



Book	VCCCD Board Policy Manual
Section	Chapter 3 General Institution
Title	BP 3900 Speech: Time, Place and Manner
Code	BP 3900
Status	Active
Legal	<a href="#">Business and Professions Code, Section 5402</a> <a href="#">Penal Code, Section 311</a> <a href="#">Penal Code, Section 311.2</a> <a href="#">Penal Code, Section 407</a> <a href="#">Penal Code, Section 415</a> <a href="#">Penal Code, Section 415.5</a> <a href="#">Penal Code, Section 416</a> <a href="#">Penal Code, Section 422.6</a> <a href="#">Penal Code, Section 602.10</a> <a href="#">Penal Code, Section 626-626.6</a> <a href="#">Education Code, Section 66301</a> <a href="#">Education Code, Section 76120</a> <a href="#">Education Code, Section 87708</a>
Adopted	April 18, 2006
Last Revised	December 17, 2019
Last Reviewed	December 17, 2019

Students, employees, and members of the public shall be free to exercise their rights of free expression, subject to the requirements of this policy.

The colleges considered a non-public forum, except for those areas of the college that are designated as areas generally available for use by students or the community, which are designated public forums. The district 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 public forums at each campus.

The administrative procedures 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 in those parts of the college designated as areas generally available to students and the community, and the wearing of buttons, badges, or other insignia. Students shall be free to exercise their rights of free expression, subject to the requirements of this policy. (Education Code section 76120.)

Speech shall be prohibited that is defamatory or 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 Board policies or administrative procedures, or the substantial disruption of the orderly operation of the District. (Education Code section 76120.)

Nothing in this policy shall prohibit the regulation of hate violence directed at students in a manner that denies their

full participation in the educational process, so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution, and of Section 2 of Article 1 of the California Constitution. "Hate violence" is defined in subdivision (a) of Section 4 of Chapter 1363 of the Statutes of 1992 (Senate Bill 1115) to mean any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, sex, sexual orientation, disability, or political or religious beliefs of that person or group. Acts shall not be considered "hate violence" based on speech alone, except upon a showing that the speech itself threatens violence against a specific person or group of persons, that the person or group of persons against whom the threat is directed reasonably fears that the violence will be committed because of the speech, and that the person threatening violence had the apparent ability to carry out the threat. (Education Code section 66301.) Students may be disciplined for harassment, threats, intimidation, or hate violence unless such speech is constitutionally protected.

Non-students may obtain use of areas, classrooms, rooms, buildings, facilities and grounds not reserved and open for speech or expressive activities pursuant to the Civic Center Permit rules set forth in Board Policy and Administrative Procedure 6700, "Civic Center and Other Facilities Use."

Reference [Administrative Procedure AP 3900](#).

#### Governance Review

2019 12.17 Board of Trustees Annual Organizational Meeting

2019 12.06 Consultation Council

2019 11.19 Board Policy, Planning and Student Success Committee

2019 11.14 DTRW-SS



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Adopted	April 9, 2013
Last Revised	December 17, 2019
Last Reviewed	December 17, 2019

## **I. USE OF AREAS GENERALLY AVAILABLE TO STUDENTS AND THE COMMUNITY**

- A. 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 this procedure.
- B. The District shall not restrict free expression in "areas generally available to students and the community," defined as grassy areas, walkways or other similar common areas. This definition governs the phrase "areas generally available to students and the community" as it is used in Board Policy 3900 and throughout this administrative procedure.
- C. 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.
- D. Use of areas generally available to students and the community shall be subject to the following:

1. Persons wishing to engage in speech or expressive activities in the areas generally available to students and the community are encouraged to inform the Chief Student Service Officer or designee of their intent to be present in such areas. The District encourages such check-in as a means to provide for safety and for the equitable use of such areas. Individuals availing themselves of such areas generally available to students and the community, whether they decide to check-in or not, may remain anonymous.
  2. Persons using areas generally available to students and the community shall not touch, strike or impede the progress of passerby, nor shall they force passerby to take materials.
  3. Persons using areas generally available to students and the community shall not use any means of amplification that creates a noise or diversion that disturbs or tends to disturb the orderly conduct (as defined under Penal Code Section 626.6) of the campus or classes, other lawful activities.
- E. Persons using areas generally available to students and the community shall not solicit donations of money, through direct requests for funds, sales of tickets, goods, or otherwise, except where he or she is using such areas on behalf of, and collecting funds for an organization that is registered with the Secretary of State as a nonprofit corporation or is an approved Associated Students Organization or club.
- F. Non-student use of any areas, classrooms, rooms, buildings, facilities and grounds not reserved and open for speech or expressive activities is subject to the Civic Center Permit rules set forth in Board Policy and Administrative Procedure 6700, "Civic Center and Other Facilities Use."

## II. DISTRIBUTION OF MATERIALS

All persons using areas generally available to students and the community shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within those areas. Those individuals or groups distributing materials in these areas, other than material that is discarded or dropped in or around an appropriate receptacle, shall make a reasonable effort to retrieve and remove such materials, prior to their departure from the areas that day.

## III. POSTING

### A. Open Posting

1. There are bulletin boards and open posting areas identified and maintained throughout the College campus on which students, student clubs and recognized student organizations, College Faculty and Staff, and members of the community may post materials.
2. The number of such bulletin boards may change from time to time. Materials may be posted on such bulletin boards with approval of the Chief Student Services Officer or designee. Materials posted in all other locations will be removed, including windows, classroom doors, walls, etc.
3. Open posting bulletin boards and open posting areas will be cleaned periodically.

### B. Posting by Student Clubs and Recognized Student Organizations

1. Student Clubs and Recognized Student Organizations (collectively referred to as "student clubs") may have printed materials relating to activities and events that have been approved pursuant to Administrative Procedure 5450 posted on bulletin boards reserved for student clubs, official College communications, as well as in authorized open posting areas.
2. Prior to posting of such materials by student clubs, the materials will be presented to the Office of Student Activities at each campus for the purpose of receiving an expiration date stamp, on materials to be posted on bulletin boards reserved for student clubs, and official College communications. Such expiration date stamped materials may only be removed by a representative of the originating club or organization, or at the direction of the Office of Student Activities at each campus, but neither expiration nor removal shall occur sooner than two weeks after the expiration date stamp appearing on any posted material, or the day after the scheduled event or activity.
3. Student clubs and organizations may bring a draft of the materials to be posted to the Office of Student Activities for assistance with design and content.

### C. Rules Governing the Posting of Materials

1. Approved posting locations are bulletin boards labeled "Student Spaces" or approved bulletin boards in classrooms.
2. Do not post on glass, painted surfaces (including painted light posts and railings), or trees.
3. All postings must use adhesive tape only. Staples may be used on the bulletin boards. Duct tap is not allowed. The Student Activities Offices at each college recommends using the blue painters tape found at most home improvement or drug stores.
4. Postings may not be placed over previously posted or approved materials.
5. Originating individuals and organizations are requested to take responsibility for maintaining its posting in a neat manner.

Reference [Board Policy BP 3900](#).

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