

1 JOHN M. SANGER, ESQ. (SBN 49758)
CHARLES R. OLSON, ESQ. (SBN 130984)
2 CHRISTINA WOLF, ESQ. (SBN 240753)
SANGER & OLSON, A Law Corporation
3 One Embarcadero Center, Suite 1200
San Francisco, CA 94111-3617
4 Telephone: 415-693-9300
Facsimile: 415-693-9322
5

6 CHARLES F. ROBINSON, ESQ. (SBN 113197)
KELLY L. DRUMM, ESQ. (SBN 172767)
UNIVERSITY OF CALIFORNIA
7 1111 Franklin Street, 8th Floor
Oakland, CA 94607-5200
8 Telephone: 510-987-9800
Facsimile: 510-987-9757
9

10 Attorneys for Respondent,
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA;
UNIVERSITY OF CALIFORNIA, BERKELEY,
11 EDWARD J. DENTON

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF ALAMEDA
14

15 PANORAMIC HILL ASSOCIATION, a) Case Nos. RG 06301644
16 non-profit corporation,)
17 Petitioner,) RG 06302934
) RG 06302967
18 v.) UNLIMITED CIVIL CASE
19 THE REGENTS OF THE UNIVERSITY OF) **DECLARATION OF VICTORIA L.**
CALIFORNIA, an agency of the State of) **HARRISON IN OPPOSITION TO**
20 California,) **PETITIONERS' EX PARTE**
) **APPLICATION FOR ORDER**
21 Respondent.) **ENFORCING PRELIMINARY**
) **INJUNCTION**
22) **[VIA FACSIMILE]**
)
23) Date: August 30, 2007
) Time: 1:30 pm
24) Dept: 512
) Judge: Hon. Barbara Miller
25
26
27
28

1 CITY OF BERKELEY, a municipal
corporation,

2
3 Petitioner/Plaintiff,

4 v.

5 UNIVERSITY OF CALIFORNIA,
6 BERKELEY; REGENTS OF THE
UNIVERSITY OF CALIFORNIA; and DOES
2 THROUGH 50, inclusive

7 Respondents/Defendants.
8

9
10 CALIFORNIA OAK FOUNDATION, SAVE
THE OAKS AT THE STADIUM, MCGEE-
11 SPAULDING-HARDY HISTORIC
INTEREST GROUP, DONA SPRING,
12 DOUG A. BUCKWALD, SARAH
SHUMER, HENRY NORR, LINDSAY
13 VUREK, PATRICIA EDWARDS, ANNA
MARIE TAYLOR, STAN SPRAGUE, and
CARRIE SPRAGUE,

14
15 Petitioners/Plaintiffs,

16 v.

17 THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, an agency of the State of
California, and DOES II-XX,

18
19 Respondents/Defendants,

20 and

21 DOES XXI-XXX

22 Real Parties in Interest.

23 I, Victoria L. Harrison, declare:

24 1. My name is Victoria L. Harrison and I am the Associate Vice Chancellor of
25 Public Safety/Chief of Police at the University of California, Berkeley.

26 2. I have been Chief of Police at the University of California, Berkeley for
27 approximately 17 years.

28 3. I have personal knowledge of all of the matters stated herein, and, if called as a

1 witness in this action, I could and would competently testify to those matters.

2 4. Protestors, including tree sitters, upon University property west of the California
3 Memorial Stadium ("CMS"), at the site of the proposed Student Athlete High Performance
4 Center, are in violation of state trespass laws, and in violation of University policies regulating
5 time, place and manner of public expression.

6 5. The beginning of the fall semester on August 27, and the first home football game
7 on September 1 bringing an estimated 70,000 spectators to the vicinity of the protest, potentially
8 creates a very volatile situation west of CMS. At my behest the campus has taken steps to ensure
9 physical separation between protestors and game day crowds. The following facts inform my
10 decision:

- 11 a) My staff have individually recorded over 155 violations of which 98 resulted in arrests
12 of or citations to protestors at the site. A summary list is attached as Exhibit A.
- 13 b) Numerous reported incidents of individuals in drive-by vehicles heckling and
14 throwing items at the protestors.
- 15 c) Numerous reported incidents of protestors heckling, spitting, and pouring urine and
16 excrement on officers and others standing underneath the trees.
- 17 d) Individuals in the trees currently have buckets of feces, urine, and rotted food.
- 18 e) Hostility expressed on YouTube, blogs, and internet bulletin boards between
19 protestors and football fans.

20 6. Safe management of the site requires fencing to create a physical barrier between
21 protestors and visitors to the area because a merely visual barrier, such as yellow caution tape,
22 would require staffing beyond the capacity of the University police in order to be effective. On
23 home football game days we have standard deployment of 150 security personnel, including
24 private event security and 40 to 60 police officers. Because of the tree sitters ongoing protest I
25 have requested and received additional support from police at other campuses. The further
26 staffing support that would be required by visual-only barriers, with the training and mission-
27 sensitivity necessary at this site and for a campus event, is unavailable.

