

General Institution

AP 3905 SPEECH: TIME, PLACE, AND MANNER

Reference(s):

Education Code Sections 76120 and 66301
BP 3430, AP 3430 series
BP 5500, AP 5500 series

The students and employees of the District and members of the public shall be permitted to exercise their rights of free expression subject to the time, place, and manner policies and procedures contained in Board Policy 3900 and these procedures.

The grounds of the District, including sidewalks, streets, plazas, quadrangles, patios, knolls, lawns and similar or related open space are considered public forums for expressive activities which do not violate District policy and which are lawful. These areas are chosen so as to provide visibility and allow communication to a large number of students, administrators, faculty, and others walking or traveling on campus but also so as not to substantially disrupt educational and other activities of the District on behalf of students.

Areas of the college that are nonpublic forums specifically include administrative offices, classrooms, cafeterias, meeting rooms, auditoriums, and other areas of the District which are enclosed. A nonpublic area may be designated by the District as a designated public forum for a particular event.

The District has the right to set forth, for public forums, reasonable time, place and manner restrictions that are narrowly tailored and content neutral. These restrictions are designed to serve a significant public interest.

The use of areas reserved and open for expressive activities is subject to the following:

- a. Persons in public and designated public forums may distribute petitions, circulars, leaflets, newspapers and other printed material as long as the material does not include expression which is obscene or libelous according to current legal standards or advocate for the use of force or of law violation where such advocacy is directed to inciting or producing imminent lawless action on District property and is likely to incite or produce such action, or the substantial disruption, classroom or college/district/campus activities or operations. The District assumes no responsibility for the accuracy of the material.
- b. Persons using and/or distributing materials in District campus public forums or designated public forums shall not impede the progress of passersby, nor

shall they force any passerby to take material.

- c. No person shall touch, strike or impede the progress of a passerby, except for incidental or accidental contact or contact initiated by a passerby.
- d. A person shall not use any means of amplification that creates noise or diversion that substantially disrupts classroom or college/district/campus activities or operations, or the orderly conduct of the college/campus, district site, classes or operations.

Non-student, community groups wishing to engage in speech or expressive activities on campus, in the areas designated as public forums, must check in with the District through the college's Vice President of Business Services, or designee, prior to engaging in the activities. This does not involve an advance approval process. No illegal activities will be permitted, no activities that violate District or campus rules, including rules and laws on illegal harassment and discrimination, and none that will substantially interfere with or disrupt activities already scheduled for that day and time in the designated areas, as described below. In the event the area sought to be used for expressive activities has already been reserved for another activity so that there will be substantial interference or disruption based on noise, overcrowding, or other considerations unrelated to content, the District will offer alternative available areas or if none are available offer alternative dates. Students, outside organizations, and others are encouraged to make reservations in advance to use the areas for their expressive activities by using the optional space reservation forms.

All persons shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter within areas designated as public forums. Such distribution shall take place only within those areas. Material distributed in the areas that is discarded or dropped in or around the areas 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 that day.

Hours of Access

The hours of allowed expressive activities of the district are Monday through Thursday 7:00 a.m. to 9:20 p.m. and Saturday 7:30 a.m. to 4:00 p.m. Expressive activities are not permitted outside the district's hours of operation. Overnight use or sleeping on campus is not permitted, nor is the use of campus areas for sleeping, camping or laying down of bedding. Nor is the use of facilities for similar purposes permitted during hours of operations.

Posting

Bulletin boards shall be provided for use in posting materials at campus locations convenient for use by students, staff, and members of the public. All materials displayed on a bulletin board shall clearly indicate the author or agency responsible for its production and shall be dated with the date of posting by the Vice President of Student

Services, or designee. Materials displayed may be removed after the passage of 10 days.

Approved: August 2016

Board Reviewed: