which should be notified when there is a violation. For information purposes, any SJSU employee may distribute copies of this summary.

The complete "Time, Place, and Manner" document for San Jose State University is available at the University Police Department. Questions about these regulations may be addressed to the University Police Department (4-2185), the Office of the Vice President for Student Affairs (4-5900), or the Non-Academic Scheduling Office (4-6300).

RLC/ms

**PRESIDENT'S DIRECTIVE REGARDING USE OF BUILDINGS
AND GROUNDS OF SAN JOSE STATE UNIVERSITY
PD 01-01**

TABLE OF CONTENTS

1.0 AUTHORITY	
1	
2.0 DELEGATION	1
2.1 Officer	
2.2 President's Designees	
3.0 SANCTIONS	1
4.0 REPORTING OF VIOLATIONS	1
4.1 Incident Reports	
4.2 Crimes	
5.0 DISRUPTION	1
6.0 SOUND AMPLIFICATION	1
7.0 MEETINGS, PERFORMANCES, RALLIES, ATHLETIC CONTESTS, AND SIMILAR PUBLIC EVENTS	2
7.1 Use of Campus Facilities	
7.2 Reservation of Campus Facilities	
7.3 Reservation Length	
7.4 Reservation Priorities	
7.5 Reservation Requirements	
7.6 Organization Liability	
7.7 Facility Capacities	
7.8 Outside Speakers	
7.9 Admission Charges	
7.10 Student Union Rules	
7.11 Failure to Obtain Proper Reservation	
8.0 SALE OR FREE DISTRIBUTION OF PUBLISHED MATERIALS	3
8.1 Sales Prohibited	
8.2 Sales Violations	
8.3 Additional Restrictions	
8.4 Distribution of Handbills	
9.0 SALES OF MERCHANDISE NOT OTHERWISE COVERED IN THESE RULES	4
9.1 On-campus Sales	
9.2 Sales Permit	
10.0 BULLETIN BOARDS AND POSTINGS OF SIGNS, PICTURES, NOTICES, TRANSPARENCIES AND ADVERTISEMENTS	4
10.1 Signs Permit	
10.2 Bulletin Boards Permit	
10.3 Postings Dated	
10.4 Postings Size	
10.5 Duplicate Postings	
10.6 Posting Methods	
10.7 Bulletin Board Priorities	
10.8 Removal of Postings	
10.9 Postings not Recognized	
10.10 Exemptions	
11.0 BANNER SPACE FOR ANNOUNCEMENTS	4
11.1 Banners Permit	
11.2 Banners Prohibitions	
11.3 Banner Topics Prohibited	
11.4 Fasteners	
11.5 Banner Space	
11.6 Removal of Banners	

12.0 SMOKING	5
12.1 Smoking-Buildings	
12.2 Smoking-Vehicles	
12.3 Smoking-Space and Distance	
12.4 Smoking-Spartan Stadium	
12.5 Smoking-Outside Areas	
13.0 ANIMALS ON CAMPUS	6
13.1 Control	
13.2 Licenses	
13.3 Fecal Matter	
13.4 Campus Buildings	
13.5 Impounded Animals	
13.6 Confined in Vehicles	
13.7 Special Circumstances	
14.0 LODGING	6
14.1 Motor Vehicles	
14.2 Camping	
15.0 CURFEW	6
15.1 Purpose	
15.2 Curfew Hours	
15.3 Under Age 16	
15.4 Under Age 18	
15.5 Exemptions	
15.6 Before Enforcement Action	
15.7 Enforcement Action	
15.8 Enforcement Actions Limited	
16.0 ALCOHOL	7
16.1 Sale or Consumption	
16.2 Exemptions	
16.3 Definitions	
17.0 PANHANDLING	7
18.0 REVIEW	7
19.0 NOTIFICATION	7
19.1 Sign	
19.2 Sign Text	
20.0 AVAILABILITY OF TINS DIRECTIVE	8
APPENDIX A	9
Bulletin Board Locations Banner Locations	
Sign Locations	
APPENDIX B	10
Referenced State Code Sections	

PRESIDENT'S DIRECTIVE REGARDING USE OF BUILDINGS
AND GROUNDS OF SAN JOSE STATE UNIVERSITY
PD 01-01

1.0 AUTHORITY

- 1.1 This directive is issued under the authority of, and to implement, interpret, and make specific those State code sections listed in Appendix B, the resolutions and the Standing Orders of the Board of Trustees, Executive Orders of the Chancellor, and the general authority of the President.

2.0 DELEGATION

- 2.1 Any reference to an officer in these rules includes duly authorized designees.
- 2.2 For purposes of Title 5, California Code of Regulations Sections 42350-42353, except as to academic employees, the President's designees are the Vice President of Student Affairs and such persons as that Vice President may designate. As to academic employees, the President's designees are the Provost and such persons as the Provost may designate.

3.0 SANCTIONS

- 3.1 Every person who violates or attempts to violate any express prohibitions respecting buildings and grounds contained in this Directive is guilty of a misdemeanor pursuant to Education Code Section 89031. In addition, a violation of these rules may constitute a crime under the Penal Code and may subject the violator, if a student, to student disciplinary action pursuant to Title 5, California Code of Regulations Sections 41301-41303, or if an employee, to employee disciplinary action pursuant to Education Code Sections 89535 and 89536.

4.0 REPORTING OF VIOLATIONS

- 4.1 Incident Reports: Any person who witnesses, or is a victim of, an incident (whether or not a crime) on, or involving, campus property or which takes place at a campus function which is believed by the observer or victim to violate any law or to violate any campus rule, including this Directive, is urged to promptly file an Incident Report with the University Police Department.
- 4.2 Crimes: Any person who witnesses, or is the victim of, a crime on, or involving, campus property or which takes place at a campus function is urged to promptly report the crime to the nearest law enforcement agency having jurisdiction. In addition, the witness or victim is urged to file an Incident Report, described in Section 4.1 above. (The University Police Department will complete and file a report in respect to all criminal matters reported to the Departments.)

5.0 DISRUPTION

- 5.1 Any activity on campus or at a campus function that disrupts, by preventing the effective carrying out of, the operation or activities of the University, its auxiliary organizations, its alumni organizations, or its recognized student organizations (as defined in California Code of Regulations Section 41402) is prohibited. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031 and may constitute a crime under sections of the Penal Code.

6.0 SOUND AMPLIFICATION

- 6.1 Sound amplification equipment, when used, shall be limited in volume so as not to be audibly heard in any of the following areas except as necessary for those activities or in any facility where people are watching or participating in sports or entertainment for which admission has been charged, or as is necessary to conduct the program: classrooms, outdoor instructional areas where instruction or graduation activities are then being carried on, campus residential facilities. Areas on campus where sound amplification is least likely to violate this section 6.1 are the Paseo de Cesar E. Chavez (formerly the 7th Street Plaza), in front of the Event Center, the 9th Street Plaza on

the East side of the Student Union Amphitheater, and the Student Union Amphitheater. Sound amplification above the level specified is prohibited. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031 and may constitute a violation of Sections 415(2) or 415.5(a)(2) of the Penal Code.

