

**CHAPTER 2: Administration and General Institution
BOARD POLICY NO. 2.31 (BP 3900)**

**BOARD POLICY
San Mateo County Community College District**

Subject: BP 2.31 Speech: Time, Place and Manner
Adoption Date: 6/13
Policy Reference: Education Code Sections 66301 and 76120; California Code of Civil Procedure Section 527.3

1. Public expression in the form of freedom of speech and advocacy is a fundamental American right and an essential element in the marketplace of ideas of higher education. The Board of Trustees recognizes that fostering free speech and encouraging the broad expression of diverse views are essential to the District's goal of offering a rich educational environment. At the same time, in order to carry out its mission of teaching and public service, the District must maintain conditions under which the work of its faculty, students, and staff can be carried out freely, effectively and safely. The District interprets and applies State and Federal Constitutional provisions concerning freedom of expression in a broad and flexible manner so as to allow all views to be expressed while continuing to carry on the colleges' mission of learning, research, and service. This protection of freedom of expression is within the District's mission of learning. This policy is intended to ensure that free speech activities on District campuses are fostered while at the same time preventing unreasonable interference or conflict with the educational, research, outreach, and other functions of the District and its campuses.
2. No restrictions shall be placed on the subject matter, topics or viewpoints expressed by students, employees or members of the public, as long as it does not include expression which is obscene, libelous, slanderous or illegal according to current legal standards; or where such speech advocates for the use of force or law violation and where such advocacy is directed to inciting or producing lawless action on District property and is likely to incite or produce such action or the unreasonable disruption of classroom or college or district activities or operations. The District shall have no content-based nor viewpoint-based restrictions on speech.
3. Employment by the District does not in any way restrict or limit the Federal First Amendment and California Constitutional right to freedom of expression and political activity that employees enjoy as members of their communities during non-work time. Employees are free to speak and write publicly on any issue, as long as they do not indicate they are speaking on behalf of the District. During work hours, District employees have the right to express their opinions which relate, directly or indirectly, to their professional activities or education, in the classroom, in participatory governance meetings, at college sponsored functions and in other settings.
4. In the spirit of open discussion and freedom of expression, any individual or group may use campus and District exterior spaces, including lawns, plazas, quadrangles, patios, and similar or related open spaces on the College campuses and District grounds for the free exercise of academic freedom and free expression, subject to the regulations and the restrictions of this policy.
5. As a publicly financed California community college district, the District recognizes that students, employees and members of the public are free to exercise their rights of free expression and academic freedom on its premises, subject to the requirements and the restrictions of this policy, which are and

BP 2.31 Speech: Time, Place and Manner (continued)

must be applied in a content-neutral, narrowly tailored manner, designed to serve a significant public interest.

- a. Areas of the District which are enclosed, such as meeting rooms, auditoriums, classrooms and similar areas periodically may be designated by the District as designated public forums, where freedom of expression is protected, as determined by the circumstances.
 - b. While classrooms are intended for educational purposes, the District may designate a classroom as a designated public forum for a particular event or debate. Generally, a classroom environment is one in which academic freedom protects expression, although subject to the reasonable regulations of the instructor in charge, and other reasonable time, place and manner rules.
 - c. Even when used for educational purposes, classrooms are protected by principles of academic freedom, and comments made in classrooms by those expected to be there are protected by principles of free speech.
6. In order to protect the safety of all individuals on campus and to prevent the unreasonable interference with the educational, research, outreach, and other functions of the District and its campuses, the following content-neutral and narrowly tailored time, place and manner restrictions, designed to serve a significant public interest will apply to all public forums on campus. Speakers and organizers must:
- Allow the District's regularly scheduled classes, research, events, ceremonies and normal and essential operations to proceed without unreasonable interference.
 - Allow parking and the flow of vehicular and pedestrian traffic.
 - Allow the ingress and egress to and from all buildings.
 - Allow a group that has reserved the space to use it. An individual or group with a reservation will have priority in the use of the location.
 - Allow a speaker or performer to be seen and heard by the audience.
 - Maintain a noise level that allows classes, campus events and operations to occur without unreasonable interference. The use of sound amplification shall normally be allowed, except where such sound amplification creates noise or diversion that unreasonably disrupts classroom, College or District activities or operations.
 - Assure that actions do not create an imminent health or safety hazard.
 - Assure that actions do not destroy District property.
7. Because it is the District's intention to assure maximum use of its grounds for free expression and in compliance with the California Civic Center Act, reservations normally shall be made to the District to ensure that a location is available for use at a specific date and time. An individual or group with a reservation will have priority in the use of the location. The District shall not deny a reservation application based on the speech content of the proposed activity or on the viewpoint of the individual(s) or group.

The District shall not prohibit speech or expressive activity on its campuses and grounds solely because the individual(s) or group did not make or does not have a reservation. Any District denial of a reservation application shall be in writing and may be appealed to the Chancellor, who shall respond promptly in writing to the appeal.

The District shall deny a reservation or restrict speech or an event only when there is clear and convincing evidence that:

BP 2.31 Speech: Time, Place and Manner (continued)

- a. The event is likely to lead to an unreasonable disruption of previously scheduled campus activities or the conduct of education;
 - b. The location is unsuitable based on demonstrable health, safety or fire code restrictions;
 - c. The use or activity would present danger to the health, safety of people; or
 - d. The activity is prohibited by law.
8. Peaceful marches and picketing are permitted in the designated public forums of the District.
 9. There shall not be restrictions on the right of students, employees and members of the public to exercise free expression, including but not limited to the use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges and other insignia, except as is limited by the reasonable time, place and manner restrictions of this policy, which are and must be applied in a content-neutral, narrowly tailored manner, designed to serve a significant public interest.
 10. Nothing in this policy shall prohibit the regulation of hate violence (as defined by subsection (a) of Section 4 of Chapter 1363 of the Statutes of 1992) directed at members of the District community in a manner that denies their full participation in the educational process, so long as the regulation conforms to the requirements of the First Amendment of the United States Constitution, and of Section 2 of Article 1 of the California Constitution.