

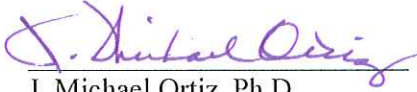


## Memorandum

**Date:** April 16, 2008

**To:** Dr. Ed Barnes  
Vice President for Administrative Affairs  
  
Dr. Doug Freer  
Vice President for Student Affairs

**Copy:** Cabinet  
Deans  
AVP's

**From:**   
J. Michael Ortiz, Ph.D.  
President

**Subject:** Presidential Order - Use of University Buildings, Facilities or Grounds

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Effective this date, the attached Presidential Order will serve as the campus policy on the Use of University Buildings, Facilities, or Grounds. This Presidential Order supersedes the former policies entitled:

- Presidential Order 7.4 of the Administrative Manual, currently entitled Commercial Sale, Solicitation, and Transactions Policy.
- Office of Student Life/Cultural Centers Policy on Solicitation
- University Grounds and Facilities Policy

This document establishes enforceable guidelines for on and off campus solicitors to help maintain a respectful and courteous environment at California State Polytechnic University, Pomona. Please work with the Office of Public Affairs to develop an appropriate notification strategy to the campus community.

I appreciate the work of Judicial Affairs and partnering departments around the campus for their coordination of this effort.

**CALIFORNIA STATE POLYTECHNIC UNIVERSITY, POMONA  
USE OF UNIVERSITY BUILDINGS, FACILITIES OR GROUNDS  
Presidential Order**

**Subject:** USE OF UNIVERSITY BUILDINGS, FACILITIES OR GROUNDS – PRESIDENTIAL ORDER

**Number:**

**Date Issued:** April 11, 2008

**Effective Date:** April 11, 2008

**Initiating Entity:** President

**Affected Entities:** Campus Community and Guest

**Responsible Entity:** Vice President for Student Affairs or designee

**Revisions if any:** Yes

This Presidential Order is issued by the University President, pursuant to California Code of Regulations, Title 5, sections 42350-42355 and concerns the use of university buildings and grounds for purposes of commercial transactions and commercial solicitation, non-commercial solicitation, and the distribution of handbills and circulars at California State Polytechnic University, Pomona (Cal Poly Pomona). It applies to students, student organizations, campus affiliated organizations, and other off campus groups or persons while on campus grounds, including commercial vendors or solicitors.

**USE OF UNIVERSITY BUILDINGS, FACILITIES OR GROUNDS**

The use of campus buildings, facilities or grounds for purposes of solicitations, commercial solicitations or transactions, and the distribution of handbills and circulars is contingent upon the agreement of those engaging in such activities to assume responsibility for observing the following:

1. The activities must be conducted in an orderly and lawful manner.
2. The activities must not unreasonably interfere with the instructional program or operation of the campus.
3. The activities must conform with the time, place and manner restrictions established by this order (copies of time, place, and manner restrictions are available at the Judicial Affairs and Office of Student Life and Cultural Centers).
4. The activities must be conducted in conformance with all applicable federal, state and university laws, policies and regulations.
5. Prior written authorization must be obtained and displayed at all times (authorization must be obtained from the Office of Student Life and Cultural Centers, Building 26-124).

**AUTHORITY.** Campus policies and regulations are adopted pursuant to the authority of the University President, who is responsible for the general welfare of the campus over which he/she presides. (Title 5, California Code of Regulations, Section 42402).

**VIOLATIONS.** Violations of this order constitute a violation of an order of the University President, Cal Poly Pomona and applicable statutes and regulations. Violations may result in removal of the offending party or parties from the campus, as



well as possible loss of further use of campus facilities and grounds and personal or corporate liability for any cost incurred by the campus due to the improper use. (California Education Code Section 89031). In addition, a violation of this order may constitute a crime under the Penal Code and the offending party may be found guilty of a misdemeanor pursuant to Education Code Section 89031, and also may subject the violator, if a student, to student disciplinary action pursuant to Title 5, California Code of Regulations, Section 41301-41303. Non-campus affiliated groups or individuals may also have their future privileges revoked under Section 626 et seq. of the Penal Code. Complaints and revoked privileges will be monitored through the Office of Student Life and Cultural Centers and Judicial Affairs Office.