7.0 MEETINGS, PERFORMANCES, RALLIES, ATHLETIC CONTESTS, AND SIMILAR PUBLIC EVENTS.

7.1 All use of campus facilities shall be by reservation, on a first come, first served basis subject to the priorities listed in Section 7.4 below.

7.2 Reservation of campus facilities is required for all but University instruction and events.

7.2.1 The Non-Academic Scheduling Office schedules activities for campus facilities (including open space, Paseo de Cesar E. Chavez, and the 9" Street Plaza) except the following:

7.2.2 The Academic Scheduling Office schedules activities that take place in Morris Dailey Auditorium and all classrooms not scheduled by other departments.

7.2.3 The Human Performance Department schedules all activities that take place inside the Spartan Complex Buildings, including Uchida Hall.

7.2.4 The Athletics Department schedules all activities at the South Campus Athletics Facilities, except for Spartan Stadium

7.2.5 Spartan Shops schedules all activities at Spartan Stadium

7.2.6 The Office of Traffic & Parking Operations schedules the use of all parking garages and lots

7.2.7 The Event Center Office schedules all activities in the Event Center.

7.3 Generally, no reservation will exceed one week in length without a lease or written license.

7.4 Priorities to be observed in scheduling reservations:

7.4.1 University instruction and events;

7.4.2 Non-instruction uses by Associated Students and recognized student organizations;

7.4.3 Campus alumni organizations and faculty social clubs;

7.4.4 Individual student, staff, or faculty member;

7.4.5 All others not designated in this Section 7.4.

7.5 No reservation shall be confirmed by the scheduling department until the following requirements have been met:

7.5.1 Availability of the facility has been confirmed by the administrator responsible for the facility. (For example, the availability of the Concert Hall would be determined from the Chair of the Department of Music).

7.5.2 Security requirements of the proposed use have been specified by the Chief of University Police, and the amount of extra cost, if any, thereof has been provided to the scheduling department.

7.5.3 Services required by the proposed use have been reviewed with the Director of Plant Operations, and extra cost, if any, thereof has been provided to the scheduling department.

7.5.4 Parking requirements of the proposed event or program have been reported to the Office of Traffic & Parking, and the amount of extra cost, if any, thereof has been approved.

7.5.5 Insurance requirements for any event or program have *been reported* to the Office of Risk Management for review and approval.

7.5.6 Necessity for a lease, written license, or contract respecting reimbursement has been reviewed with the Director of Business Operations. Advance payment may be required in full or in part.

7.5.6.1 A lease or written license shall be required for all uses by organizations not designated in Section 7.4.1-4 above.

7.5.6.2 A contract or written agreement, shall be required for all uses by organizations designated in Section 7.4.2-3 above when reimbursement is required, unless the entire amount of reimbursement is paid in advance of use. In making reservations, ample time should be allowed for the confirmation process.

7.6 Organized use of campus facilities is subject to the condition that the reserving and using organization shall be primarily liable for any claims or losses accruing or resulting to the University or any person who may be injured, damaged, or unpaid by the use in the course of use.

7.7 The reserving and using organization(s) shall be responsible for adhering to officially approved facility capacities.

7.8 The organizations listed in Section 7.8.1 through 7.8.5, and no other, may invite outside speakers to speak to them on campus:

7.8.1 The Associated Students;

7.8.2 Recognized student organizations;

7.8.3 Faculty and staff organizations and University departments;

7.8.4 Campus alumni organization;

7.8.5 Lessees and licensees of campus facilities.

7.9 Admission may be charged for events conducted in campus facilities. When admission is charged by the Associated Students or recognized student organizations, all proceeds will be deposited with the Associated Students Business Office and will be used in a manner consistent with the stated objectives and purposes of the organization's constitution and by-laws. Such uses must comply with law, Trustee, and University policies. This section does not apply to events conducted by the University.

7.10 The Student Union may adopt such further rules as are necessary to supplement these rules respecting public events scheduled in the Union.

7.11 Failure (upon notification) or refusal to obtain proper reservation of campus facilities is a misdemeanor pursuant to Education Code Section 89031.

8.0 SALE OR FREE DISTRIBUTION OF PUBLISHED MATERIALS

8.1 Other than private sales between individuals where no general or public solicitation, exposure for sale, or offer to sell is involved, on campus exposing for sale, offering for sale, or selling of books, newspapers, magazines, pamphlets and similar published materials, or software, which are available at the University Bookstore is prohibited. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031.

8.2 On-campus exposing for sale or selling of published materials that violate the provisions of California Penal Code, Title 9, chapter 7.5, Part 1 (commencing with Section 311, and dealing with obscenity) is prohibited. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031.

8.3 As to books, newspapers, magazines, pamphlets, handbills, and similar published materials other than those described above, such materials may be sold or given away on campus provided that the selling or handing-out activities do not disrupt any operation or activity of the University, its auxiliary organizations, and its recognized student organizations. Activities which disturb instructional activities or which obstruct the free flow of pedestrian or vehicular traffic are prohibited. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031 and may constitute violations of Sections 602.1(b), 602.10, 626.4(d), 626.6(a), or 647c of the Penal Code.

- 8.4 The distribution of handbills by placing them in or on unoccupied vehicles parked on campus or by throwing or casting them about is prohibited. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031.

9.0 SALES OF MERCHANDISE NOT OTHERWISE COVERED IN THESE RULES

- 9.1 Other than private sales between individuals where no general or public solicitation, exposure for sale, or offer to sell is involved, on-campus exposing for sale, or selling of any goods, merchandise, wares, property of any kind, or services to be performed instantly or in the future is prohibited except as provided in Section 9.2 below. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031.
- 9.2 The Associated Students, recognized student organizations, the Academic Senate, faculty social clubs, and the campus alumni organizations, or staff organizations, after first receiving a permit from the Non-academic Scheduling Office, may sponsor the sale of such goods and services at such times and places as are authorized by the permit. during the period of time specified therein. The permit must be available during all such selling. Permits will only be issued for special events such as major cultural days or weeks, orientation, etc.