28 7. The protestors have participated in activities and behaviors that were in direct

1 violation of the Berkeley Campus Regulations Implementing University Policies Applying to
2 Campus Activities, Organizations, and Students issued by the President of the University
3 effective August 15, 1994 (300 sections) ("Campus Regulations") and disrupted the peace and
4 operations of the campus. After being informed of the Campus Regulations as well as applicable
5 state laws the protestors blatantly violated, time, place and manner rules regarding when and
6 where free speech can occur. Protestors vandalized trees, disrupted classes, conducted
7 unauthorized events, and violated campus rules on tabling, camping, and postering. In addition,
8 the protestors became increasingly uncooperative with police and refused to follow lawful
9 directions which resulted in protesters physically resisting officers. Also various protestors were
10 involved in thefts and unauthorized removal of property from the International House and
11 Memorial Stadium.

12 8. A true and correct copy of the Campus Regulations are attached hereto as Exhibit
13 B.

14 9. The Campus Regulations are specifically intended to protect free inquiry and free
15 expression. Such activities must not, however, interfere with the right of the University to
16 conduct its affairs in an orderly manner and to maintain its property. My staff have advised the
17 protestors upon University property west of CMS that they are in violation of state trespass laws
18 and University rules and regulations.

19 10. Because the site cannot be permanently secured until the termination of the
20 pending injunction, it is prudent to continue to cite and admonish protestors, but not undertake
21 their physical removal. Their physical removal would place protestors and campus employees at
22 risk and may not be sufficient to discourage reoccupation of trees.

23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct.

25 //

26 //

27 //

28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Date: August 30, 2007

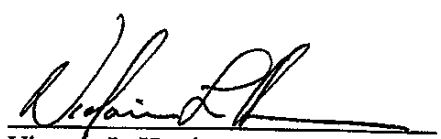

Victoria L. Harrison

EXHIBIT A

2006-2007 'Save the Oaks' Protest Police Reports

Violation Date	Case Number	Violation(s)
12-02-06	06-05538	PC 602k (suspect #1)
12-02-06	06-05538	PC 602k (suspect #2)
12-09-06	06-05639	PC 245
01-02-07	06-05538	PC 602k, PC 148
01-02-07	07-00014	PC 626.6
01-03-07	07-00024	PC 12553(a)(1)
01-03-07	07-00023	PC 664/484
01-05-07	06-05538	PC 602k
01-06-07	06-05538	PC 602k
01-06-07	07-00058	PC 245
01-07-07	07-00070	BMC 13.52.020
01-10-07	07-00107	PC 602k
01-12-07	07-00131	Civil Advice
01-13-07	07-00140	BMC 13.52.020
01-16-07	07-00183	BMC 13.52.020
01-17-07	07-00206	PC 602k
01-20-07	07-00255	UCB Rules Violation
01-23-07	07-00294	PC 602k
01-23-07	07-00297	BMC 13.52.020
01-23-07	07-00298	BMC 13.52.020
01-23-07	07-00293	Warrant Arrest
01-24-07	07-00315	PC 626.6
01-25-07	07-00349	PC 602k
01-30-07	07-00422	UCB Rules Violation
02-03-07	07-00499	BMC 13.52.020
02-05-07	07-00522	UCB Rules Violation
02-15-07	07-00683	UCB Rules Violation
02-16-07	07-00694	PC 647(J)
02-17-07	07-01430	PC 647(j), BMC 13.52.020
02-20-07	07-00747	PC 647(J), BMC 13.52.020
02-21-07	07-00773	PC 647(J), BMC 13.52.020, PC 148
02-22-07	07-00792	PC 69
02-23-07	07-00805	BMC 14.52.020
02-23-07	07-00809	PC 626.6
02-23-07	07-00806	PC 647(J)
02-24-07	07-01353	Evidence Seizure
02-24-07	07-00827	Casualty
02-26-07	07-00844	Evidence Seizure
02-28-07	07-00880	PC 602
03-01-07	06-05538	Evidence Seizure
03-02-07	07-00922	PC 647(J)
03-02-07	07-00911	PC 647(J)
03-05-07	07-00856	Evidence Seizure
03-06-07	07-00984	PC 602k
03-06-07	07-01234	BMC 13.52.020
03-14-07	07-01117	PC 647(J), BMC13.52.020
03-14-07	07-01127	PC 647(J), BMC13.52.020
03-14-07	07-01155	PC 626.6
03-14-07	07-01124	Dog Bite
03-17-07	07-01177	UCB Rules Violation

