

July 7, 2017

## **Recommendation to Chancellor Christ by the Campus Commercial Advertising Working Group**

### Context:

Ownership of all UC Berkeley physical facilities (the campus), regardless of the original source of construction or acquisition funds, rests with The Regents of the University of California (The UC Regents). In addition, spaces used off-campus for UC Berkeley programs are leased in the name of The UC Regents. Collectively these are referred to herein as university facilities.

University facilities should be managed and maintained consistently with university policy and reasonable use, and in keeping with the University's mission. Accordingly, the primary uses of university facilities are education, research, public service, and related co-curricular activities. The "University of California" name and all forms and abbreviations are the property of the State of California and shall not be used to imply endorsement of or opposition to any specific organization, product, or service. Exterior and interior spaces on campus and in off-campus leased facilities, including signage, are allocated based on programmatic need and academic priorities as ultimately determined by the Chancellor. The allocation or assignment of exterior or interior space on campus or in off-campus leased facilities of The UC Regents does not constitute, and is not to be inferred as, a transfer of ownership to such space.

Included in the scope of this recommendation are electronic signage, static signage, banners, and any other display form that can contain advertising content, excluding indoor digital displays and traditional indoor bulletin boards that are primarily used for campus or departmental announcements. This recommendation proposes clarification of management responsibilities in the analysis and approval of requests for advertising in university facilities, to ensure that commercial activity does not compromise existing university agreements and that the campus does not become inappropriately cluttered with advertising messages that are inconsistent with the mission of the university or values of its community.

The Working Group notes that any change to the exterior of any campus building or to campus grounds must be approved by the campus Design Review Committee (DRC).

The capitalized terms below are used herein based upon the following definitions:

**Commercial Advertising** is any form of communication announcing the commercial availability of a particular product, service, or event other than those offered by the University of California (or by parties carrying out an activity or event in cooperation with the University of California, such as a performing arts event), or messages conveying information and/or advocacy positions that are not published by the University of California, to the extent that such announcement is displayed on or within any university facility, or announced to the public in a manner that suggests a relationship between the provider and the university. As used herein, a communication is only

Commercial Advertising when the University of California receives cash or other consideration in exchange for facilitating the communication. Premises leased for food or beverage service, and non-academic auxiliary facilities that are leased to commercial parties, are not included in this definition. (An example is signage announcing the name of an on-site business on property leased to generate income for the university.) Also excluded is advertising in conjunction with one-time, short-term special events and Career Center employer activities (*e.g.*, displaying the Career Center's "Berkeley Circle" employers within their facility).

**Signage** includes electronic displays, billboards, banners, static signage, projected images as well as any advertising on vehicles including but not limited to bicycles, buses, golf carts, and automobiles. Excluded are delivery, service, construction, and other commercial vehicles that are in use to conduct business on campus.

**Design Review** is the process of consideration for approval of any proposed use of building exteriors or the campus public realm for commercial advertising. The campus Design Review Committee is tasked with review and recommendations regarding any alterations of building exteriors.

#### Recommendations:

The working group recommends that the Vice Chancellor for Finance (VC-F) be given ultimate responsibility for approval of Commercial Advertising, to ensure consistency and coordination across campus units. Absent such accountability, the campus may become inappropriately cluttered with advertising messages that are inconsistent with the essentially non-commercial nature of the mission of the university. Most agreements providing for Commercial Advertising are already reviewed and executed by the office of Business Contracts and Brand Protection (BCBP), but some are not.

The review of any proposal for Commercial Advertising would address the design, content, location, placement, and type of the Commercial Advertising, whether on the exterior or interior of university buildings or on campus grounds. If necessary, the Working Group recommends that delegations of authority (*e.g.*, to the Design Review Committee, University Partnership Program, and/or the Business Contracts and Brand Protection Office) be modified to provide for this coordinated review. In addition, the Working Group recommends that the University Partnership Program (UPP) Advisory Committee revise its charge to include oversight of all campus Commercial Advertising, with appropriate discussion and approval by its membership. The UPP Advisory Committee may also develop standards and/or guidelines to serve as terms of reference for project or proposal review and approval. Any standards and guidelines developed by the UPP Advisory Committee for Commercial Advertising in university facilities and documentation of the Commercial Advertising approval process should be approved by the VC-F and be made publicly available. The UPP Advisory Committee should work together with the DRC to develop the Commercial Advertising policy, and subsequently should involve a representative of the DRC in the review of any proposal for Commercial Advertising.

This recommendation applies to space on campus and any Signage locations leased to third parties for the primary purpose of Commercial Advertising (as opposed to announcing the location of a business).

The approval process should be announced to the UC Berkeley community, specifically that all agreements providing for Commercial Advertising must be reviewed by the UPP Advisory Committee and ultimately approved by the VC-F prior to contractual agreement, even if the subject matter of the contract generally would not require the approval of the VC-F, to ensure the consistent application of campus values in association with such Commercial Advertising. Once the contract is approved, the VC-F will not be responsible for approving individual pieces of advertising content as long as they fall within the scope of the agreement.

Event scheduling and oversight is subject to existing university policies and procedures. In addition, existing contracts should be honored and should not require new approvals.

Nothing in this recommendation is intended to impede the exercise of freedom of speech.

The Working Group further recommends that the proposal to install electronic signs outside of the California Memorial Stadium and Haas Pavilion undergo Design Review without further delay, and that modifications of existing agreements with third parties be pursued consistent with the outcome of the Design Review, if necessary.