10.0 BULLETIN BOARDS AND POSTINGS OF SIGNS, PICTURES, NOTICES, TRANSPARENCIES AND ADVERTISEMENTS

- 10.1 No sign, picture, notice, transparency, or advertisement shall be placed or maintained, or caused to be placed or maintained, on campus, except as provided in Section 10.2 below (Bulletin Boards), Section 11.0 (Banners), or except as authorized in a permit issued pursuant to Section 9.2. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031.
- 10.2 Use of bulletin boards listed in Appendix A below by the users designated in Appendix A, is permitted subject to the following rules of space and time priority. Determinations respecting competing use shall be made by the Office of Student Affairs.
- 10.3 All postings shall be dated with the date of posting. Postings not dated or predated, are subject to removal at any time. If dated, they may be removed seven calendar days after posting.
- 10.4 All postings exceeding in size 14" x 28" are subject to removal at any time.
- 10.5 Duplicate postings on the same bulletin board are subject to removal at any time.
- 10.6 Posting shall be by thumbtack or staple only. Other methods of posting which damage a bulletin board are prohibited. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031.
- 10.7 In the event of conflicting claims for limited space on bulletin boards in or on academic buildings, postings respecting academic programs offered in that building and activities of recognized campus organizations related to those programs shall have priority. Otherwise, priority shall be in the order posted.
- 10.8 Removal of postings, other than by the posting party or University personnel acting pursuant to their duties, is prohibited unless the posting has been posted for seven calendar days or announces an event which has passed. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031 and may violate Section 594(a)(2) of the Penal Code.
- 10.9 Posting of users not designated below are subject to removal at any time, and will subject the poster to liability for the cost of removal.
- 10.10 This Section 10.0 does not apply to signs, pictures, notices, transparencies, or advertisements posted by the University, nor to notices of student body membership fee elections posted pursuant to Title 5, California Code of Regulations, Section 41402.

11.0 BANNER SPACE FOR ANNOUNCEMENTS

- 11.1 The University, the Associated Students, and recognized student organizations may place banners announcing events or activities, including sales for which a permit has been obtained, in those locations listed in Appendix A.
- 11.2 No banners of any type may be placed on campus by any organization or person not designated in Section 11.1, nor shall banners be placed at any location not specified in Section 11.1. Violation of the prohibitions contained in this Section 11.2 is a misdemeanor pursuant to Education Code Section 89031.

- 11.3 When not required for announcement purposes, pursuant to Section 11.1, banners dealing with other topics may be placed by the organizations designated in Section 11.1, subject to Sections 11.4, 11.5, and 11.6, provided that the subjects dealt with on the banners do not include:
- 11.3.1 Establishment of or opposition to any religion.
 - 11.3.2 Support for or opposition to any candidate for off-campus public office.
 - 11.3.3 Support for or opposition to any issue before the voters in an off-campus election.
 - 11.3.4 Anything violative of Chapter 7.5, Title 9, Part I of the California Penal Code (commencing with Section 311, any dealing with obscenity).
- 11.4 Use of fasteners which penetrate that to which the banner is attached, such as nails and staples, in attaching banners is prohibited; the use of string or rope is suggested. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031 and may violate Section 594(aX2) of the Penal Code.
- 11.5 Banner space is available on a first come, first served basis, evidenced by a scheduling application filed with the Non-academic Union Scheduling Office and which will state the date and time of the posting and removal of banners. Organizations not removing banners at the time specified for the removal are subject to charge by the University for the cost of removal.
- 11.6 Removal by one organization of a banner by another organization is prohibited. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031.

12.0 SMOKING

- 12.1 Smoking is prohibited in all university buildings and leased space (including space within buildings shared by others). This prohibition shall apply to any area enclosed by the perimeter (outermost) walls of the building, including restrooms, and warehouse and storage space. Atriums, balconies, stairwells, breezeways, and other similar building features are to be considered "within a building." Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031 and Government Code Section 19994.31.
- 12.2 Smoking is prohibited in university owned vehicles. This prohibition includes passenger vehicles and all other state-owned mobile equipment, including light and heavy-duty trucks, cargo and passenger vans, buses, and any other mobile equipment with an enclosed or enclosable driver or passenger compartment. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031 and Government Code Section 19994.31.
- 12.3 Smoking is prohibited within 15 feet of doorways and ground level air intake structures. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031 and Government Code Section 19994.31.
- 12.4 Smoking is prohibited within the Spartan Stadium seating area. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031 and Government Code Section 19994.31.
- 12.5 Specific outside areas for smoking will not be established or identified. The University will clearly display signs at the entrances, exits, and other appropriate locations throughout the campus to notify tenants and the public that smoking is prohibited within the buildings.

13.0 ANIMALS ON CAMPUS

- 13.1 Dogs, cats, and other domesticated animals must be under control while on campus grounds, and restrained by a leash or chain that does not exceed 6 feet in length and that is in the hands of a responsible person. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031.
- 13.2 Any dog, cat, or other animal brought to campus must be licensed and fully inoculated, with the burden of proof on the owner. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031.
- 13.3 Fecal matter deposited by any dog, cat, or other animal brought to campus must be removed immediately by the animal's owner. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031 and Penal Code Section 374.4.
- 13.4 Dogs, cats, and other animals may not enter campus buildings, including all residence and non-residence 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 authorized guide dog, signal dog, or service dog trainer. 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.

- 13.5 Domestic animals and pets found tethered, unattended, or abandoned will be humanely impounded in accordance with all applicable laws and regulations.
- 13.6 Domestic animals and pets may be permitted to be confined in vehicles parked on campus for a reasonable period of time, as long as the animal is not endangered and does not endanger others or create a public nuisance, e.g., excessive barking. In the event of endangerment to the animal or others, or public nuisance, the animal's owner will be cited. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031.
- 13.7 In special circumstances, animals may be brought on campus for a singular event involving the display or demonstration of specialized skills or natural behaviors. This event must be scheduled as referenced in Section 7.0 of this Directive.

14.0 LODGING

- 14.1 No person shall use any motor vehicle in any area on the campus for the purpose of human habitation or camping without the express written permission of the University President or designee. "Human Habitation" includes one or more of the following activities: sleeping between the hours of 12:00 am and 7:00 am., cooking, or elimination of body wastes. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031 and Penal Code Section 6470).
- 14.2 No person shall camp on any property owned, operated, or controlled by the University or use any permission of the President or his designee for the facility being used. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031 and Penal Code Section 647(j).