03-17-07	07-01173	PC 148
03-21-07	07-01257	PC 166(A)(4)
03-22-07	07-01269	PC 647(J), BMC13.52.020
03-22-07	07-01444	BMC 13.52.020
03-22-07	07-01270	UCB Rules Violation
03-28-07	07-00970	Evidence Seizure
04-01-07	07-01552	BMC 13.52.020, PC 647(j)
04-03-07	07-01429	PC 626.6
04-03-07	07-01422	PC 647(J)
04-05-07	07-01456	UCB Rules Violation
04-06-07	07-01471	PC 148, BMC 13.52.020
04-12-07	07-01573	UCB Rules Violation
04-17-07	07-01638	BMC 13.52.020
04-17-07	07-01638	Suspicious Person
04-18-07	07-01556	PC 647(J), BMC13.52.020, PC 148
04-18-07	07-01556	PC 148, PC 647(j), BMC
04-19-07	07-01674	Rules Violation
04-22-07	07-01715	Found Bicycle
04-24-07	07-01738	UCB Rules Violation
04-25-07	07-01764	UCB Rules Violation
04-25-07	07-01766	PC 602(k)
04-25-07	07-01865	UCB Rules Violation
04-25-07	07-01757	PC 148(a)(1)
04-27-07	07-01674	Evidence Seizure
04-27-07	07-01766	Evidence Seizure
04-27-07	07-01814	PC 148(a)(1), BMC
05-01-07	07-01809	PC 602(k), PC 148, HS
05-01-07	07-01875	UCB Rules Violation
05-02-07	07-01895	PC 647(f)
05-02-07	07-01909	PC 415
05-03-07	06-05538	Evidence Seizure
05-03-07	07-01917	PC 602(j), BMC 13.52.020
05-04-07	06-05538	Evidence Seizure
05-04-07	07-01935	PC 1203.2
05-04-07	07-01883	PC 1203.2
05-06-07	07-01965	PC 626.6, PC 148, BMC 13.52.020
05-06-07	07-01955	PC 626.6
05-07-07	07-01975	PC 415
05-08-07	07-01983	PC 626.6
05-08-07	07-01920	PC 1203.2
05-08-07	07-01985	PC 415
05-09-07	06-05538	Evidence seizure
05-10-07	07-02019	BMC 13.52.020
05-10-07	07-02019	Suspicious Person
05-11-07	07-02039	Suspicious Circumstance
05-14-07	07-02077	PC 415
05-20-07	07-02168	Animal Case/Seizure
05-22-07	07-02198	PC 647(j), PC 836.6, PC 243
05-23-07	07-02232	PC 166(a)(4)
05-24-07	07-02244	UCB Rules Violation
05-24-07	07-02251	PC 1203.2
05-25-07	07-02256	PC 211, PC 240, PC 241, PC 148, BMC 13.52.020
05-28-07	07-02293	UCB Rules Violation
05-28-07	07-02293	UCB Rules Violation
05-30-07	07-02327	PC 647(j)

06-01-07	07-02370	PC 415
06-01-07	07-02376	UCB Rules Violation
06-02-07	07-02389	Warrant Arrest
06-02-07	07-02393	PC 626.6
06-02-07	07-02393	PC 626.6
06-03-07	07-02403	PC 626.6
06-03-07	07-02406	Casualty via dog bite
06-03-07	07-02405	PC 148
06-05-07	07-02436	UCB Rules Violation
06-08-07	06-05538	UCB Rules Violation
06-08-07	07-02455	Suspicious Circumstance
06-12-07	06-05538	UCB Rules Violation
06-12-07	07-02484	Located Missing Person
06-12-07	07-02508	Located Missing Person
06-13-07	07-02509	PC 602(k)
06-13-07	07-02538	Person Located
06-14-07	07-02536	UCB Rules Violation
06-14-07	07-02534	PC 653(k)
06-15-07	07-02558	Warrant Arrest
06-18-07	07-02591	PC 594
06-19-07	07-02595	UCB Rules Violation
06-23-07	07-02643	UCB Rules Violation
06-25-07	07-02657	PC 647(j), BMC 13.52.020
06-28-07	07-02702	BMC 13.52.020
06-28-07	07-02700	PC 1203.2
06-28-07	07-02757	PC 166(a)(4)
06-28-07	07-02705	PC 415.5
07-02-07	07-02821	PC 626.6 issued
07-03-07	07-02769	Person Located
07-03-07	07-02768	WI 5150
07-03-07	07-02769	Missing Person Located
07-03-07	07-02767	PC 602(a)
07-06-07	07-02822	MV 614
07-12-07	07-02899	BMC 13.52.020
07-12-07	07-02890	PC 626.6
07-15-07	07-02939	UCB Rules Violation
07-18-07	07-02989	BMC 13.52.020
07-23-07	07-03072	HS 11377
08-01-07	07-03247	BMC 13.52.020
08-01-07	07-03233	UCB Rules Violation
08-02-07	07-03108	BMC 13.52.020
08-07-07	07-03328	UCB Rules Violation
08-08-07	07-03339	BMC 13.52.020
08-09-07	07-03344	PC 1203.2
08-09-07	07-03352	UCB Rules Violation
08-09-07	07-03352	BMC 13.52.020
08-10-07	07-03371	BMC 13.52.020, PC 647(j)
08-15-07	07-02890	Warrant Arrest
08-15-07	07-03433	UCB Rules Violation
08-24-07	07-03599	PC 1203.2

EXHIBIT B

BERKELEY CAMPUS REGULATIONS IMPLEMENTING UNIVERSITY POLICIES

INTRODUCTION

In order to carry on its work of teaching, research, and public service, the University has an obligation to maintain conditions under which the work of the University can go forward freely, in accordance with the highest standards of quality, institutional integrity, and freedom of expression, with full recognition by all concerned of the rights and privileges, as well as responsibilities, of those who comprise the University community.

The following regulations implement various provisions of the University of California Policies Applying to Campus Activities, Organizations, and Students ("University Policies") issued by the President of the University effective August 15, 1994. These regulations govern aspects of campus organizations, use of University facilities, and time, place, and manner of public expression for which implementing campus regulations are required by the University Policies. The regulations address the rights and responsibilities of the members of the University community, including faculty, staff and students, and provide standards for sustaining this community. They do not repeat all of the definitions or terms found in the University Policies, nor do they repeat the many self-executing provisions of the University Policies. Members of the University community may propose amendments to these regulations by filing proposals with the Office of Student Life (OSL) for review and possible recommendation to the Chancellor.

General Definitions

(a) Property

The term "property" refers to all land, buildings, facilities or other grounds or structures, or any item in possession of or owned, used, maintained or controlled by the University or designated by the campus as subject to these policies. Property also includes computers and network systems owned, maintained or controlled by the University or funded by University budgets or designated by the campus as subject to these policies.

