

Santa Clara University Policy on Expressive Activity

Introduction

As an institution of higher education rooted in the Jesuit tradition, Santa Clara is committed to creating and sustaining an environment that facilitates the academic, personal and spiritual development of its members. In keeping with this commitment, University policies and procedures have been formulated to guarantee each student's freedom to learn and to protect the fundamental rights of all members of the Santa Clara University community and all outside visitors.

Our principles and commitment to creating and sustaining a shared learning environment are expressed in our university documents such as the Student Handbook and the Faculty Handbook.

- *Santa Clara University is dedicated to an uncompromising standard of academic excellence and an unwavering commitment to academic freedom, freedom of inquiry, and freedom of expression in the search for truth.¹*
- *Because as a university we remain irrevocably committed to intellectual discourse, we acknowledge, affirm, and defend the right of every member of the campus community to freedom of expression, freedom of association, and freedom of exercise of faith in accordance with the University's stated mission and goals.²*

This commitment encourages the greatest possible freedom for individual choice and expression with the expectation that individual members of the community will be honest; demonstrate respect for themselves; demonstrate respect for others and property; and demonstrate respect for the law and University standards, policies, and procedures, their administration, and the process for changing them.³

Definitions

University affiliate: Current Santa Clara University students, faculty, staff, organizations, departments, and offices.⁴

Non affiliate: A visitor, a member of an external organization, or any individual who is not a current student, faculty, or staff member at the University.

Event sponsor(s): Santa Clara University chartered and registered student organizations; faculty and staff organizations; departments and offices

¹SCU Faculty Handbook

² SCU Student Handbook

³ SCU Student Handbook

⁴ 2004 Santa Clara University Policy on Expressive Activity

Expressive activity: Peaceful dissent, protests in peaceable assembly, and orderly demonstrations such as marches, picketing, protests, vigils, rallies, and displays.⁵

Pre-established, regularly scheduled, or otherwise routine or essential University activities include, but are not limited to classes, liturgical celebrations, convocations, commencements, annual recruitment events, orientation, athletic and artistic events, and Grand Reunion.

Scope and Application

Scope of the Policy

This document sets forth SCU's policies for organizing and implementing expressive activities. These policies are largely rooted in existing policies that are noted or linked throughout the document.

Application of the Policy

University Affiliates

All of the following policies apply to University affiliates – current Santa Clara University students, faculty, staff, organizations, departments, and offices. In view of the University's commitment to promote free expression, the campus is open and available to University affiliates for the purpose of freedom of speech and related expressive activity, subject to the time, place, and manner limitations indicated below. All other individuals are considered non affiliates for purposes of this policy. Participants in an expressive activity may be asked by a university official for identification to determine if they are members of the SCU community.⁶

Non Affiliates: Visitors and Members of External Organizations

The policies described herein apply to University affiliates, who are expected to enforce adherence to them by any invited visitors or members of external organizations whom they invite to join in an expressive activity. As a private institution, the University does not permit visitors or members of external organizations to use University property or facilities for expressive activity, unless they were invited to do so in advance by the event sponsor and their participation was approved in advance as part of the event sponsor's request. Those who attempt to use our campus for unapproved expressive activities will be considered to be trespassing.

Summary of Policies Regarding Expressive Activity

A number of relevant policies come into play when organizing and implementing expressive activities. The most relevant policies are summarized below. This information is intended to

⁵ 2018 Update Santa Clara University Policy on Expressive Activity

⁶ Student Conduct Code #17

assist the event sponsor(s) in their planning efforts. Not all policies will apply to every expressive activity.

[Student Organization Event Planning Checklist](#)

[Student Organization Expressive Activity Registration Form](#)

[CSO/RSO Event Planning Request](#)

[Outdoor Sound Amplification](#)

Time, Place, and Manner Limitations

In order to protect the right of free expression to University affiliates; ensure the safety of students, faculty, and staff; advance the academic mission of the University; and protect the property rights of the University⁷, the following time, place, and manner limitations are in effect:

1. No person or organization shall engage in expressive activity, conduct, or behavior that disrupts the normal or essential operations of the University, including, but not limited to, classes, residence hall quiet hours, University business, liturgical celebrations, or other scheduled University functions.⁸ Expressive activities must be scheduled to take place at a location and time that will not disrupt normal or essential operations.
2. Persons or organizations engaged in an expressive activity shall not engage in any conduct or behavior that potentially poses a threat to the safety, welfare, and/or property of the University, its students, faculty, staff⁹ or guests.
3. Expressive activities may not impede the flow of pedestrian or service vehicle traffic, limit access routes or thoroughfares on campus, or block access to/from campus facilities.¹⁰
4. Expressive activities shall only be scheduled during the normal operations for the requested facility or space. Campus facilities will not be kept open beyond regular scheduled hours to accommodate expressive activities.
5. Event sponsor(s) may only use the reserved space to meet the stated goals of the expressive activity.
6. Encampments, personal tents, overnight camping and other unauthorized use of the facility or space approved for the expressive activity is prohibited.¹¹
7. Event sponsor(s) may not erect barriers, structures or displays without prior permission, and may do so only in conjunction with the Event Planning process outlined below.¹²
8. Open fires or flames are prohibited.¹³

⁷ 2018 Santa Clara University Policy on Expressive Activity

⁸ 2004 Santa Clara University Policy on Expressive Activity

⁹ 2004 Santa Clara University Policy on Expressive Activity

¹⁰ Student Conduct Code #13

¹¹ Student Conduct Code #15

¹² Student Conduct Code #15

¹³ Student Conduct Code #20

9. Head/face covering *intended to conceal the identity of the wearer* (which do not include personal protective equipment, e.g., medical masks, or religious coverings) are prohibited.