15.0 CURFEW

- 15.1 The purpose of the University enforcing a curfew is to maintain a balance between the City of San Jose, within whose city limits the University resides, and San Jose State University. The City of San Jose has enacted a curfew designed to protect minors from crimes of opportunity and exploitation and to reduce juvenile crime within the city limits. The University must enforce this curfew to prevent the University from becoming an oasis for those seeking to evade the curfew by loitering on University property.
- 15.2 "Curfew hours" means: The hours between 10:00 p.m. to 5:00 a.m. for minors under the age of sixteen years; or, the hours between 11:30 p.m. to 5:00 a.m. for minors under the age of eighteen years.
- 15.3 It is unlawful for any minor, not a student of the University, under the age of sixteen years to be in any public place within the University during curfew hours, except as provided under Section 15.4. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031.
- 15.4 It is unlawful for any minor, not a student of the University, under the age of eighteen years to be in any public place within the University during curfew hours, except as provided under Section 15.4. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031.
- 15.5 A minor under the age of eighteen years shall not be in violation of this chapter if, at the time the minor was stopped by a police officer, the minor was:
 - 15.4.1 Accompanied by the minor's parent or guardian;
 - 15.4.2 On an errand at the direction of the minor's parent or guardian, without detour or stop;
 - 15.4.3 Engaged in a lawful volunteer or paid employment activity, or going to or returning home from a lawful volunteer or paid employment activity, without detour or stop;
 - 15.4.4 Acting in response to an emergency;
 - 15.4.5 Attending or going to or returning home, without detour or stop, from a school, religious, cultural, sports, amusement, entertainment, or recreation activity; or any organized rally, demonstration, meeting, or similar activity;

15.4.6 Waiting at a bus stop for transportation;

15.4.7 Emancipated in accordance with the California Family Code or other applicable state law.

15.6 Before taking any enforcement action under Sections 15.2 and 15.3, a police officer shall ask the apparent offender's age and reason for being in the public place.

15.7 The officer shall not take enforcement action under this chapter unless the officer has probable cause to believe that neither Section Sections 15.2 and 15.3 nor any exemption under Section 15.4 applies.

15.8 Enforcement action available to the officer shall be limited to delivering the minor to an appropriate City of San Jose Curfew Center.

16.0 ALCOHOL

16.1 The sale or consumption of alcoholic beverages is prohibited in all areas open to the public on University grounds, unless exempted in section 16.2 below. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031.

16.2 Exemptions:

16.2.1 Scheduled and approved University and University sponsored events.

16.2.2 "Tailgating" in the South Campus Athletic Fields immediately preceding or immediately following a sporting event or other scheduled function at Spartan Stadium

16.2.3 Any University or Auxiliary sponsored business or event in possession of a valid ABC license to sell alcoholic beverages.

16.2.4 Any other event or function approved by the President or his designee.

16.3 Definitions:

16.3.1 "Alcoholic beverage" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of 1 percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

16.3.2 "Public Area" includes any exterior locations on University property, such as, lawns, landscaping, paths, walkways, roads, parking lots, and garages. It also includes any interior location with general access for the public, such as, classrooms, hallways, restrooms, labs, and any other room not specifically occupied as an office or residence on property owned, operated, or leased by the University or its auxiliaries.

17.0 PANHANDLING

17.1 Soliciting alms or begging in any public place or in any place open to the public on University property is prohibited. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031 and Penal Code Section 647(c).

18.0 REVIEW

18.1 This directive will be reviewed and submitted to the President for approval the beginning of every even fiscal year.

19.0 NOTIFICATION

19.1 A sign bearing the following copy shall be posted at the principal entrances to the campus as listed in Appendix A.

19.2 The sign shall read:

“Soliciting, selling, exposing for sale or offering for sales of goods, wares, merchandise, property of any kind, or services; the distribution of handbills and other printed materials; and the holding of meetings, performances, rallies, and similar public events on this campus are subject to regulation. The consumption of alcoholic beverages, the use of tobacco products, the control of domesticated animals, and other disruptive public conduct is similarly subject to regulation. Violations are punishable as misdemeanors. Copies of these regulations and of directives issued there under may be examined at the University Police Department, the Office of the President, and the Non-Academic Scheduling Office. Section 89031 Education Code”

20.0 AVAILABILITY OF THIS DIRECTIVE

20.1 Copies of this directive and all applicable statutory laws shall be kept available for examination in the University Police Department, the Office of the President, and in the Non-Academic Scheduling Office.

Signed by

A handwritten signature in black ink, appearing to read "Robert L. Caret". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert L. Caret, President
San Jose State University

Date 4/12/01

BULLETIN BOARD LOCATIONS

- 1) In the Art Quad
- 2) South side of Clark Library
- 3) South side of the Modular Buildings
- 4) Old Cafeteria Building at the Student Life Center

BANNER LOCATIONS

- 5) Between Central Classroom Building and Clark Library
- 6) On the Palm Trees on Paseo de Cesar E. Chavez in front of the Old Cafeteria Building
- 7) On the 7th Street Balcony on the second floor of Sweeney Hall
- 8) On the west balcony of the Student Union Ballroom (major cultural events only)

SIGN LOCATIONS

- 1) Paseo de San Carlos at South Fourth Street
- 2) South Seventh Street at East San Fernando Street
- 3) Pasco de San Carlos at South Tenth Street
- 4) South Seventh Street at East San Salvador Street

REFERENCED STATE CODE SECTIONS

California Education Code

66017. The respective governing boards of the California Community Colleges, the California State University, or the University of California shall adopt appropriate procedures and designate appropriate persons to take disciplinary action against any student, member of the faculty, member of the support staff, or member of the administration of the community college, state college, or state university who, after a prompt hearing by a campus body, has been found to have willfully disrupted the orderly operation of the campus. Nothing in this section shall be construed to prohibit, where an immediate suspension is required in order to protect lives or property and to ensure the maintenance of order, interim suspension pending a hearing; provided that a reasonable opportunity be afforded the suspended person for a hearing within 10 days. The disciplinary action may include, but need not be limited to, suspension, dismissal, or expulsion. Sections 89538 to 89540, inclusive, shall be applicable to any state university or college employee dismissed pursuant to this section.

66300. The Regents of the University of California, the Trustees of the California State University, and the governing board of every community college district, shall adopt or provide for the adoption of specific rules and regulations governing student behavior along with applicable penalties for violation of the rules and regulations. The institutions shall adopt procedures by which all students are informed of such rules and regulations, with applicable penalties, and any revisions thereof.

66600. The California State University shall be administered by a board designated as the Trustees of the California State University, which is hereby created.

66606. The Trustees of the California State University shall succeed to the powers, duties, and functions with respect to the management, administration, and control of the state colleges heretofore vested in the State Board of Education or in the Director of Education, including all powers, duties, obligations, and functions specified in Article 2 (commencing with Section 90010) of Chapter 8 of Part 55, and all obligations assumed by the State Board of Education pursuant to that article prior to July 1, 1961.

On and after July 1, 1961, the Trustees of the California State University shall have full power and responsibility in the construction and development of any state university campus, and any buildings or other facilities or improvements connected with the California State University. The powers shall be exercised by the Trustees of the California State University notwithstanding Chapter 10 (commencing with Section 14950) of Part 5.5 of Division 3 of Title 2 of the Government Code and Chapter 1 (commencing with Section 10100) of Part 2 of Division 2 of the Public Contract Code, except that the powers shall be carried out pursuant to Chapter 2.5 (commencing with Section 10700) of Part 2 of Division 2 of the Public Contract Code known as the California State University Contract Law.

