AP 3900 SPEECH: TIME, PLACE, AND MANNER

References:  
Education Code Sections 66301 and 76120

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 BP 3900 titled Speech: Time, Place, and Manner and these procedures.

The campuses of the District are non-public forums, except for the following areas, which are reserved for expressive activities that do not violate Board policy and are lawful. The designated areas at the Kentfield Campus include: South of Olney Hall near the student drop off area on College Avenue; North entrance to the Student Center; East side of the Student Center; and no closer than 30 feet to any academic or student service buildings. The designated area at the Indian Valley Campus is the Campus Green and no closer than 30 feet to any academic or student service buildings. These areas are chosen so as to provide visibility and allow communication to a large number of students, administrators, faculty, and others walking or traveling on campus but also so as not to disrupt the orderly operation of the District including educational and other activities on behalf of students:

- The areas are designated public forums. The District reserves the right to revoke that designation and apply a non-public forum designation.
- 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 District that are non-public forums specifically include campus offices, classrooms, warehouses, maintenance yards, or locker rooms, and any other area not specified above.

The use of these areas reserved and open for expressive activities is subject to the following:

- Persons using and/or distributing material shall not impede the progress of passersby, nor shall they force passersby to take material.
- No person using the areas shall touch, strike, or 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 or tends to disturb the orderly conduct of the campus or classes.

• No persons using the areas generally available to students and the community shall solicit donations of money, through direct requests for funds, sales of tickets or otherwise, except where he/she is using the areas generally available to students and the community 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.

Non-student, community groups wishing to engage in speech or expressive activities on campus, in the areas designated as public forums, must provide notification to the District through the Office of Student Affairs not less than three business days in advance of the activities and must describe the nature of the planned activities and the approximate number of participants. 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.

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. Material distributed in the areas that is discarded or dropped in or around the areas other than in an appropriate receptacle must be retrieved and removed or properly discarded by those persons distributing the material prior to their departure from the areas that day.

Posting
Bulletin boards shall be provided for use in posting materials at campus locations convenient for use by students, employees and members of the public. 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 Affairs. Materials displayed shall be removed within ten days after the event.

From current College of Marin Procedure 8.0021 DP.1 titled Distribution or Posting Materials on College Property

The purpose of this procedure is to establish guidelines for the distribution and posting of various types of printed materials (notices, bulletins, circulars, publications, signs, advertisements, flyers, etc.) on College property or in College buildings. The guidelines are designed to accomplish the following goals:

1. Reduce unsightly visual clutter and paper litter from the College's campuses.
2. Avoid costly damage to building surfaces, windows, and doors, which may occur when materials are stapled, taped, nailed, or tied to the exterior or interior of College structures, or landscaping (i.e. trees, shrubs).

3. Limit the advertising or promotion of non-College-sponsored events or products on College property which might disrupt the educational process and normal business of the College.

These guidelines apply to:

1. Distribution By On-Campus Groups: On-campus groups or individuals may distribute College-related materials in accordance with Policy 8.0021.

2. Distribution By Off-Campus Groups: Off-campus groups or individuals are prohibited from distributing non-College materials, including advertising of any nature, on College property or in College buildings unless prior approval has been granted by the President or her/his designee. The granting of approval by any College official shall not be construed as an endorsement of an activity, cause, or product.

3. Restrictions: Bulletin boards in classrooms or in specific program areas are reserved primarily for instructional materials and official College announcements. Non-College materials which advertise other interests must be approved by the College President or her/his designee prior to posting or distribution in campus mail rooms. The President may grant permission for the posting or distribution of advertising materials for products or services that support the educational purposes of the College or benefit its students or employees.

Materials may be attached to existing bulletin boards, and kiosks only. Exceptions, including free standing signs or mechanical devices, must have prior approval of the College President or her/his designee. Printed materials may not be placed on vehicles parked on College property, except official items issued by the District Police. Signs or notices issued by a court or a public official in the performance of any public duty are permitted on College property.

4. Enforcement: Violation of the policy or this procedure shall constitute sufficient cause for revocation of the authority and privilege of distribution or posting of materials on College property. The College may also require those in violation of the guidelines to remove all materials immediately. Those persons in violation are also subject to citation and fine as provided by the Marin County Code and the California Penal Code.

Office of Primary Responsibility: Student Affairs

NOTE: The red type signifies legally advised/suggested as good practice language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in
**black type** is current College of Marin Procedure 8.0021 DP.1 titled Distribution or Posting Materials on College Property approved on 12/18/89. The information in **blue type** is additional language to consider including in this procedure. The information in **green type** reflects added language during the Administrative Group review on 4-7-10. Approved by Academic Senate 4/29/10. Reviewed by Policy Task Group 5/6/10.

**Date Approved:**
(Replaces current College of Marin Procedure 8.0021 DP.1)
Legal Citation for AP 5550 Speech: Time, Place, and Manner

EDUCATION CODE SECTIONS 66301 and 76120

66301. (a) Neither the Regents of the University of California, the Trustees of the California State University, the governing board of a community college district, nor an administrator of any campus of those institutions, shall make or enforce a rule subjecting a student to disciplinary sanction solely on the basis of conduct that is speech or other communication that, when engaged in outside a campus of those institutions, is protected from governmental restriction by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution.

(b) A student enrolled in an institution, as specified in subdivision (a), at the time that the institution has made or enforced a rule in violation of subdivision (a) may commence a civil action to obtain appropriate injunctive and declaratory relief as determined by the court. Upon a motion, a court may award attorney's fees to a prevailing plaintiff in a civil action pursuant to this section.

(c) This section does not authorize a prior restraint of student speech or the student press.

(d) This section does not prohibit the imposition of discipline for harassment, threats, or intimidation, unless constitutionally protected.

(e) This section does not prohibit an institution from adopting rules and regulations that are designed to prevent hate violence, as defined in subdivision (a) of Section 4 of Chapter 1363 of the Statutes of 1992, from being directed at students in a manner that denies them their full participation in the educational process, if the rules and regulations conform to standards established by the First Amendment to the United States Constitution and Section 2 of Article I of the California Constitution for citizens generally.

(f) An employee shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in conduct authorized under this section, or refusing to infringe upon conduct that is protected by this section, the First Amendment to the United States Constitution, or Section 2 of Article I of the California Constitution.

76120. The governing board of a community college district shall adopt rules and regulations relating to the exercise of free expression by students upon the premises of each community college maintained by the district, which shall include reasonable provisions for the time, place, and manner of conducting such activities.

Such rules and regulations shall not prohibit the right of students 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, or other insignia, except that 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 community college, shall be prohibited.