



BP 3900 Speech: Time, Place, and Manner

Individuals and groups shall be free to exercise their rights of free expression on campus pursuant to this policy.

The campuses of the District have areas that are designated public forums available for the exercise of expression by individuals on campus, including members of the public. 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 designated public forums.

Speech shall be prohibited 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 Board policies or procedures, or the substantial disruption of the orderly operation of the District.

The District may prohibit hate violence, including language that is intended to injure or intimidate individuals on the basis of protected characteristics, in a manner that denies students their full participation in the educational process (Education Code Section 66301 subdivision (e)), so long as the prohibition conforms to the requirements of the First Amendment to the United States Constitution, and of Section 2 of Article 1 of the California Constitution. This policy does not prohibit the imposition of discipline for harassment, threats, or intimidation, unless constitutionally protected.

The administrative procedures promulgated by the Superintendent/President shall not prohibit the right of students, employees, or others to exercise free expression as authorized by law, including but not limited to the use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges, or other insignia.

Nothing in this Board Policy 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 66301 and 76120

Policy

Category: Executive Expectations

Adopted: 03/21/19

(Replaces former Board Policy 5.6)