The Trustees of the California State University may accept gifts of land, or gifts of options on land, may accept and expend gifts of money for the purchase of land or options on land, and may enter into negotiations and contracts for the purchase of land for a future state university site in the vicinity of any of the areas specified in the recommendations contained in the Master Plan for Higher Education printed on page 42, paragraph 5, Senate Journal (Regular Session) for February 1, 1960, except that the gifts, expenditures, negotiations, and contracts shall not obligate the expenditure of any state funds for the purchase of the land or for development on the land, unless the Legislature subsequently approves the obligation by appropriating the funds for that specific purpose.

Any acceptance, acceptance and expenditure, or negotiations and contract may be conditioned upon an automatic reversion back to the donor or automatic termination of the negotiations and contract if a new state university is not established at a specific site prior to a specific date designated by the trustees and the donor or the trustees and the person or corporation with whom the trustees are negotiating or contracting.

89030. (a) The trustees shall adopt rules and regulations not inconsistent with the laws of this state for the government of all of the following:

- (1) The trustees.
- (2) The appointees and employees of the trustees.
- (3) The California State University.

- (b) The adoption of these rules and regulations shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.
- (c) The rules and regulations shall be published for distribution as soon as practicable after adoption.
- (d) This section shall be liberally construed in order that the purposes of the Donahoe Higher Education Act pursuant to Part 40 (commencing with Section 66010) of Division 5 may be effectuated.

89031. 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.

89035. Wherever in this code a power is vested in the trustees, the trustees by majority vote may adopt a rule delegating such power to any officer, employee, or committee as the trustees may designate. The rule shall prescribe the limits of such delegation.

89046. The trustees may lease any property of a state university for any purpose that they consider is not inconsistent with the functions of the California State University including, but not limited to:

(a) The lease of state university property to a nonprofit organization composed exclusively of students of the university or of members of the faculty of the university, or both, for purposes related to the activities of the university or for the activities of student or faculty organizations.

(b) The lease of state university property to any nonprofit organization for the purpose of constructing and using thereon buildings as living quarters for students of the university and as meeting places.

(c) The lease to any student or faculty organization of the university of property for the purpose of establishing and maintaining cooperative stores, and cafeterias in connection with such stores.

Any rental received by the trustees under this or other leasing sections shall be deposited in the State Treasury and credited to the support appropriation of the California State University current during the period of occupancy.

89300. A student body organization may be established at any state university under the supervision of the university officials for the purpose of providing essential activities closely related to, but not normally included as a part of, the regular instructional program of the university. The organization may also operate a campus store, a cafeteria, and other projects not inconsistent with the purposes of the university, and property of the university may be leased to the organization for those purposes.

The trustees may fix fees for voluntary membership in the organization established at a state university.

Notwithstanding any law to the contrary, if a student body organization is established at any state university, upon the favorable vote of two-thirds of the students voting in an election held for this purpose, in a manner that the trustees shall prescribe, and open to all regular students enrolled in the university, the trustees shall fix a membership fee which shall be required of all regular, limited, and special session students attending the university. No fees shall be charged to students registering solely in extension classes.

The trustees may approve an increase or decrease in the student body fee only after the fee increase or decrease has been approved by a majority of students voting in a referendum established for that purpose.

The required fee shall be subject to referendum at any time upon the presentation of a petition to the president of the university containing the signatures of 10 percent of the regularly enrolled students at the university. A successful referendum shall take effect with the beginning of the academic year following that in which the election was held.

Payment of membership fees pursuant to this section shall be a prerequisite to enrollment in the university, except that if sufficient funds are available, any state university student, subject to the regulations of the trustees establishing standards in that regard, may agree to work off the amount of the fee at the prevailing rate of the university for student assistants. The trustees may adopt regulations setting standards for determining which students shall be eligible to work off the amount of the fee.

The revenues raised pursuant to this section may, in addition to expenditures for other lawful purposes involved in the operations of the student body organization, be expended to provide for the support of governmental affairs representatives who may be attending upon the State Legislature or upon offices and agencies in the executive branch of the state government.

89500. (a) (1) Notwithstanding any other provision of law, the trustees shall provide by rule for the government of their appointees and employees, pursuant to this chapter and other applicable provisions of law, including, but not limited to: appointment; classification; terms; duties; pay and overtime pay; uniform and equipment allowances; travel expenses and allowances; rates for housing and lodging; moving expenses; leave of absence; tenure; vacation; holidays; layoff; dismissal; demotion; suspension; sick leave; reinstatement; and employer's contribution to employees', annuitants', and survivors' health benefits plans.

(2) The rules adopted by the trustees relating to tenure, layoff, dismissal, demotion, suspension, and reinstatement of academic and administrative employees shall be adopted on or before February 1, 1962, and become effective on July 1, 1962, with respect to employees who are academic teaching and administrative employees as defined in subdivision (1xe) of Section 24301, as it read on June 30, 1961, as enacted by Chapter 2 of the Statutes of 1959.

(b) The adoption of these rules and regulations shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part I of Division 3 of Title 2 of the Government Code.

(c) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title I of the Government Code, the memorandum of understanding shall be controlling without further legislative action, except that if the provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

89535. Any permanent or probationary employee may be dismissed, demoted, or suspended for the following causes:

- (a) Immoral conduct.
- (b) Unprofessional conduct.
- (c) Dishonesty.
- (d) Incompetency.
- (e) Addiction to the use of controlled substances.
- (f) Failure or refusal to perform the normal and reasonable duties of the position.
- (g) Conviction of a felony or conviction of any misdemeanor involving moral turpitude.
- (h) Fraud in securing appointment.
- (i) Drunkenness on duty.

89536. Any permanent or probationary employee who is physically or mentally unfit for the position occupied may be suspended, demoted, or dismissed pursuant to the provisions of Sections 89538, 89539, and 89540.

90012. The board, for the purposes of this article, has power and is hereby authorized, in addition to and amplification of all other powers conferred upon the board by the Constitution of the State of California or by any statute of the State of California:

(a) To acquire subject to the Property Acquisition Law, Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code, by grant, purchase, gift, devise, or lease, and to hold and use any real or personal property necessary or convenient or useful for the carrying on of any of its powers pursuant to the provisions of this article.

(b) To construct, operate and control any project.

(c) To fix rates, rents or other charges for the use of any project acquired, constructed, equipped, furnished, operated or maintained by the board, or for services rendered in connection therewith, and to alter, change or modify the same at its pleasure, subject to any contractual obligation which may be entered into by the board with respect to the fixing of rates, rents or charges.

(d) To enter into covenants to increase rates or charges from time to time as may be necessary pursuant to any contract or agreement with the holders of any bonds of the board.

(e) At any time and from time to time, to issue revenue bonds in order to raise funds for the purpose of establishing any project or of acquiring lands for any project, or of acquiring, constructing, improving, equipping, furnishing, financing, or refinancing any project, including payment of principal and interest on revenue bond anticipation notes, or for any combination of these purposes, which bonds may be secured as hereinafter provided.

