



Book	VCCCD Administrative Procedure Manual
Section	Chapter 3 General Institution
Title	SPEECH: TIME, PLACE AND MANNER
Code	AP 3900
Status	Under Consideration
Legal	Business and Professions Code, Section 5402 California Education Code, Section 66301 California Education Code, Section 76120 California Education Code, Section 87708 Penal Code, Section 311 Penal Code, Section 311.2 Penal Code, Section 407 Penal Code, Section 409 Penal Code, Section 415 Penal Code, Section 415.5 Penal Code, Section 416 Penal Code, Section 422.6 Penal Code, Section 602.10 Penal Code, Section 626-626.6
Adopted	April 9, 2013
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~~I. GENERAL PROVISIONS~~

~~A. The Ventura County Community College District is committed to assuring that all persons may exercise their constitutional rights protected under the First Amendment to the United States Constitution and Article I, Section 2, of the California Constitution. The District's commitment to the exercise of free speech and free expression is not intended to convert all of the facilities maintained and/or owned by the District into a public forum, limited public or designated public forum. As an owner of property, the District reserves the right to limit the use of its facilities for the exercise of free speech and free expression consistent with the United States Constitution and the California Constitution. The District's commitment to the exercise of free speech and free expression set forth herein is not intended to permit expression and activity utilizing District facilities which is not otherwise protected by the First Amendment or Article I, Section 2, of the California Constitution (e.g. obscenity, illegal activity, advertising of illegal substances, defamatory speech, and speech and activity that causes substantial disruption of the orderly operation of the District's campuses). Nothing in this procedure is intended to restrict the legal rights of employee organizations or any rights created by collective bargaining.~~

~~B. The District desires to provide the best available curriculum and facilities in order to encourage its students to~~

matriculate, study, graduate, obtain a place of employment, or go on to obtain a further degree. This policy is designed to encourage students who want to attend class and study in a peaceful and quiet setting to do so without substantial disruption. Maintenance of an atmosphere conducive to learning on campus in order to further the educational process is essential to the District, its students, faculty, and staff.

C. This procedure is intended to further the District's substantial interests in 1) protecting student health and safety; 2) preventing substantial disruption of the learning environment and the orderly operation of District campuses; 3) preserving District facilities for their intended use; 4) coordinating multiple uses of limited space; 5) preventing unlawful, dangerous, or impermissible uses of District facilities; and 6) assuring financial accountability for damages and litter caused by the use of District facilities for speech and advocacy purposes.

D. Education Code References

The Chancellor has implemented this regulation to enforce Board Policy 3900 consistent with relevant constitutional and statutory authorities, including the First Amendment of the U.S. Constitution, California Constitution, Article I, Section 2, and Education Code Sections 66301 and 76120.

E. 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 staff or public using District facilities, and 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(s) 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.

F. 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 regulations while utilizing District facilities.

2. The disciplinary penalties and procedures set forth in student codes of conduct are applicable to students for violations of the Board policy and the administrative regulations and are incorporated herein.

G. Other Use

AP 3900 applies only to the use of areas for the exercise of free speech and free expression consistent with the United States Constitution and the California Constitution. Use of facilities by the public for any other use other than the expression of free speech consistent with Education Code sections 82537 and 82542 are addressed in AP 6700 – Civic Center and Other Facility Use.

II. USE OF FACILITIES

A. Student Service Areas (SSA's)

The President of each District campus shall designate Student Service Areas (SSA's) which may be used for speech and advocacy activities to the extent permitted herein. Factors that may be considered in designating such areas include safety of students, staff and the public, preservation of facilities for their intended use, preservation of the learning environment, and access to campus facilities.

B. Non-Blockage of Areas

Tables and chairs may be placed within the SSA's; however, no tables or chairs may be placed within areas designated as a "non-use" and/or "other grounds". This is done in order to maintain the unrestricted access to and from the campus buildings. With regard to the walkways, branching out from the campus buildings, tables and chairs may also be placed within these areas but may not impede free access across the walkway. Access across a walkway shall not be blocked or impeded in any manner.

C. Optional Reservation Process; Joint Uses

1. In the event any person or group desires to make a reservation for use of any SSA, the user shall contact the college Vice President, Business Services' office and complete a reservation form.

