

AP 3900 Speech: Time, Place, and Manner

Reference:

Education Code Sections 66301 and 76120
Penal Code Sections 422.6, 626.4, and 626.6

- 1.0 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 administrative procedures. These procedures are enacted to implement and enforce Board Policy 3900 consistent with the First Amendment to the United States Constitution; Article I, Section 2 of the California Constitution; and Education Code Sections 66301 and 76120.
- 2.0 Speech and expressive activities shall be permitted in common areas of each District campus, as defined in Board Policy 3900, including those areas that are designated as recommended free speech assembly area(s). Limitations on the use of common areas or recommended free speech assembly areas will be implemented when needed to address noise, overcrowding, obstruction, safety or other disruptions to campus operations. Should the need arise to limit the number of speakers or groups assembled in these areas, priority to remain in the area being used shall be afforded first to those who had made a reservation to use the space, and then to others who arrived on a first come, first serve basis.
 - 2.1 At Cypress College, the recommended free speech assembly areas are: 1) the stage area at the northeast end of the lake; 2) the area at the west end of the Gateway Plaza; and 3) the area generally located around the lake and near the Students' Activity Center, Library/Learning Resource Center, and the Science, Engineering & Mathematics (SEM) Building. Persons using this third designated free speech assembly area may request up to three locations within this area to exercise their free speech rights and are entitled to walk ten yards in either direction from that location to pass out literature or communicate with other persons.
 - 2.2 At Fullerton College, recommended free speech assembly area is the south end of the quad. A Free Speech Board is located north of Building 200.
 - 2.3 At the Anaheim Campus, which is a multi-story building, the recommended free speech assembly area is the Patio just south of the first floor entrance. A Free Speech Board is located on the south wall of the hallway leading to the Café Cypress dining area directly across from the vending machines.
- 3.0 The common areas, including recommended free speech assembly area(s), as set forth above, may be temporarily reserved by the District, including recognized student organizations, for specific uses, including campus functions or events, maintenance, or compliance with the Civic Center Permit rules set forth in Board Policy and Administrative Procedure 6700, Civic Center and Other Facilities Use. In the event a recommended free speech assembly area(s) or common area becomes temporarily unavailable for use for any reason including, but not limited to, construction or events, campus officials may designate one or more alternate recommended free speech assembly area(s).

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4.0 Freedom of expression is guaranteed in the college where such expression does not violate District policy, campus rules, or laws on illegal harassment and discrimination, or incite or create the likelihood of incitement to the commission of unlawful acts, cause the substantial disruption of the orderly operation of the College, or disrupt activities previously scheduled for that day and time in the area(s) sought to be used for expressive activities. In the event the area sought to be used for expressive activities is already in use or has been reserved for another activity, so that there will be substantial interference or disruption based on noise, overcrowding, or other considerations unrelated to content or viewpoint, the campus will offer alternative available areas or if none are available offer alternative dates.

5.0 Use of Common Areas Including Recommended Free Speech Assembly Areas

5.1 Persons and groups are encouraged to act reasonably and to share the common areas, including recommended free speech assembly areas. If no sharing agreement is reached, the non-reserving or later reserving user(s) may use the area earlier or later in the day, or schedule use for another day. Similarly, if a space has already in use or has been reserved for another activity so that there is or will be substantial interference or disruption based on noise, overcrowding, or other considerations unrelated to content, the non-reserving or later reserving user(s) may be asked to move or reschedule their use and the College will offer alternative available areas, if available, or alternative dates.

5.2 Persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Those who distribute such materials are expected to retrieve and remove, or properly discard in an appropriate receptacle, their materials which are discarded or dropped in or around the area being used for expressive activity.

5.3 Persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall not impede the progress of passersby, nor shall they force passersby to stop to engage in dialogue or to receive material or literature being distributed.

5.4 Persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall not touch or strike passersby, except for incidental or accidental contact, or contact initiated by a passerby.

5.5 Persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall not obstruct campus or building entrances, by remaining more than 20 feet of doorways opening to outdoor areas of campus, or pedestrian or vehicular traffic, or interfere with or disrupt classes, meetings, events, or other District or campus sponsored or initiated activities occurring in or near the area(s).

5.6 Persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity 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.

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- 5.7 Persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall not solicit donations of money through direct requests for funds, sales of tickets, goods, or otherwise, except where the person or group can demonstrate upon request that the activity is being conducted on behalf of and collecting funds for an organization that is registered with the California Secretary of State as a nonprofit corporation or is an approved Associated Students Organization or club, or is an organization or group directly connected with the institution.
- 5.8 No persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall neither bring on campus items or articles that are generally considered to be weapons or reasonably capable of being used as weapons, nor use such items or articles as weapons.
- 6.0 **Reservations of Common Areas Including Recommended Free Speech Assembly Areas**
- 6.1 It is the District's intent to prevent overcrowding and obstruction of the free passage of students and staff; to ensure campus security and priority use of property by students and staff; and to avoid disturbing the regular instructional program of the college. To fulfill these purposes, and except as otherwise indicated herein, persons or groups desiring to use the recommended free speech assembly area(s) or common areas are strongly encouraged to make reservations in advance to such use by using the following optional reservation process.
- 6.1.1 The user shall contact the Campus Safety office to provide the following information:
- 6.1.1.1 the sponsoring person or group, whose name or identification will be kept in confidence and will not be disclosed, except as required by law, e.g., California Public Records Act;
 - 6.1.1.2 the area proposed to be reserved;
 - 6.1.1.3 the proposed type of usage in generic terms, such as meeting, presentation, speech (without designation of content), or event;
 - 6.1.1.4 the date and time for the proposed event and/or usage; and
 - 6.1.1.5 the anticipated size of the assembly, to the extent known or reasonably subject to estimation.
- 6.1.2 A request by any person or group for a reservation of a common area including a recommended free speech assembly area without a reservation, shall be granted unless:
- 6.1.2.1 the reservation form, if applicable, is not completed such that a reservation cannot effectively be made for the desired activity;
 - 6.1.2.2 there is a preexisting conflicting reservation or use;