(b) Student

The term "student" refers to an individual who: (a) is enrolled in or registered with an academic program of the University; (b) has completed the immediately preceding term and is eligible for re-enrollment, including the recess periods between academic terms; or (c) is on an approved educational leave, or other approved leave status, or on filing-fee status. For the purposes of this document, this definition includes students enrolled in programs such as Summer Bridge and those who have submitted an application, but whose admission has been deferred to the spring semester and who are enrolled in Extension programs.

(c) Recognition

"Recognition" refers to the process by which any group or organization of students, faculty, or staff at the University of California, Berkeley applies for and obtains formal status as a

registered, sponsored, or affiliated campus organization or sponsored departmental organization. Individuals and organizations may not in any way represent that their activities are endorsed, sponsored, or sanctioned by the University without the express written consent of an authorized University official. The group and its members are wholly responsible for their activities, on- or off-campus. The university does not provide liability insurance coverage for student organizations and their activities. Any individual or group of individuals participating in or conducting organization activities does so voluntarily and at its own risk.

(d) Registered Campus Organization;

The term "registered campus organization" refers to a group which is organized primarily for students of the Berkeley campus and which has complied with the registration requirements set forth in these regulations and with procedures established by the Office of Student Life. The campus registers organizations for the purpose of authorizing the use of certain campus facilities and services. Registered campus organization status does not include the recognition of any off-campus activity conducted by the group as a whole or by individual members of the group. Individuals and organizations may not in any way represent that their activities are endorsed, sponsored, or sanctioned by the University without the express written consent of an authorized University official. The group and its members are wholly responsible for their activities, on- or off-campus. The university does not provide liability insurance coverage for student organizations and their activities. Any individual or group of individuals participating in or conducting organization activities does so voluntarily and at its own risk.

(e) Sponsored Campus Organization

A "sponsored" campus organization refers to a group organized primarily for students of the Berkeley campus whose purposes and practices further the University's purposes as an educational institution and are consistent with University policy. Such groups are approved by the Office of Student Life and are authorized to use the Berkeley campus name, and certain facilities and administrative resources. Sponsorship may be granted to groups such as honors groups, academically oriented groups, and service and recreational groups. Individuals and organizations may not in any way represent that their activities are endorsed, sponsored, or sanctioned by the University without the express written consent of an authorized University official. The group and its members are wholly responsible for their activities, on- or off-campus. The university does not provide liability insurance coverage for student organizations and their activities. Any individual or group of individuals participating in or conducting organization activities does so voluntarily and at its own risk.

(f) Affiliated Campus Organization

An "affiliated" campus organization refers to a living group intended primarily for students of the Berkeley campus whose purpose and practices further the University's purpose as an educational institution and are consistent with University policy. Such groups are approved by Student Activities and Services and are authorized to use the Berkeley campus name, and certain facilities and administrative resources. Affiliate status may be granted to groups such as those fraternities and sororities with living units. Individuals and organizations may not in any way represent that their activities are endorsed, sponsored, or sanctioned by the University without the express written consent of an authorized University official. The group and its members are wholly responsible for their activities, on- or off-campus. The university does not provide liability insurance coverage for student organizations and their activities. Any individual or group of individuals participating in or conducting organization activities does so voluntarily and

at its own risk.

(g) Sponsored Departmental Organization

A "sponsored departmental organization" refers to any group of students, faculty and/or staff from a college, school, department, or other unit or combination of units of the University who organize to become involved in a common unit activity not involving the representation of employees, and who obtain formal approval from the unit in compliance with the registration requirements set forth in these regulations for the purpose of conducting group activities or using campus facilities. Individuals and organizations may not in any way represent that their activities are endorsed, sponsored, or sanctioned by the University without the express written consent of an authorized University official. The group and its members are wholly responsible for their activities, on- or off-campus. The university does not provide liability insurance coverage for student organizations and their activities. Any individual or group of individuals participating in or conducting organization activities does so voluntarily and at its own risk.

(h) Employee Organization;

As defined by Section 3562(g) of the Higher Education Employer-Employee Relations Act (HEERA), the term "employee organization" means any organization in which employees participate and which exists for the purpose, in whole or in part, of dealing with higher education employers concerning grievances, labor disputes, wages, hours, and other terms and conditions of employment.

(i) "Instructional use of facilities" refers to the use of facilities by authorized University staff for approved academic purposes. The Office of the Registrar is responsible for the scheduling of facilities for these purposes.

100. Regulations Concerning the Recognition of Campus Organizations

110. Scope and Purpose

111. The purpose of these regulations is to promote opportunities and advantages of association among students, faculty and staff within the intellectual community of the Berkeley campus, and to assure that these activities will not interfere with the educational responsibilities of the University.

120. Formation of Campus Organizations

121. Groups of students, faculty and/or staff may apply for campus organization status by filing the following information with the appropriate campus office:

(a) A copy of its constitution or an equivalent document, and by-laws including the organization's name, purposes, requirements for membership, method of selecting officers, organizational structure, procedure for operation and dissolution, amendments, and nondiscrimination and non-hazing clauses. In addition, an organization may be required to submit a copy of its constitution at the beginning of each semester that continued recognition is sought.