Event Planning & Reservation of Space

Staff in the Center for Student Involvement are available to assist with event planning, including the reservation of space.

The purpose of a reservation is to assist with communication with event sponsor(s), clarify event goals, and ensure that adequate resources are available to support the proposed event. A reservation will secure the appropriate venue for an expressive activity.¹⁴ In keeping with current practice, requests will be considered on a content-neutral basis.

The event planning process for University affiliates begins with the completion of an [Student Organization Expressive Activity Registration Form](#).

Event sponsor(s):

1. are required to provide the name, address, telephone number of the event organizer(s), and sponsoring and co-sponsoring organizations; the intended topic; the name(s) of the invited speaker(s), if applicable; and the anticipated attendance at the event, including any proposed participation by non-affiliates;¹⁵
2. must be actively involved in the planning and execution of the event;
3. must be present and visible/available for the duration of the event;
4. must review & acknowledge SCU's event policies before extending invitations or promoting the event; and
5. are responsible for any invited non-affiliates who attend/participate in activities hosted by University affiliates.

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

Student Organizations

The Vice Provost for Student Life, or their designee, is responsible for reviewing requests from student organizations for expressive activity.

Safety

¹⁴ 2004 and 2018 Santa Clara University Policy on Expressive Activity

¹⁵ 2018 Santa Clara University Policy on Expressive Activity

The safety, care and well-being of our community is central to our commitment to creating and sustaining a shared learning environment. Campus Safety Services is available to assist event sponsors throughout the event planning process and during the event.

Clean-up of Property

University organizations engaged in expressive activity shall be responsible for cleaning up any debris or garbage occasioned by their activity, including picking up and properly disposing of any handbills, fliers, or other material distributed as a part of such activity.¹⁶

Mission Church

The Mission Church, including the area bounded by the walkways on each of the four sides of the Mission Church, is an operating Roman Catholic Church. As such, the Mission Church is used exclusively for liturgical celebrations and certain University approved functions. It is not a reservable location for expressive activity.¹⁷

Notification

The event sponsor(s) should complete their request for an expressive activity 72 hours in advance of the planned activity,¹⁸ or as soon as practical. Doing so allows for sufficient time to reserve a location for the event and coordinate other campus resources. Notification is not required for pre-established, regularly scheduled, or otherwise routine or essential University activities such as classes, liturgical celebrations, etc.¹⁹

Spontaneous Expressive Activity and Counter-Protests

Occasionally, circumstances arise that make a 72-hour notice impractical, such as when urgent world events or on-campus incidents or events spur spontaneous reactions among community members. In such cases, at the discretion of the University, the 72-hour notice requirement may be waived. Notification received fewer than 72 hours before the proposed event will be reviewed subject to availability of campus space and other available resources. All time, place, and manner limitations for expressive activity apply to such spontaneous activity and counter-protests. To ensure the safety of the University community, University officials may designate a separate location for those persons or groups engaging in spontaneous expressive activity or counter-protests.

Amplification of Sound

Amplification of music or speech or other sound is not permitted in outside areas immediately adjacent to classroom buildings while classes are in session.

¹⁶ 2004 Santa Clara University Policy on Expressive Activity

¹⁷ 2004 and 2018 Santa Clara University Policy on Expressive Activity

¹⁸ 2018 Santa Clara University Policy on Expressive Activity

¹⁹ 2018 Santa Clara University Policy on Expressive Activity

The general hours available for outdoor amplification of sound are Friday from 4:30 p.m. to 10 p.m., Saturday from 11 a.m. to 10 p.m., and Sunday from 11 a.m. to 5 p.m. Outdoor amplification is not permitted Monday through Thursday. No outdoor amplification is allowed during the undergraduate and graduate final exam periods and law school final exam periods and commencement.

Event sponsors wishing to have amplified music at an outside event when classes are not in session must obtain specific approval from the manager of the facility being reserved. Approval must then be granted from the City of Santa Clara for an outside noise permit.²⁰

Other Applicable Policies

1. [Posting Printed Material and Chalking](#) [Pg. 22]
2. [Posting within the Residence Halls](#) [Pg. 45]
3. [Speaker's Policy](#) [Pg 29]
4. [Student Conduct Code](#) [Pg 6]

Enforcement

Event sponsor(s) and participants are required to follow directives issued by a University official. This may include being asked to provide SCU identification, discontinue disruptive behavior, or supporting the disbandment of event participants from a non-reserved location.²¹ Event sponsor(s) and guests may not obstruct, interfere, intimidate or harass SCU officials who are performing their duties, including any efforts to ensure the safety of an event.

If participants of an expressive activity violate University policies and expectations, and if circumstances permit, the event organizer(s) will be notified and must comply with a request to cease whatever policy violations are occurring. If the disruptive activity continues, Campus Safety Services will be notified and may take immediate action, appropriate to the level of disruption. This includes contacting the Santa Clara Police Department.

Violations of these policies and expectations may result in disciplinary action, in accordance with the applicable policies and procedures to the individual(s) involved.

In exceptional circumstances, the Vice Provost for Student Life may suspend the published timeline and establish an appropriate procedure for the particular needs of a pending event.²²

END OF DOCUMENT

²⁰ 2018 Santa Clara University Policy on Expressive Activity

²¹ Student conduct Code #17

²² 2018 Santa Clara University Policy on Expressive Activity