

STUDENT SERVICES**BP 5550 SPEECH: TIME, PLACE, AND MANNER****References:**

Education Code Sections 66301 and 76120

The college(s) of the District is/are non-public forums, except for those areas that are generally available for use by students or the community, 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 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 District designated as areas generally available to students and the community, and the wearing of buttons, badges, or other insignia.

Students shall be free to exercise their rights of free expression, subject to the requirements of this policy.

Students will be held accountable and may be subject to disciplinary sanctions for engaging in speech 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, 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.

With the intent to serve as an educational and cultural center for the people of Northern San Diego County, Palomar College invites public forums, the Community Service Lecture Series and guest speakers. To ensure that speakers present diverse views in the best traditions of the American forum, the Superintendent/President's designee will assure that speakers be intellectually stimulating and educationally justifiable.

When controversial topics are presented, balancing viewpoints will be presented as follows:

- A. On the same program at the discretion of the sponsoring organizations; or
- B. At another hour designated by the Superintendent/President's designee; or

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(Replaces current Palomar College Policies 435 and 440)

36 C. At any time, in accordance with the code of the free speaker area. No speaker or
37 topic shall violate the Education Code or any local, state, or federal law.

38 The Student Affairs Office will seek agreement on the following topics:

39 A. That the speaker accurately describe his/her background to the audience.

40 B. That with relevance and propriety, the speaker answer unselected questions if a
41 question period is provided.

42 C. That the total presentation be recorded and taped for library use.

43 This policy is applicable to student organizations on campus in their recruitment of guest
44 speakers and is not intended to apply to instructors inviting guest lecturers to their
45 classes.

46 The Palomar Community College District celebrates and encourages the open and
47 honest discussion of ideas. The vigorous interchange of thoughts and opinions
48 between all members of the campus community are welcomed, and the legal
49 protections rightfully afforded to free speech in a public college are recognized. At the
50 same time, the members of the community are expected to conduct their expressive
51 activities in a manner that promotes and maintains the ideals of respect, equality,
52 diversity, and freedom from harassment.

53 The Palomar Community College District will respect not only the right of student free
54 expression, but also the right to be free from those actions that illegally harass,
55 intimidate, and threaten the members of the college community and the educational
56 process. Therefore, freedom of speech and the distribution and posting of printed
57 materials shall be permitted “except that expression which is obscene, libelous, or
58 slanderous according to current legal standards, or which so incites students as to
59 create a clear and present danger of the commission of unlawful acts on community
60 college premises, or the disruption of the orderly operation of the college.” (California
61 Education Code, Article 7, Section 76120).

62 Palomar Community College District’s procedures reflect the responsibility of adopting
63 “rules and regulations relating to the exercise of free expression by students . . . which
64 shall include reasonable provisions for the time, place, and manner of conducting such
65 activities.” The District recognizes: That such rules and regulations shall not prohibit
66 the right of students to exercise free expression including, but not limited to, the use of
67 bulletin boards, distribution of printed materials or petitions, and the wearing of buttons,
68 badges, or other insignias.

69 (California Education Code, Article 7, Section 76120).

70 See Procedure 5550 titled Speech: Time, Place, and Manner