2. Persons are encouraged to act reasonably and to share a reserved area whenever possible. If no sharing agreement is reached, the non-reserving or later reserving user may use the area earlier or later in the day, or

~~schedule use for another day.~~

~~3. A request by any person or group for a reservation for one of the SSA's may only be denied under the circumstances in Section V — Denial of Use.~~

~~D. No Reservations are needed to use SSA's for non-commercial free speech when no furniture or equipment is used.~~

~~1. Any person or group desiring to use SSA's may do so without a reservation as long as there is no conflict with a prior reservation as provided within Section II. C However, any person or group intending to use these areas shall notify the college's Office of the Vice President, Business Services of the requested use in writing, no fewer than four (4) working hours in advance of the use.~~

~~2. Requested use by a non-reserving user may only be denied under the circumstances in Section V — Denial of Use.~~

~~E. Restriction on Use of Lawn Areas~~

~~Any person or group using lawn areas at any campus shall be subject to the following exclusions which are based on the reasonable maintenance needs of the District and the District's interest in maintaining its facilities:~~

~~1. In the event of substantial rainfall, the Vice President, Business Services may limit or restrict access to lawn areas until such time as it is relatively safe to use the lawn area;~~

~~2. During watering periods;~~

~~3. During care, feeding and/or maintenance by gardeners, including but not limited to times when the area may contain pesticides and/or fertilizers.~~

~~III. GROUNDS AND USE OF THE GROUNDS~~

~~All portions of District campuses outside of SSA's which include other walkways, other quads, and or/other lawns, and the parking lots are herein referred to as the "Other Grounds Open for Public Use" ("Grounds") but such use shall not entail use of tables, chairs or other equipment.~~

~~Application Process for Grounds:~~

~~Use of any portion of the Grounds for speech and advocacy purposes must be reserved. The reservation process for the Grounds, except as expressly provided in this section, is the same as set forth above in Section II above with respect to SSA's.~~

~~A request by any person or group for a reservation for one of the Grounds areas may only be denied under the circumstances in Section V — Denial of Use.~~

~~IV. INTERIOR DISTRICT PROPERTY~~

~~A. Any use of Interior District Property which is inconsistent with that property's intended use, or which would cause substantial disruption of the learning environment and the orderly operation of District campuses is prohibited.~~

~~All interior portions of District facilities, including but not limited to, the Administration Building, classrooms, laboratories, computer rooms, research centers, and communication centers, ("Interior District Property") are areas not generally available for non-instructional use by students or the public.~~

~~B. Use of any portion of Interior District Property not otherwise prohibited must be reserved. The reservation process for Interior District Property, except as expressly provided in this section, is the same as set forth with respect to "SSA's Areas."~~

~~A request by any person or group for a reservation for use of Interior District Property may only be denied under the circumstances in Section V — Denial of Use.~~

~~V. DENIAL OF USE~~

~~A request by any person or group for use of any space may be denied if:~~

~~A. there is a preexisting reservation for the same area and no agreement has been reached as to sharing the use~~

~~in accordance with section II, A-C;~~

~~B. potentially damaging conditions exist as may be applicable to the lawn areas;~~

~~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 reservations;~~

~~D. the person or group on whose behalf the reservation was made has, on prior occasions, damaged District property and has not paid in full for such damage;~~

~~E. the use or activity intended by the person or group would conflict with previously planned programs organized and conducted by the District and previously scheduled for the same time and place;~~

~~F. the proposed use or activity is prohibited by or inconsistent with the classifications and uses of the District facilities or part thereof designated pursuant to this chapter;~~

~~G. 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;~~

~~H. the application has missing information required for ground usage~~

~~I. the use or activity is prohibited by law.~~

~~VI. Financial Responsibility~~

~~All persons who apply to 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.~~

~~VII. DISPLAYING OR POSTING OF MATERIAL~~

~~A. Material may be displayed or posted in and on the permitted locations described in this regulation. All postings, except campus communications relating to college events which have not concluded, will be cleared on the last day of each month. Postings will also be removed if they:~~

~~1. Are obscene. For purposes of the related Board policy and this administrative procedure, the term "obscene" shall be determined in accordance with the current legal standards at the discretion of the College or District Administration.~~

~~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.~~

~~B. Displays or Postings shall not exceed 240 square inches in size.~~

~~C. Permitted Locations:~~

~~1. Unsecured interior and exterior bulletin boards not marked for a specific purpose.~~

~~2. Kiosks.~~

~~3. Other designated areas as determined at each college by the Vice President, Business Services.~~

~~D. Prohibited Locations:~~

~~1. Secured bulletin boards and any other bulletin board marked for a specific purpose.~~

~~2. No material other than campus communications may be posted:~~

~~a) in interior hallways, classrooms, and laboratories;~~

~~b) on the exterior of any campus controlled building or structure~~

~~c) faculty and staff mailboxes~~

~~3. No material may be posted:~~

~~a) in the following interior areas: closets, bathrooms, ceilings, windows, trash cans, stairwells, stair railings, and benches, except as permitted herein.~~

~~b) in the following exterior areas: trees, landscaping, shrubbery, bricks, sign posts, directional signs, directional information or historical markers, vending machines, and light poles.~~

~~E. For purposes of this rule, "campus communications" are 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.~~

~~These provisions are not applicable to the interior of faculty offices.~~

~~VIII. DISTRIBUTION OF HANDBILLS, CIRCULARS, OR ADVERTISEMENTS~~

~~A. In addition to the posting of commercial or non-commercial handbills, circulars, or advertisements, such materials may be distributed on District property. No prior approval for distribution of commercial or non-commercial handbills, circulars, or advertisements is required except as specified below.~~

