

California State University, Fresno

***POLICY ON THE USE OF BUILDINGS AND GROUNDS***

*<http://www.csufresno.edu/humres/MAPP/II/D/D-08.pdf>*

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## **1.0 AUTHORITY**

1.0.1 This directive is issued pursuant to Sections of Title 5, Part V, Chapter 1, Subchapter 5 of the California Education Code and amendments and additions to Article 9, related to the use of State University buildings and grounds. The President of California State University, Fresno on October 6, 2003 approved this Directive. The University President has designated the Vice President for Administration to approve any exceptions or deviations to this policy. For the purposes of this document, "University" shall be defined as any property or programs associated with any organizational unit of California State University, Fresno at the main campus and any off-campus sites. This includes property and programs administered by auxiliaries. The Vice President for Administration will review this directive the beginning of every even fiscal year.

## **2.0 SANCTIONS**

2.0.1 *Every person who violates or attempts to violate any express prohibitions regarding 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 41301-11303, or if an employee, to employee disciplinary action pursuant to Education Code Sections 89535 and 89536.*

## **3.0 REPORTING OF VIOLATIONS**

3.0.1 Incident Reports: Any person who witnesses or is a victim of an incident (whether or not a crime) on or involving campus property, or that takes place at a campus function believed by the observer or victim to violate any law or campus rule, including this Directive, is urged to report promptly the incident to the University Police Department or the nearest law enforcement agency having jurisdiction.

## **4.0 DISRUPTION**

4.0.1 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 organization (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.

## **5.0 SOUND AMPLIFICATION**

- 5.0.1 Sound amplification equipment is not permitted on campus with the exception of those activities 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 class/program: classrooms, outdoor instructional areas, or where graduation ceremonies are being conducted; or for voice amplification when using the speakers' platform in the Free Speech Area. The Department of Public Safety must authorize the use of sound amplification for all other activities.<sup>1</sup> 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.

## **6.0 MEETINGS, PERFORMANCES, RALLIES, ATHLETIC CONTESTS, AND SIMILAR PUBLIC EVENTS.**

- 6.0.1 Use of campus facilities shall be by reservation, on a first come, first serve basis.
- 6.0.2 Individuals or groups from on or off campus wishing to use campus facilities for a scheduled event are required to make a reservation with the appropriate reserving entity.
- 6.0.2.1 Priority for reserving campus facilities is given to University instructional activity, personnel and students.<sup>2</sup>
- 6.0.3 Generally, no reservation will exceed one week in length without a lease or written license.
- 6.0.4 No reservation shall be confirmed by the appropriate department until the following requirements have been met:
- 6.0.4.1 The administrators responsible for scheduling the facility have confirmed availability of the facility.
- 6.0.4.2 The Chief of University Police has specified security requirements of the proposed use, and the amount of extra cost, if any, has been arranged.
- 6.0.4.3 Services required for the proposed use have been reviewed with the appropriate University personnel and an estimate of extra cost, if any, has been provided to the reserving person or group.

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<sup>1</sup> The sound level from amplified equipment shall normally not exceed 75dbA average or 90dbA peak when measured a distance of 50' from the stage or speaking platform, unless a specific permit for greater amplification is granted by the Department of Public Safety. Such permits shall not be granted for times when classes are in session, except in special circumstances.

<sup>2</sup> See the list of campus reservation offices – [Appendix A](#).

- 6.0.4.4 Parking requirements for the proposed event or program have been reported to the Office of Parking and Transportation and the amount of extra cost, if any, has been approved.
- 6.0.4.5 Insurance requirements for any event or program have been reported to the Office of Environmental Health and Safety for review and approval.
- 6.0.4.6 California State University, Fresno recognizes University Food Services' first right of refusal for food and beverage events being held on the campus of California State University, Fresno. The Vice President for Administration or his/her designee reserves the right to grant exceptions, but as a matter of common practice, University Food Services will continue to be consulted and provided a first right of refusal. Therefore, any event involving servicing food and/or alcohol must be coordinated through and approved by the offices of Environmental Health and Safety and University Food Services, unless food and/or alcohol is being provided through University Food Services.
- 6.0.4.7 A written agreement has been reviewed, approved and signed by Procurement Services. Advance payment may be required in part or in full.
- 6.0.5 A lease or written agreement shall be required for all uses by organizations not associated with the University.
- 6.0.6 A contract or written agreement shall be required for all uses by organizations when reimbursement is required, unless the entire amount of reimbursement is paid in advance of use. Requests for reservations must be made at least six weeks prior to the event. At least four weeks should be allowed for the confirmation process.
- 6.0.7 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 user in the course of use. If this policy is violated, the reserving party will be held responsible and incur actual cost for repairs, removal and cleaning damages.
- 6.0.8 The reserving and using organization(s) shall be responsible for adhering to officially approved facility capacities.
- 6.0.9 University Auxiliaries may adopt such further rules as are necessary to supplement these rules respecting public events scheduled in the Union.
- 6.0.10 Failure or refusal to obtain proper reservation of campus facilities is a misdemeanor pursuant to Education Code Section 89031.

\*\*\*SEE [APPENDIX A](#) FOR RESERVATION OFFICE LISTING\*\*\*

## **7.0 OUTSIDE SPEAKERS AND EVENTS ON CAMPUS**

*A copy of this Policy is available on the internet at the following address:  
<http://www.csufresno.edu/aps/apm/625OutsideSpeakersEventsPolicy.pdf>.*

In accordance with the January 1962 resolution of the Trustees of The California State University that "... *the colleges respectively are directed to continue or develop the policy most appropriate to them to assure that outside speakers brought to the campus will contribute to educational values, that is the pursuit of truth and citizenship values, and not be brought in for propagandizing purposes,*" California State University, Fresno is committed to free discussion of ideas and issues.

### **7.1 PRINCIPLES**

The guiding principles underlying this policy are summarized as follows:

- 7.1.1 The regularly scheduled instructional class program of the University must have first priority in the use of university facilities;
- 7.1.2 University facilities made available to visiting speakers are to be used only in conformance with university policies;
- 7.1.3 The institutional control of campus facilities must not be used as a device of censorship (i.e., of precluding a speaker because of disagreement with the views s/he proposes to present);
- 7.1.4 Speakers may appear only on invitation of the University or an officially recognized university organization, and under policies and procedures approved by the President;
- 7.1.5 Every reasonable effort should be made to assure that over a period of time, varied points of view are presented;
- 7.1.6 The right of self-expression does not extend to preventing self-expression by others;
- 7.1.7 The anticipated amount of state or student body funds to be paid to or on behalf of each particular speaker both for fees and expenses is public record and should be noted in the minutes of the sponsoring organization and in the appropriate documents filed with the university or with the Associated Students, Inc.
- 7.1.8 University will continue to pick up normal costs. However, if additional staff have to be hired the event would pay for it.
- 7.1.9 The President or designee may deny any request for, or cancel any scheduled use of university facilities.<sup>3</sup>

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<sup>3</sup> The denial of a request or the cancellation of scheduled use of university facilities may be due to the interest of public safety and campus security; the projected or actual financial costs to the university; or other sound business reasons.

- 7.1.10 Individuals planning to host events should initiate plans well in advance of the scheduled date.

## **7.2 AUTHORIZED SPONSORS**

University facilities may be used by the following groups for regularly or specially approved activities of the group, including sponsorship of visiting speakers:

- 7.2.1 departments, colleges/schools or other appropriate units within Academic Affairs <sup>4</sup>
- 7.2.2 units that report to the Vice President for Administration, Vice President for Advancement and The Vice President for Student Affairs and Dean Of Students.
- 7.2.3 A student organization that is recognized by the University, and registered with the Office of Student Activities and Leadership Development. <sup>5</sup>

## **7.3 CRITERIA FOR SPONSORED EVENTS**

The following conditions must be met:

- 7.3.1 The potential for achieving the Trustees' objectives must be evident; actions of a group bringing a speaker on campus are subject to review by the University;
  - 7.3.1.1 All proposed events open to the entire campus community or general public shall be authorized by the appropriate vice president or designee.
  - 7.3.1.2 All appeals regarding a denial of authorization for an event shall be forwarded to the President for final review.
- 7.3.2 The sponsoring group shall be required to outline its procedures for conducting the conference, seminar, or public meeting, assuring order, and providing for the realization of educational values;
- 7.3.3 Each proposal for an outside speaker or campus event shall provide the following information along with the form attached in [Appendix C](#):
  - 7.3.3.1 A description of the proposed event, including the proposed list of invited speakers, panelists or presenters; and the educational value to be derived from the speaker / event.

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<sup>4</sup> Using this policy, academic deans are authorized to approve college/school events. However, events intended for a university-wide audience or the general public must be approved by the appropriate vice president.