(b) At the time of application for recognition and at the beginning of each semester thereafter,

the names of at least four responsible officers or authorized representatives of the organization, the name of its University adviser, if any, and a statement that its active membership as defined herein is limited to students, faculty and staff of the Berkeley campus. The recognition form includes the names, addresses, phone numbers and electronic mail addresses of the officers or authorized representatives of the student group. This is a public document available for inspection, as are correspondence, forms and other documents, including constitutions and articles maintained by the University on a recognized campus organization.

(c) Amendments to any of the above as they occur.

122. Recognized campus organizations must be non-commercial in nature, and the use of campus facilities by such organizations may not result in personal financial benefit to any individual or private enterprise.

123. Pursuant to University policy, the campus may not sponsor political or religious activities, except when authorized for University purposes by The Regents or the President or their designees. However, religious and political organizations may have access to campus facilities on the same basis as all other recognized campus organizations in accordance with University and Berkeley campus regulations and policies.

130. Membership in Recognized Campus Organizations

131. Active membership in recognized campus organizations is limited to students, faculty, and staff of the Berkeley campus. Other persons may be admitted to associate membership in a recognized campus organization, if its constitution or by-laws so provide.

The following functions and activities must be reserved to active members:

- (a) Holding office in the organization;
- (b) Presiding, officiating, voting, or making or seconding motions at any meeting of the organization;
- (c) Working at tables or distributing materials on the campus on behalf of the organization, with the exception that others may assist active members in working at tables or distributing non-commercial literature, announcements, or statements provided that an active member is at all times present and responsible for the table or the distribution;
- (d) Soliciting funds on the campus on behalf of the organization.

The above sections are not intended as a comprehensive description of "active membership," and other functions or acts may also indicate that a person is participating as an active member of an organization.

132. The active participation of any person who is not a University of California, Berkeley, student, faculty or staff member and who engages in any of the above functions or acts reserved for active members, constitutes grounds for revocation of the recognition of a campus organization.

140. Financial Responsibilities of Officers

141. All officers or authorized representatives of a campus organization are individually and jointly responsible for the financial obligations of the organization, including payment in full of debts to the University incurred by the campus organization during the tenure of the officer or authorized representative.

150. Use of University Name

151. Only an organization that is officially sponsored by or affiliated with the University or a unit of the Berkeley campus may use the name of the University of California, Berkeley or abbreviations thereof as part of its own name. Other terms, such as "campus" or "Berkeley Campus," may be used by a registered campus organization as part of its name.

152. Events or activities conducted by registered campus organizations or by others must not be advertised or promoted in such a way as to suggest that the function is sponsored or endorsed by the University, particularly through the misuse of the University name, trademarks, or logos. This is especially true of off-campus activities or events conducted by or engaged in by the organization as a whole or by individual members of the organization.

160. Denial or Revocation of Recognition of Campus Organization Status

161. Recognized campus organizations or organizations seeking to be recognized by the campus are required to comply with University policies and campus regulations or they will be subject to revocation of registration, loss of privileges, or other sanctions for violation of such policies. Procedures for denying or revoking recognition of campus organization status for violation of policies or regulations are set forth in the applicable provisions of the Code of Student Conduct governing individual and organizational misconduct for students.

170. Student Government

171. The Chancellor may authorize or discontinue student governments as official units of the University that are responsible for representing student constituencies comprising either the student body as a whole or particular segments of it. The Chancellor may also assign to such student governments specific powers and responsibilities concerning student affairs. Prior to authorization or discontinuance of student government, the Chancellor shall consult with students, including the current student governments.

172. Student governments shall be responsible for litigation costs incurred by the University as a result of violations of University or campus rules or guidelines by the student government.

173. Compulsory fees to support student governments may be established or discontinued only after an election in which two-thirds of a voting pool vote in favor of the measure. A voting pool is determined by the Chancellor and is at least 20% of the registered students. The number of registered students is determined by using the campus's official third week enrollment count report. It would be prudent for all measures establishing or discontinuing compulsory student government fees to be reviewed by the Chancellor or his/her designee prior to inclusion on the ballot to reduce risk of rejection by the Chancellor after the election. Any election involving changes in compulsory student government fees must be monitored by an impartial group not affiliated with the student government.

All referendum results are advisory to the Chancellor and subject to final decision by the

Chancellor and approval by The Regents. Changes in the levels of established compulsory fees for the support of student government may be recommended by the Chancellor to The Regents following a favorable vote by a simple majority of students who vote on the measure. The Chancellor may require any referendum establishing or increasing compulsory student government fees to provide that a portion of the fee revenue be set aside for financial aid purposes in an amount necessary to meet the resulting increase in financial need.

174. The implementation of student participation in the governance of the campus shall be carried out in administrative units through the appointment of student nominees to the Chancellor's advisory committees and other advisory administrative committees on campus. Upon request, the office of the Vice Chancellor for Undergraduate Affairs will provide the names of nominees available to serve on advisory committees. Procedures for implementation of student participation on advisory committees in academic units shall be established through the Berkeley Division of the Academic Senate.

175. Guidelines and procedures for the use of student government fee funding by registered campus organizations and activities are available from the Office of Student Life.

176. Student governments shall have the right to address and take positions on public issues, as consideration of such matters serves the University's educational purposes. Positions on issues taken by student governments shall not be represented as or deemed to be official positions, sponsored, endorsed, or favored by the University. Expenses related to student lobbying for these positions must be funded by voluntary student fees. This does not affect the right of any student, as an individual, to petition governmental officials or bodies.

