

# UC Davis Policy and Procedure Manual

## Chapter 310, Communications and Technology Section 26, Distribution of Periodical Publications

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Responsible Department: Student Affairs

Source Document: UC Policies Applying to Campus Activities, Organization, and Students

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*Exhibit A, Agreement to Distribute Periodical Publications on UC Davis Property*

*Exhibit B, List of Student Affairs Operated Facilities*

### I. Purpose

This section describes reasonable time, place, and manner restrictions governing the bulk distribution of periodical publications from newspaper racks or other approved containers at designated locations on University property. The policy is based on a thorough review of the laws and policies, facts, and circumstances related to the issues of bulk distribution of periodical publications on University property. See Section 310-25 and 380-21 regarding the distribution of non-periodical publications (e.g., brochures, flyers, pamphlets, etc.) and 310-27 regarding posting on campus property.

### II. Policy

- A. The University seeks to promote freedom of expression and encourages the dissemination of information to the UC Davis community, in support of and consistent with its main purposes of education, research, and public service.
- B. The University's interest in regulating its properties while promoting freedom of expression requires that reasonable and content-neutral regulations regarding time, place, and manner be placed upon the use of newspaper racks and other containers for the bulk distribution of periodicals. Available appropriate space for bulk periodical distribution is a scarce resource, limited to a small number of discrete locations, for the following reasons:
  - 1. The unregulated bulk distribution of periodicals and/or placement of racks can potentially create disruption of University activities, functions, and services; interfere with pedestrian traffic; pose a hazard for safety; contribute to clutter, litter, and cause visual blight; and result in expenses for clean-up and handling, as well as environmental costs.
  - 2. UC Davis public spaces, including sidewalks, lobbies, courtyards, hallways, and other paths, thoroughfares, and open areas must be maintained to permit orderly and safe access and travel for pedestrians, and where appropriate, bicycles and other vehicles.
  - 3. UC Davis accommodates the distribution of periodical publications via racks and containers located on or near pedestrian right-of-ways to the fullest extent possible consistent with the concerns described.
- C. A request for a license agreement or authorization to distribute periodical publications (see III, below) will be denied if the request is not in accordance with University policy reflecting time, place, and manner considerations. No denial of a license or authorization may be based on the content or viewpoint expressed by the publication or that of its sponsor, distributor, or publisher.
- D. Taking, stealing, or disposing of periodical publications on campus for the purpose of censoring the message expressed by the publication is prohibited. Those who engage in such acts may be subject to sanctions under University policy and prosecution under law.

### III. Procedures

Bulk distribution of non-University (external) vendor periodical publications requires the completion of a license agreement. Bulk distribution of University-related periodical publications requires authorization. A publication distributed without a valid license agreement or authorization, or in violation of the license agreement or authorization, will be removed and discarded. The sponsoring organization will be responsible for cleanup and removal costs and any injury or damages associated with unauthorized distribution.

#### A. Non-University publications

1. The bulk distribution of periodical publications, whether free or for sale, requires completion of a license agreement, including proof of insurance, with the Director—Memorial Union and Auxiliary Services for facilities operated by Student Affairs (see Exhibit B); with the Director—Buildings and Grounds, Facilities Operations & Maintenance for other Davis campus properties; or by the Assistant Director of Hospital and Clinics—Facility Services at UCDMC.
2. The license agreement shall include the following information:
  - a. Number of racks.
  - b. Location of racks.
  - c. Dimensions and other specifications of racks (e.g., weather resistant, secure, enclosed).
  - d. Maximum capacity of racks.
  - e. Length of time publication may remain on racks.
3. If a license is denied, the applicant can request and be accorded prompt review of the denial.
4. Distributors wishing to sell periodical publications at on-campus venues such as the UC Davis Bookstore should contact the manager of the unit for conditions and contract requirements.

#### B. University-related publications

1. University units and/or registered student organizations (RSOs) distributing periodical publications must request authorization from the appropriate designated official for the facility in question (see A.1, above).
2. University-related periodical publications include but are not limited to the California Aggie, Housing Viewpoint, the Campus Recreation Catalog, the University Extension Catalog, Student Viewpoint, and the Student Directory.
3. RSOs shall comply with distribution guidelines established by ASUCD, the Student Programs and Activities Center (SPAC), and/or the Club Finance Council (CFC).

4. If authorization is denied, the applicant can request and be accorded prompt review of the denial.

#### **IV. Specifications for Racks and Containers**

- A. Racks can be placed only at the approved location that allows for normal pedestrian traffic, makes reasonable accommodation for physically-challenged individuals, and allows for clear line of sight for bicycle and vehicular traffic. Placement of containers will be approved only if space permits. In the event that demand for locations for placement of or use of racks exceeds the space available at one or more locations, use will be determined by lottery.
- B. Racks for non-University publications must be supplied by the publisher, distributor, or sponsoring person or organization and must conform to the specifications identified in the license agreement.
- C. Racks for University-related publications shall be supplied by the University. RSOs shall distribute their publications in containers supplied by ASUCD. RSOs who wish to distribute periodical publications in their own racks shall complete a license agreement (see III.A, above).
- D. Old editions of publications must be removed by the distributor prior to or concurrent with the distribution of the latest edition. All editions of publications, whether or not they are current, must be removed and properly discarded by the time specified in the license agreement.
- E. Racks shall be maintained in working condition and kept free of graffiti or other types of material that would detract from the campus standards for aesthetics, orderliness, and cleanliness. Any containers found to be defective or in disrepair shall be repaired or replaced within 3 business days of notice. Failure to do so will result in campus removal action at the expense of the sponsoring agency.

#### **V. Further Information**

Questions regarding this policy may be directed to the Director—Buildings and Grounds, Facilities Operations and Maintenance, (530)752-1691, or the Director—Memorial Union and Auxiliary Services, (530)752-2524 for Student Affairs operated facilities. At UCDMC, contact the Assistant Director of Hospitals and Clinics—Facility Services, (916)734-2570.

#### **VI. References and Related Policies**

- A. UC Policies Applying to Campus Activities, Organization, and Students, Section 40.00, 7/28/04.
- B. UC Davis Policy and Procedure Manual:
  1. Section 270-20, Use of University Properties.
  2. Section 310-25, Distribution of Information and Literature.
  3. Section 310-27, Posting of Information.
  4. Section 380-21, Employee Organizations.