<sup>5</sup> Individual students and off-campus groups with student membership may not be authorized to use university facilities under this policy

- 7.3.3.2 Identify the proposed facility (facilities) to be used for the event.<sup>6</sup>
  - 7.3.3.3 Provide evidence that the event is supported with adequate and appropriate facilities including evidence that parking has been addressed with public safety.
  - 7.3.3.4 Provide evidence that there is provision for adequate and appropriate security including evidence that security issues have been reviewed with public safety.
  - 7.3.3.5 Provide evidence that normal classroom instruction will not be disrupted.
  - 7.3.3.6 Provide evidence that the source and amount of funds to be expended by the sponsor are clearly identified and the funds pre-approved to cover expenses.
  - 7.3.3.7 Provide cost estimates from Parking; Campus Security; Risk Management; Public Relations; and Scheduling of any anticipated extraordinary expenditures by the university to stage this event.
  - 7.3.3.8 Provide evidence that the issues of liability have been addressed with the office of risk management.
  - 7.3.3.9 Provide evidence that university relations has been made aware of the event to prepare appropriate news releases and media inquiries.
  - 7.3.3.10 Provide evidence that the scheduling office has been contacted and that the event, once approved, will be appropriately calendared and made available electronically to the university community.
  - 7.3.3.11 A sponsor shall provide additional information regarding the proposed speaker(s) / event upon request.
- 7.3.4 Posters and handbills may be used for announcements subject to posting and distribution regulations.

## **8.0 TAILGATING AND PICNICKING**

- 8.0.1 Definitions – for the purposes of this policy.
  - 8.0.1.1 “**Tailgating**” is defined as a social gathering of any number of people where alcoholic beverages are served and consumed in conjunction with, and on the same day of, an athletic event on campus.
  - 8.0.1.2 “**Picnicking**” is defined as a small gathering of people on campus, usually, but not limited to, one family unit, where food and non-alcoholic beverages are present. Picnicking is allowed in designated areas on campus.

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<sup>6</sup> See the Policy on Use of Buildings and Grounds of California State University, Fresno (APM)

- 8.0.2 Limitations:
  - 8.0.2.1 Tailgating is only allowed in conjunction with, and on the day of an outdoor intercollegiate athletic event where alcohol is sold such as football, baseball, and softball games
- 8.0.3 Tailgating Locations:
  - 8.0.3.1 Tailgating is limited to the Department of Athletics controlled and supervised parking lots and grassy areas. Campus policy prohibits consumption of alcohol in all other parking lots. For a copy of the current map, contact Public Safety.
- 8.0.4 Registration:
  - 8.0.4.1 Individuals hosting tailgates where alcohol will be present must be registered as season pass holders or register with the Department of Public Safety on the day of the event – this can be done on site in the parking lots.
- 8.0.5 Consumption of Alcohol at Tailgates
  - 8.0.5.1 Alcohol may not be sold, either directly or indirectly (as a price of admission), unless the sale is by the University Concessionaire, Food Services or holder of an ABC daily alcohol license and approved by Public Safety.
  - 8.0.5.2 Serving from kegs is not allowed unless by the University Concessionaire, Food Services or the holder of an ABC daily license and approved by Public Safety.
  - 8.0.5.3 Unusual methods of alcohol consumption (e.g. “ice slides”), and/or drinking contests are not allowed.
  - 8.0.5.4 Public consumption of alcohol and/or open containers of alcohol are not allowed on any other areas of campus unless at a controlled event where the alcohol is served by the University Concessionaire or Food Services or it is provided to guests under a permit issued by the Director of Environmental Health and Safety.
- 8.0.6 Tailgating Times
  - 8.0.6.1 Tailgating may not begin prior to the opening of controlled and supervised parking lots before the start of the game.
  - 8.0.6.2 Tailgating is not permitted during the game.
  - 8.0.6.3 During the game, only “caretaker” individuals will be allowed to remain at tailgate sites. All others must enter the stadium or leave campus.
  - 8.0.6.4 Tailgating and picnicking spaces must be cleared within 2 hours after the game ends.

- 8.0.7 Consequences:
  - 8.0.7.1 Violations of this policy can lead to warnings, removal from campus and/or event, citations, and forfeiture of tailgate space.
  - 8.0.7.2 Violations may also lead to arrest and prosecution under State and Federal laws.

## **9.0 SALE OR FREE DISTRIBUTION OF PUBLISHED MATERIALS**

- 9.0.1 Except in the case of private sales and commercial transactions to which Section 10.0 applies, the selling or displaying for sale of any books, newspapers, pamphlets and other published materials shall be permitted on campus provided:
  - 9.0.1.1 Prior permission has been granted by the Student Activities Office.
  - 9.0.1.2 Prior permission has been granted by the Kennel Bookstore to ensure similar published materials are not available for sale at the Bookstore.
  - 9.0.1.3 The selling or display of such published materials is conducted in compliance with any time, place and manner directives adopted by the president.
  - 9.0.1.4 This directive shall be available for examination at the University Police Department, the University Business Office, the Office of the Vice President for Student Affairs and Dean of Students, and the Student Activities and Leadership Development Office. Notice shall be posted at or near the principal entrances of the campus calling attention to public meetings, performances, rallies and similar public events, citing by the number of sections in this article, and designating the places where copies thereof and of directives issued by the campus president pursuant thereto may be examined.
  - 9.0.1.5 The published materials displayed or offered for sale are not in violation of the provisions of Chapter 7.5, Title 9, Part 1 (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).
- 9.0.2 Selling or displaying for sale of published materials in violation of subsection 9.0.1 is prohibited.

## **10.0 PRINTED MATERIALS**

- 10.0.1 Distribution of written or printed materials is permitted on campus provided the following conditions are met:
  - 10.0.1.1 Distribution is limited to the Free Speech Area; does not interfere with the free flow of pedestrian or vehicular traffic; does not interfere with classes or any other operations of the University.
  - 10.0.1.2 Distribution does not involve the placement of the materials on any University bulletin boards, buildings, windows, structures, trees or vehicles parked on campus.
  - 10.0.1.3 The Office of Student Activities and Leadership Development, on a first-come first-served basis will grant permission. Permission may be withheld or restricted as to time and duration in instances where the area may be overcrowded by the number of persons distributing and/or during periods when large or multiple events are scheduled. The University reserves the right to limit the number of distributions on a given day, and the number and size of tables, displays, or structures used in connection with the activity.
  - 10.0.1.4 Violation of this policy will result in the offending group being held responsible for removal of all materials in a timely manner and/or incur actual cost for removal and cleaning.
  - 10.0.1.5 Distribution of written or printed materials does not violate the provision of Chapter 7.5, Title 9, Part 1 (commencing with Section 311) of the Penal Code (relating to the distribution of obscene materials).

## **11.0 COMMERCIAL TRANSACTIONS**

- 11.0.1 Commercial transactions are prohibited on the campus of California State University, Fresno except in those cases where the University Controller has granted prior permission. Permission shall not be granted unless:
  - 11.0.1.1 The seller makes application showing that the proposed transaction can be completed without unreasonable interference with the operation of the campus and the transaction is not otherwise prohibited by law.
  - 11.0.1.2 As part of the instructional and/or administrative process of the University, there are occasionally specific programs that would be materially enhanced if commercial transactions were permitted. In these cases, the instructional or administrative department involved, approved by the Dean of

that School, College or Area and forwarded to the University Controller for final approval must originate a request. The request must clearly show:

- a. How the commercial transactions aid achievement of the objectives of the campus;
  - b. That it will not unreasonably interfere with the operation of the campus;
  - c. That the activity is not otherwise prohibited by law.
- 11.0.1.3 Permission is hereby granted to recognized university campus groups to sell logo related and society representational materials.
- 11.0.1.4 Permission granted under this section will clearly note the location of the transaction, specify time and duration not longer than the program of which it is a part.

## **12.0 FREE SPEECH AREA**

- 12.0.1 The eastern edge of the University Center, the eastern edge of the University Student Union South Patio, the northern edge of the Madden Library, and the eastern edge of the Peace Garden generally bound the Free Speech Area. It does not include outdoor parts of the University Student Union, such as patios or balconies, and does not include Food Services patio areas. The University has designated the Free Speech Area as the area to allow expressive activity unrelated to its educational mission on University grounds. The designation of this area is not meant to constrain freedom of speech on the remainder of campus, but merely to establish a forum for the convenient use of students and the general public.
- 12.0.2 The Student Activities Office is given the responsibility and authority for scheduling activities in the Free Speech Area. Students may use the Free Speech Area freely unless it conflicts with a scheduled activity. The general public must register with the Student Activities Office prior to any activity in the Free Speech Area to avoid conflicts with other scheduled activities. Scheduling of activities in the Free Speech Area is on a first come, first serve basis with the University reserving the right to give preference to University personnel and students.

## **13.0 BULLETIN BOARDS AND POSTINGS OF SIGNS, PICTURES, NOTICES, TRANSPARENCIES AND ADVERTISEMENTS**

- 13.0.1 Postings by any off-campus individual or entity are not permitted.

## **14.0 FILMING ON CAMPUS**

- 14.0.1 Commercial photography, videotaping, digital imaging or filming is permitted on the campus or University-owned or managed property as

long as such activity does not interfere with the educational and research mission and normal operations of the University. Further, the use of the photography or filming must be consistent with the interests of the University.

