

SPEECH AND ADVOCACY

I. USE OF DISTRICT FACILITIES AND GROUNDS

A. General Provisions

1. The District is committed to ensuring 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. As an owner of property held in trust for the purpose of providing courses and programs at the community college level, the District, including the Advanced Technology and Education Park (ATEP), Irvine Valley College (IVC), and Saddleback College (SC), reserves the right to limit the use of its facilities and grounds for the exercise of free speech and free expression consistent with the United States Constitution and the California Constitution.
2. 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.
3. This policy, which is applicable to students and employees of the District and members of the public, is intended to further the District's substantial interests in (a) protecting student health and safety; (b) preventing substantial disruption of the learning environment and the orderly operation of District campuses; (c) preserving District facilities for their intended use; (d) coordinating multiple uses of limited space; (e) preventing unlawful, dangerous, or impermissible uses of District facilities; and (f) ensuring financial accountability for damages and litter caused by the use of District facilities for speech and advocacy purposes.
4. It is the policy of the District that its interpretation of California Education Code, Section 76120, be consistent with the First Amendment of the United States Constitution, Article I, Section 2 of the California Constitution and California Education Code, Section 66301, and that none of the District's regulations shall prohibit any speech or expression unless it falls outside the protection of the First Amendment to the United States Constitution and 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 to the orderly operation of the District's campuses, as defined by legal precedent.)
- a. Students, employees, and members of the public shall be free to exercise their rights of free expression, subject to the requirements and limitations of this policy and its implementing administrative regulations.
 - b. Speech shall be prohibited that is defamatory or 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 administrative regulations, or the substantial disruption to the orderly operation of the District. (Education Code Section 76120.)
 - c. Nothing in this policy shall prohibit the regulation of unlawful speech, so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution, and Article I, Section 2, of the California Constitution. Similarly, students and employees may be disciplined for speech that constitutes unlawful harassment, threats, or intimidation, or incites violence, unless such speech is constitutionally protected.
 - d. Neither this Board, the Chancellor, nor a management team member of any college or facility of the District, shall make or enforce a rule subjecting a student to disciplinary sanction pursuant to Board Policy and Administrative Regulation 5500 – *Standards of Student Conduct and Discipline Procedures* solely on the basis of conduct that is speech or other communication that, when engaged in outside a District campus, is protected from governmental restriction by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution. (Education Code Section 66301(a) and Stats.1992, c. 1363 (S.B.1115), §§ 2 and 4.)
 - e. All advertisements that promote illegal substances as identified by the laws of the United States and/or the State of California are prohibited.
5. Free speech rights are subject to reasonable time, place, and manner regulations. (Stats.1992, c. 1363 (S.B.1115), § 4(a)(1).) The Chancellor, or designee, shall adopt regulations as are necessary to reasonably regulate the time, place, and manner of the exercise of free speech and free expression at the District's colleges, facilities, and grounds.

B. Neutrality:

1. This policy and Administrative Regulation 3900 are intended to be content neutral and shall be implemented as such. This policy and the Administrative Regulation 3900 also are intended to be viewpoint neutral and shall be implemented as such.
2. The District expressly disclaims the sponsorship and/or endorsement of any statements or activities of any student, person, or group utilizing the facilities or grounds of the District for speech and advocacy purposes unless there is a written document that is signed and authorized by the Chancellor or designee, which expressly provides for District sponsorship and/or endorsement.

II. USE OF DISTRICT PROPERTY BY THE GENERAL PUBLIC UNDER THE CIVIC CENTER ACT

Use of District facilities by the general public also is governed by other provisions of law including, but not limited to, the Civic Center Act, California Education Code Section 82537. The District shall enact regulations pursuant to this section. See Board Policy and Administrative Regulations 6700 – *Civic Center and Other Facilities Use*.

References:

Education Code Sections 66301 (Stats.1992, c. 1363 (S.B.1115), §2 and §4), 76120, 82537 and 87708

Penal Code Sections 311, 311.2, 407, 409, 415, 415.5, 416, 422.6, 602.10, and 626-626.6