

THE DISTRICT

AP 3900 SPEECH: TIME, PLACE, AND MANNER

References:

Education Code Sections 76120 and 66301

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 ~~5550~~ and these procedures. This procedure and its implementing policy shall be applied equitably and fairly.

The District shall place no restrictions on any person, organization, or group on the basis of the content of constitutionally protected free speech/free expression provided that the speech/expression does not:

- Violate lawful community college policies and regulations, including illegal harassment and discrimination;
- Create a clear and present danger of the commission of unlawful acts;
- Cause the substantial disruption of the orderly operation of the College/District.

All College/District exterior grounds which are generally available to the public are available for students, district employees and members of the public to exercise their rights of free speech/expression. The exterior grounds include open spaces (both grassy and paved), walkways, and similar common areas where students and the public normally congregate. These areas provide visibility and allow communication to a large number of students, district employees, and others on campus without creating a substantial disruption to instruction and other service delivery activities of the College/District.

Use of District Property

I. General Provisions

- A. The District derives its basic authority from the California Education Code. All pertinent local, state and federal statutes are in force on District property and may be enforced by authorized campus or off-campus agencies.
- B. All persons on District Property are required to abide by Board policies and administrative procedures. This includes, but is not limited to, the following:

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(Replaces Palomar College Procedures 434.1 and 434.2, Administrative Procedure 5550 and all previous versions of AP 5500 and AP 3900.)

1. No person on District property or at district functions may block entrances to or otherwise interfere with the free flow of traffic into or out of campus buildings;
 2. Obstruct or disrupt campus sponsored activities;
 3. Camp or lodge on District property, except with the approval of the Superintendent/President;
 4. Engage in physically abusive, threatening, harassing or intimidating conduct toward any person;
 5. Exhibit lewd or disorderly conduct;
 6. Participate in a disturbance of the peace or unlawful assembly;
 7. Use, possess, sell or manufacture narcotic or illegal drugs;
 8. Possess weapons, including firearms of any kind;
 9. Fail to comply with the lawful directions of a district official acting in the performance of their duties; or
 10. Engage in the theft or misuse of district property or equipment.
- C. All persons on District Property are required, for reasonable cause, to identify themselves to, and comply with the instructions of, authorized District official acting in the performance of their duties.

Reservations for Space: As there are many events/activities on campus each year, persons wishing to use exterior grounds are encouraged to reserve space for their event/activity. Reservations are made on a first come, first served basis and priority will be given to district sponsored events/activities for students. Campus clubs, academic departments or district organizations can make a reservation request through the Office of Student Affairs. Members of the public, community organizations, and commercial vendors can make a reservation through the Office of Student Affairs or through the Facilities Office.

Acts of free speech/expression without a reservation to use exterior grounds is permitted; however persons or organizations without reservations may be moved to other available open spaces if their event/activity disrupts or substantially interferes with those who do have approved space reservations. In order to ensure the orderly operations of the College/District, the District retains the right to adjust space utilization of all exterior grounds regardless of whether a reservation has been granted or not.

- D. Distribution of Printed Material: All users of exterior grounds may distribute petitions, circulars, leaflets, newspapers or other printed matter.

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Distribution of printed material shall only take place on exterior grounds, excluding parking lots, driveways, and entrances to buildings. The following provisions will also apply:

1. When distributing materials, users may not obstruct the free flow of traffic, force materials on others, place materials on or in vehicles parked on campus, or litter the campus;
 2. Distributed materials that are discarded or dropped in or around areas other than in appropriate receptacles must be retrieved and removed or properly discarded by the parties distributing the material prior to their departure from the area;
 3. Distributed materials that are requesting donations must make it clear that a donation is not required as a condition of participation or admission nor may a specific amount of donation be indicated.
- E. Postings on Campus: Campus departments and student clubs are permitted to post literature, posters, signs, and banners in designated posting locations on campus and with the prior approval of the appropriate office. Campus departments should coordinate their postings with their appropriate faculty chair and designated manager. Student clubs should coordinate their postings with their club advisor and the Office of Student Affairs.
- F. Non-students and non-district employees may not post such items on campus without the prior authorization of the Office of Student Affairs. Those seeking authorization to post on campus must do the following:
1. Create literature piece ("posting") and include contact information) Max size 8 ½" x 11"
 2. Take the posting to the Office of Student Affairs (SU 201) on the San Marcos Campus (or mail it to: Office of Student Affairs, 1140 West Mission Rd, San Marcos, California 92069) with the \$5.00 fee
 3. Postings, whether electronic or on bulletin boards, are limited to 30 days.
- G. Amplified Sound: Persons or groups wishing to use amplified sound shall submit a reservation request through the Office of Student Affairs for student groups or the Facilities Scheduling Office for all others. Reservations are made on a first come, first serve basis and priority will be given to district sponsored events and activities for students. Amplification between the hours of 10:00 a.m. to 2:00 p.m. will generally be permitted provided it does not reasonably disrupt the operations of the College/District. Persons or groups wishing to use amplified sound (i.e. microphones, speakers, bull horns, etc.) outside of these hours must

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coordinate with the Office of Student Affairs and the Chief of Police. In order to ensure the orderly operations of the College/District, the District reserves the right to restrict the use of amplified sound at any time.

- H. **Use of Free Standing Displays:** All users are permitted to utilize free standing displays or signage as part of their expression of free speech, provided that their displays do not threaten the health and safety of students, district employees, and the general public. Users intending to use display that are larger than 12 ft. wide and/or 12 ft. high must coordinate their efforts with the Director of Facilities, the Director of Student Life, and the Chief of Police. The District reserves the right to deny the use of a large display or require the taking down of an approved display if health and safety concerns are identified. Criteria that will be taken into consideration when determining health and safety risks include, but are not limited to, height and weight of display, quality and stability of construction, proposed location of display in relation to campus buildings and pedestrian pathways, and weather conditions.
- I. **Hours of Access:** Access to exterior grounds by students, district employees and the public is generally between 6:00 am and 11:00 pm. No events or activities are permitted outside of these hours without approval from the Superintendent/President. In order to ensure the orderly operations of the College/District and to protect the health and safety of users, the District reserves the right to modify the days and times of access in the event of an emergency situation and/or natural disaster.
- J. **Restricted Areas:** Areas that are considered essential to orderly operation of the College/District are not available for programs and activities. These areas include but may not be limited to: interior hallways and stairways, elevators, classrooms, bathrooms, locker rooms, lobbies, office waiting areas, employee/student offices, warehouses, storage or maintenance yards, mechanical rooms, and storage rooms.

Office of Primary Responsibility: Student Services

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