- 14.0.2 The Office of University Relations must approve all commercial photography, filmmaking, digital imaging, or videotaping on the campus of California State University, Fresno. The Assistant Vice President for University Relations is the administrator for considering requests for such uses of the campus.
- 14.0.3 Written permits are not required for regular television news coverage or filming or photography related to the academic work of students as part of their academic program.
  - 14.0.3.1 Written permission is required for non-news coverage or non-instructional videotaping or photography of students, faculty or staff who are included and identifiable in any photograph in non-public areas. Model releases should be provided to and signed by the individuals who are being filmed for this type of photography. Model release forms are available from University Relations and from the campus photographer.
- 14.0.4 All requests for news coverage should be referred to the Office of University Relations. In most cases, a representative of the University Relations Office will accompany television news crews. Final decisions on news coverage requests should be referred to the Director of News Services for resolution.

## **14.1 FILMING REQUEST**

- 14.1.1 Anyone wishing to film on campus for commercial purposes must submit detailed information about the proposed project in writing, including locations; days and hours of shooting; number of people involved in each day's shooting; type of activity to be filmed; list of equipment and vehicles used in connection with the filming; and number, and size and composition of structures involved. This information and a script must be submitted to the Assistant Vice President of University Relations for review at least 30 days before the filming. This requirement can be waived for smaller productions, or for still photographers, at the discretion of the university.
- 14.1.2 Filming requests should be referred to the Office of University Relations. The Assistant Vice President of University Relations will evaluate the request and consider potential logistics issues in coordination with appropriate university offices. Whenever possible, productions should be scheduled on weekends and during vacation periods. First consideration will be given to those productions which

best complement Fresno State's role as Central California's premiere public university. The university encourages the use of students as extras and production assistants for film productions. The university also encourages representatives of production companies to make themselves available for discussion of their work with professors and students.

- 14.1.3 No identification of Fresno State as the site of commercial filming will be permitted, whether for television commercials or movies, theatrical films, or still photography except upon request made in a timely manner to the Assistant Vice President of University Relations. The Assistant Vice President may approve such a request when the proposed identification is determined to be in the University's interests. Such requests for Fresno State identification should clearly specify how the identification would be made and in what subject matter context.
- 14.1.4 No trademarked logos or icons, widely recognizable landmarks or sensitive locations of the University shall be filmed, photographed, or otherwise reproduced including, but not limited to, university landmark signs, Memorial Fountain, Bulldog Stadium, The Save Mart Center, University Student Union, the Downing Planetarium, the President's residence, Pete Beiden Field, and Bulldog Diamond. Portions of these landmarks may be utilized at the discretion of the Assistant Vice President of University Relations.

## **14.2 FEES**

- 14.2.1 All commercial filming will be charged a California State University, Fresno State Film Permit Fee and a Location Management Fee that relates to the length of time of the project and amount of necessary University supervision. Fees are determined on a case-by-case basis.
- 14.2.2 The Vice President for Administration will review all contracts to ensure that appropriate fees are established, and that a proper payment schedule has been established that includes deposits and fees.
- 14.2.3 Additional fees for University services requested or required, such as police, grounds restoration, traffic control, parking, and any other University services rendered shall also be charged to the user.

## **14.3 LIABILITY**

- 14.3.1 A commercial general liability insurance certificate must be filed with the university at least 10 days prior to the first set-up day. In addition, the company wishing to film and its subcontractors must furnish proof of Workers Compensation insurance, if applicable.

#### **14.4 DAMAGE DEPOSIT**

- 14.4.1 The University reserves the right to require production companies to make a damage deposit prior to the arrival of any production vehicles on campus. The damage deposit will be refunded in full when the shooting locations are inspected by university officials and found to be in satisfactory condition.

#### **15.0 ALCOHOL USE AND SALE**

*All alcohol use on campus must comply with the Policy on Campus Use of Alcoholic Beverages. A copy of this Policy is available on the Internet at the following address:*

<http://studentaffairs.csufresno.edu/programs/alcohol.html>

*Copies of this Policy are also available in the Office of the Vice President for Student Affairs and the Dean of Students, the Student Activities and Leadership Development Office, the Environmental Health and Safety Office and the Office of the General Manager of the California State University, Fresno Association, Inc.*

- 15.0.1 The California State University, Fresno Association, Inc. (Association) and The Agricultural Foundation of California State University, Fresno (AG Foundation) are the only entities licensed by the Alcoholic Beverage Control (ABC) to sell alcoholic beverages on University property. The Association is the only entity authorized to pour and serve alcoholic beverages for consumption on the campus of California State University, Fresno.
- 15.0.2 Organizations cannot utilize off-campus vendors to provide alcohol sales at campus events.
- 15.0.3 Alcoholic beverages may be made available to participants as part of events on campus, with certain restrictions. There are two possible scenarios:
- 15.0.3.1 Event organizers contract with and pay University Food Services to make alcoholic beverages available to event participants. If this is the case, neither Risk Management nor University Police need to be involved in the approval process for serving alcohol. Event organizers may make an indirect charge to participants for the alcohol as part of the event cost.
- 15.0.3.2 Event organizers make complimentary alcoholic beverages available to event participants. In all cases, University Food Services must pour the alcohol, even if the alcohol has been donated. Event organizers are not allowed to serve alcoholic beverages. There can be no charge to event participants, either direct or indirect, however University Food Services will assess a corkage fee. Non-alcoholic beverages must be available and as prominently displayed as those containing

alcohol. High-protein foods must be readily available to the event participants. University Food Services must be contacted in advance to work out details of service for such an event.

- 15.0.4 In all cases, the following restrictions apply:
  - 15.0.4.1 Service is limited to wine and beer only.
  - 15.0.4.2 Access to the area where alcohol is being served must be restricted to the event participants only.
  - 15.0.4.3 Service must be limited to those 21 or over.
  - 15.0.4.4 Persons who are intoxicated must not be served.
- 15.0.5 Event organizers must either write a memo or complete an application form to request permission for alcohol to be served at an event. The document must be submitted to the Office of Environmental Health and Safety at least two weeks prior to the date of the event. If neither University Food Services nor the Director of University Health and Psychological Services objects, an authorization may be generated by the Director of Environmental Health and Safety or the director's designee and will be forwarded to the event organizers. The authorization must be available for inspection by University Police at the event site while alcohol is being served.
- 15.0.6 The University Police Department may terminate the serving of alcohol at any event if any of the above rules or laws are not followed.
- 15.0.7 The sale or consumption of alcoholic beverages is prohibited in all areas open to the public on University grounds, unless exempted in section 15.0.8 below. Persons using a permanent or one-day ABC license must have the approval of the University Chief of Police. Violation of this prohibition is misdemeanor pursuant to Education Code Section 89031.
- 15.0.8 Exemptions:
  - 15.0.8.1 Scheduled and approved University and University sponsored events.
  - 15.0.8.2 "Tailgating" in the University Campus Fields immediately preceding or immediately following a sporting event or other scheduled function at Bulldog Stadium.
  - 15.0.8.3 Any University or Auxiliary sponsored business or event in possession of a valid ABC license to sell alcoholic beverages.
  - 15.0.8.4 Any other event or function approved by the President or his designee.
- 15.0.9 Definitions:
  - 15.0.9.1 "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 one 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.

15.0.9.2 “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.

## **16.0 EXCLUSIVE RIGHTS OF FOOD SERVICES**

- 16.0.1 California State University, Fresno Association, Inc. Food Services has exclusive rights to cater food and serve/sell alcohol beverages on campus.
- 16.0.2 Food Services must be consulted whenever an event will be catered and/or alcoholic beverages are served.
- 16.0.3 Food Services have authority to recommend denial of requests to use outside caterers.
- 16.0.4 The Vice President for Administration reserves the right to grant exceptions, but as a matter of common practice, Food Services will continue to be consulted and provided a first right of refusal.

## **17.0 SPONSORSHIP BY ALCOHOLIC-BEVERAGE COMPANIES**

*Any alcoholic-beverage promotions associated with the university should adhere to the highest standards of social responsibility and good taste. Alcoholic-beverage businesses are permitted to sponsor or cosponsor university facilities or regularly scheduled university events that are open to the general public, either on or off campus. However, sponsorship arrangements with the university are subject to the limitations of this policy.*

- 17.0.1 Alcohol promotions allowed by the university must avoid demeaning portrayals of people, must not encourage quantity or frequency of alcohol consumption, and must not portray drinking as a solution to problems.
- 17.0.2 Promotions may not associate alcohol consumption with the performance of tasks that require skilled reactions, such as driving, the operation of machinery, or athletic endeavors.
- 17.0.3 In no case may alcoholic beverage promotions include drinking contests, nor may promotions include uncontrolled sampling, nor may alcoholic beverages be provided as awards or prizes in an environment that encourages immediate consumption.

