PROCEDURE NAME: 5.6 Speech: Time, Place, and Manner

Reference: Education Code Section 76120

Note: This procedure is required. It addresses the Chaffey Policy: Chapter 5: Student Services, 5.6 Speech: Time, Place, and Manner.

Purpose: To support the freedom of assembly and freedom of expression as guaranteed by the Constitution of the United States. Fundamental to these guarantees are the rights of free speech and peaceful assembly. It is also a core educational value. Students and other members of the college community shall be free to express their views or to support causes by orderly means that do not disrupt the regular and essential operations of the college. In addition, the college requires members of the community to conduct their expressive activities in a manner that promotes and maintains freedom from intimidation, exploitation, or harassment and does not threaten health or safety.

This procedure is not to be construed as interfering with academic freedom.

1. Time and Place

   1.1 Chaffey College is designated an open public forum with the following limitations:

      a. Designated areas are available to students and the community during college operating hours (please see attached map for locations).

      b. Designated areas shall be readily accessible to all individuals, routinely populated by students, conducive to speech purposes, and available to use on a first-come, first-serve basis.

      c. Alternate locations shall be readily accessible so long as they do not substantially disrupt classroom activities or interfere with pedestrian and/or vehicular traffic.

      d. Areas of the college that are nonpublic forums specifically include campus offices, classrooms, warehouses, maintenance yards, or locker rooms.

      e. The District reserves the right to designate areas as nonpublic forums as necessary to prevent the substantial disruption of the orderly operation of the college.
2. Manner

2.1 Methods of Expression

a. Individuals and groups have the right to expression, including, but not limited to, the distribution of printed material or petitions and the wearing of buttons, badges, or other insignia.

b. All materials displayed and distributed shall clearly indicate the authors or agencies responsible for its production and shall be dated with the date of posting by the Office of Student Activities. Failure to follow the provisions of this procedure may result in removal of materials and the authors or agencies responsible for its production may be required to pay the cost of clean up.

c. Speakers shall make it clear that their communication is solely that of the speakers.

d. Fliers may be posted on approved bulletin boards located throughout campus. Please contact the Student Activities Office or stop by Student Activities for a listing of approved locations.

2.2 Limitations

a. Individuals expressing their opinion shall not interfere with pedestrian and/or vehicular traffic through the free speech area.

b. No individuals using the areas generally available to students and the community shall solicit donations of money, through direct requests for funds, sales of tickets, or otherwise, except where he/she is using the areas generally available to students and the community 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.

c. Expression which is obscene, libelous, or slanderous according to current legal standards, or 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 Chaffey College, shall be prohibited. [Education Code Section 76120.] Speakers who fail to comply with these regulations may be required to pay the cost of clean up or repair and, in appropriate circumstances, may be asked to leave the area or campus.
d. Individuals engaging in activities in the free speech area shall refrain from any behavior that infringes on the rights of other persons on college property or that defaces and/or damages college property in any manner. Any individual engaging in such behavior shall be subject to immediate removal from college property and/or referral to appropriate civil authorities.

e. Materials used shall not threaten health or safety physically, or communicate a threatening message.

f. In all cases, the sound level of amplification must not exceed 90 decibels as measured by a sound level meter using the ‘A’ weighted network (scale) at slow meter response.

g. Petitioners shall make no express or implied representation to any person within the college community (students, faculty, and/or staff) or to any individual on campus who is not a member of the college community, that the college or its administration supports petitioners’ views, beliefs, or requests.

h. Materials may not be distributed in campus buildings or classrooms without permission of the instructors or employees occupying these spaces.

i. Materials distributed in the areas generally available to students and the community that are discarded or dropped in or around the areas designated as available to students and the community, other than in an appropriate receptacle, must be retrieved and removed or properly discarded that day by those individuals distributing the material prior to their departure from the campus.

3. Administrative Guidelines

3.1 Requestors must submit an Application for Sponsor Agreement of School Facilities and a Site Access License/Release of Liability form to the Facilities Scheduling Office at least three business days prior to the date on which the facility is to be used. The date and time requested must not conflict with previously scheduled events. These requirements may be waived in the case of an emergency.

3.2 If the request is denied, a timely hearing shall be made available by the Vice President, Business Services or designee.

a. The requestors will be notified of approval or denial of request within 1 complete business day of receipt of the application.
b. Disputes with these procedures may be addressed to the Vice President, Business Services or designee. If the request is denied, a timely hearing shall be made available.