



AP 3910 Speech: Time, Place, and Manner

References:

Education Code Sections 66301 and 76120

The students and employees of the District and members of the public shall be permitted to express themselves subject to the limitations contained in BP 3910 Speech: Time, Place, and Manner and this procedure.

1. Expressive Activities

a. Time

- i. Expressive activities in the Designated Public Forums shall be limited to the hours and days that classes are in session or at any time that the District allows the public onto its campus.
- ii. Persons who are not District students or staff may not use a particular Designated Public Forum at a time when that Designated Public Forum is being used by District students or staff. At such a time, persons who are not District students or staff may use other Designated Public Forums on the District's campuses subject to any other applicable limitations in Board Policy 3910 and this procedure.

b. Place

- i. The District shall not restrict free expression in Designated Public Forums defined as grassy areas or other similar common areas, excluding the inside of any District facility. This definition governs the phrase "Designated Public Forums" as it is used in Board Policy 3900 and throughout this administrative procedure.
- ii. The areas generally available to students and the community are designated public forums. For purposes of further defining "areas generally available to students and the community," no person may engage in the circulation of petitions, leaflets, newspapers and other printed matter in the following areas: within 25 feet of doorways opening to outdoor areas of campus, all indoor facilities including, but not limited to campus offices, classroom facilities, libraries, performing art facilities, indoor or outdoor athletic facilities, parking lots, student lounge, warehouses, and maintenance yards. All areas generally

available to students and the community, as set forth above, may be reserved by the District, including recognized student organizations, for specific uses.

- iii. The District reserves the right to temporarily close a Designated Public Forum in the event that an instructional or student related function is taking place. However, in such instances, the District will, to the best of its ability, offer those attempting to use that forum space an appropriate alternate site to continue their expressions.
- iv. Community groups (non-student/non-employee) wishing to engage in speech or expressive activities on campus, in the areas designated as public forums, must check in with the District to The Office of Campus Life and Student Engagement 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 is available offer alternative dates. Students, outside organizations, and others are encouraged to make reservations in advance to use the areas for their expressive activities through the use of optional reservation forms.

c. Manner

- i. Persons using areas shall not use any means of amplification that creates a noise or diversion that disturbs the orderly conduct of the campus or classes taking place at that time.
- ii. No person or group shall intentionally initiate physical contact with any passerby in or near a Designated Public Forum, including by means of a tangible item such as a button or a flyer, without the passerby's consent. This prohibition does not restrict a person or group from merely offering a passerby a tangible item such as a button or a flyer, without physical contact, so long as the distribution does not violate any other District policy or procedure.
- iii. No person or group utilizing a Designated Public Forum may impede access to, or use of, a sidewalk, hallway, road, doorway, or common footpath.
- iv. For purposes of the District's information and convenience, students, staff, outside organizations, and others are encouraged to reserve Designated Public Forums in advance with the Office of Campus Life and Student Engagement. The Office of Campus Life and Student Engagement must accept such reservations on a content-neutral basis. It may decline approval only when another person or group had previously reserved the Designated Public Forum or the District itself,

including its students or staff, had existing plans to use the space for a District function.

- v. Designated Public Forums may not be used in a manner that actually and materially disrupts the District's instruction of students or administrative operations.
- vi. Nothing in Board Policy 3910 or this procedure shall be construed as allowing for unlawful behavior or conduct that violates any other policy or procedure of the District.
- vii. Designated Public Forums may not be used for for sleeping, camping, or laying down of bedding.

d. Buttons, Badges, and Other Insignia or Symbolic Expression

- i. Students and staff shall be permitted to wear buttons, badges, printed, or embroidered clothing, hats, armbands, and other insignia as a form of expression, subject to the prohibitions in this policy and procedure.

2. Distribution and Display of Printed Materials:

All persons or groups using a Designated Public Forum are allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter ("Printed Material") inside the Designated Public Forum. For purposes of this procedure, "distribute" means to personally convey or transmit from a person to another.

In addition, groups or persons who are not District students or staff may post Printed Material for public display on District-provided bulletin boards that are specifically made available by the District for such use at various locations on its campuses ("Public Boards"). This allowance does not apply to other bulletin boards throughout the District's campuses that are specifically allocated for use by District employees, collective bargaining groups, or students only.

Printed or electronically published materials generated by District representative organizations, such as newsletters from Associated Student Government, Academic or Classified Senates shall be permitted, and free from District censorship, so long as such actions do not violate Board Policy and state or federal law.

a. Time

- i. District affiliated representative organizations may distribute materials on District properties during normal operating hours, as long as such actions do not violate Board Policy and are in accordance with state or federal law.

- ii. Persons or groups who display Printed Materials on Public Boards must remove the Printed Material within 10 calendar days of its posting. Printed Material that remain posted on Public Boards for more than 10 calendar day limit, may be removed and discarded without notice to the group or person that posted it.

b. Place

All persons using the areas that are designated public forums shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within those areas. Those persons distributing printed material must, prior to their departure from the areas that day, make reasonable efforts to retrieve, remove or properly discard material that is discarded or dropped in or around the areas other than in an appropriate receptacle.

c. Manner

- i. Persons or groups distributing Printed Material must make reasonable efforts to retrieve, remove, or properly discard all Printed Material discarded or dropped.
- ii. All Printed Material to be posted on Public or Campus Boards shall be date-stamped by the Office of Campus Life and Student Engagement, excluding Boards exclusively for employees. The Office of Campus Life and Student Engagement shall retain a copy of the Printed Material in its files for a period of 30 days on file in Campus Life and Student Engagement.
- iii. All Printed Material displayed on Public Board or a Campus Board must clearly indicate the person or group who posted.
- iv. Persons or groups distributing Printed Material may not use unreasonably aggressive or coercive tactics to induce anyone to receive it or to sign a petition.
- v. Funds or donations may not be collected for the Printed Material, except as permitted by Board Policy.
- vi. Persons or groups may not distribute materials on windshields of vehicles, or by scattering large quantities of Printed Material on the campus grounds.
- vii. All Printed Material distributed by any group or person who is not a District student or employee must clearly identify the name of the person, group, organization, or company participating or sponsoring the activity.

Reviewed and Endorsed by CPC: 4/27/2021