177. The Chancellor is responsible for the fiscal soundness of student governments. In the discharge of this responsibility, the Chancellor may audit the finances of student governments and exercise control over expenditures of their funds when and to the extent necessary to maintain financial solvency of student governments, and when necessary may take action to ensure that any activity under the control of student governments is operated in accordance with sound business practices consonant with University policies and procedures applicable to such practices

200. Regulations Concerning the Use of University Facilities and Services

210. Scope and Purpose

211. These regulations authorize the use of University facilities and services and establish procedures for such uses. The use of University facilities and services not authorized herein or pursuant to other University policies are prohibited. The rights, obligations and liabilities of authorized users and of other persons seeking to use the Berkeley campus are also governed by provisions of the Berkeley campus and University Policies and by state and federal law. All persons on campus property must abide by University policies and campus regulations and must identify themselves upon request to University officials acting in the performance of their duties.

212. The purpose of these regulations is to facilitate the effective use and enjoyment of the facilities and services of the Berkeley campus as an educational institution. Orderly procedures are necessary to promote the use of facilities and services by students and University personnel, to conserve and protect facilities and services for educational use, and to prevent interference with University functions.

220. Reservation of Facilities and Requests for Services for Non- Instructional Meetings or Other Activities

221. Not all University facilities and services are available for reservation or request for non-instructional purposes. Information concerning reservation and request procedures for designated facilities and services available for non-instructional use may be obtained from the Office of Student Life in 102 Sproul Hall.

222. Designated University facilities and services may be reserved or requested for meetings and other non-commercial activities, in accordance with established procedures, by:

(a) Recognized campus organizations, for events related to the purposes of the organizations. Under special circumstances, non-recognized groups may gain approval from Student Activities and Services for use of facilities;

(b) The recognized student government and its sponsored agencies, official alumni organizations and similar University-related organizations, and colleges, schools, departments and other units of the University, for events related to their purposes;

(c) Members of the faculty and staff for extracurricular events related to their duties or University activities;

(d) Non-University organizations upon invitation of student governments, other University units, or recognized campus organizations, subject to the following provisions:

(1) The use must confer a benefit to the University;

(2) The use must be pursuant to a written agreement setting forth the terms and conditions of the proposed use;

(3) The use by the applicant must be occasional rather than frequent;

(4) The use must not interfere with any organized University activity or event;

(5) Organizations and/or individuals with campus affiliation shall be granted priority over non-affiliated organizations and individuals;

(6) Consideration must be given to the availability of comparable non-University facilities and services which could accommodate the proposed use.

223. Reservations or requests shall be made at least 48 hours in advance, excluding weekends and holidays, to the appropriate campus office in accordance with following procedures:

(a) Applications shall be completed on forms provided by the University. Reservations or requests shall normally be made for use during the current academic year, and will be granted in the order of application, unless consideration of format, room size, equitable distribution of facilities or the like require exceptions. Inquiries for specific exceptions shall be directed to the office where the reservation is made.

(b) Reservation of facilities or requests for services by recognized campus organizations must be

made with and approved by the Office of Student Life or the appropriate campus unit in accordance with established procedures.

(c) The recognized student government and its agencies, official alumni organizations and similar University-related organizations, and colleges, schools, departments, and other units of the University, may make reservations or requests in accordance with established procedures.

224. Non-transferability of Authorization

A recognized campus organization must reserve campus facilities or request services through one of its officers or authorized representatives. A recognized campus organization, its officer, or any authorized representative applying to reserve facilities or request services on behalf of the organization assumes responsibility for costs associated with the use of those facilities or services, for damage to the facilities by group members, or for monetary sanctions applied for failure of group members to comply with University regulations or terms and conditions of authorization which may occur in connection with the use of facilities or services. No organization other than the reserving organization may use the facility reserved or service requested. The reserving organization may not transfer control of the event for which the facilities were reserved or the services requested to any other organization, group, or individual speaker. This section applies to areas for public expression (section 330) as well as other indoor or outdoor facilities.

225. The University may charge recognized campus organizations and other groups for the use of its facilities or services in accordance with established fee schedules. Information concerning the fee schedules may be obtained from the office at which the reservation is made or from which the service is requested. Users of facilities and services must pay the University directly for the facilities or services provided.

226. All campus health and safety standards must be met and special security provisions may be required depending upon the nature of the proposed use.

227. Security, performance, and/or liability bonds may be required. Consistent with University policy, and depending upon the nature of the proposed event, the user may be required to provide its own public liability and other insurance naming The Regents as additionally insured for any public events to be held in University facilities.

228. In the event that the proposed use takes the form of a lease or license to use real property, the approval of The Regents or its Officers may be required.

230. Commercial Activity and Fund-Raising on Campus

231. University facilities may not be used for any fund-raising or commercial purpose without the express approval of the Chancellor or the Chancellor's designee. University facilities are available to recognized campus organizations for non-commercial events related to the purposes of the organization.

232. Subject to the provisions of Section 300 et seq., a recognized campus organization may sell for non-commercial purposes materials clearly related to the purposes of the organization; may collect dues, initiation fees, donations, and admissions charges at its table in the public expression areas and at meetings; and may solicit funds in announcements, posters, and

handbills.

233. A recognized campus organization using the campus to raise funds must keep adequate records showing the means by which funds were raised on the campus, the purposes for which funds were solicited, the uses for which the funds have been or will be spent, and the amounts thereof. These records must be kept current and available for inspection by the University upon request.

