

BP 5550 SPEECH: TIME, PLACE, AND MANNER

References:

Education Code Sections 76120 and 66301

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

The college(s) of the District is/are non-public forums, except for those areas that are designated public forums available for the exercise of expression by students, employees, and members of the public. The Chancellor shall enact such administrative procedures as are necessary to reasonably regulate the time, place, and manner of the exercise of free expression in the limited public forums.

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, and the wearing of buttons, badges, or other insignia.

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 District policies or procedures, or the substantial disruption of the orderly operation of the District.

This Policy does not prohibit the regulation of hate violence directed at students 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 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.

This Policy, relating to use of facilities, distribution and posting of literature, and preventing disruption of instructional and/or other District activities does not apply to student news media as provided for in Board Policy 4600, titled News Media.

Date Adopted: March 17, 2009
(Replaces RCCD Policy 5120)
Revised: January 25, 2011
Revised: January 16, 2015

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References:

Education Code Sections 66301 and 76120
Penal Code Sections 602.1, 626.4 and 626.6

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 restrictions contained in Board Policy 5550 and this Administrative Procedure.

SPEECH

Speech which is obscene, defamatory or which 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.

PUBLIC FORUMS

The Colleges of the District are non-public forums except for the following areas, which are reserved for expressive activities which do not violate District Policy and which are lawful. These areas are the Martin Luther King, Jr. Plaza, Promenade, north side of Terracina Dr. across from the Quad, and the Aguilar Patio at Riverside City College; the John J. Cordures, Jr. Plaza at the Moreno Valley College; and the Science and Technology Plaza at the Norco College. All areas are depicted on the attached campus maps. 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 educational and other activities of the district on behalf of students. These areas are designated public forums. The District reserves the right to revoke that designation and apply a non-public forum designation.

Areas of the District that are non-public forums specifically include campus offices, classrooms, warehouses, maintenance yards, parking lots, or locker rooms, and any other area not specified above.

No illegal activities will be permitted, no activities which violate District or College 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.

Prior to use, and to facilitate planning and security, anyone wishing to use these public forum areas must check in with the Dean of Student Services, or designee, on each campus. If there is a conflict with the use of the specified area, an

alternate site will be offered.

Distribution of Literature

Recognized campus organizations, students, faculty, staff members, or members of the public may post, circulate or distribute literature in those areas designated as public forums on the campuses of the District in accordance with existing laws and regulations.

All materials must include the name of the co-sponsoring organization or individual.

Distribution of materials that are obscene, defamatory, or incite 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 is prohibited.

Materials may not be forced upon passersby, nor may the individual(s) distributing materials follow students to their classroom, or physically impede the progress of, or in any way harass passersby. No person distributing materials shall touch or strike passersby, except for incidental or accidental contact, or contact initiated by a passerby.

All materials, which advertise controlled substances, as identified by the laws of the United States and/or the State of California, are prohibited.

Any literature that is discarded or dropped (other than in a trash receptacle) must be retrieved and removed, or properly discarded in a trash receptacle, by those persons distributing the material, prior to their departure from the area.

Parties distributing literature may provide their own table and chair(s) from which to distribute, but the placement of such must not impede the flow of foot traffic through the area.

Posting of Material

Material may be posted in and on the permitted locations described in this procedure. Postings will not be allowed if they are: 1) obscene, and/or, 2) create a clear and present danger of the commission of unlawful acts on District property, or of violence, or the substantial disruption of the orderly operation of the District. Postings shall not exceed 240 square inches in size.

All posted communications shall identify the group responsible for it and the date first posted.

Posted materials will be allowed for a maximum of ten school days by the Chief Student Services Officer, or designee, of each college or program location, to prevent litter and overcrowding. If the posting party does not remove the posted items at the expiration of the 10 days, the campus will remove the postings. This process is content neutral and is only intended to ensure that the literature will not be removed before the ten-day posting period expires.

Only twelve (12) postings at a time, per individual or organization, will be allowed.

Permitted locations are as follows:

- Unsecured interior (except for classrooms and laboratories) and exterior bulletin boards not marked for a specific purpose;
- Kiosks;
- Other designated areas as determined at each campus/college by the President.

Prohibited locations are as follows:

- Secured bulletin boards and any other bulletin board marked for a specific purpose;
- No material, other than campus communications, may be posted in interior hallways, classrooms, and laboratories or on the exterior of any campus controlled building or structure.
- No material may be posted in the following interior areas: closets, bathrooms, ceilings, windows, trash cans, stairwells, stair railings, and benches.
- No material may be posted in the following exterior areas: trees, landscaping, shrubbery, bricks, sign posts, directional signs, parking lots, directional information or historical markers.

For purposes of the above, "campus communications" are communications from the administration of any college or location; any official staff organization; and any official student group, including student government or student clubs.

Thumbtacks must be used to post materials on bulletin boards. Posted materials must not obscure previously posted items.

AMPLIFICATION

The following requirements and restrictions are in place to respect the integrity of the educational process and prevent disruption of the learning environment and operations of the campuses/colleges. The following apply to amplification equipment/systems:

Amplification is permitted in the public forum areas noted above, except for the north side of Terracina Dr. across from the Quad at Riverside City College. For the hours of permitted use of amplification, please contact the Dean of Student Services, or designee, of the appropriate campus. Amplification is not permitted during the final week of each semester. Levels of amplification must not exceed a volume of 65 decibels at a distance of 50 feet.

In the event that there is more than one user in an area, only the user first requesting amplification shall be entitled to use amplification. In the event that the first user does not wish to use amplification; the second user shall be entitled to use amplification. Under no circumstances shall there be joint amplification systems or more than one amplification system in use in the same general area.

The District has no responsibility to supply or provide extension cords or amplifiers.

Anyone wishing to use amplification should contact the Dean of Student Services, or designee, of the applicable college.

VIOLATION

Anyone witnessing a violation of these rules, may report the violation by contacting the following:

Moreno Valley – Dean of Student Services, SS Rm. 218, 951-571-6384;

Norco – Dean of Student Life, CSS 205B; 951-372-7125;

Riverside – Dean of Student Services, Bradshaw Bldg., Rm. 207, 951-222-8073, or Student Activities Coordinator, Bradshaw Bldg., Rm. 206A-2

The individuals contacted will contact college police, if necessary.

Any person or persons who violate any of the rules listed above will be advised of the violation, and may be removed from the property by college police and subject to the appropriate legal action. They will be directed to the office of the Chief Student Services Officer, or designee, of the College. If behavior results in three (3) removals from the college, the individual(s) will be prohibited from returning to the college for a period of fourteen (14) days, in accordance with Penal Code 626.4.

Students can also be disciplined for violation of Board Policy.

STAFF TRAINING

In order to ensure the orderly administration of these procedures, all student services and police department staff that may be involved in the carrying out or enforcement of these procedures will be given training.

Office of Primary Responsibility: Vice Chancellor, Educational Services

Administrative Approval: December 14, 2009

(Replaces RCCD Regulation 5120)

Revised: November 29, 2010

Revised: January 31, 2011

Revised: April 11, 2011

Revised: February 23, 2015

Revised: August 17, 2015