

AP 5550
3900

Speech: Time, Place, and Manner

Reference: ***Education Code Sections, 66301, 76120***

Date Issued: June 10, 2009

~~The students of the District shall be permitted to exercise their rights of free expression subject to board policy BP 5550 Speech: Time, Place, and Manner and these procedures.~~

~~The colleges in the District are non-public forums, except for designated areas generally available to students and the community, as follows:~~

- ~~▪ The areas generally available to students and the community are limited public forums. The District reserves the right to revoke that designation and apply a non-public forum designation.~~
- ~~▪ The District reserves the right to designate areas as non-public forums as necessary to prevent the substantial disruption of the orderly operation of the college. Areas of the college that are non-public forums specifically include campus offices, classrooms, warehouses, maintenance yards, or locker rooms.~~

~~The use of areas generally available to students and the community is subject to the following:~~

- ~~▪ Persons using areas generally available to students and the community and/or distributing material in the areas generally available to students and the community must register with the Student Affairs Office prior to speaking, presenting, or distributing material.~~
- ~~▪ Persons using areas generally available to students and the community and/or distributing material in the areas generally available to students and the community shall not impede the progress of passersby, nor shall they force passersby to take material.~~
- ~~▪ No person using the areas generally available to students and the community shall touch, strike or impede the progress of passersby, except for incidental or accidental contact, or contact initiated by a passerby.~~
- ~~▪ Persons using areas generally available to students and the community shall not use any means of amplification that creates a noise or diversion that disturbs or tends to disturb the orderly conduct of the campus or classes taking place at that time.~~

~~No persons using the areas generally available to students and the community shall solicit donations of money, through direct requests for funds, sales of tickets or otherwise, except where he or she is using the areas generally available to students and the community on behalf of and collecting funds for an organization that is registered~~

~~with the Secretary of State as a nonprofit corporation or is an approved Associated Students Organization or club.~~

~~All persons using the areas of the college generally available to students and the community shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within the areas generally available to students and the community. Material distributed in the areas generally available to students and the community that is discarded or dropped in or around the areas generally available to students and the community other than in an appropriate receptacle must be retrieved and removed or properly discarded by those persons distributing the material prior to their departure from the areas generally available to students and the community that day.~~

~~Posting: Students shall be provided bulletin boards for use in posting student materials at campus locations convenient for student use. All materials displayed on a bulletin board shall clearly indicate the author or agency responsible for its production and shall be approved and stamped with the date of posting by Student Affairs. Materials displayed shall be removed as deemed appropriate by Student Affairs.~~

~~This policy is designed to monitor and provide guidelines for distribution and posting of printed materials, orderly conduct and presence of political activities, free speech activities and campaigning on campus and at District sites.~~

1. DEFINITIONS

- a. Posting of Information - Posting printed material of any size including, but not limited to, banners, posters, fliers, business cards.
- b. Affiliated Groups - District recognized and approved student clubs and organizations, and employee groups but does not include union organizations.
- c. Distribution of Literature - Written documentation affording a vehicle of information and/or opinion which are disseminated indiscriminately to students and/or District employees. Indiscriminate distribution shall not include distribution to District recognized groups of students and/or employees.
- d. Commercial literature - Materials which direct attention to a business, commodity, service or entertainment.

2. STANDARDS FOR LITERATURE TO BE POSTED OR DISTRIBUTED

- a. The literature does not advocate the commission of an unlawful act which is imminent or likely to occur at the time.
- b. The literature or its distribution on campus in the form of bulletins, circulars, publications, or articles of any character does not impede the orderly conduct of college classes or college/district programs, services or operations.
- c. Literature, materials, buttons/badges or other insignia shall not include expression which is obscene or libelous according to current legal standards, or which so incites students as to create a clear and present danger or the commission of unlawful acts on the community college premises, or the substantial disruption of the orderly operation of the college/district.