- 17.0.4 Prices for alcoholic beverages may not be promoted, nor may promotions refer to reduced price events or sales.
- 17.0.5 Alcoholic beverage promotions permitted by the university may not incorporate Fresno State students or employees as active or featured participants in the promotional message, or as unwitting props. Prohibited, for example: a scoreboard promotion stating that “Professor Doe drinks XYZ Beer.” Also prohibited: a promotion in which student-athletes pass under an alcoholic-beverage banner when entering the playing field.
- 17.0.6 Any alcoholic-beverage company engaged in a sponsorship agreement with the university may not feature Fresno State coaches, faculty or other employees in any advertising that promotes alcoholic-beverage consumption, directly or indirectly, whether or not such advertising is a part of the sponsorship agreement with the university. An employee is “featured” in advertising when he or she is clearly identifiable and the ad is widely associated by the public with Fresno State or is associated with the university by virtue of Fresno State apparel or other indicia of the university. This prohibition applies to all media, including print, broadcast, billboards, posters, point-of-sale displays and the Internet.
- 17.0.7 In all promotions, alcoholic beverage trademarks or logos must be clearly subordinate to the sponsored event itself. Similarly, the name of an alcoholic-beverage manufacturer or product may not be connected to the name of the university event or facility itself, but may be promoted as a sponsor of the event. Allowed: “The Fresno State Concert Series, sponsored by XYZ Beer.” Prohibited: “The XYZ Beer Concert Series.”
- 17.0.8 University departments and organizations may not distribute clothing, posters or other promotional items that utilize a Fresno State symbol in combination with an alcoholic beverage trademark or logo. Nor, may the university’s name, a department name or any nickname be utilized in a way that implies a product endorsement by the university. Prohibited: “Bulldogs drink XYZ Beer,” or “Bulldog baseball-XYZ Beer.”
- 17.0.9 Wherever practical, promotional displays or messages shall incorporate clear language that encourages only the responsible and legal use of alcoholic beverages. These educational, social-responsibility messages shall be at least as prominent as any other message content, such as product slogans or listed attributes of a particular product.

## **17.1 AUTHORIZATION**

17.1.1 Alcoholic-beverage promotional materials connected with the sponsorship of Fresno State athletic events must receive prior written approval from the Director of Athletics. Promotional materials associated with any other university department must be approved by the Vice President for Student Affairs. These officials shall ensure that any promotions by alcoholic beverage businesses must meet the above provisions as well as general notions of good taste.

## **17.2 BROADCASTS**

17.2.1 This policy does not restrict the amount or content of alcohol advertising, purchased independently through commercial radio or TV companies, during broadcasts of Fresno State events. However, broadcasters under contract with Fresno State are strongly urged to follow the above provisions when accepting commercials that promote alcohol consumption.

## **17.3 PUBLICATIONS**

17.3.1 Student publications and the publishers of campus newsletters and other materials are encouraged to follow the above provisions for any advertising messages by alcoholic-beverage companies.

## **18.0 SMOKING**

*All smoking on campus must comply with the Smoke-Free Campus Policy. A copy of this Policy is available on the Internet at the following address: <http://csufresno.edu/humres>*

*Copies of this Policy are also available in the Office of the Vice President for Student Affairs and the Dean of Students, the Student Activities and Leadership Development Office, the Environmental Health and Safety Office and the Office of the General Manager of the California State University, Fresno Association, Inc.*

18.0.1 The legislature of the State of California and the public through the initiative ballot have enacted legislation banning smoking from workplaces and all buildings accessible to the general public throughout the state. Consistent with this trend the Trustees of the California State University have enacted regulations banning smoking from within twenty (20) feet of buildings. The Trustees have further authorized campuses to limit smoking to specified areas or ban smoking on campuses altogether.

- 18.0.2 In light of these findings and actions:
- 18.0.2.1 The University shall be a smoke free campus except for officially posted designated smoking areas effective April 1, 2003. In addition, the use of smokeless tobacco in any form is strongly discouraged and shall not be permitted in any classroom or other enclosed facility.
  - 18.0.2.2 Smoke generating tobacco products shall be not sold or distributed in any manner on campus either in vending machines, the student union, the Kennel Bookstore, or any other campus area. This prohibition includes free samples distributed by vendors or event sponsors. Advertising and sponsorship of campus events by tobacco companies shall be discouraged.
  - 18.0.2.3. This policy shall apply to all University facilities, owned or leased, regardless of location, athletic facilities, the amphitheatre, and all state and auxiliary vehicles.
  - 18.0.2.4 This policy pertains to students, faculty, staff, administrators, visitors, and the general public attending campus events.
  - 18.0.2.5 The designated areas shall be within a reasonable distance for access by students, faculty, staff, administrators and visitors as determined by the appropriate administrator.
  - 18.0.2.6 The campus shall make available to students, faculty, and staff and administrators information about smoking cessation programs.
  - 18.0.2.7 This policy and campus maps showing designated smoking areas are made available to all employees and students through appropriate campus Web sites and publications. Signage shall be visible at all designated areas and directional signage identifying designated areas shall be posted where needed.

## **19.0 HAZARDOUS MATERIALS**

- 19.0.1 Hazardous material is any material or substance, which in normal use can be damaging to the health and well being of man or the environment. Examples include, but are not limited to: solvents, cleaners, fuels, cleaners, charcoal lighter fluid, radioactive materials, biohazards, explosives, or compressed gas.
- 19.0.2 Permission for outside non-academic groups or individuals to bring and use hazardous materials on campus will be granted only under the following conditions:

- 19.0.2.1 An Application for Use of Hazardous Materials ([Appendix D](#)) must be filed with the Office of Environmental Health & Safety (EHS) at least 72 hours prior to bringing the materials on campus. A description of each hazardous material and the manner in which it will be used shall be provided.
- 19.0.2.2 Storage and use of hazardous materials must be in accordance with all local, state, and federal laws and regulations. All materials must be properly labeled and accompanied by the proper Material Safety Data Sheet (MSDS) at all times.
- 19.0.2.3 A copy of the MSDS(s) must be provided at the time of application to assist EHS in determining approval for use.
- 19.0.2.4 Use of hazardous materials will be limited to individuals who are trained and competent of the use for such materials.
- 19.0.2.5 All leaks and/or spills of hazardous materials must be reported immediately to Campus Police (911 from a campus phone, 278-2132 from a cell phone).
- 19.0.2.6 All spill clean-up costs will be the responsibility of the group or individual named in the Application for Use.
- 19.0.2.7 All unused hazardous materials and associated waste will be the responsibility of the group or individual named in the Application for Use, and all such material must be removed from campus at the conclusion of the event.

## **20.0 ANIMALS ON CAMPUS**

- 20.0.1 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. **Exceptions are made for service animals as defined by California Civil Code Sections 54.1 and 54.2. ([Appendix D](#))**
- 20.0.2 No animals of any kind (except service dogs as defined by California Civil Code Sections 54.1 and 54.2) may be present at any event where attendees number 1,000 persons or more, unless animals are functionally part of the event (e.g., livestock shows, equestrian competitions, cat and dog shows, etc.). If animals are functionally part of the event, only animals so designated will be permitted. Organizers of events with over 1,000 persons in attendance are required to post the area of the event as "No pets or other animals permitted."
- 20.0.3 Fecal matter deposited by any dog, cat, or other animal brought to campus must be removed immediately by the animal's owner. Violation of the prohibition is a misdemeanor pursuant to Education Code Section 89031 and Penal Code Section 374.4. **This requirement does not apply**

to service animals as defined by California Civil Code Sections 54.1 and 54.2. ([Appendix I](#))

- 20.0.4 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.
- 20.0.5 Domestic animals and pets found tethered, unattended, or abandoned will be humanely impounded in accordance with all applicable laws and regulations.
- 20.0.6 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.
- 20.0.7 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 6.0 of this Directive.

## **21.0 SLEEPING OR CAMPING**

- 21.0.1 No person shall camp on any property owned, operated, or controlled by the University or any University facility as a living space except in the residence halls per their established guidelines; or with the permission of the Vice President for Administration or his/her designee.
- 21.0.2 The recognized designee of the Vice President for Administration in the matter of camping on the University campus is the Director of Public Safety. The Vice President for Administration may designate this authority to other persons as the circumstances warrant.
- 21.0.3 Persons found sleeping or camping on campus in violation of this policy will be asked to leave, and may be charged with trespass, obstruction of business, or disturbance of the peace as per California Penal Code.
- 21.0.4 Permissible camping is limited to a maximum of three (3) consecutive nights per event.

21.0.5 Persons engaged in permitted camping on University property must abide by all applicable laws and regulations, including all applicable University policy.

21.0.6 Campers will be responsible for any damages to the University property that occurs as a result of their actions, either direct or indirect.

## **22.0 APPROVAL FOR CAMPING ON UNIVERSITY CAMPUS**

22.0.1 Permission to camp on the University campus may be granted only in conjunction with or in support of a special event.

### ***The following types of camping may be permitted:***

22.0.1.1 Camping within self-contained camper type vehicles designed and manufactured for the purpose of camping. Such vehicles must:

- a. Be parked on a hard, paved surface;
- b. Display a permit issued by the campus Parking Office;
- c. Be covered by third-party automobile liability insurance in the amount of \$100,000 per occurrence or greater;
- d. Owners of such vehicles must:
  - 1) Pay a fee for each night of camping;
  - 2) Not possess or consume alcohol outside the confines of the camping vehicle.