**CONSULTATION** on the USE OF UNIVERSITY BUILDINGS, FACILITIES OR GROUNDS was conducted with the parties listed below:

President Ortiz  
Sandi Davis, Executive Assistant, President's Office  
Ed Barnes, Vice President for Administrative Affairs  
Debra Brum, Vice President for I&IT  
Herman Lujan, Provost  
Ron Fremont, Associate Vice President for University Relations  
Reyes Luna, Interim Director of Judicial Affairs  
Eunice Chan, University Counsel  
Sunny Lee, Director of Office of Student Life and Cultural Centers  
Michael Guerin, Chief of Campus Police  
Patricia Mucino, Administrative Assistant Dean of Students Office  
Dr. Doug Freer, Vice President for Student Affairs  
Dr. Rebecca Gutierrez Keeton, Associate Vice President & Dean of Students  
Christi Chisler, Associate Vice President for Student Affairs Administration  
Kathy Street, Associate Vice President for Enrollment Services  
Pam Shedd, Division of Administrative Affairs  
Ray Morrison, Director Facilities Planning, Design & Construction

**DEFINITIONS.** As used in this regulation the following definitions apply:

**"Solicitation"** means the request, or endeavor to persuade or obtain by asking but does not include "commercial solicitation".

**"Commercial solicitation"** means any direct and personal communication in the course of a trade or business reasonably intended to result in a sale or donation.

**"Commercial transaction"** means selling, 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.

**"Sale," "selling" or "purchasing"** means an activity creating an obligation to transfer property or services for a valuable consideration.

**"Private sale"** means occasional selling between persons who are campus students or employees.

**"Campus President"** means those persons referred to in Title 5, Section 42355 and includes their designees.

REFERENCE: Education Code, Sections 66600, 66606, 89030, 89031, and 89035. California Code of Regulations, Title 5, Section 42350 - 42352.

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“**Private sale**” means occasional selling between persons who are campus students or employees.  
“**Campus President**” means those persons referred to in Title 5, Section 42355 and includes their designees.

REFERENCE: Education Code, Sections 66600, 66606, 89030, 89031, and 89035. California Code of Regulations, Title 5, Section 42350 - 42352.

**CALIFORNIA STATE POLYTECHNIC UNIVERSITY, POMONA**  
**USE OF UNIVERSITY BUILDINGS, FACILITIES OR GROUNDS**  
**Presidential Order Procedures**

**A. SELLING OR DISPLAY OF PUBLISHED MATERIALS**

The selling or display of books, newspapers, magazines, pamphlets, or similar published materials is permitted on campus subject to the time, place, and manner regulations established below, provided that such published materials are not available for sale at the campus bookstore and do not: (1) contain false, misleading, or illegal claims; (2) violate applicable laws pertaining to obscene matters; or (3) consist of term papers, theses, or other written materials submitted for academic credit.

The time, place, and manner regulations and permit approval process for selling or display of published materials do not apply to on-campus student clubs and organizations and Bronco Bookstore and/or Cal Poly Pomona Foundation.

**TIME:** Monday through Friday, 8 a.m. to 5 p.m.

**PLACE:** (1) Non news publications must be sold or displayed in the University Park, northeast of the entrance to the Bronco Student Center, (2) news publications distributed on University property and made available for members of the University community must be placed in news racks provided by the publishing company, (3) news racks at a building location shall be grouped in a cluster in front of Building 1 or the Marketplace; the precise placement of the racks shall be determined by the Office of the Vice President for Administrative Affairs, except for news racks in the Bronco Student Center, (4) news rack placement within the Bronco Student Center will be determined by the Director of Programs and Marketing of the Associated Students, Inc., and (5) all other published material must be displayed in approved locations by the Office of Student Life and Cultural Centers.

**MANNER:** The sale or display of published materials (1) shall not interfere with classes or any other operations of the University, (2) shall not interfere with or obstruct the free flow of pedestrian or vehicular traffic, (3) shall not unduly interfere with campus pedestrian and vehicular circulation, (4) shall be carried out without shouting or use of amplification equipment or other noise louder than normal conversation, (5) shall be required to bring and set up a table no greater than eight feet long with selling limited to the eight feet circumference parameter of this table, (6) shall be carried out without deliberate provocation, harassment or disturbance of persons in the area (including prolonged or repeated contact with persons who have declined the commercial transaction), (7) shall not generate an unreasonable level of refuse from discarded publications, and (8) will be removed on the last day of every month. In addition, all individuals wanting to disseminate publications by hand must register with the Office of Student Life and Cultural Centers prior to such activity.

