

General Institution

BP 3900 Speech: Time, Place, and Manner

References:

Education Code Sections 66301 and 76120

BP 3430, 5500, and related APs

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 grounds of the District, including sidewalks, streets, plazas, quadrangles, patios, knolls, lawns and similar or related open space are public forums.

~~The college(s) of the District 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. In addition, the administrative procedure sets forth areas of the college(s) which are designated public forums or non 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 public forums 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.~~ Speech on District property shall be prohibited that is defamatory or obscene according to current legal standards, or which advocates for the use of force or law violation where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action, or which causes the substantial disruption of classroom or college/district/campus activities or operations.

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.

Adopted 8/15; Rev. 8/16