

BP 3900 Speech: Time, Place and Manner

References: Education Code Sections 66301 and 76120

The District is committed to providing a healthy, safe, and productive environment in which academic success and the pursuit of knowledge are priorities. The District recognizes that freedom of expression and public assembly are fundamental rights of all persons as stated in the Constitutions of the United States and the State of California and are essential components of this educational process.

Students, employees, and members of the public shall be free to exercise their rights of free expression, subject to the requirements of this policy, Administrative Procedures, Education Code Sections 66301 and 76120, and governing law.

The District shall not restrict free expression in “areas generally available to students and the community, defined as grassy areas, walkways or other similar common areas”. This definition governs the phrase “areas generally available to students and the community” as it is used in Board Policy/Administrative Procedure 3900.

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 district that are non-public forums specifically include campus offices, classrooms, labs, gym, theaters, auditoriums, warehouses, maintenance yards, and any other area not specified above. Areas not generally available to the public may be designated as a temporary public forum at the discretion of the President/Superintendent.

Speech that is obscene, libelous or slanderous 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 shall be prohibited.

Nothing in this policy shall prohibit the regulation of hate violence directed at members of the District community in a manner that denies their full participation in the educational process (Education Code Section 66301 subdivision(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.

Approved: 5/4/2016