22.0.1.2 Camping as part of a recognized youth group activity where camping is a regular part of the program of the youth group (e.g., Boy Scouts, Girl Scouts). Persons participating in such camping must:

- a. Be in possession of a letter of permission issued by the Director of Public Safety;
- b. Be compliant with policies and procedures of the recognized youth group;
- c. Remain in the designated camping area after regular University business hours;
- d. Not possess or consume alcohol on University property;
- e. Reimburse the University for costs associated with restroom use, Police protection, garbage collection, and any other necessary expenditure of state resources that may be required in support of the event.

22.0.1.3 The camping activity would enhance the authenticity or value of the event (e.g., Native American pow-wows). Persons participating in such camping must:

- a. Be in possession of a letter of permission issued by the Director of Public Safety;

- b. Develop, present and abide by rules of conduct that are acceptable to the University;
- c. Remain in the designated camping area after regular University business hours;
- d. Not possess or consume alcohol on University property;
- e. Reimburse the University with costs associated with restroom use, Police protection, garbage collection, and any other necessary expenditure of state resources that may be required in support of the event.

## **23.0 FEE FOR USE OF CAMPUS FACILITIES**

23.0.1 A list of campus facilities that offer rental spaces is provided in [Appendix A](#). If a fee is charged for the use of facilities, it is denoted on the chart. A campus committee reviews proposals for establishing and increasing fees. Send the proposal to the University Controller, who convenes the Committee. Members of the committee are representatives from the following campus departments:

Executive Director of Auxiliary Services, or designee  
Director of Environmental Health and Safety  
Director of Facilities Management, or designee  
Vice President for Academic Affairs/Provost, or designee  
Vice President for Student Affairs, or designee

The accounting procedures for Rental of State Property are provided in [Appendix B](#).

## **24.0 PARKING**

24.0.1 These regulations are enforced at all times, 24 hours a day, including Saturdays, Sundays, and holidays.

24.0.1.1 All provisions of the Motor Vehicle Code of the State of California.

24.0.1.2 Vehicles must be parked in designated parking spaces only.

24.0.1.3 Vehicles must be parked completely in stalls.

24.0.1.4 No person shall park or leave standing a vehicle on the grounds of the University campus at any time between the hours of 11:00 p.m. and 7:00 a.m. except as approved by University Police. Residents of University Courtyard are permitted to park their vehicles overnight in Lot G. University Police must approve other exceptions.

24.0.1.5 Vehicles cannot be used as living units while on campus.

- 24.0.1.6 The responsibility for finding legal spaces and for compliance with any and all State University and/or city rules and regulations rest with the motor vehicle's operator. Lack of space or knowledge of applicable rules or regulations is not a valid reason for violation.
- 24.0.1.7 Parking is specifically prohibited in disabled spaces except for vehicles on which a disabled permit is displayed.
- 24.0.1.8 Parking may be provided for events that are determined to be in support of the mission of the University. The Vice President for Administration is responsible for ensuring that parking is provided as appropriate.<sup>7</sup>
- 24.0.1.9 Failing to respond to 5 or more parking citations may result in the immobilization, towing, or impounding of your vehicle (California Vehicle Code 22651). The vehicle owner must pay towing and storage fees in addition to citation fines.

## **24.1 PARKING DECALS AND PERMITS**

- 24.1.1 Parking permits or decals are required during normal instruction days. Semester and longer-term permits are sold at the cashier's office in the Joyal Building. Daily parking permits are sold at the parking permit dispensers located throughout the campus. The dispensers have a sign above them stating "Daily Permits." Parking meters for short-term parking are also available.
- 24.1.2 All decals must be permanently affixed within a seven-inch square of the inside, lower portion of the front windshield on the passenger side.
- 24.1.3 Hang tags and courtesy permits must be displayed either hanging from the rearview mirror or on the dashboard face side up in plain view.
- 24.1.4 A permit for a motorcycle and a moped must be affixed to the vehicle in a location that allows the permit to be clearly observable.
- 24.1.5 A permit or decal is valid only if the information that it contains is clearly visible.

## **24.2 PARKING AREAS**

- 24.2.1 Parking permit holders are authorized to park only in designated areas. All restricted parking stalls are posted within a designation. The campus map indicates parking area designations. Most parking lots are designated by color:

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<sup>7</sup> This type of parking may be referred to as "relaxed parking."

- 24.2.2 **Green** – Students and Visitor parking. A green or daily parking permit is required.
- 24.2.3 **Yellow** – Restricted for the use of faculty and staff only. All Yellow lots are open to Green Permit holders after 7:00 p.m.
- 24.2.4 **Blue** – Restricted for the use of disabled individuals only. A Blue DMV Permit or placard must be displayed. A valid parking permit must accompany the DMV placard.
- 24.2.5 **Gold** – Lots R and UMB require Special Permits and are enforced at all times.
- 24.2.6 **Invalid Areas for Decals or Permits:**
  - Parking meters – These are for visitors.
  - Green curbs – These are time limits areas.
  - White curbs – Loading areas.

### **24.3 CAMPUS SPEED LIMIT**

- 24.3.1 Unless otherwise posted, the maximum speed limit is 25 MPH. When roads are wet and slippery, 25 MPH may be unsafe.

### **25.0 CURFEW**

- 25.0.1 The purpose of the University enforcing a curfew is to maintain a balance between the City of Fresno, within whose city limits the University resides, and California State University, Fresno. The City of Fresno has enacted a curfew design 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.
- 25.0.2 “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.
- 25.0.3 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 25.0.5. Violation of this prohibition is a misdemeanor pursuant to Education Code Section 89031.
- 25.0.4 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:
  - 25.0.5 Accompanied by the minor’s parent or guardian;

- 25.0.6 On an errand at the direction of the minor's parent or guardian, without detour or stop;
  - 25.0.7 Engaged in a lawful volunteer or paid employment activity, or going to or returning home from a lawful volunteer or paid employment;
  - 25.0.8 Acting in response to an emergency;
  - 25.0.9 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;
  - 25.0.10 Waiting at a bus stop for transportation;
  - 25.0.11 Before taking any enforcement action, a police officer shall ask the apparent offender's age and reason for being in the public place.
- 26.0 SKATEBOARDS, IN-LINE SKATES, BICYCLES, MOTORIZED VEHICLES AND MOTORIZED SCOOTERS**
- 26.0.1 Skateboards, in-line skates, and bicycles are permitted on campus and may be used as a means of transportation on the interior of university grounds as long as pedestrians are given the right of way and the rider travels at a reasonable, safe and prudent speed.
  - 26.0.2 Under no circumstances are the aforementioned devices to be ridden in the Free Speech area; allowed on ramps; curbs; benches; or stairs and other such structures. The use of the aforementioned devices shall not be permitted inside any building.
  - 26.0.3 Motor vehicles, to include motorcycles and motorized scooters shall not be ridden on any university grounds except for established roadways and pursuant to California Vehicle Code. Violators of these regulations will be subject to citation and/or vehicle impoundment at owner's expense.
  - 26.0.4 All motorized vehicles must also bear current University parking decals if parked on campus.
- 27.0 MAJOR ACTIVITIES IN THE AMPHITHEATRE**
- 27.0.1 All events in the Amphitheatre shall be scheduled during daylight hours when possible. Where daylight scheduling is not possible, all events, including encores, shall end no later than 10:30 p.m.
  - 27.0.2 All events in the Amphitheatre shall be approved by the Vice President for Administration, University Chief of Police, Director of Student Activities and Leadership Programs.

- 27.0.3 Contracts with groups and/or individuals shall conform to all applicable ordinances and laws and to Trustee and/or University policies.
- 27.0.4 The conditions of the agreement must be met exactly or damages shall be assessed as described in the contract. In the event of contract violation, groups and/or individuals may not be allowed use of campus facilities in the future.
- 27.0.5 Every Effort must be made to avoid the scheduling of two major outdoor events on the campus within a 72-hour period. At no time should two major events occur on the campus on the same date.
- 27.0.6 Major concerts in the Amphitheatre generally will not occur on weekdays (Sunday through Thursday) unless scheduled to end by 8:00 p.m.

## **28.0 USE OF CAMPUS STREETS**

- 28.0.1 It is the policy of California State University, Fresno to allow its streets to be used for normal University traffic and events sponsored by the University and/or its affiliates subject to the meeting of Health and Safety requirements, bonds, availability, Section 42353 of Title 5, and other conditions as may be determined by the University. All other uses of University Streets for purposes of runs, races, walks, parades, exhibits, etc., by non-University related organizations are denied.

