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Freedom of Expression “A Right With Responsibilities”

FREEDOM OF SPEECH

The UNIVERSITY OF CALIFORNIA, SAN DIEGO, recognizes the rights of individuals to engage in constitutionally protected free speech and public assembly.

The UNIVERSITY OF CALIFORNIA POLICE DEPARTMENT also recognizes its responsibility to protect the rights of persons who choose to engage in such activity in a **REASONABLE** manner.

Persons who choose to exercise their freedom of speech or right to public assembly should understand that such rights are not unlimited.

When Activity infringes on the rights of others, the activity loses constitutional protection and may become a violation of law or university policy.

Several state codes have been recognized by the courts as constitutional in this regard. The courts have also recognized the rights of the University to establish rules and regulations governing the time, place, and manner for the exercise of free speech and public assembly.

These codes and the rules and regulations of the University will be enforced by the UNIVERSITY POLICE DEPARTMENT, as necessary, and are reproduced inside, in part, for your information.

For additional information, please call the University of California Police Department at (858) 534-4357.

Maudie L. Bobbitt
[former] Chief of Police

UNIVERSITY OF CALIFORNIA, SAN DIEGO POLICIES, RULES AND REGULATIONS

PRINCIPLES OF COMMUNITY

Tolerance, civility and mutual respect for diversity of background, gender, ethnicity, race, and religion is crucial within our campus community as is tolerance, civility and mutual respect for diversity of political beliefs, sexual orientation, and physical abilities.

USE OF FIGHTING WORDS PROHIBITED

“Fighting words” are those personally abusive epithets which, when directly addressed to the ordinary citizens, are, in the context used, as a matter of common knowledge, inherently likely to provoke a violent reaction. Such words include those terms widely recognized to victimize or stigmatize individuals on the basis of race, ethnicity, religion, sex, sexual orientation, and other characteristics associated with past and continuing discrimination.

TIME, PLACE, AND MANNER REGULATIONS

Orderly behavior and the normal conduct of University affairs shall govern time, place, and manner of exercising free speech and advocacy. Regard for the privacy of others shall be observed, and reasonable precautions shall be taken against practices which would make persons on campus involuntary audiences.

AREAS FOR PUBLIC GATHERINGS

Specific areas and properties available for public meeting and gatherings must be reserved through the appropriate scheduling office on a first-come, first-served basis.

AMPLIFICATION

Amplification may be used only at specific times in connection with the reservation of specific areas and properties and is prohibited at all other times and places.

NON UNIVERSITY SPEAKERS

Non-University persons are permitted to speak in areas of campus open to the public generally without invitation; however because such areas are limited, a reservation is required from the appropriate scheduling office.

CALIFORNIA PENAL CODE

- **148 PC Resisting, delaying, or obstructing officers or medical technicians in the discharge of their duties.**

(a)Every person who willfully resist, delays, or obstructs any public officer, peace officer, or medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is perscrubed, is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

- **407 PC Unlawful assembly defined.**

Whenever two or more persons assemble together to do an unlawful act, or do a lawful act in a violent, boisterous or tumultuous manner, such assembly is an unlawful assembly.

- **409 PC Remaining present at place of riot, etc. after warning to disperse.**

Every person remaining present at the place of any riot, rout, or unlawful assembly, after the same has been lawfully warned to disperse, except public officials and persons assisting them in attempting to disperse the same, is guilty of a misdemeanor.

- **647c PC Obstruction of street, sidewalk or other public place**

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

- **415.5 PC Disturbance of peace of school, community college, university or state university.**

(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 those buildings or upon the grounds by loud and unreasonable noise, or (3) uses offensive words within any of these buildings or upon the ground which are inherently likely to provoke and immediate violent reaction is guilty of a misdemeanor punishable by a fine not exceeding four hundred (\$400) or by imprisonment in the county jail for a period of not more than 90 days or both.

- **602 PC Trespassing.**

Notwithstanding Section 602.8, every person who willfully commits a trespass by any of the following is guilty of a misdemeanor.

(j) Entering any lands, whether unenclosed or enclosed by a fence for the purpose of injuring any property or property rights or with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner of the land, the owner's agent or by the person in lawful possession. (1) Entering and occupying real property or structures of any kind without the content of the owner, the owner's agency, or the person in lawful possession.

- **626.4 PC Notice of withdrawal of consent; report; action on report; reinstatement or consent; hearing; unlawful entry upon campus of facility; punishment.**

(a)The chief administrative officer of a campus or faculty of the university, or an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, may notify a person that consent to remain on the campus or other facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility.

- **626.6 PC Committing act, or entry upon campus or facility to commit act, likely to interfere with the peaceful activities; direction to leave, refusal to leave or reentry; punishment.**

(a)If a person who is not a student, officer or employee of the university, and who is not by his or her employment to be on the campus or any other facility owned, operated or controlled by the governing board of the 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 facility, that the person is committing an 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 the person fails to do so or if the person willfully and knowingly reenters upon the campus or facility within 7 days after being directed to leave, he or she is guilty of a misdemeanor...