(f) At any time and from time to time, to issue revenue bond anticipation notes pursuant to Section 90013.

(g) To adopt rules and regulations as may be necessary to enable the board to exercise the powers and to perform the duties conferred or imposed upon the board by this article.

(h) Nothing contained in this section or elsewhere in this article shall be construed directly or by implication to be in anywise in derogation of or in limitation of powers conferred upon or existing in the board by virtue of provisions of the Constitution or statutes of this state.

California Code of Regulations

41301. Expulsion, Suspension, and Probation of Students.

Following procedures consonant with due process established pursuant to Section 41304, any student of a campus may be expelled, suspended, placed on probation or given a lesser sanction for one or more of the following causes which must be campus related:

- (a) Cheating or plagiarism in connection with an academic program at a campus.
- (b) (b) Forgery, alteration or misuse of campus documents, records, or identification or knowingly furnish false information to a campus.
- (c) Misrepresentation of oneself or of an organization to be an agent of a campus.
- (d) Obstruction or disruption, on or off campus property, of the campus educational process, administrative process, or other campus function-
- (e) Physical abuse on or off campus property, of the person or property in the possession of, or owned by, a member of the campus community.
- (f) Theft of, or non-accidental damage to, campus property, or property in the possession of, or owned by a member of the campus community.
- (g) Unauthorized entry into, unauthorized use of, or misuse of campus property.
- (h) On campus property, the sale or knowing possession of dangerous drugs, restricted dangerous drugs, or narcotics as those terms are used in California statutes, except when lawfully prescribed pursuant to medical or dental care, or when lawfully permitted for the purpose of research, instruction or analysis.
- (i) Knowing possession or use of explosives, dangerous chemicals or deadly weapons on campus property, or at a campus function without prior authorization of the campus president.
- (j) Engaging in lewd, indecent, or obscene behavior on campus property or at a campus function.
- (k) Abusive behavior directed toward, or hazing of, a member of the campus community.
- (l) Violation of any order of a campus president, notice of which had been given prior to such violation and during the academic term in which the violation occurs, either by publication in the campus newspaper, or by posting on an official bulletin board designated for this purpose, and which order is not inconsistent with any of the other provisions of this Section.
- (m) Soliciting or assisting another to do any act which would subject a student to expulsion, suspension or probation pursuant to this Section.
- (n) For purposes of this Article, the following terms are defined:
 - (1) The term "member of the campus community" is defined as meaning California State University and Colleges Trustees, academic, non-academic and administrative personnel, students, and other persons while such persons are on campus property or at a campus function.
 - (2) The term "campus property" includes;
 - (A) real or personal property in the possession of, or under the control of, the Board of Trustees of the California State University and Colleges, and
 - (B) all campus feeding, retail, or residential facilities whether operated by a campus or by a campus auxiliary organization.
 - (3) The term "deadly weapons" includes any instrument or weapon of the kind commonly known as a blackjack, sling shot, billy, sandclub, sandbag, metal knuckles, any dirk, dagger, switchblade knife, pistol, revolver, or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club.
 - (4) The term "behavior" includes conduct and expression.
 - (5) The term hazing means any method of initiation into a student organization or any pastime or amusement engaged in with regard to such an organization which causes, or is likely to cause, bodily danger, or physical or emotional harm, to any member of the campus community; but the term "hazing" does not include customary athletic events or other similar contests or competitions.
- (o) This Section is not adopted pursuant to Education Code Section 89031.
- (p) Notwithstanding any amendment or repeal pursuant to the resolution by which any provision of this Article is amended, all acts and omissions occurring prior to that effect date shall be subject to the provisions of this Article as in effect immediately prior to such effective date.

Authority cited: Sections 66300, 66600, 66606, 89030, and 89035, Education Code.

Reference: Sections 66017, 66300, 66600, 69810-69813, and 89030, Education Code; and Section 626.2, Penal Code.

41302. Disposition of Fees: Campus Emergency; Interim Suspension.

The President of the campus may place on probation, suspend, or expel a student for one or more of the causes enumerated on Section 41301. No fees or tuition paid by or for such student for the semester, quarter, or summer session in which he or she is suspended or expelled shall be refunded. If the student is re-admitted before the close of the semester, quarter, or summer session in which he is suspended, no additional tuition or fees shall be required of the student on account of the suspension.

During periods of campus emergency, as determined by the President of the individual campus, the President may, after consultation with the Chancellor, place into immediate effect any emergency regulations, procedures, and other measures deemed necessary or appropriate to meet the emergency, safeguard persons and property, and maintain educational activities.

The President may immediately impose an interim suspension in all cases in which there is reasonable cause to believe that such an immediate suspension is required on order to protect lives or property and to insure the maintenance of order. A student so placed on interim suspension shall be given prompt notice of charges and the opportunity for a hearing within 10 days of the imposition of the interim suspension. During the period of interim suspension, the student shall not, without prior written permission of the President or designated representative, enter any campus of the California State University and Colleges other than to attend the hearing. Violation of any condition of interim suspension shall be grounds for expulsion.

Authority cited: Sections 66300, 66600, 66606, 89030, 89031, and 89035, Education Code.

Reference: Sections 66017, 66300, 66600, 69810-69813, 89030, 89031, 89700, and Education Code; and Section 626.2, Penal Code.

41303 Conduct by Applicants for Admission.

Notwithstanding any provision in this Chapter to the contrary, admission or readmission may be qualified or denied to any person who, while not enrolled as a student, commits acts which, were he or she enrolled as a student, would be the basis for disciplinary proceedings pursuant to Sections 41301 or 41302. Admission or readmission may be qualified or denied to any person who, while a student, commits acts which are subject to disciplinary action pursuant to Section 41301 or Section 41302. Qualified admission or denial of admission in such cases shall be determined *under* procedures adopted pursuant to Section 41304.

Authority cited: Sections 66300, 66600, 89030, and 89035, Education Code.

Reference: Sections 66017, 66300, 66600, 69810-69813, and 89030, Education Code; and Section 626.2, Penal Code.

41402. Notice.

The election shall be called by posting notices in three public places on the campus at least two weeks before the election and by publishing the notice once a week for two weeks in the campus newspaper published by the student body organization, if there be such a newspaper. The notice shall set forth the time and place of the election, the purpose of the election, the location of the polls, and the hours during which the polls will be open. If more than one polling place is established, the notice shall also designate the group eligible to vote at each polling place.

Authority cited: Sections 66600, 89030, 89035 and 89300, Education Code.

Reference: Sections 66600, 89030, 89300-89302, Education Code.

42350. Definitions.

As used in this Article the following definitions apply:

- (a) "Sale," "selling" or "purchasing" mean an activity creating an obligation to transfer property or services for a valuable consideration.
- (b) "Commercial solicitation" means any direct and personal communication in the course of a trade or business reasonably intended to result in a sale.
- (c) "Solicitation" means to importune, or endeavor to persuade or obtain by asking, but does not include 'commercial solicitation.'
- (d) "Private sale" means occasional selling between persons who are campus students or employees.
- (e) "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.
- (f) "Campus president" means those persons referred to in Section 42355 and includes their designees.