**PERMIT:** For approval to sell or display published materials on campus grounds and to obtain the required permit contact the Office of Student Life and Cultural Centers at building 26-124 or 909-869-2841. The permit must be displayed at all times at the approved location. In addition, all parties must adhere to the guidelines outlined by the Office of Student Life and Cultural Centers.

**REFERENCE:** Education Code, Sections 66600, 66606, 89030, 89031, and 89035. California Code of Regulations, Title 5, Section 42351.



## B. COMMERCIAL TRANSACTIONS AND COMMERCIAL SOLICITATION

1. Commercial transactions and the display of property or services for sale on campus are prohibited unless proper written authorization has been obtained from the Campus President or designee. Persons or organizations wishing to engage in commercial transactions, or display goods or services for sale on campus grounds may be granted permission (maximum of 5 business days per academic quarter) to do so if the proposed activity aids achievement of the educational objectives of the campus and is conducted in accordance with the time, place and manner regulations established at the end of document unless such commercial transactions are in violation of law. Private sales and sales sponsored by the Bronco Bookstore and/or Cal Poly Pomona Foundation are excluded from this section. For clarification contact the Office of Student Life and Cultural Centers, building 26-124, 909-869-2841.

2. Commercial solicitation on a campus is prohibited unless prior written authorization has been obtained from the Campus President or designee. Persons wishing to engage in commercial solicitation on campus grounds may be granted permission (maximum of 5 business days per academic quarter) if the proposed activity is conducted in accordance with the time, place and manner regulations established below, unless such solicitation would be in violation of law. For clarification contact the Office of Student Life and Cultural Centers, building 26-124, 909-869-2841.

The time, place, and manner regulations and permit approval process for commercial solicitations do not apply to the fundraising activities of on-campus student clubs and organizations, with the exception of fundraising activities that take place in the University Park, northeast of the entrance to the Bronco Student Center, or in areas so designated by the Office of Student Life and Cultural Centers.

On-campus student clubs and organizations shall obtain the appropriate approval for the fundraising activities, other than the fundraising activities that take place in the University Park, northeast of the entrance to the Bronco Student Center, or in areas so designated by the Office of Student Life and Cultural Centers, the department head or the registered on-campus advisor who is responsible for monitoring the fundraising activities.

**TIME:** Monday through Friday, 8 a.m. to 5 p.m.

**PLACE:** (1) In the University Park, northeast grassy area of the entrance to the Bronco Student Center, and (2) in areas so designated by the Office of Student Life and Cultural Centers. Distribution inside University buildings is prohibited. Distribution in campus parking lots or placement of any written or printed materials on or in any motor vehicle parked within the campus is prohibited. Posting paper solicitations on designated campus "general use" bulletin boards is permitted, provided that the paper solicitation shall not exceed 11x17 and be limited to one page per "general use" bulletin board, the paper solicitation shall be posted for a maximum duration of one month from the permit approval date, and the sponsor is clearly identified on the face of the paper solicitation. The location of these "general use" bulletin boards is available in the Office of Student Life and Cultural Centers. Personal solicitation inside campus buildings is prohibited.



**MANNER:** Commercial transactions and commercial solicitation must be conducted in a manner that (1) shall not interfere with or obstruct the free flow of pedestrian or vehicular traffic, (2) shall not unduly interfere with campus pedestrian and vehicular circulation, (3) shall be carried out without shouting or use of amplification equipment or other noise louder than normal conversation, (4) shall be required to bring and set up a table no greater than eight feet long with selling limited to the eight feet circumference parameter of this table, (5) shall be carried out without deliberate provocation, harassment or disturbance of persons in the area (including prolonged or repeated contact with persons who have declined the commercial transaction), and (6) shall not generate an unreasonable level of refuse from discarded paper solicitations.

Marketers of credit cards are prohibited from offering gifts to students for their filling out credit card applications (California Code of Regulations, Title 5, Section 42350.6).

**PERMIT:** For approval to engage in commercial transactions or commercial solicitation on campus grounds and to obtain the required permit contact the Office of Student Life and Cultural Centers at building 26-124 or 909-869-2841. This permit must be displayed at all times at the approved location. In addition, all parties must adhere to the guidelines outlined by the Office of Student Life and Cultural Centers.

**REFERENCE:** Education Code, Sections 66600, 66606, 89030, 89031, and 89035. California Code of Regulations, Title 5, Sections 42350.1 and 42350.6.

