

Rancho Santiago Community College District
ADMINISTRATIVE REGULATION
Chapter 3
General Institution

AR 3900 Speech: Time, Place, and Manner

References:

Education Code Section 76120 and 66301
U.S. Constitution
California Constitution
Senate Bill 1404
Senate Bill 1115
Pending Legislation: Assembly Concurrent Resolution 21 (Public postsecondary education: free speech policy); Assembly Constitutional Amendment 14 (Campus Free Speech Act) and Senate Bill 472 (Campus Free Expression Act)

The Rancho Santiago Community College District is committed to assuring that all persons may exercise the constitutionally protected rights of Free Expression, including but not limited to speech, peaceful assembly, worship, use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges, and other insignia. Free Expression is a fundamental American right and an essential element in the ideas of higher education.

The District recognizes that students, employees, and members of the public are free to exercise their rights of Free Expression on its premises. The time, place, and manner of exercising the constitutionally protected rights of Free Expression is subject to the requirements and the restrictions of this regulation and Board Policy [5420], which are applied in a content-neutral, narrowly tailored manner, designed to serve a significant public interest.

This policy is intended to ensure that Free Expression activities on District campuses are fostered while at the same time preventing unreasonable interference or conflict with the educational, research, outreach, and other functions of the District and its campuses.

Time, Place, and Manner

In the spirit of Free Expression, any individual or group may use exterior spaces, including lawns, plazas, quadrangles, patios, or related open spaces on the College campuses and District grounds for the exercise of academic freedom and Free Expression, subject to the regulations and provisions of this policy.

No restrictions shall be placed on the subject matter, topics, or viewpoints expressed by students, employees, or members of the public as long as it does not include expression which advocates for the use of force or law violation, where such advocacy is directed to inciting or producing lawless action on District property and is likely to incite or produce such action, or the unreasonable disruption of classroom or college activities or operations.

It is the District's intention to assure maximum use of its grounds for Free Expression. Individuals or groups wishing to participate in Free Expression activities are encouraged to check-in with the College's Office of Student Life or Facilities Coordinator. Checking-in will not result in a denial or limitation of Free Expression. It will provide notification to the College pertaining to the activities to be conducted, as well as allow for safety measures for the individual or group, and all College community members to be maintained. When two individuals or groups desire to use the same location at the same time, the College has the right to ask the individual or group that arrived second to move to another area or propose a different day and/or time.

The College shall not stop Free Expression activities solely on the content or viewpoint of the individual or group; however, the College does have the right to ask individuals or groups to cease activities when there is clear and convincing evidence that:

- a. The event will lead to an unreasonable disruption of the previously scheduled campus activities or the conduction of education;
- b. The location, or activity, is unsuitable based on demonstrable health, safety, or fire code restrictions; or
- c. The activity is prohibited by law.

Restrictions

In order to protect the safety of all individuals on campus and to prevent the unreasonable interference with the educational, research, outreach, and other functions of the District and its campuses, the following restrictions, designed to serve a significant public interest, will apply to all public forums on campus. Speakers and organizers must:

- Allow the District's regularly scheduled classes, research, events, ceremonies, and normal and essential operations to proceed without unreasonable interference.
- Allow parking and the flow of vehicular and pedestrian traffic.
- Allow the entrance and exit to and from all buildings.
- Allow a group that has reserved the space to use it. An individual or group with a reservation will have priority in the use of the location.
- Allow a speaker or performer to be seen and heard by the audience.
- Maintain a noise level that allows classes, campus events and operations to occur without unreasonable interference. The use of sound amplification shall normally be allowed, except where such sound amplification creates noise or diversion that unreasonably disrupts classroom, College, or District activities or operations.
- Assure that actions do not create an imminent health or safety hazard.
- Assure that actions do not destroy District property.

Physical force, the threat of force, or other coercive activities used to subject anyone, is expressly forbidden and will result in discipline proceedings.

Posting of Material

Students, employees, and members of the public are free to post any material, as long as it does not promote illegal behavior. Material may not exceed 120 square inches in size, and will be removed after 10 days.

Individuals wishing to post materials must receive a date stamp and provide a copy to the College's Office of Student Life or Facilities Coordinator. This requirement is to ensure

compliance of size limitation and reasonable period of time for postings. The College's Office of Student Life or Facilities Coordinator will not deny a posting due to content and/or viewpoint. Items that have expired or are not dated will be removed.

Hate Violence

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 the 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 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 be disciplined for harassment, threats, intimidation, or hate violence unless such speech is constitutionally protected.

Responsible Manager: Vice President of Student Services or designee

Adopted: July 26, 2004
Revised: November 8, 2010
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