~~B. Handbills, circulars, or advertisements may be distributed in the following areas:~~

- ~~1. Outside any District building, or inside any building normally open for use by the public and students.~~
- ~~2. Within the SSA's.~~
- ~~3. Along the walkway adjacent to the parking lots.~~

~~C. Litter Removal~~

~~Distributors are required to remove litter from any immediate area where materials have been distributed. The failure to remove litter may result in a charge to the distributor for costs incurred in litter removal.~~

~~D. 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.~~

~~IX. 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.~~

I. USE OF AREAS GENERALLY AVAILABLE TO STUDENTS AND THE COMMUNITY

- A. 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 this procedure.
- B. The District shall not restrict free expression in "areas generally available to students and the community," defined as grassy areas, walkways or other similar common areas. This definition governs the phrase "areas generally available to students and the community" as it is used in Board Policy 3900 and throughout this administrative procedure.
- C. The areas generally available to students and the community are designated public forums.

For purposes of further defining "areas generally available to students and the community," no person may engage in the circulation of petitions, leaflets, newspapers and other printed matter in the following areas: within 25 feet of doorways opening to outdoor areas of campus, all indoor facilities including, but not limited to campus offices, classroom facilities, libraries, performing art facilities, indoor or outdoor athletic facilities, parking lots, student lounge, warehouses, and maintenance yards. All areas generally available to students and the community, as set forth above, may be reserved by the District, including recognized student organizations, for specific uses.

- D. Use of areas generally available to students and the community shall be subject to the following:
 1. Persons wishing to engage in speech or expressive activities in the areas generally available to students and the community are encouraged to inform the Chief Student Service Officer or designee of their intent to be present in such areas. The District encourages such check-in as a means to provide for safety and for the equitable use of such areas. Individuals availing themselves of such areas generally available to students and the community, whether they decide to check-in or not, may remain anonymous.
 2. Persons using areas generally available to students and the community shall not touch, strike or impede the progress of passerby, nor shall they force passerby to take materials.
 3. Persons 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 tends to disturb the orderly conduct (as defined under Penal Code Section 626.6) of the campus or classes, other lawful activities.

- E. Persons using areas generally available to students and the community shall not solicit donations of money, through direct requests for funds, sales of tickets, goods, or otherwise, except where he or she is using such areas 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.
- F. Non-student use of any areas, classrooms, rooms, buildings, facilities and grounds not reserved and open for speech or expressive activities is subject to the Civic Center Permit rules set forth in Board Policy and Administrative Procedure 6700, "Civic Center and Other Facilities Use."

II. DISTRIBUTION OF MATERIALS

All persons using areas generally available to students and the community shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within those areas. Those individuals or groups distributing materials in these areas, other than material that is discarded or dropped in or around an appropriate receptacle, shall make a reasonable effort to retrieve and remove such materials, prior to their departure from the areas that day.

III. POSTING

A. Open Posting

1. There are bulletin boards and open posting areas identified and maintained throughout the College campus on which students, student clubs and recognized student organizations, College Faculty and Staff, and members of the community may post materials.
2. The number of such bulletin boards may change from time to time. Materials may be posted on such bulletin boards with approval of the Chief Student Services Officer or designee. Materials posted in all other locations will be removed, including windows, classroom doors, walls, etc.
3. Open posting bulletin boards and open posting areas will be cleaned periodically.

B. Posting by Student Clubs and Recognized Student Organizations

1. Student Clubs and Recognized Student Organizations (collectively referred to as "student clubs") may have printed materials relating to activities and events that have been approved pursuant to Administrative Procedure 5450 posted on bulletin boards reserved for student clubs, official College communications, as well as in authorized open posting areas.
2. Prior to posting of such materials by student clubs, the materials will be presented to the Office of Student Activities at each campus for the purpose of receiving an expiration date stamp, on materials to be posted on bulletin boards reserved for student clubs, and official College communications. Such expiration date stamped materials may only be removed by a representative of the originating club or organization, or at the direction of the Office of Student Activities at each campus, but neither expiration nor removal shall occur sooner than two weeks after the expiration date stamp appearing on any posted material, or the day after the scheduled event or activity.
3. Student clubs and organizations may bring a draft of the materials to be posted to the Office of Student Activities for assistance with design and content.

C. Rules Governing the Posting of Materials

1. Approved posting locations are bulletin boards labeled "Student Spaces" or approved bulletin boards in classrooms.
2. Do not post on glass, painted surfaces (including painted light posts and railings), or trees.
3. All postings must use adhesive tape only. Staples may be used on the bulletin boards. Duct tap is not allowed. The Student Activities Offices at each college recommends using the blue painters tape found at most home improvement or drug stores.
4. Postings may not be placed over previously posted or approved materials.
5. Originating individuals and organizations are requested to take responsibility for maintaining its posting in a neat manner.