## **29.0 DISPLAY OF FLAG AT HALF STAFF**

- 29.0.1 The flag of the United States is flown at California State University, Fresno pursuant to Federal guidelines in the United States Flag Code (4 USC 1).
- 29.0.2 The President of the United States, the Governor of California, the Chancellor of the California State University system, or the President of California State University, Fresno, or designee, may declare a period of mourning whereby the flag may be flown at half-staff.
- 29.0.3 The President of California State University, Fresno, may authorize the flag to be flown at half-staff for one day due to the death of one of the following:
- Dignitary
  - Student of the University
  - Former student of the University
  - University employee
  - University retiree
  - University faculty
  - University faculty emeritus

- 29.0.4 If knowledge of a death becomes available, a University employee shall notify the on-duty supervisor at the University Police Department and request that the flag be flown at half-staff for the aforementioned. The on-duty supervisor shall contact the Chief of Police or the Director of Public Safety, who will verify the merit of the request. If the flying of the flag at staff is deemed appropriate, the Chief of Police or the Director of Public Safety shall notify University Relations, who shall in turn contact the President for authorization and prepare a press release detailing the reason for the half-staff decree. University Relations shall notify the University Police Department of the President's decision as soon as possible. The on-duty supervisor at the University Police Department will then order the lowering of the flag.
- 29.0.5 The President of California State University, Fresno, or designee, may also authorize the flying of the flag at half-staff out of respect for events, occurrences, or based on discretionary consideration.
- 29.0.6 The University Police Department shall be responsible for following the protocols of displaying the flag at the University, and lowering the flag in a dignified manner consistent with the United States Flag Code.

### **30.0 PANHANDLING**

- 30.0.1 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).

### **31.0 AVAILABILITY OF THIS DIRECTIVE**

- 31.0.1 Copies of this directive and all applicable statutory laws shall be kept available for examination in the University Police Department, the Vice President for Administration, the Library, the University Student Union and on the University website at [www.fresnostatenews.com](http://www.fresnostatenews.com).

**APPENDIX A****CAMPUS RESERVATION OFFICES**

| <b>Facility/Area</b>                                |      | <b>Authorizing Space Provider</b>  | <b>Phone</b>  |
|---|------|------------------------------------|---------------|
| Amphitheatre  |      | USU Reservations Center            | 278-6024      |
| Academic Innovation Center                          | \$\$ | Operations Manager                 | 278-5071      |
| Amphitheater  | \$\$ | Operation Services Coordinator     | 278-6024      |
| Animal Science Pavilion                             | \$\$ | Agricultural Operations            | 278-2011      |
| Athletic Facilities (General Information)           | \$\$ | Athletics                          | 278-2643      |
| Banquet Room (Residence Dining Facility/RDH)        | \$\$ | Catering                           | 278-7655      |
| Beiden Field  | \$\$ | Athletics                          | 278-4120      |
| Beiden Pavilion                                     | \$\$ | Athletics                          | 278-4120      |
| Beiden Multi-Purpose Room                           | \$\$ | Athletics                          | 278-4120      |
| Bulldog Diamond                                     | \$\$ | Athletics                          | 278-2006      |
| Bulldog Diamond - Gray Lot                          | \$\$ | Athletics                          | 278-2006      |
| Bulldog Stadium                                     | \$\$ | Athletics                          | 278-4120      |
| Bulldog Stadium - White Lot                         | \$\$ | Athletics                          | 278-4120      |
| Bulldog Stadium - Red Lot                           | \$\$ | Athletics                          | 278-4120      |
| California Agricultural Technology Institute (CATI) | \$\$ | CATI                               | 278-2361      |
| Cherry Tree Lane                                    |      | Scheduling Office                  | 278-2491      |
| Classroom Laboratories                              |      | College/School (as appropriate)    | See Directory |
| Conference Rooms                                    |      | Appropriate Administrative Office  | See Directory |
| Conley Art Gallery/Patio                            |      | University Art Galleries           | 278-2121      |
| Digital Production Group                            | \$\$ |                                    |               |
| Downing Planetarium                                 | \$\$ | Downing Planetarium                | 278-4020      |
| Education Plaza                                     |      | Education Support Services Center  | 278-0377      |
| Education Rooms (non-lecture)                       |      | Education Support Services Center  | 278-0377      |
| Extended Education Forums A, B, C                   |      | Extended Education                 | 278-0333      |
| Free Speech Area                                    |      | Student Activities                 | 278-2741      |
| Foundation Board Room                               |      | Auxiliary Corporations             | 278-0817      |
| Gallery Conference Room                             |      | President's Office                 | 278-2324      |
| Grass Areas (Peace Garden, Memorial Gardens, etc.)  |      | Scheduling Office                  | 278-2491      |
| Grass Area by Enology                               | \$\$ | Viticulture and Enology Department | 278-7135      |
| Greenhouse/Ornamental Horticulture Lawn             |      | Agricultural Operations            | 278-2011      |
| Judging Pavilion                                    |      | Agricultural Operations            | 278-2011      |
| Laboratory Rooms                                    |      | Appropriate Dean's Office          | See Directory |
| Lab School Theatre                                  |      | Theatre Arts Department            | 278-3987      |
| Maple Mall  |      | Scheduling Office                  | 278-2491      |
| Music Building Facilities                           | \$\$ | Concert Manager                    | 278-7592      |
| North Gym (non-academic)                            | \$\$ | Athletics                          | 278-2006      |
| O'Neill Park - Student Groups                       |      | Student Life                       | 278-2741      |

**University Buildings & Grounds, Use of**

California State University, Fresno

October 2003

Policy No. D-08.33

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|   |      |                                 |          |
|---|------|---------------------------------|----------|
| O'Neill Park  |      | Scheduling Office               | 278-2491 |
| Open Lawn Areas on Campus                             |      | Scheduling Office               | 278-2491 |
| Parking Lots  |      | Parking and Transportation      | 278-2950 |
| Peace Garden  |      | Scheduling Office               | 278-2491 |
| President's Conference Room                           |      | President's Office              | 278-2324 |
| Racketball Courts                                     |      | Intramurals/Recreation          | 278-2526 |
| Recreation Center (Bowling, Billiards)                | \$\$ | Recreation Center               | 278-2015 |
| Renaissance Room                                      | \$\$ | Catering                        | 278-7655 |
| Satellite Student Union                               | \$\$ | USU Reservations Center         | 278-6024 |
| Savemart Center                                       | \$\$ | SMG at SaveMart Center          | 347-3401 |
| Smittcamp Alumni House                                | \$\$ | Alumni Services                 | 278-2586 |
| South Gym   | \$\$ | Kinesiology Department          | 278-2016 |
| South Gym Fields                                      | \$\$ | Kinesiology Department          | 278-2016 |
| Spaulding G. Wathen Tennis Center                     | \$\$ | Athletics                       | 278-2006 |
| Theatres (John Wright, Arena, Lab School)             | \$\$ | Theatre Arts Department         | 278-3987 |
| University Business Center                            | \$\$ | University Business Center      | 278-2352 |
| University Center, Room 200                           |      | Provost's Office                | 278-2636 |
| University Center, Room 202                           |      | Center for Enhancement/Learning | 278-2819 |
| University Courtyard                                  |      | University Courtyard (Housing)  | 278-2345 |
| University House (President's House)                  |      | President's Office              | 278-2324 |
| University Student Union Conference Rooms             |      | USU Reservations Center         | 278-6024 |
| Viticulture & Enology Research Center (VERC) Building | \$\$ | VERC                            | 278-2089 |
| Warmerdam Field                                       | \$\$ | Athletics                       | 278-2006 |

**Additional Services**

Special Setup (additional trash containers, etc.)  
Student Organizations  
Tables and Chairs  
Tests  
Volleyball Nets or Sports Equipment  
Intramurals/Recreation

**Contact**

Plant Operations 278-2373  
Student Activities 278-2741  
Warehouse Services 278-2139  
Testing Services 278-2457  
Intramurals/Recreation 278-2526  
Intramurals/Recreation 278-2526

**Phone**

\$\$ - Cost associated with use of facility, call Authorizing Space Provider

***APPENDIX B***  
**ACCOUNTING PROCEDURES FOR RENTAL OF STATE PROPERTY**

**Memorandum**

February 28, 2003

To: Campus Community

From: Robert Vega  
Director of Accounting Services

Re: **Rental of State Property**

A need has been established for identifying revenue generated when State property is rented. This in turn translates into a training issue involving the proper coding to be used when transactions of this type take place and for correctly and consistently depositing this revenue. Effective immediately, when state property is rented for a fee, please be sure to use the following accounts:

Rental of state property to on-campus departments (including auxiliary organizations) where rental income is to be credited to a General Fund department. Use account code 699121 (Chargeback-Rental of State Property-On Campus) to credit receipts to your department.

Rental of state property to off-campus departments where rental income is to be credited to a General Fund department. Use account code 699122 (Chargeback-Rental of State Property-Off Campus).

Rental of state property to on-campus departments (including auxiliary organizations) where rental income is to be credited to a trust fund. Use account code 580811 (Rental of State Property-On Campus).

Rental of state property to off-campus departments where rental income is to be credited to a trust fund. Use account code 580812 (Rental of State Property-Off Campus).

Generally, property refers to all assets used in University operations. Property includes land, buildings, machinery, furniture, tools, etc. and intangibles (see attached for expanded definitions).

