

# Speech: Time, Place and Manner

## Board Policy 3900

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

Facilities within the Feather River Community College District are non-public forums, except for those areas designated as Free Speech Areas, which are limited public forums. The Superintendent/President shall enact such administrative procedures, as are necessary to reasonably regulate the time, place and manner of the exercise of free expression in the limited public forums.

The administrative procedures promulgated by the Superintendent/President shall not prohibit the right of students and members of the public 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 Free Speech areas, and the wearing of buttons, badges, or other insignia.

Speech shall be prohibited that is defamatory, 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 district policies or procedures, or the substantial disruption of the orderly operation of the District.

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 (EC 66301(e)), 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. Students may be disciplined for harassment, threats, intimidation, or hate violence unless such speech is constitutionally protected.

*Reference: Education Code Section 66301; 76120*

*Date of Last Approval: January 19, 2017*

### **Administrative Procedure (AP 3900)**

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, ascribing to the policies contained in Board Policy 3900 and these procedures.

All areas of the District are non-public forums, except for designated areas generally available to students and members of the public, as follows:

- The areas generally available to students and members of the public are defined as grassy areas, walkways, and other similar common areas and are limited public forums. The District reserves the right to revoke that designation and apply a non-public forum designation.
- The District reserves the right to designate areas as non-public forums as necessary to prevent the substantial disruption of the orderly operation of the college. Grounds and facilities of the

college that are non-public forums specifically include campus offices, classrooms, warehouses, maintenance yards, athletic fields, locker rooms, and any other area not specific above.

- The use of areas generally available to students and members of the public is subject to the following:
  - Persons using areas generally available to students and members of the public and/or distributing material in the areas generally available to students and members of the public shall not impede the progress of passersby, nor shall they force passersby to take material.
  - No person using the areas generally available to students and members of the public shall touch, strike or impede the progress of passersby, except for incidental or accidental contact, or contact initiated by a passerby.
  - Persons using areas generally available to students and members of the public shall not use any means of amplification that creates a noise or diversion that disturbs or tends to disturb the orderly conduct of the campus or classes taking place at that time.
  - No persons using the areas generally available to students and members of the public shall solicit donations of money, through direct requests for funds, sales of tickets or otherwise, except where he or she is using the areas generally available to students and members of the public 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.
  - To the extent that the college is committed to providing space, situations with extreme repeatability can be reviewed by the Office of Student Services.

Non-student, community groups 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 Chief Student Services Officer 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 are 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.

All persons using the areas of the college generally available to students and members of the public shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within the areas generally available to students and members of the public. Material distributed in the areas generally available to students and members of the public that is discarded or dropped in or around the areas generally available to students and members of the public other than in an appropriate receptacle must be retrieved and removed or properly discarded by those persons distributing the material prior to their departure from the areas generally available to students and members of the public that day.

Posting: Students shall be provided with bulletin boards for use in posting student materials at campus locations convenient for student use. Postings may be put up with tacks or tape, but not with staples. All

materials displayed on a bulletin board shall clearly indicate the author or agency responsible for its production and shall be dated with the removal date by the Chief Student Services Officer's office. Materials displayed shall be removed after the posted removal date. Postings may be denied at the discretion of the Chief Student Services Officer's office, particularly when postings may be in violation of policy.

*Reference: Education Code Sections 76120, 66301*

*Date of Last Approval: December 2, 2016*