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Chapter Lead Angel Rodriguez:
Chapter 3(CC)
Policy Area Chapter 3
General Institution
References 10+1, CCLC |
Legally Advised, Non CCLC

AP 3900 Speech: Time, Place, Manner

(Replaces current SBCCD AP 5550)

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 these procedures.

The colleges of the District are non-public forums, except for the following areas, which are reserved for expressive activities which do not violate District policy and which are lawful; those areas generally available to students and the community, defined as grassy areas, walkways, and other similar common areas. These areas are chosen so as to provide visibility and allow communication to a large number of students, administrators, faculty, and others walking or traveling on campus but also so as not to disrupt educational and other activities of the District on behalf of students:

These areas are designated 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. Areas of the college that are non-public forums specifically include campus offices, classrooms, warehouses, maintenance yards, or locker rooms, and any other area not specified above.

The use of these areas reserved and open for expressive activities is subject to the following:

No person using the areas shall touch, strike or physically impede the progress of passersby, except for incidental or accidental contact or contact initiated by a passerby.

Persons using areas shall not use any means of amplification that creates a noise or diversion that disturbs the orderly conduct of the campus or classes taking place at that time.

Persons using the areas reserved for expressive activities shall not disrupt the orderly operation of the college.

I. GENERAL PROVISIONS

A. Definitions:

1. President: Refers to chief administrative officer and the designees of the President.
2. Chancellor: Refers to the Chancellor of the District and the designees of the Chancellor
3. Day: Unless otherwise provided, a day shall mean any day on which the Campus administrative offices are open for business during normal working hours.
4. DPF: Designated Public Forum.
5. Reservations: Reservations to use the DPF Areas, as defined herein, are optional. Any person or group intending to use the DPF area may reserve the DPF Areas in accordance with Section II. B. 1-3 of this procedure.
6. Campus Communication: communications from the administration of any college or location; any official staff organization; and any official student group, including student government or student clubs. Any campus communication shall identify the entity or group responsible for it.

B. Disclaimer and Defense

The District disclaims any liability for any damages for any defamation alleged to be committed by any student or member of the public using District facilities, and further disclaims any liability for damages for any violation of copyright, trademark, or service mark laws alleged to be committed because of any posting or distribution of material on campus. Nothing in these rules permitting speech and/or distribution of materials on its college campuses and property, shall be construed as requiring the District to provide any defense or payment of damages for defamatory statements made by any student, faculty or staff member, or member of the public, nor shall these rules be construed as requiring the District to provide any defense or payment of damages for violations of copyright, trademark or service mark laws.

C. Obscenity

For purposes of the board policy and this regulation, the term "obscene" shall be determined in accordance with the current legal standards.

D. Consequences for Violation

1. The right of members of the general public to utilize District facilities may be revoked if they violate the provisions of board policy and administrative procedures while utilizing District facilities.
2. The disciplinary penalties and procedures set forth in the Student Code of

Conduct are applicable to students for violations of the board policy and the procedure and are incorporated herein. (See Administrative Procedure 5500)

E. Financial Responsibility

All persons who use District property shall pay for:

- a. expenses incurred above the ordinary campus maintenance, and operating costs such as "supplies, utilities, janitorial services, services of any other District employees" necessitated by the organization's use of District facilities and property; and
- b. the direct costs of security incurred above ordinary security

II. USE OF FACILITIES

A. Non Blockage of Areas

Tables and chairs may be placed within the DPF area provided that walkways and entrances are not blocked.

B. No Reservations Needed to Use DPF Areas

1. Any person or group desiring to use one of the areas may do so provided it is not in use.
2. Any person or group intending to use these areas shall notify the Office of Student Life at least one hour before use.
3. A user may be denied use of the area by the appropriate College office given any of the conditions below:
 - a. there is an existing user and no agreement has been reached as to sharing the areas
 - b. the area is undergoing general maintenance
 - c. the person or group has, on prior occasions, made intentional material misrepresentations regarding the nature or scope of an event or activity previously permitted, or has violated the terms of prior use
 - d. the person or group has on prior occasions damaged District property and has not paid in full for such damage
 - e. the use or activity would conflict with previously planned programs organized and conducted by the District and previously scheduled for the same time and place
 - f. the use or activity intended by the person or group would present a danger to the health or safety of the person or group, or other students, community members, faculty, or staff of the District
 - g. the use or activity is prohibited by law
4. Use of the designated area(s) will not be construed as the use of a

"facility" or "service" of the District and/or College pursuant to the Civic Center Act policies and procedures. Therefore, a student or member of the community that wishes to speak and/or distribute written materials in the designated area does not have to apply for or receive a permit prior to using the designated area.

Students and members of the community who wish to reserve space in a College facility and/or use the services of a College department (such as food, equipment, janitorial, power, or audio/visual) must follow the procedures set forth in Board Policy 6700 and Administrative Procedure 6700 and the other applicable policies and procedures of the District regarding its use of facilities.

C. Amplification

The following requirements and restrictions are in place to respect the integrity of the educational process and prevent disruption of the learning environment and operations of the colleges. The following apply to amplification equipment/systems:

1. Amplification is not permitted during finals week of each semester.
2. Levels of amplification:

San Bernardino Valley College
No amplification

Crafton Hills College
Not to exceed 60 decibels (as measured in any classroom or office)

Users of the areas must bring their own amplification system or unit. Crafton Hills College has no responsibility to supply or provide extension cords or amplifiers to those users supplying their own amplification.

III. POSTING OF MATERIAL

Material may be posted in and on the permitted locations. Please refer to campus posting policy. All postings, except campus communications relating to college events which have not concluded, will be removed periodically. Postings will also be removed if they:

1. Are obscene.
2. Create a clear and present danger of the commission of unlawful acts on District property, or of violence, or the substantial disruption of the orderly operation of the District.

IV. DISTRIBUTION OF HANDBILLS, CIRCULARS, OR ADVERTISEMENTS

- A. Handbills, circulars, or advertisements may only be distributed in the DPF areas.
- B. Distributors are required to remove material immediately following the use of the DPF area. The failure to remove litter may result in a charge to the distributor for costs incurred in litter removal and/or denial of future use of the areas.

V. OBSCENE, DEFAMATORY, OR INCITEFUL MATERIALS

Nothing in this section shall be deemed to permit the distribution of material that is obscene, defamatory, or 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 the community college.

VI. ADVERTISEMENT OF UNLAWFUL SUBSTANCES

All advertisements which advertise illegal substances as identified by the laws of the United States and/or the State of California are prohibited. The following are prohibited:

- A. Illegal substances as identified by the Federal Government, and/or by the State of California.
- B. Explosive material of any kind.

References:

Education Code Sections 76120 and 66301

Attachments

- [AP 3900 Speech: Time, Place, Manner - Comments](#)
- [AP 3900 Speech: Time, Place, Manner - Legal Citations](#)
- [AP3900-OLD.pdf](#)
- [Legal Update 33 Overview Rev. 10-25-18.docx](#)

Approval Signatures

Step Description	Approver	Date
Final Board Approval	Policy Stat	04/2020
Reviewed and Approved per AP 2510	Policy Stat	04/2020