3. AFFILIATED GROUPS

- a. The literature of Affiliated Groups (as defined in Definitions 1. b.) may not endorse or recommend commercial products or services.
- b. The literature of Affiliated Groups shall meet the same standards as those found appropriate for other student publications and may not be sold.
- c. Students shall be provided bulletin boards for use in posting student materials at campus locations convenient for student use. All materials displayed on a bulletin board shall clearly indicate the author or agency responsible for its production and shall be approved and stamped with the date of posting by Student Affairs. Materials displayed shall be removed as deemed appropriate by Student Affairs.
- d. The literature of Affiliated Groups posted in the classroom must be specifically related to classroom instruction or approved college/district events, which could include rallies and other classroom instruction related events.
- e. Campaign activities for student elections must be in accordance with BP/AP 5410 Associated Student Government Organization Elections and college guidelines.

4. COMMERCIAL LITERATURE, POSTING OR DISTRIBUTION

- a. Commercial literature must concern lawful activity and not be misleading.
- b. Commercial literature is restricted to the designated public posting areas on campus.
- c. In order to be able to identify persons who may be responsible for fraud or false advertising, all printed commercial literature posted or distributed on campus must have printed thereon the organization/institution/affiliation which is distributing the commercial literature with its address or telephone number clearly stated.
- d. Posting or distribution of commercial literature of any kind is prohibited in classrooms unless directly related to classroom instruction.
- e. The District does not endorse, sponsor, approve, authorize, or regulate any commercial business commodity, service or entertainment permitted for posting or distribution.

5. RECOMMENDED FREE SPEECH AREAS – THE COLLEGES AND DISTRICT SITES COMBINE PUBLIC FORUMS AND RESTRICTED AREAS, AS FOLLOWS:

- a. Persons using and/or distributing materials shall not impede the progress of passersby, nor shall they force a passerby to take material.
- b. No person shall touch, strike or impede the progress of a passerby, except for incidental or accidental contact or contact initiated by a passerby.
- c. Persons shall not use any means of amplification that creates noise or diversion that substantially disrupts the orderly conduct of the college/district site, classes or operations.
- d. Recommended free speech areas shall be designated on each campus to ensure the opportunity for free discussion and expression while minimizing the potential for disruption of classroom and college/district activities, and

interference with the ability of students to obtain an education. Information concerning recommended free speech areas is available in the office of Student Affairs at the colleges, or Vice President, Student Services.

e. No restrictions shall be placed on subject matters, topics or viewpoints expressed, as long as it does not include expression which is obscene, libelous or slanderous according to current legal standards or which so incites students as to create a clear and present danger or the commission of unlawful acts on the community college premises, or the substantial disruption of the orderly operation of the college/district.

f. Posting on designated kiosks or bulletin boards in recommended free speech areas will be allowed for a maximum of five days.

g. Regulation of the time, place and manner of free speech activities may be imposed for the purpose of preventing substantial disruption of the orderly conduct of college classes, college/district programs, or services. Such regulation must be reasonable and not discriminate on the basis of the content of the speech. All restrictions shall be applied consistently to all persons. Time limits may be imposed to ensure all persons have equal access to use the recommended free speech areas.

h. Persons using the recommended free speech areas may distribute petitions, circulars, leaflets, newspapers and other printed material as long as it does not include expression which is obscene or libelous according to current legal standards or which so incites students as to create a clear and present danger or the commission of unlawful acts on the community college premises, or the substantial disruption of the orderly operation of the college/district.

1) Material shall be restricted to the geographic limits of the free speech area.

2) No person shall be coerced into taking any material.

3) All material discarded in and around recommended free speech areas must be retrieved by persons distributing the material prior to departure.

4) The District assumes no responsibility for the accuracy of the material.

5. Nothing in this policy shall prohibit the regulation of hate violence directed at students or employees in a manner that denies their full participation in the educational process, so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution and the California Constitution. Disciplinary action will be imposed for harassment, threats, or intimidation unless such speech is constitutionally protected.