The combination of accurate accounting records and strong internal controls must be in place to protect against and detect the unauthorized use of State Property. Rental of State property may also have Unrelated Business Income Tax (UBIT) purposes that require accurate reporting.

If you have any questions concerning the use of the above accounts, please call General Accounting at 278-2778.

### **Property Definitions:**

**Buildings** – Buildings are structures that provide workplace, storage space, or are used in some other way for University activities.

**Equipment** – Computer equipment or other asset with a life span of more than one fiscal year not defined as machinery or tools.

**Intangibles** – Intangibles are property that lack physical substance but give valuable rights to the owner. Examples of intangible property include patents, copyrights, and electronic data processing software.

**Land** – Land is real property and includes natural or artificial structures that are attached to it.

**Machinery** – Machines in general, or as a functioning unit.

**Tools** – Instruments used to aid the performance of tasks.

***APPENDIX C***

**REQUEST FOR APPROVAL  
UNIVERSITY SPONSORED SPEAKER OR EVENT**

**Section I          DESCRIPTION OF THE PROPOSED EVENT**

1.    Name of Unit Sponsoring Event \_\_\_\_\_
2.    Individual Responsible for Event Coordination \_\_\_\_\_
3.    Campus Extension 8-\_\_\_\_\_      Email \_\_\_\_\_@csufresno.edu \_\_\_\_\_
4.    Description of Event (including title for the event; a statement of the anticipated educational value of the event; (Attach additional information; proposed flyers; handouts)

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5.    Proposed Date(s) for Event \_\_\_\_\_
6.    Proposed Site(s) for Event \_\_\_\_\_
7.    Name of Proposed Speaker(s); Presenter(s); Panelists or Other Participants in Event

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**SECTION II**

**BUDGET INFORMATION / SOURCE OF FUNDS**

1. Attach a separate sheet outlining proposed budget including identification of source of funds.

Attach a statement of cost estimates from Parking; Public Safety; Parking; Risk Management; University Relations; and Scheduling for any anticipated extraordinary expenditures by the university that will be needed for this event.

**Section II CERTIFICATIONS:**

1. This signature certifies that:

- a. the sponsoring unit has discussed this proposed event with **Campus Police**. The Campus Police Chief is satisfied that all security issues surrounding this proposed event have been adequately addressed, has reviewed compliance with the campus Policy on Buildings and Grounds, and has provided a statement of the cost estimate for any anticipated extraordinary expenditure by Campus Police for this event.

\_\_\_\_\_  
(initials)

- b. the sponsoring unit has discussed potential liability issues with the **Director of Risk Management**. The Director of Risk Management is satisfied that all insurance and risk issues surrounding this proposed event have been adequately addressed and has provided a statement of the cost estimate for any extraordinary expenditure by Risk Management for this event.

\_\_\_\_\_  
(initials)

- c. the sponsoring unit has discussed this proposed event with **Director of Parking Services**. **Director of Parking Services** is satisfied that the Parking issues surrounding this proposed event have been adequately addressed and has provided a statement of the cost estimate for any anticipated extraordinary expenditure by Parking Services for this event.

\_\_\_\_\_  
(initials)

\_\_\_\_\_  
Director of Public Safety

\_\_\_\_\_  
Date

2. This signature certifies that the Office of University Relations has been given information regarding this proposed event and has the necessary information to address media inquiries / provide support for this proposed event and has provided a statement of the cost estimate for any anticipated extraordinary expenditure by University Relations for this event.

\_\_\_\_\_  
Assistant Vice President for University Relations

\_\_\_\_\_  
Date

3. This signature certifies that the Scheduling Office has been notified of this event and is ready to calendar the proposed event upon approval.

\_\_\_\_\_

Scheduling Office

\_\_\_\_\_

Date

4. I certify that the above statements, including attachments, are a complete, accurate and true representation of the proposed event.

\_\_\_\_\_

Event Coordinator

\_\_\_\_\_

Date

### **III. APPROVAL**

1. I have reviewed the proposal, including the proposed budget, and

recommend approval

do not recommend approval

\_\_\_\_\_

Division Head / Dean (College / School) Sponsoring the Event

\_\_\_\_\_

Date

### **2. FINAL APPROVAL**

\_\_\_\_\_ I approve the proposed event.

\_\_\_\_\_ I do not approve the proposed event. (Attach a brief explanation)

\_\_\_\_\_

Vice President

\_\_\_\_\_

Date

## ***APPENDIX D.1***

### **CALIFORNIA STATE UNIVERSITY, FRESNO** **Application for Use of Hazardous Materials on Campus**

**NAME OF GROUP/INDIVIDUAL:** \_\_\_\_\_

**CONTACT PERSON/PHONE:** \_\_\_\_\_

**EVENT SPONSOR:** \_\_\_\_\_

DESCRIPTION OF EVENT: \_\_\_\_\_

EVENT LOCATION: \_\_\_\_\_

DATE/TIME OF EVENT: \_\_\_\_\_

Permission to utilize hazardous materials will be granted only under the following conditions:

A description of each hazardous material and the manner it will be used will be provided.

(Fill out the back of this form completely.)

Storage and use of hazardous materials will be in accordance with label and material safety data sheet instructions, as well as local, state, and federal regulations.

All hazardous materials leaks and spills will be immediately reported to campus Police (911 from campus phone; 278-2132 from non-campus phone).

All spill clean-up costs will be the responsibility of the group or individual using University property.

Use of hazardous materials will be limited to trained and competent individuals.

A copy of the material safety data sheet(s) will be provided at the time of application to aid the Office of EH&S in determining approval of use of the material(s).

(Attach a copy of each material safety data sheet to this form.)

A copy of the material safety data sheet(s) will be available on site at all times.

All unused hazardous materials and associated waste will be the responsibility of the group or individual and must be taken off campus at the end of the event.

By signing this application, I agree to abide by the policies and procedures set forth by the California State University, Fresno.

|      |      |
|------|------|
| Name | Date |
|------|------|

Approved  Not Approved

|                                      |      |
|--------------------------------------|------|
| Lisa Kao, Environmental Quality Mgr. | Date |
|--------------------------------------|------|

\*Return to Office of EH&S @ Mail stop #P0-14

### APPENDIX D.2

## APPLICATION FOR USE OF HAZARDOUS MATERIALS ON CAMPUS

If you plan to utilize hazardous materials on campus, please complete the form below. Note the name of the hazardous material, and describe how it will be used.

*Definition of a hazardous material: Any material or substance, which in normal use can be damaging to the health and well being of man or the environment. Examples include solvents, cleaners, charcoal lighter fluid, and compressed gas (such as helium or propane).*

**Example:**

**Hazardous material:** Compressed cylinder of helium.

**Approximate quantity:** One cylinder.

**Description of use:** Inflate helium balloons.

**Hazardous material #1:** \_\_\_\_\_

**Approximate quantity:** \_\_\_\_\_

**Description of use:** \_\_\_\_\_

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**Hazardous material #2:** \_\_\_\_\_

**Approximate quantity:** \_\_\_\_\_

**Description of use:** \_\_\_\_\_

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**Hazardous material #3:** \_\_\_\_\_

**Approximate quantity:** \_\_\_\_\_

**Description of use:** \_\_\_\_\_

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**Hazardous material #4:** \_\_\_\_\_

**Approximate quantity:** \_\_\_\_\_

**Description of use:** \_\_\_\_\_

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**Hazardous material #5:** \_\_\_\_\_

**Approximate quantity:** \_\_\_\_\_

**Description of use:** \_\_\_\_\_

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**Material Safety Data Sheets (MSDS) can be obtained from the supplier, manufacturer, or via the internet (<http://siri.uvm.edu/msds>).**

## ***APPENDIX E***

### **California Education Code**

#### *Referenced State Code Sections*

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 (1)(e) 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 1 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 1 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.

## ***APPENDIX F***

### **California Code of Regulations**

#### *Referenced State Code Sections*

##### 41301 Expulsions, 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) Forgery, alteration or misuse of campus documents, records, or identification or knowingly furnishing 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 of any member of the campus community or of members of his or her family or the threat of such physical abuse.
- (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 other 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 residence 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 effective date shall be subject to the provisions of this Article as in effect immediately prior to such effective date.

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.

#### 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 in [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 readmitted before the close of the semester, quarter, or summer session in which he or she 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 in 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 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, 89030, 89031 and 89035, Education Code. Reference: Sections 66017, 66300, 66600, 69810-69813, 89030, 89031, 89700, Education Code; and Section 626.2, Penal Code.

#### 41303 Conduct by Applicants for Admission

Notwithstanding any provision in this Chapter 1 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 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.

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. The campus president subject, however, shall grant permission for commercial solicitation to regulation as to time, place and manner thereof, unless such solicitation for sale would be in violation of law.

(b) Sites available to marketers of student credit cards shall be limited and registered with the campus administration. Those marketers shall be prohibited from offering gifts to students for filling out student credit cards applications. As used in this section, "student credit cards" shall have the meaning in Civil Code section 1747.02(m).