Authority cited: Sections 66600, 89030, 89031 and 89035, Education Code.
Reference: Section 89031, Education Code.

42350.1. Commercial Transactions.

(a) Commercial transactions and the display of property or services for sale on a campus is prohibited except with written permission by the campus president. Such permission shall be granted if

- (i) 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
- (ii) 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.

(b) This section shall not apply to private sales.

Authority cited: Sections 66600, 89030, 89031 and 89035, Education Code.
Reference: Section 89031, Education Code.

42350.5. Solicitation.

(a) Solicitation shall be permitted on a campus subject, however, to a reasonable regulation by the campus president as to time, place and manner thereof. Solicitation in violation of established campus directives regarding time, place and manner is prohibited.

(b) All directives issued by the campus president pursuant to this section shall be available to the public at places designated pursuant to Section 42354.

Authority cited: Sections 66600, 89030, 89031 and 89035, Education Code.
Reference: Section 89031, Education Code.

42350.6. Commercial Solicitation.

(a) Commercial solicitation on a campus is prohibited unless prior written authorization has been obtained from the campus president. Permission for commercial solicitation shall be granted by the campus president subject, however, to regulation as to time, place and manner thereof, unless such solicitation for sale would be in violation of law.

(b) All directives issued by the campus president pursuant to this section shall be available to the public at places designated pursuant to Section 42354.

Authority cited: Sections 66600, 89030, 89031 and 89035, Education Code.
Reference: Section 89031, Education Code.

42351. Selling of Published Materials.

(a) Except in the case of private sales and commercial transactions to which Section 42350.1 applies, the selling or displaying for sale of any books, newspapers, pamphlets and other published materials shall be permitted on campus provided:

- (i) such published materials are not available for sale at the campus bookstore, and
- (ii) the selling or display of such published materials is conducted in compliance with any time, place and manner directives adopted by the president, and
- (iii) the published materials displayed or offered for sale are not in violation of the provisions of Chapter 7.5, Title 9, Part I (commencing with Section 311) of the Penal Code (relating to the sale and distribution of obscene matter), or of Chapter 6, Title 3 (commencing with Section 66400) of the Education Code (relating to the preparation, sale and distribution of term papers, theses and other materials to be submitted for academic credit).

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

Authority cited: Sections 66600, 89030, 89031 and 89035, Education Code.
Reference: Section 89031, Education Code.

42352. Handbills and Circulars.

(a) The president of the campus may permit the use of campus buildings and grounds for public meetings, performances, rallies and similar events held in accordance with reasonable directives issued by the respective campus president as to the time, place and manner thereof. Any such event occurring on campus in violation of established campus directives regarding time, place and manner is prohibited.

(b) All directives issued by a campus president pursuant to this section shall be available to the public at places designated pursuant to Section 42354.

Authority cited: Sections 66600, 89030, 89031 and 89035, Education Code.
Reference: Section 89031, Education Code.

42354. Notice.

Notice shall be posted at or near the principal entrances of each campus calling attention to the existence of regulations relating to soliciting handbills and circulars, and to public meetings, performances, rallies and similar public events, citing by the number the sections in this Article, and designating the places where copies thereof and of directives issued by the campus president pursuant thereto may be examined.

Authority cited: Sections 66600, 89030, 89031 and 89035, Education Code.
Reference: Section 89031, Education Code.

42402. Authority of Campus President.

The president of each campus is responsible for the educational effectiveness, academic excellence, and general welfare of the campus, over which he presides.

As stated, auxiliary organizations operate as an integral part of the overall campus program. Therefore, for the president to exercise his responsibility over the entire campus program, he shall require that auxiliary organizations operate in conformity with policy of the Board of Trustees and the campus.

To execute this authority, the president shall require that each auxiliary organization submit its programs and budgets for review at a time and in a manner specified by the president. Should the president determine that any program or appropriation planned by an auxiliary organization is not consistent with policy of the Board of Trustees and the campus, the program or appropriation shall not be implemented. Further, should a program or appropriation which had received approval, upon review, be determined by the president to be operating outside the acceptable policy of the Board of Trustees and the campus, then that program or appropriation shall be discontinued by direction of the president until further review is accomplished and an appropriate adjustment is made.

California Penal Code

311. As used in this chapter, the following definitions apply:

(a) "Obscene matter" means matter, taken as a whole, that to the average person, applying contemporary statewide standards, appeals to the prurient interest, that, taken as a whole, depicts or describes sexual conduct in a patently offensive way, and that, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(1) If it appears from the nature of the matter or the circumstances of its dissemination, distribution, or exhibition that it is designed for clearly defined deviant sexual groups, the appeal of the matter shall be judged with reference to its intended recipient group.

(2) In prosecutions under this chapter, if circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that matter is being commercially exploited by the defendant for the sake of its prurient appeal, this evidence is probative with respect to the nature of the matter and may justify the conclusion that the matter lacks serious literary, artistic, political, or scientific value.

(3) In determining whether the matter taken as a whole lacks serious literary, artistic, political, or scientific value in description or representation of those matters, the fact that the defendant knew that the matter depicts persons under the age of 16 years engaged in sexual conduct, as defined in subdivision (c) of Section 311.4, is a factor that may be considered in making that determination.

(b) "Matter" means any book, magazine, newspaper, or other printed or written material, or any picture, drawing, photograph, motion picture, or other pictorial representation, or any statue or other figure, or any recording, transcription, or mechanical, chemical, or electrical reproduction, or any other article, equipment, machine, or material. "Matter" also means live or recorded telephone messages if transmitted, disseminated, or distributed as part of a commercial transaction.

(c) "Person" means any individual, partnership, firm, association, corporation, limited liability company, or other legal entity.

(d) "Distribute" means transfer possession of, whether with or without consideration.

(e) "Knowingly" means being aware of the character of the matter or live conduct.

(f) "Exhibit" means show.

(g) "Obscene live conduct means any physical human body activity, whether performed or engaged in alone or with other persons, including but not limited to singing, speaking, dancing, acting, simulating, or pantomiming, taken as a whole, that to the average person, applying contemporary statewide standards, appeals to the prurient interest and is conduct that, taken as a whole, depicts or describes sexual conduct in a patently offensive way and that, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(1) If it appears from the nature of the conduct or the circumstances of its production, presentation, or exhibition that it is designed for clearly defined deviant sexual groups, the appeal of the conduct shall be judged with reference to its intended recipient group.

(2) In prosecutions under this chapter, if circumstances of production, presentation, advertising, or exhibition indicate that live conduct is being commercially exploited by the defendant for the sake of its prurient appeal, that evidence is probative with respect to the nature of the conduct and may justify the conclusion that the conduct lacks serious literary, artistic, political, or scientific value.

