

## 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 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. Additionally, it is 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 expects members of the community to conduct their expressive activities in a manner that promotes and maintains the ideals of respect, equality, diversity, and freedom from unlawful harassment.*

*To reasonably regulate as to the time, place, and manner of all individuals, groups, and organizations (hereinafter referred to as petitioners) engaged in political petitioning on college properties. For purposes of these administrative regulations, "political petitioning" is defined as any activity engaged in by any individual(s) for the purpose of promoting a particular governmental, political, and/or philosophical point of view. This may include, but not necessarily be limited to, the seeking of signatures on petitions. The college reserves the right to prohibit any activity other than that specifically described in these procedures and those sanctioned by federal, state, and local laws.*

1. Students of the District and other members of the community shall be permitted to exercise their rights of free expression subject to the time, place, and manner policies and procedures contained in Board Policy 5.6, Speech: Time, Place and Manner, and these procedures.
2. The campuses and centers of the Chaffey District are nonpublic forums, except for designated areas available to students and the community as follows:
  - a. The areas designated as available to students and the community are limited public forums.
  - b. The District reserves the right to revoke that designation and apply a nonpublic forum designation.
  - c. 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.
  - d. Areas of the college that are nonpublic forums specifically include campus offices, classrooms, warehouses, maintenance yards, or locker rooms.

3. The use of areas generally available to students and the community is subject to the following:

- a. Individuals using areas generally available to students and the community and/or distributing materials in the areas generally available to students and the community shall not impede the progress of a passersby, nor shall they force the passersby to take material.
- b. Individuals using areas generally available to students and the community shall not touch, strike, or impede the progress of passersby, except for incidental or accidental contact, or contact initiated by a passerby.
- c. Individuals 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 may tend to disturb the orderly conduct of the campus or classes taking place at that time.
- d. 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.

4. Freedom of Expression

- 4.1 "Free speech" shall be defined as any speech that is otherwise protected by federal, state, and local laws. These procedures exclude "...that 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 disruption of the orderly operation of the college." (California Education Code, Article 7, Section 76120)
- 4.2 In order to promote an effective forum for discussion, the advocacy of issues and the exchange of ideas outside the college curriculum, a designated free speech area shall be maintained. This designated area shall be:
  - a. Situated such that individuals expressing their opinion shall not interfere with pedestrian and/or vehicular traffic through the free speech area;
  - b. Readily accessible to all individuals, routinely populated by students, and conducive to speech purposes;

- c. Available to use on a first-come, first-serve basis, subject to the guidelines below.

5. In order to ensure the continual orderly conduct of the operations of the college, individuals shall limit their activities to the designated free speech area on college property. For scheduling, programming, and security purposes, any individual(s) seeking the use of college facilities must contact the Facility Scheduling Office at least five business days prior to the date of the event. If the request is denied, a timely hearing shall be made available by the Vice President, Business Services. The College reserves the right to withdraw this privilege and/or immediately to cancel any activity that is determined materially to interfere with the conduct of college business. The college also reserves the right to reduce the timeline for approval if special circumstances warrant it.

Individuals engaging in free speech activities shall be governed by the following procedural guidelines:

- a. Such activities shall be limited to the utilization of that portion of the college property expressly designated for free speech activities. The college reserves the right to add additional free speech areas if circumstances warrant.
- b. The college reserves the right to limit the number of individuals engaging in any particular free speech activity at any particular time. The college Vice President, Business Services shall make any such determination based on the following factors: (a) the area available for such activities; (b) the number of individuals who wish to engage in such activity at one particular time; (c) the potential for conflict between petitioners or between petitioners and members of the college community and/or public; and (d) the safety of the public and college property.
- c. Only that furniture (i.e., tables, chairs, and benches) approved by the college administration shall be used on the college property.
- d. The size, number, and location of posters, placards, and displays, as well as their method of display, shall be subject to the approval of the Vice President, Business Services. In no event shall such materials be affixed to any portion of the college property. Any posters or signs displayed must fit into the easel and on the table provided by the College. Flyers may be posted on approved bulletin boards located throughout campus. Please contact the Student Activities Office at 909-652-6589 or stop by Student Activities (Campus Center East) for a listing of approved locations.

6. The petitioner should make it clear that the public expression of any person within the college or on its premises is solely that of the speaker. The College will display a "disclaimer sign" that states that the opinions expressed are solely those of the speaker. Individual(s) 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.

