



## **AP 3900 Speech: Time, Place, and Manner**

Individuals and groups, including members of the public, shall be free to exercise their rights of free expression pursuant to the time, place, and manner policies and procedures contained in these procedures and in BP 3900 titled Speech: Time, Place, and Manner.

The following designated areas of the college and campuses of the District are set aside for expressive activities: those outside areas generally available to students and the community, such as grassy areas, walkways, and other similar common areas. Popular locations for the exercising of freedom of expression include the Rancho Campus Center outdoor areas, adjacent to the Michael Alexander Campus Center as well as the Rancho Campus main promenade (concrete pathway only), the Chino Campus Main Instructional Building quad, and the Fontana Campus open area between the Ralph M. Lewis Center and the Academic Building.

- Designated areas are available to students and the community during college operating hours.
- These areas are designated public forums. The District reserves the right to revoke that designation as to one or more areas and apply a non-public forum or other designation. Such a revocation would be made by the Superintendent/President or designee and the reasons in writing would be provided to the appropriate shared governance groups. Except in emergency situations, this revocation constitutes a substantive change subject to shared governance procedures.
- 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, restrooms, warehouses, maintenance yards, or locker rooms, and any other area not by tradition or designation a forum for public communication.

The use of these designated 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. In all cases, the sound level of amplification must not



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exceed 90 decibels as measured by a sound level meter using the 'A' weighted network (scale) at slow meter response.

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

Non-student, community groups of ten or more persons wishing to engage in speech or expressive activities on campus, in the areas designated as public forums, are to check in with the District through the Facilities Scheduling Office at (909) 652-6182 or (909) 652-6021 prior to engaging in the activities. This does not involve an advance approval process, and providing identifying information at check-in is optional. No illegal activities will be permitted, no activities which violate District or campus rules, including rules and laws on illegal harassment and discrimination, and none that will substantially interfere with or disrupt activities already scheduled for that day and time in the designated areas, as described below. In the event the area sought to be used for expressive activities has already been reserved for another activity so that there will be substantial interference or disruption based on noise, overcrowding, or other considerations unrelated to content, the District will offer alternative available areas or if none are available offer alternative dates. Students, outside organizations, and others are encouraged to make reservations in advance to use the areas for their expressive activities by contacting the Facilities Scheduling Office.

All persons using the areas that are designated public forums shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within those areas. Those persons distributing printed materials must, prior to their departure from the areas that day, make reasonable efforts to retrieve, remove, or properly discard material that is discarded or dropped in or around the areas other than in an appropriate receptacle.

### **Hours of Access**

The hours of operation for District property are 7 a.m. to 10 p.m. Expressive activities are not permitted outside hours of operation. Overnight use or sleeping on campus is not permitted, nor is use of the campus areas for sleeping, camping, laying down of bedding, and use of facilities for similar purposes authorized during hours of operation.



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**Posting of Materials**

Bulletin boards shall be provided for use in posting print materials at campus locations convenient for use by students, staff, and members of the public. These boards will be clearly designated as public bulletin boards to distinguish them from employee and other bulletin boards. (This procedure does not apply to areas reserved for association usage.) Printed fliers may be posted on approved bulletin boards located throughout campus. 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 Life at the Rancho Campus or designee(s) at the Chino and Fontana Campuses. Please contact the Office of Student Life or stop by Student Life for a listing of approved locations. Materials displayed shall be removed ten (10) days from the date of posting.

**Limitations**

- No individuals shall solicit donations or sell goods or services using the designated free speech areas, except where he/she is using them on behalf of, and collecting funds for, an organization that is registered with the Secretary of State as a nonprofit corporation or is approved by the Office of Student Life at the Rancho Campus or designee(s) at the Chino or Fontana Campuses.
- 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 violation of lawful community college regulations, or the substantial disruption of the orderly operation of the District, shall be prohibited. [Education Code Section 76120] (Obscenity does not necessarily include profanity, vulgarity, and other similar types of expression on campus.) Speakers who fail to comply with these regulations, for example by damaging property, may under law be required to pay the cost of clean-up or repair and, in appropriate circumstances, may be asked to leave the area or campus.
- Individuals engaging in activities in the free speech areas shall refrain from any conduct or behavior that violates District policy and procedures or that defaces and/or damages college property in any manner. Any individual engaging in such behavior shall be subject to removal from District property pursuant to CPC section 626.4, 626.6 and/or referral to appropriate authorities.
- Materials used shall not threaten health or safety physically, or communicate any threat prohibited by law.



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- Petitioners should be clear that they are sharing their own views and opinions and not communicating on behalf of the college.

Consistent with California law, in conducting expressive activities, no funds, services, supplies, or equipment of the District shall be used for the purpose of urging the support or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board of the District. (Educ. Code, § 7054.)

Nothing in this Administrative Procedure should be construed so as to conflict with employee or association rights under the Educational Employment Relations Act (“EERA”) of 1976.

References: Education Code Sections 7054, 66301, and 76120

Approved: 02/19/19  
*(Replaces former Administrative Procedure 5.6)*