(3) In determining whether the live conduct taken as a whole lacks serious literary, artistic, political, or scientific value in description or representation of than matters, the fact that the defendant knew that the live conduct depicts persons under the age of 16 years engaged in sexual conduct, as defined in subdivision (c) of Section 311.4, is a factor that may be considered in making that determination.

(h) The Legislature expresses its approval of the holding of *People v. Cantrell*, 7 Cal. App. 4th 523, that, for the purposes of this chapter, matter that "depicts a person under the age of 18 years personally engaging in or personally simulating sexual conduct" is limited to visual works that depict that conduct.

374.4. (a) It is unlawful to litter or cause to be littered in or upon any public or private property. Any person, firm, or corporation violating this section is guilty of an infraction.

415. Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine:

(1) Any person who unlawfully fights in a public place or challenges another person in a public place to fight.

(2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

(3) Any person who uses offensive words in a public place which are inherently likely to provoke an immediate violent reaction.

415.5. (a) Any person who (1) unlawfully fights within any building or upon the grounds of any school, community college, university, or state university or challenges another person within any building or upon the grounds to fight, or (2) maliciously and willfully disturbs another person within any of these buildings or upon the grounds by loud and unreasonable noise, or (3) uses offensive words within any of these buildings or upon the grounds which are inherently likely to provoke an immediate violent reaction is guilty of a misdemeanor punishable by a fine not exceeding four hundred dollars (\$400) or by imprisonment in the county jail for a period of not more than 90 days, or both.

484. (a) Every person who shall feloniously steal, take, carry, lead, or drive away the personal property of another, or who shall fraudulently appropriate property which has been entrusted to him, or who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor or real or personal property, or who causes or procures others to report falsely of his wealth or mercantile character and by thus imposing upon any person, obtains credit and thereby fraudulently gets or obtains possession of money, or property or obtains the labor or service of another, is guilty of theft. In determining the value of the property obtained, for the purposes of this section, the reasonable and fair market value shall be the test, and in determining the value of services received the contract price shall be the test. If there be no contract price, the reasonable and going wage for the service rendered shall govern. For the purposes of this section, any false or fraudulent representation or pretense made shall be treated as continuing, so as to cover any money, property or service received as a result thereof, and the complaint, information or indictment may charge that the crime was committed on any date during the particular period in question. The hiring of any additional employee or employees without advising each of them of every labor claim due and unpaid and every judgment that the employer has been unable to meet shall be prime facie evidence of intent to defraud.

488. Theft in other cases is petty theft.

594. (a) Every person who maliciously commits any of the following acts with respect to any real or personal

property not his or her own, in cases other than those specified by state law, is guilty of vandalism:

- (1) Defaces with graffiti or other inscribed material.
- (2) Damages.
- (3) Destroys.

Whenever a person violates this subdivision with respect to real property, vehicles, signs, fixtures, furnishings, or property belonging to any public entity, as defined by Section 811.2 of the Government Code, or the federal government, it shall be a permissive inference that the person neither owned the property nor had the permission of the owner to deface, damage, or destroy the property.

602.1 (b) Any person who intentionally interferes with any lawful business carried on by the employees of a public agency open to the public, by obstructing or intimidating those attempting to carry on business, or those persons there to transact business with the public agency, and who refuses to leave the premises of the public agency after being requested to leave by the office manager or a supervisor of the public agency, or by a peace officer acting at the request of the office manager or a supervisor of the public agency, is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 90 days, or by a fine of up to four hundred dollars (\$400), or by both that imprisonment and fore.

602.10. Every person who, by physical force and with the intent to prevent attendance or instruction, willfully obstructs or attempts to obstruct any student or teacher seeking to attend or instruct classes at any of the campuses or facilities owned, controlled, or administered by the Regents of the University of California, the Trustees of the California State University, or the governing board of a community college district shall be punished by a fine not exceeding five hundred dollars (\$500), by imprisonment in a county jail for a period of not exceeding one year, or by both such fine and imprisonment.

As used in this section, "physical force" includes, but is not limited to, use of one's person, individually or in concert with others, to impede access to, or movement within, or otherwise to obstruct the students and teachers of the classes to which the premises are devoted.

626.4 (d) Any person who has been notified by the chief administrative officer of a campus or other facility of a community college, a state university, the university, or a school, or by an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to subdivision (a); who has not had such consent reinstated; and who willfully and knowingly enters or remains upon such campus or facility during the period for which consent has been withdrawn is guilty of a misdemeanor. This subdivision does not apply to any person who enters or remains on such campus or facility for the sole purpose of applying to the chief administrative officer for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

626.6. (a) If a person who is not a student, officer or employee of a college or university and who is not required by his or her employment to be on the campus or any other facility owned, operated, or controlled by the governing board of that college or university, enters a campus or facility, and it reasonably appears to the chief administrative officer of the campus or facility, or to an officer or employee designated by the chief administrative officer to maintain order on the campus or facility, that the person is committing any act likely to interfere with the peaceful conduct of the activities of the campus or facility, or has entered the campus or facility for the purpose of committing any such act, the chief administrative officer or his or her designee may direct the person to leave the campus or facility. If that person fails to do so or if the person willfully and knowingly reenters upon the campus or facility within seven days after being directed to leave, he or she is guilty of a misdemeanor.

647c. Every person who willfully and maliciously obstructs the free movement of any person on any street, sidewalk, or other public place or on or in any place open to the public is guilty of a misdemeanor.

Nothing in this section affects the power of a county or a city to regulate conduct upon a street, sidewalk, or other public place or on or in a place open to the public.

California Government Code

19994.30. As used in this chapter:

- (a) "Building" means a building owned and occupied, or leased and occupied, by the state.
- (b) (1) "Inside a state-owned and state-occupied building" includes all indoor areas of the building, except for covered parking lots, residential space, and state prison *yard* areas.
(2) "Inside a state-leased and state-occupied building" includes any indoor space leased to the state, except for covered parking lots, and residential space.
(3) "Residential space" means a private living area, but it does not include common areas such as lobbies, lounges, waiting areas, elevators, stairwells, and restrooms that are a structural part of a multicomplex building such as a dormitory.
- (c) "State" or "state agency" means a state agency, as defined pursuant to Section 11000, the Legislature, the Supreme Court and the courts of appeal, and each California Community College campus and each campus of the California State University and the University of California.
- (d) "State employee" means an employee of a state agency.

19994.31. Commencing January 1, 1994, no state employee or member of the public shall smoke any tobacco product inside a state-owned and state-occupied or a state-leased and state-occupied building, or, in an outdoor area within five feet of a main exit or entrance to such a building, or in a passenger vehicle, as defined by Section 465 of the Vehicle Code, owned by the state.