234. The recognized student government and its sponsored agencies, official alumni organizations, and similar University-related organizations, and colleges, schools, departments, and other units of the University may use campus facilities for fund-raising in accordance with established procedures.

235. In recognition of the University's obligation as a major employer in the community and for the purpose of promoting education, the Chancellor or the Chancellor's designee may approve a limited number of fund-raising programs for charitable organizations and public service agencies in accordance with University policies.

236. Except as provided in these regulations, commercial activity on the Berkeley campus is prohibited.

240. Sanctions for Violation of Regulations Governing the Reservation, Request, or Use of Facilities and Services

241. Violation of any campus regulation or terms or conditions of authorization governing reservations, requests, or use of campus facilities and services may result in loss of organizational or individual privileges for a specified period of time. A violation may also be grounds for revocation of recognition of campus organizational status. Any person or group involved in the willful or deliberate violation of this section may forfeit the privilege to reserve facilities and may be subject to relevant disciplinary action, including monetary sanctions and/or reimbursement for damages and injury.

250. Denial of Facility Reservations

251. Any applicant who is denied a reservation for use of University facilities may appeal in writing to the Vice Chancellor for Undergraduate Affairs or a designee. An applicant who is denied a request on the basis of a clear and present danger to the orderly operation of the campus shall be offered the opportunity for prompt review upon submission of the appeal in writing to the Chancellor.

260. Use of Campus Computing Services

The University of California, Berkeley recognizes the value and potential for faculty, students, and staff to use University computing and network services and resources. The ease of use of these multimedia tools provides individuals with a wide range of opportunities for the presentation of diverse information, and allows administrative units to conduct official business in support of the University's mission.

The University encourages and supports the freedom of expression and an open environment for the pursuit of scholarly inquiry. The contents of all electronic media under University

jurisdiction (i.e., computers, servers and network systems owned, maintained or controlled by the University or funded by University budgets) must, however, comply with University of California and Berkeley campus policies as well as local, state and federal laws. Copies of campus policies may be accessed through the World Wide Web or obtained at User and Account Services.

300. Regulations Concerning the Time, Place, and Manner of Public Expression

310. Scope and Purpose

311. The University has a special obligation to protect free inquiry and free expression. On University grounds open to the public generally, all persons may exercise the constitutionally protected rights of free expression, speech and assembly. Such activities must not, however, interfere with the right of the University to conduct its affairs in an orderly manner and to maintain its property, nor may they interfere with the University's obligation to protect the rights of all to teach, study, and freely exchange ideas. These regulations purport to assure the right of free expression and advocacy on the Berkeley campus, to minimize conflict between the form of exercise of that right and the rights of others in the effective use of University facilities, and to minimize possible interference with the University's responsibilities as an educational institution.

312. Among other things, these regulations provide authorization for certain uses of University facilities, and establish procedures for such authorized uses. Such uses must conform to these regulations, Berkeley campus and University policies, and state and federal laws that may protect or regulate matters of public expression on the Berkeley campus.

320. General Provisions

321. Individuals on University property or in attendance at an official University function assume an obligation to conduct themselves in a manner compatible with the University's responsibilities as an educational institution. This means that all persons are responsible for complying with applicable University and Berkeley campus policies. This includes but is not limited to the following prohibitions: no person on University property or at official University functions may block entrances to or otherwise interfere with the free flow of traffic into and out of campus buildings; obstruct or disrupt campus activities; engage in the production of amplified or non-amplified sound that disrupts campus activities; camp or lodge, except in authorized facilities; engage in physically abusive, threatening or intimidating conduct toward any person; exhibit disorderly or lewd conduct; participate in a disturbance of the peace or unlawful assembly; use, possess, sell or manufacture narcotic or illegal drugs; fail to comply with the directions of a University official acting in the performance of his or her duties; or engage in the theft or misuse of University property or equipment.

322. The University acknowledges and respects the rights of members of the University community as individuals to engage in personal political activity. However, when using University facilities, members of the University community must keep their personal political activity separate from their institutional role and from university activities. Personal political activity should not be engaged in in such a manner as to incorrectly represent University support or endorsement. Neither University funds, equipment, instructional programs nor other resources may be used for such personal political activity.

330. Areas for Public Expression

331. The Sproul Plaza and Lower Sproul Plaza have traditionally been designated as areas for public expression. These areas are open to the public generally between the hours of 6:00 a.m. and 12:00 midnight. Between the hours of midnight and 6 a.m., these areas are generally closed to all activities except coming and going to a University building or crossing the campus. During open hours Sproul Plaza and Lower Sproul Plaza may be used without reservation for discussion or public expression which does not require or involve sound amplification equipment. Space in both areas may be reserved through the Office of Student Life for use by recognized campus organizations or non-University groups in accordance with facility use regulations and established office procedures. However, use of these areas for discussion or public expression may be limited when such use interferes with the orderly conduct of University business or authorized events.

340. Sound Amplification

341. The use of sound amplification equipment for functions or events that are not officially authorized by the University is not permitted. Acoustic or ambient sound, such as that generated through musical instruments may be limited when such use interferes with the orderly conduct of University business or authorized events.

342. Generally, during periods of instruction or employment, sound amplification will be permitted for authorized events from the Savio (Sproul Hall) steps and in the Lower Sproul Plaza between noon and 1:00 p.m. and between 5:00 p.m. and 7:00 p.m. The amplification of programs which are predominantly musical shall be permitted only in Lower Sproul Plaza. No sound amplification will be allowed during the final examination period or the week immediately preceding the commencement of final examinations.

