

BP 3900 Speech: Time, Place, and Manner

Reference:

Education Code Sections 66301, 76120
Penal Code Section 422.6

- 1.0 The North Orange County Community College District (“the District”) is committed to assuring that all persons may exercise their constitutional rights protected under the First Amendment to the United States Constitution and article I, section 2, of the California Constitution. The District’s commitment to the exercise of free speech and free expression is not intended to convert all of the facilities maintained and/or owned by the District into public forums, limited public or designated public forums. As any owner of property, the District reserves the right to limit the use of its facilities for the exercise of free speech and free expression consistent with the United States Constitution and the California Constitution. The District’s commitment to the exercise of free speech and free expression set forth herein is not intended to permit expression and activity utilizing District facilities which is not otherwise protected by the First Amendment or article I, section 2, of the California Constitution (e.g., obscenity, illegal activity, advertising of illegal substances, defamatory speech, and speech and activity that causes substantial disruption of the orderly operation of the District’s campuses).
- 2.0 The District desires to provide the best available curriculum and facilities in order to encourage its students to matriculate, study, graduate, obtain a place of employment, or go on to obtain a further degree. This policy is designed to encourage students who want to attend class and study in a peaceful and quiet setting to do so without substantial disruption. Maintenance of an atmosphere conducive to learning on campus in order to further the educational process is essential to the District, its students, faculty, and staff.
- 3.0 This policy is intended to further the District’s substantial interests in 1) protecting student health and safety; 2) preventing substantial disruption of the learning environment and the orderly operation of District campuses; 3) preserving District facilities for their intended use; 4) coordinating multiple uses of limited space; 5) preventing unlawful, dangerous, or impermissible uses of District facilities; and 6) assuring financial accountability for damages and litter caused by the use of District facilities for speech and advocacy purposes.
- 4.0 It is the policy of the District that its interpretation of California Education Code section 76120, be consistent with the First Amendment of the United States Constitution, article I, section 2 of the California Constitution and California Education Code section 66301, and that none of the District’s regulations shall prohibit any speech or expression unless it falls outside the protection of the First Amendment to the United States Constitution an article I, section 2 of the California Constitution.
- 5.0 The campuses of the District are non-public forums, except for those areas that are designated free speech assembly area(s), which are limited public forums. Each college shall designate at least one area where peaceful assembly may take place for the purpose of free expression, exchange of ideas, and advocacy by the students and staff of the college. Such an exchange is best achieved in an atmosphere of mutual respect on the part of the speaker and the audience, recognizing the right of the speaker to be heard and the right of the audience to listen. The Chancellor or designee 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 free speech assembly area(s).

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- 6.0 The administrative procedures promulgated by the Chancellor or designee shall not prohibit the right of students to exercise free expression, including but not limited to the use of bulletin boards designated for such use, the distribution of printed materials or petitions, and the wearing of buttons, badges, or other insignia.
- 7.0 Students shall be free to exercise their rights of free expression, subject to the requirements of this policy.
- 8.0 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.
- 9.0 Nothing in this policy shall prohibit the regulation of hate violence, so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution, and of article 2, section 2 of the California Constitution. Students may be disciplined for harassment, threats, or intimidation unless such speech is legally protected.

See Administrative Procedure 5550.

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