

General Institution

BP 3900 SPEECH: TIME, PLACE, AND MANNER

References:

Education Code Sections 76120 and 66301

Students, employees, and members of the public shall be free to exercise their rights of free expression, subject to the requirements of this policy.

The college(s) of the District is/are non-public forums, except for those areas that are designated public forums available for the exercise of expression by students, employees, and members of the public. The Chancellor shall enact such administrative procedures as are necessary to reasonably regulate the time, place, and manner of the exercise of free expression in the designated public forums.

The administrative procedures promulgated by the Chancellor shall not prohibit the right of students to exercise free expression, including but not limited to the use of bulletin boards, the distribution of printed materials or petitions in those parts of the college designated as areas generally available to students and the community, and the wearing of buttons, badges, or other insignia.

Speech shall be prohibited that is defamatory, obscene according to current legal standards, or which so incites others as to create a clear and present danger of the commission of unlawful acts on District property or the violation of District policies or procedures, or the substantial disruption of the orderly operation of the District.

Nothing in this policy shall prohibit the regulation of hate violence directed at students in a manner that denies their full participation in the educational process (Education Code Section 66301(e)), so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution, and of Section 2 of Article 1 of the California Constitution. Students may be disciplined for harassment, threats, or intimidation unless such speech is constitutionally protected.

Further information on speech and academic freedom for faculty can be found in the collective bargaining agreement.

The procedures regarding free speech are located in the Administrative Rules and Procedures AP 3900 titled Speech: Time, Place, and Manner.

Date Adopted:

(This new policy replaces current CLPCCD Policies 4322 and 5510.)