343. In accordance with established procedures, applications for the use of sound amplification equipment or space in these areas will be approved by the Office of Student Life so as to ensure adequate access by all authorized users.

344. Recognized campus organizations, the authorized student government and its agencies, official alumni groups, and colleges, schools, departments and other units of the Berkeley campus may request amplification equipment for use on the Savio (Sproul Hall) steps. This equipment will be provided by Student Activities and Services without charge and upon a minimum of 48 hours notice excluding weekends and holidays. Groups not canceling reservations of these facilities by 4:30 p.m. one working day before the scheduled date may be liable for the costs of providing sound amplification equipment if alternative arrangements cannot be made.

345. In Lower Sproul Plaza, electrical power and the services of a sound monitor must be reserved through the ASUC. The ASUC will provide the monitor subject to availability and for a fee. When amplified sound equipment is provided by the authorized user the equipment must be reviewed and approved by the ASUC. Unauthorized sound equipment may not be used at any time.

346. The volume and direction of sound amplification will be controlled by the providing campus office so as not to interfere with other campus or community activities. Where appropriate, decibel readings may be used to monitor the volume and direction of sound being

generated. The Office of Student Life is responsible for monitoring the volume and overall conduct of programs on both Upper and Lower Sproul Plaza.

350. Tables and Other Display Material

351. Recognized campus organizations, the recognized student government and its agencies, official alumni groups, and colleges, schools, departments and other units of the Berkeley campus may maintain a table or other display materials in specific areas designated by the Office of Student Life in any of the following locations:

(a) The Upper Sproul Plaza area between Bancroft Avenue and Sather Gate, not including the Savio (Sproul Hall) steps;

(b) Lower Sproul Plaza;

(c) North Gate;

(d) the Tolman Hall area;

(e) the area between Kroeber Hall and the Law School buildings.

Additional locations may be permitted for special campus or University wide events.

Specific locations for tables or other display materials are available on a daily first-come, first-served basis.

352. Tables and other display materials may not block any entrance or walkway, or otherwise restrict the free flow of vehicular or pedestrian traffic. No display materials may be placed on or against, or be attached to any structure or natural feature of the campus, including, but not limited to the sides of doors or buildings, fountains, posts, waste receptacles, trees or stakes.

353. Tables or other display areas must be staffed at all times by students, faculty or staff of the University. The name of the sponsoring organization must be clearly displayed on each table and item on display.

354. Tables, display areas or other materials may be used to distribute and exhibit non-commercial announcements, statements, and materials for fund raising in accordance with Section 200 of the regulations above. Organizations may not leave flyers, announcements or literature of any kind unattended on campus grounds or in classrooms, or otherwise affix or insert such materials into campus lawns or grounds.

355. Tables may be no larger than three feet by six feet and no poster may extend beyond the sides of, or more than one foot above the tables. Any other display materials must be behind and within three feet of the table. Such displays may not extend more than ten feet high or three feet wide.

360. Posters, Notices, Handbills and Leaflets

361. Except as permitted herein, no posters, handbills, or any other form of announcement or statement may be placed on or against, attached to, or written on any structure or natural feature

of the campus including, but not limited to the sides of doors or buildings, windows, the surface of walkways or roads, Sather Gate, fountains, posts, waste receptacles, trees or stakes. Nor may any paint or permanent markings be made on such structures.

362. The general public may post notices or announcements on bulletin boards and kiosks designated for this purpose. Information concerning the location of these boards and kiosks may be obtained from the Office of Student Life.

363. Anyone may personally distribute non-commercial announcements, statements, or materials in any outdoor area of the campus consistent with the orderly conduct of University affairs, the maintenance of University property, and the free flow of vehicular and pedestrian traffic. Efforts must be made to avoid litter. Particular circumstances at particular times may require some limitations.

364. Recognized campus organizations may have non-commercial organizational announcements posted on designated University bulletin boards for a service fee according to established procedures. Announcements to be posted on University bulletin boards must be brought to the Office of Student Life for posting by the University. The posting of announcements or materials by employee organizations is subject to the regulations established by the Labor Relations Office. Announcements may not exceed 11" x 14" in size, and will be removed at regular intervals.

365. All materials must clearly indicate the name of the campus, recognized campus organization, University unit or any other individual or organization permitted to post or exhibit.

366. Use of departmental bulletin boards or display cases for posting of announcements by recognized campus organizations must be in accordance with the rules of the department.

367. Recognized campus organizations may seek approval from the Office of Student Life to display portable non-commercial organizational announcements or statements of the size appropriate to standard portable easels, in any of the following locations:

- (a) North Gate;
- (b) Moses Court;
- (c) Engineering Quad;
- (d) Lower Sproul Plaza;
- (e) Kroeber Plaza;
- (f) Wurster Courtyard.

Announcements or statements placed at any of the above locations must not be chained or otherwise affixed to any existing campus facility or structure, and must be removed at regular intervals or within one week of the conclusion of any advertised event.

368. Recognized campus organizations may display signboards on Sather Gate Bridge according to established procedures and with authorization of the Office of Student Life

[Berkeley Home](#) | [Search Berkeley](#) | [Berkeley Sites A-Z](#) | [Privacy Statement](#) | [Student Af](#)
Copyright 2006 UC Regents. All Rights Reserved.