(c) 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 89030 and 89031, Education Code. Reference: Sections 89031 and 99030, 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: 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 1 (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) No person or persons shall, upon any of the grounds of any campus cast, throw, deposit, or distribute any advertising handbills or circulars that contain false, misleading, or illegal advertising.

(b) The distribution of written or printed matter shall be permitted on campus, subject, however, to reasonable directives by the campus president as to the time, place and manner thereof. All directives issued by a campus president pursuant to this section shall be available to the public at places designated pursuant to [Section 42354](#). Distribution of written or printed matter in violation of established campus directives regarding time, place and manner is prohibited. 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.

## ***APPENDIX G***

### **California Penal Code**

#### *Referenced State Code Sections*

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 the defendant for the sake of its prurient appeal is commercially exploiting live conduct, 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 those 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 her, 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 or her 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 prima 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 fine.

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.

## ***APPENDIX H***

### **California Government Code**

#### *Referenced State Code Sections*

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.

## ***APPENDIX I***

### **California Civil Code**

#### *Referenced State Code Sections*

54. (a) Individuals with disabilities or medical conditions have the same right as the general public to the full and free use of the streets, highways, sidewalks, walkways, public buildings, medical facilities, including hospitals, clinics, and physicians' offices, public facilities, and other public places.

(b) For purposes of this section:

(1) "Disability" means any mental or physical disability as defined in Section 12926 of the Government Code.

(2) "Medical condition" has the same meaning as defined in subdivision (h) of Section 12926 of the Government Code.

(c) A violation of the right of an individual under the Americans with Disabilities Act of 1990 (Public Law 101-336) also constitutes a violation of this section.

54.1. (a) (1) Individuals with disabilities shall be entitled to full and equal access, as other members of the general public, to accommodations, advantages, facilities, medical facilities, including hospitals, clinics, and physicians' offices, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes of transportation (whether private, public, franchised, licensed, contracted, or otherwise provided), telephone facilities, adoption agencies, private schools, hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.

(2) As used in this section, "telephone facilities" means tariff items and other equipment and services that have been approved by the Public Utilities Commission to be used by individuals with disabilities in a manner feasible and compatible with the existing telephone network provided by the telephone companies.

(3) "Full and equal access," for purposes of this section in its application to transportation, means access that meets the standards of Titles II and III of the Americans with Disabilities Act of 1990 (Public Law 101-336) and federal regulations adopted pursuant thereto, except that, if the laws of this state prescribe higher standards, it shall mean access that meets those higher standards.

(b) (1) Individuals with disabilities shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state, subject to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.

(2) "Housing accommodations" means any real property, or portion thereof, that is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings, but shall not include any accommodations included within subdivision (a) or any single-family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

(3) (A) Any person renting, leasing, or otherwise providing real property for compensation shall not refuse to permit an individual with a disability, at that person's expense, to make reasonable modifications of the existing rented premises if the modifications are necessary to afford the person full enjoyment of the premises. However, any modifications under this paragraph may be conditioned on the disabled tenant entering into an agreement to restore the interior of the premises to the condition existing prior to the modifications. No additional security may be required on account of an election to make modifications to the rented premises under this paragraph, but the lessor and tenant may negotiate, as part of the agreement to restore the premises, a provision requiring the disabled tenant to pay an amount into an escrow account, not to exceed a reasonable estimate of the cost of restoring the premises.

(B) Any person renting, leasing, or otherwise providing real property for compensation shall not refuse to make reasonable accommodations in rules, policies, practices, or services, when those accommodations may be necessary to afford individuals with a disability equal opportunity to use and enjoy the premises.

(4) Nothing in this subdivision shall require any person renting, leasing, or providing for compensation real property to modify his or her property in any way or provide a higher degree of care for an individual with a disability than for an individual who is not disabled.

(5) Except as provided in paragraph (6), nothing in this part shall require any person renting, leasing, or providing for compensation real property, if that person refuses to accept tenants who have dogs, to accept as a tenant an individual with a disability who has a dog.

(6) (A) It shall be deemed a denial of equal access to housing accommodations within the meaning of this subdivision for any person, firm, or corporation to refuse to lease or rent housing accommodations to an individual who is blind or visually impaired on the basis that the individual uses the services of a guide dog, an individual who is deaf or hearing impaired on the basis that the individual uses the services of a signal dog, or to an individual with any other disability on the basis that the individual uses the services of a service dog, or to refuse to permit such an individual who is blind or visually impaired to keep a guide dog, an individual who is deaf or hearing impaired to keep a signal dog, or an individual with any other disability to keep a service dog on the premises.

(B) Except in the normal performance of duty as a mobility or signal aid, nothing contained in this paragraph shall be construed to prevent the owner of a housing accommodation from establishing terms in a lease or rental agreement that reasonably regulate the presence of guide dogs, signal dogs, or service dogs on the premises of a housing accommodation, nor shall this paragraph be construed to relieve a tenant from any liability otherwise imposed by law for real and personal property damages caused by such a dog when proof of the same exists.

(C) (i) As used in this subdivision, "guide dog" means any guide dog that was trained by a person licensed under Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code or as defined in the regulations implementing Title III of the Americans with Disabilities Act of 1990 (Public Law 101-336).

(ii) As used in this subdivision, "signal dog" means any dog trained to alert an individual who is deaf or hearing impaired to intruders or sounds.

(iii) As used in this subdivision, "service dog" means any dog individually trained to the requirements of the individual with a disability, including, but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items.

(7) It shall be deemed a denial of equal access to housing accommodations within the meaning of this subdivision for any person, firm, or corporation to refuse to lease or rent housing accommodations to an individual who is blind or visually impaired, an individual who is deaf or hearing impaired, or other individual with a disability on the basis that the individual with a disability is partially or wholly dependent upon the income of his or her spouse, if the spouse is a party to the lease or rental agreement. Nothing in this subdivision, however, shall prohibit a lessor or landlord from considering the aggregate financial status of an individual with a disability and his or her spouse.

(c) Visually impaired or blind persons and persons licensed to train guide dogs for individuals who are visually impaired or blind pursuant to Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code or guide dogs as defined in the regulations implementing Title III of the Americans with Disabilities Act of 1990 (Public Law 101-336), and persons who are deaf or hearing impaired and persons authorized to train signal dogs for individuals who are deaf or hearing impaired, and other individuals with a disability and persons authorized to train service dogs for individuals with a disability, may take dogs, for the purpose of training them as guide dogs, signal dogs, or service dogs in any of the places specified in subdivisions (a) and (b). These persons shall ensure that the dog is on a leash and tagged as a guide dog, signal dog, or service dog by identification tag issued by the county clerk, animal control department, or other agency, as authorized by Chapter 3.5 (commencing with Section 30850) of Division 14 of the Food and Agricultural Code. In addition, the person shall be liable for any provable damage done to the premises or facilities by his or her dog.

(d) A violation of the right of an individual under the Americans with Disabilities Act of 1990 (Public Law 101-336) also constitutes a violation of this section, and nothing in this section shall be construed to limit the access of any person in violation of that act.

(e) Nothing in this section shall preclude the requirement of the showing of a license plate or disabled placard when required by enforcement units enforcing disabled persons parking violations pursuant to Sections 22507.8 and 22511.8 of the Vehicle Code.

54.2. (a) Every individual with a disability has the right to be accompanied by a guide dog, signal dog, or service dog, especially trained for the purpose, in any of the places specified in Section 54.1 without being required to pay an extra charge or security deposit for the guide dog, signal dog, or service dog. However, the individual shall be liable for any damage done to the premises or facilities by his or her dog.

(b) Individuals who are blind or otherwise visually impaired and persons licensed to train guide dogs for individuals who are blind or visually impaired pursuant to Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code or as defined in regulations implementing Title III of the Americans with Disabilities Act of 1990 (Public Law 101-336), and individuals who are deaf or hearing impaired and persons authorized to train signal dogs for individuals who are deaf or hearing impaired, and individuals with a disability and persons who are authorized to train service dogs for the individuals with a disability may take dogs, for the purpose of training them as guide dogs, signal dogs, or service dogs in any of the places specified in Section 54.1 without being required to pay an extra charge or security deposit for the guide dog, signal dog, or service dog. However, the person shall be liable for any damage done to the premises or facilities by his or her dog. These persons shall ensure the dog is on a leash and tagged as a guide dog, signal dog, or service dog by an identification tag issued by the county clerk, animal control department, or other agency, as authorized by Chapter 3.5 (commencing with Section 30850) of Title 14 of the Food and Agricultural Code. A violation of the right of an individual under the Americans with Disabilities Act of 1990 (Public Law 101-336) also constitutes a violation of this section, and nothing in this section shall be construed to limit the access of any person in violation of that act.

(c) As used in this section, the terms "guide dog," "signal dog," and "service dog" have the same meanings as specified in Section 54.1.

(d) Nothing in this section precludes the requirement of the showing of a license plate or disabled placard when required by enforcement units enforcing disabled persons parking violations pursuant to Sections 22507.8 and 22511.8 of the Vehicle Code.