

FREEDOM OF EXPRESSION

The District is committed to ensuring that all individuals are able to exercise their rights of free expression subject to the reasonable provisions for the time, place and manner of conducting such activities as contained in Board Policy 2019, this procedure, and related college procedures. The District Governing Board has delegated responsibility to the Chancellor or designee to administer the following procedure. At the college campuses, the designee will be the Student Life Office/Office of Student Life.

The colleges of the District are non-public forums, except for areas designated in this procedure and related college procedures as limited public forums. In general, expression in the form of speech or oral advocacy may be exercised in all areas of campus. However, the colleges reserve the right to limit public expression in, classrooms, libraries, faculty and administrative offices, student service areas and corridors adjoining those facilities where the resulting noise is incompatible with the essential functions of the campus.

No individual will be prohibited from engaging in protected expression based on its content. This procedure shall not inhibit protected expression by an employee bargaining unit pursuant to a collective bargaining agreement or state law.

1. The primary purposes of this procedure are to:

- a. ensure that students are able to freely engage in protected expression in areas designated for that purpose;
- b. protect student safety;
- c. prevent substantial disruption of the learning environment and the orderly operation of District campuses;
- d. ensure that no individual will be prohibited from engaging in protected expression based on its content; and
- e. preserve District facilities for their intended use.

2. The following forms of expression are prohibited:

- a. public expression which is obscene, libelous or slanderous according to current legal standards;
- b. expression which so incites students as to create a clear and present danger of the commission of unlawful acts on community college premises, or the violation of lawful community college regulations, or the substantial disruption of the orderly operation of the community college; or
- c. expression that is intended to incite hate violence.

3. Distribution of written materials (includes gathering signatures on petitions and voter registration)

- a. Individuals who are distributing written materials are prohibited from:
 - 1) blocking access to or from college facilities;
 - 2) blocking the paths of others as they attempt to move freely through campus;
 - 3) forcing materials upon persons who do not voluntarily accept the materials; or
 - 4) placing any materials on automobiles, bicycles, or other forms of transport parked on campus.

4. Outdoor distribution of written materials

- a. Any person may hand distribute non-commercial materials in outdoor areas of the campuses. This activity shall not disrupt the free flow of persons and traffic and shall not interfere with college activities. Parties interested in passing out non-commercial materials from a

distribution table must:

- 1) register their names, addresses and phone numbers with the college Student Life Office/Office of Student Life;
- 2) provide a copy of the materials to be distributed; and
- 3) be assigned to a designated area, depending on availability.
 - a) College affiliated individuals or groups shall have scheduling priority for tabling assignments.
- b. Each table must identify the sponsoring person or organization's name. The views expressed in any materials distributed on campus are not necessarily endorsed by the District or the colleges. Individuals or organizations who distribute materials on campus are responsible for cleaning up the area around the distribution table and litter around campus associated with the distribution.
- c. Individuals interested in distributing materials of a commercial nature or conducting direct solicitation or sales to staff or students must contact the campus Student Life Office/Office of Student Life and follow college procedures, including the requirements for reserving space in an area designated as a limited public forum, payment of fees and provision of proof of a valid business license, as appropriate.
- d. Individuals who fail to observe these time, place and manner guidelines will face appropriate consequences.

5. Indoor distribution of written materials

Individuals are prohibited from distributing materials in classrooms when those rooms are being used for instructional activities unless authorized by a faculty member. Individuals are prohibited from distributing materials in libraries, faculty and administrative offices and student service areas. With prior permission from department heads, materials such as pamphlets and brochures may be left in waiting areas, lobbies or lounges assigned to a specific department. Individuals are also prohibited from placing any materials other than campus and/or class-related communications or assignments in faculty mailboxes. Individuals may place materials in student leadership or club mailboxes in the Student Life area with prior permission.

6. Amplified sound

Amplified sound is only permitted in specific designated areas on each college campus. Anyone interested in using amplified sound must register with the Student Life Office/Office of Student Life, fill out required college facilities forms, and follow all other District and college procedures pertaining to this communication medium.

7. Posting

- a. Students shall be provided with bulletin boards for use in posting student materials at campus locations convenient for student use. 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 Student Life Office/Office of Student Life. The college shall prescribe reasonable lengths of time during which such printed material may be posted on the bulletin boards with the object of assuring fair access to the bulletin boards for all students. (Materials displayed shall be removed at the end of the semester or immediately after the event has concluded.)
- b. Classrooms are educational spaces primarily used by the faculty assigned to them. If students wish to post material in classrooms that is related to instructional activity, or if they wish to post material on bulletin boards in academic department offices, hallways in academic buildings, or faculty office boards they should consult first with their instructor, classified staff member or administrator.
- c. Approved flyers, posters and other information may be posted only on bulletin boards or other approved areas. Material should not be nailed, stapled or taped to exterior walls, posts,

- trees, railings or any wooden surface. Official notices may be taped to doors or windows by appropriate faculty or staff, but should be removed as soon as they are no longer required.
- d. The colleges do not generally allow the posting of private vendor information or notices on walls or other surfaces, either inside college buildings or on the campus grounds. Vendors placing such notices shall be responsible for resulting damages and litter. The colleges may allow posting by private vendors on some bulletin boards in common areas if it is of benefit to the college and approved by the campus Student Life Office/Office of Student Life.
 - e. Some bulletin boards are provided without screening. Students, landlords, employers, etc. (depends on the type of bulletin board or posting it is) do business with one another at their own risk. The District holds no responsibility or liability. The District reserves the right to remove any posting at its own discretion.

8. Enforcement

Neither the Governing Board nor an administrator of any of the colleges shall make or enforce a rule subjecting a student to disciplinary action solely on the basis of conduct that is speech or other communication that, when engaged in outside a campus of those institutions, is protected from governmental restriction by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution. Students may be disciplined for harassment, threats, intimidation, or hate violence unless such speech is constitutionally protected.

- a. No District employee may be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for acting to protect a student's statutorily and constitutionally protected free speech rights.
- b. Any person who is found to be in violation of this policy may be subject to the sanctions applicable respectively to students, staff, faculty or visitors.

Education Code, Sections 66301 and 76120