

BOARD POLICY 3900 SPEECH: TIME, PLACE, AND MANNER

Students, employees, and members of the public shall be free to exercise their rights of free expression, subject to the requirements of this policy.

In addition to the importance of academic freedom, the Board recognizes the constitutional right of free speech, and to that end, the Chancellor shall enact such administrative procedures as are necessary to reasonably regulate the time, place, and manner of the exercise of free expression on district property.

The administrative procedures promulgated by the Chancellor 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 in those parts of the college designated as areas generally available to students and the community, and the wearing of buttons, badges, or other insignia.

Speech shall be prohibited that is defamatory, obscene according to current legal standards, or which is designed to incite another to create a clear and present danger of the commission of unlawful acts on District property or the violation of District policies or administrative procedures, or the substantial disruption of the orderly operation of the District.

Nothing in this policy shall prohibit the regulation of hate violence directed at students in a manner that denies their full participation in the educational process (Education Code Section 66301(e)), so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution, and of Section 2 of Article 1 of the California Constitution. Students may be disciplined for harassment, threats, or intimidation unless such speech is constitutionally protected.

Reference:

Education Code Section 76120 and 66301

Administrative Procedure AP 3900 Speech: Time, Place, and Manner

Replaces:

Board Policy 2.30 Orderly Conduct in the Peralta Community College District adopted February 4, 1974