## 7. Literature On-Campus/Political Petitioning

- 7.1 The college shall not engage in any action that could be interpreted as endorsing or opposing any one political position or candidate in favor of another. For scheduling, programming, and security purposes, any individual(s) seeking the distribution of flyers or promotional materials at events must contact the Vice President, Business Services at least five business days prior to the date of the event.
- 7.2 Approval is based on the understanding that 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, except that expression which is obscene, libelous, or slanderous according to legal standards or which so incites as to create clear and present danger of the commission of community college regulations or the substantial disruption of the orderly operation of the community college shall be prohibited.
- 7.3 If the literature to be distributed is in question with or violates the above regulations, the Vice President's administrative discretion will be the deciding factor as to whether such literature can be circulated (Education Code 76120).
- 7.4 If the request is denied, a timely hearing shall be made available. The distribution of all flyers at events of this nature must contain specific language that clearly indicates that the materials were not printed at college expense and that the college does not endorse any candidate, proposition, issue, or position statement made at or related to the event and that the opinions expressed are solely those of the speaker.
- 7.5 Individual(s) may appeal the denial of their request by contacting the Vice President, Business Services, who will call a timely meeting to evaluate the denial.

8. All political petitioning on college property shall use only that portion of the college property expressly designated for that purpose by the college administration. The number of petitioners who may engage in political petitioning on college property at any particular time and the time during which political petitioning by a particular petitioner may take place shall be determined by the college Vice President, Business Services. This determination shall be based on the following factors: (a) the area available for such activities; (b) the number of petitioners who wish to engage in such

activity at one particular time; (c) the potential for conflict between petitioners or between petitioners and members of the public; and (d) the safety of the public and college property.

- 8.1 Only that furniture (i.e., tables, chairs, and benches) approved by the college administration shall be used on the college property for political petitioning.
- 8.2 The size, number, and location of posters, placards, and displays, as well as their method of display, shall be subject to the approval of the Vice President, Business Services. In no event shall such materials be affixed to any portion of the college property. Any posters or signs displayed must fit into the easel and on the table provided by the College.
- 8.3 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.
- 8.4 Petitioners shall not solicit contributions or donations from anyone on college property nor shall they engage in the sale of any items or any services on said property except where he/she is using the area 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.

9. In order to ensure the continual orderly conduct of the operations of the college, political petitioning, as defined above, shall be limited to specific designated areas on college property. For scheduling, programming and security purposes, any individual(s) seeking the use of college facilities for the purpose of political petitioning must contact the Facilities Scheduling Office in Building VSS-100. The following steps will be adhered to in this process:

- a. Requestor must fill out a Facilities Usage Application and a Release of Liability form at least five business days prior to the date on which the facility is to be used.
- b. The date and time requested must not conflict with previously scheduled events.
- c. The requestor will be notified of approval or denial of request within 72 hours of receipt of the application.
- d. Petitioners must stay at a table provided by the College to distribute their flyers or to have students sign petitions and may not directly approach students.

- e. The College may post a disclaimer sign adjacent to the table.
- f. Disputes with these procedures may be addressed to the Vice President, Business Services. If the request is denied, a timely hearing shall be made available. The college reserves the right to withdraw this privilege and/or immediately to cancel any activity that is determined materially to interfere with the conduct of college business.

10. Student Publications/Materials On Campus – Distribution/Posting of Materials on Campus for College-Sponsored Individuals/Organizations:

- a. Students shall be provided with a bulletin board for use in posting student materials at campus locations convenient for students' 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 Office of Student Activities. Materials displayed shall be removed after the passage of 14 days.
- b. Leaflets, flyers, and similar materials may be freely distributed on campus by recognized college organizations, provided the name of the campus organization is recorded on the material with a date of posting by the designated authority.
- c. These materials may be distributed from tables assigned by the Office of Student Activities or in designated open areas.
- d. The materials shall be handed to individuals without coercion or solicitation and may not be left on tables or posted on bulletin boards except those bulletin boards that are specifically designated for such purposes.
- e. The college reserves the right to specify the appropriate time, place, and manner for the distribution of such material should conflicts arise.

11. Distribution of Materials On Campus by Noncollege Affiliated Groups/Organizations:

- a. Noncollege affiliated groups/organizations that are presenting programs on campus may provide materials for distribution, but not for sale, that are related to the topic of the presentation or the purpose of the organization.
- b. These materials may be distributed before, during, and/or after the presentation from the location from which the program is presented.
- c. The materials shall be handed to individuals without coercion or solicitation and may not be left on tables or posted on bulletin boards, except those bulletin boards that are specifically designated for such purposes.

- d. Materials may not be distributed in classrooms, campus buildings, offices, in the college cafeteria serving or dining areas, on automobiles, snack areas, stairwells, or any outside area at the college except the designated free speech area.
- e. The college reserves the right to specify the appropriate time, place, and manner for the distribution of all materials.
- f. 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 areas generally available to students and the community.

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