

BP 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 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. 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, while utilizing District facilities, expression and activity that 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, true threats, false advertising, and any speech or 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 Education Code Section 76120, be consistent with the First Amendment of the United States Constitution, Article I, Section 2 of the California Constitution and 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 and Article I, Section 2 of the California Constitution.
- 5.0 Speech and expressive activities shall be permitted in common areas of each District campus, as defined, including those areas that are designated as recommended free speech assembly area(s). The Chancellor or campus designee shall enact such administrative procedures as are necessary to reasonably regulate the time, place, and manner of the exercise of free expression in these areas.
 - 5.1 The phrase “common areas,” as used in this policy and any administrative procedures enacted to reasonably regulate the time, place, and manner of the exercise of free expression, is defined as publicly accessible outdoor areas of a college campus such as grassy areas, outdoor walkways, or other similar outdoor

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areas, and excludes areas within 20 feet of doorways opening to outdoor areas of campus, all indoor facilities, including but not limited to campus offices, classrooms, lecture halls, laboratories, libraries, learning centers, performing arts facilities, indoor, and outdoor athletic facilities, locker rooms, parking lots, warehouses, and maintenance yards. All common areas may be reserved by the District, including recognized student organizations, for specific uses.

- 5.2 Recommended free speech assembly area(s) are those areas that are recommended for speech and expressive activities because they tend to provide visibility and allow communication to a large number of students, administrators, faculty, and others walking or traveling on campus, while mitigating disruption to the educational and other activities of the District. Use of recommended free speech assembly area(s) is strongly suggested, but not required.
- 5.3 Peaceful assembly 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.
- 6.0 The administrative procedures promulgated by the Chancellor or campus designee shall not prohibit the right of students to exercise free expression protected under the First Amendment of the United States Constitution, and Article I, Section 2 of the California Constitution, 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, that which is directed at inciting or producing the commission of unlawful acts, or which is likely to incite or produce such acts on District property; activity in violation of District policies or procedures, or expressive conduct that results in 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 I, Section 2 of the California Constitution. Individuals may be disciplined and/or excluded from District property for harassment, threats, or intimidation unless such speech is legally protected and not in violation of this policy.
- 10.0 This policy and Administrative Procedure, 3900 are intended to be content – and viewpoint – neutral, and shall be implemented as such.
- 11.0 The District expressly disclaims the sponsorship and/or endorsement of any statements or activities of any student, person, or group utilizing the facilities or grounds of the District for speech and advocacy purposes unless there is a written document that is signed and authorized by the Chancellor or designee, which expressly provides for District sponsorship and/or endorsement.

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12.0 Use of District facilities by the general public also is governed by other provisions of law including but not limited to, the Civic Center Act, Education Code Section 82537. The District shall enact regulations pursuant to this section.

See Administrative Procedure 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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DRAFT