### C. NON-COMMERCIAL SOLICITATION

Non-commercial solicitation on a campus is prohibited unless prior written authorization has been obtained from the Campus President or designee. Persons wishing to engage in solicitation on campus grounds may be granted permission (maximum of 5 business days per academic quarter) if the proposed activity is conducted in accordance with the time, place, and manner regulations established below, unless such solicitation is in violation of law. For clarification contact the Office of Student Life and Cultural Centers, building 26-124, 909-869-2841. Request for donations is also considered a form of solicitation. Solicitations not otherwise prohibited by law and which are not false or misleading are permitted subject to the following time, place, and manner regulations.

**TIME:** Monday through Friday, 8 a.m. to 5 p.m.

**PLACE:** (1) In the University Park, northeast grassy area of the entrance to the Bronco Student Center, and (2) in areas so designated by the Office of Student Life and Cultural Centers. Distribution inside University buildings is prohibited. Distribution in campus parking lots or placement of any written or printed materials on or in any motor vehicle parked within the campus is prohibited. Posting paper solicitations on designated campus "general use" bulletin boards is permitted, provided that the paper solicitation shall not exceed 11x17 and be limited to one page per "general use" bulletin board, the paper solicitation shall be posted for a maximum duration of one month from the permit approval date, and the sponsor is clearly identified on the face of the paper solicitation. The location of these "general use" bulletin boards is available in the Office of Student Life and Cultural Centers. Personal solicitation inside campus buildings is prohibited.

**MANNER:** Solicitation must be conducted in a manner (1) shall not interfere with or obstruct the free flow of pedestrian or vehicular traffic, (2) shall not unduly interfere with campus pedestrian and vehicular circulation, (3) shall be required to bring and set up a table no greater than eight feet long



with selling limited to the eight feet circumference parameter of this table, (4) shall be carried out without shouting or use of amplification equipment or other noise louder than normal conversation, (5) shall be carried out without deliberate provocation, harassment or disturbance of persons in the area (including prolonged or repeated contact with persons who have declined the solicitation), and (6) shall not generate an unreasonable level of refuse from discarded paper solicitations.

**PERMIT:** For approval to engage in solicitation on campus grounds and to obtain the required permit contact the Office of Student Life and Cultural Centers at building 26-124 or 909-869-2841. The permit must be displayed at all times at the approved location. In addition, all parties must adhere to the guidelines outlined by the Office of Student Life and Cultural Centers.

**REFERENCE:** Education Code, Sections 66600, 66606, 89030, 89031, and 89035. California Code of Regulations, Title 5, Section 42350.5.

## **D. HANDBILLS AND CIRCULARS**

Personal distribution of handbills or circulars, not otherwise prohibited by law, and which do not contain false or misleading advertising is permitted subject to the following time, place, and manner regulations.

**TIME:** Monday through Friday, 8 a.m. to 5 p.m.

**PLACE:** (1) In the University Park, northeast grassy area of the entrance to the Bronco Student Center, and (2) in areas so designated by the Office of Student Life and Cultural Centers. Distribution inside University buildings is prohibited. Distribution in campus parking lots or placement of any written or printed materials on or in any motor vehicle parked within the campus is prohibited.

**MANNER:** Distribution of handbills and circulars (1) shall not interfere with classes or any other operations of the University, (2) shall not interfere with or obstruct the free flow of pedestrian or vehicular traffic, (3) shall not unduly interfere with campus pedestrian and vehicular circulation, (4) shall be carried out without shouting or use of amplification equipment or other noise louder than normal conversation, (5) shall be carried out without deliberate provocation, harassment or disturbance of persons in the area (including prolonged or repeated contact with persons who have declined the handbills and circulars), and (6) shall not generate an unreasonable level of refuse from discarded handbills and circulars. Placement of handbills and circulars on vehicles is prohibited.

**PERMIT:** For approval to engage in distribution of handbill and circulars on campus grounds and to obtain the required permit contact the Office of Student Life and Cultural Centers at building 26-124 or 909-869-2841. The permit must be displayed at all times at the approved location. In addition, all parties must adhere to the guidelines outlined by the Office of Student Life and Cultural Centers.

**REFERENCE:** Education Code, Sections 66600, 66606, 89030, 89031, and 89035. California Code of Regulations, Title 5, Section 42352.