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- 6.1.2.3 conditions exist that preclude use of the areas due to, for example, construction or maintenance;
 - 6.1.2.4 the person or group on whose behalf the reservation was made has on prior occasions damaged District property and has not paid in full for such damage;
 - 6.1.2.5 the proposed use or activity is inconsistent with the character and uses of the area sought to be used;
 - 6.1.2.6 the use or activity intended by the person or group would present a danger to the health or safety of the applicant, or other students, community members, faculty, or staff of the District;
 - 6.1.2.7 the use or activity intended by the applicant is prohibited by law or District policy or procedure; or
 - 6.1.2.8 information requested that is necessary for coordinating use of the area is not provided.
- 6.2 Reservations or use of common areas including recommended free speech assembly area(s) will not be denied based on the content or viewpoint of the speaker(s).

7.0 Postings

- 7.1 Students shall be provided with bulletin boards 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 Cypress College Student Activities Office, the Fullerton College Student Activities Office, or the North Orange Continuing Education site manager. Each campus may make additional posting areas available. Materials posted shall be removed after the passage of 14 calendar days in order to free up space and/or to facilitate maintenance.
- 7.2 It is the District's intent to maintain campus environments that are attractive and conducive to learning. Accordingly, no material may be posted:
- 7.2.1 in the following interior areas: closets, bathrooms, ceilings, windows, trash cans, stairwells, stair railings, and benches, except as permitted herein;
 - 7.2.2 in the following exterior areas (including material placed on stakes): trees, grass and landscaping, shrubbery, bricks, sign posts, directional signs, directional information or historical markers, vending machines, light poles, and the sides of buildings that have not otherwise been designated for posting; or
 - 7.2.3 on glass, painted surfaces, including painted light posts and railings.

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- 7.3 Postings may not be placed over previously posted materials or campus communications to students, staff and the public. In the event of overcrowding on bulletin boards, speakers may be limited to no more than one posting on a single bulletin board or open posting area.

8.0 Large Groups and Large Materials and Displays

- 8.1 It is the District's intent to ensure there is sufficient space and resources for crowd control and security for large group events; to take necessary steps to assess whether activities that involving large materials present reasonably foreseeable risks, hazards, or dangers to public health or safety; and to properly respond to those risks, including requiring that adequate security measures be taken to provide protection for persons in attendance at an event and/or for campus property.
- 8.2 To fulfill these purposes, the District and its colleges need to coordinate with any person or group who wishes to conduct an expressive activity that is expected or reasonably likely to have more than 100 people in attendance or involve the use of materials that are larger than 36 inches by 36 inches.
- 8.3 Except in the circumstances described below, any person or group who wishes to conduct an expressive activity that is expected or reasonably likely to have more than 100 people in attendance or involve the use of materials that are larger than 36 inches by 36 inches is required to notify the Campus Safety Office, using the reservation process described in Section 6.0 above, at least three (3) business days before the day of the expressive activity, and providing information as to the specific location to be used for the event, the estimated expected number of persons, the size and nature of the large materials intended to be used, and the name and contact information of at least one person who can be contacted regarding logistics of the event, which should include at least one person who will be personally present. Event organizers or the applicable college may request a meeting to discuss their respective needs for a safe and successful event.
- 8.4 If such advance notice is not feasible because of circumstances that could not be reasonably anticipated, such as because of very recent or still-unfolding news developments, the person or group is expected to provide as much advance notice as circumstances reasonably permit.
- 9.0 The District disclaims any liability for any damages for any defamation alleged to be committed by any student or member of the public using District facilities, and further disclaims any liability for damages for any violation of copyright, trademark, or service mark laws alleged to have been committed because of any posting or distribution of material on campus. Nothing in these rules, permitting speech and/or distribution of materials on its college campuses and property, shall be construed as requiring the District to provide any defense or payment of damages for defamatory statements made by any student, faculty or staff member, or member of the public, nor shall these rules be construed as requiring the District to provide any defense or payment of damages for violations of copyright, trademark or service mark laws.

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- 10.0 Violation of any law, including City ordinances, pertaining to physical violence or the carrying or use of weapons, by any persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall result in exclusion from District property, discipline as appropriate, and potential criminal action.

See Board Policy 3900, Speech: Time, Place, and Manner; Board Policy 4030, Academic Freedom; and Board Policy and Administrative Procedures 6700, Civic Center and Other Facilities Use.

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