

**Coast Community College District
ADMINISTRATIVE PROCEDURE**
Chapter 3
General Institution

AP 3900 SPEECH: TIME, PLACE, AND MANNER

References:

Education Code Sections 76120 and 66301

The District's students, employees, and members of the public shall be permitted to exercise their rights of free expression subject to reasonable time, place, and manner policy contained in Board Policy 3900 and contained within this procedure.

FREE SPEECH; SPEECH AND ADVOCACY

I. Facilities

The Coast Community College District ("District") maintains three college campuses: Orange Coast College, located in Costa Mesa, Golden West College, located in Huntington Beach, and Coastline Community College, whose main administrative center located in Fountain Valley. The District also maintains a District Headquarters Site in Costa Mesa. This regulation is also applicable to all other locations where the District holds classes and otherwise operates any facilities under its control.

A. Definitions

President: The term "President" refers to the President of Orange Coast College, or Golden West College, or Coastline Community College, and to all designees of the President.

Chancellor: The term "Chancellor" refers to the Chancellor of the District and the designees of the Chancellor.

B. Education Code References

The Chancellor has set forth this administrative procedure to enforce Board Policy BP 3900, consistent with the First Amendment to the United States Constitution, Article I, Section 2 of the California Constitution, and California Education Code Section 66301.

The provisions of California Education Code Section 76120, as construed by the Board policy and this regulation, shall be enforced by the President

or by the Chancellor with regard to any facilities used for District programs.

The provisions of California Education Code Section 76120, as construed by the Board policy and this regulation, are hereby extended to members of the general public while using District facilities, including off-campus sites used by the District for educational purposes.

C. Defamatory Statements – Disclaimer and Defense

Any student or member of the general public utilizing District facility that makes or causes to be made a libelous or slanderous ("defamatory") statement, either spoken or in writing will not be defended by the District in the event they are sued for such allegedly defamatory statements. The District disclaims any liability for any damages for any defamatory statement made, or caused to be made, by any student or member of the general public utilizing the District's facilities. Nothing in this section will be construed as requiring the District to provide any defense or payment of damages for defamatory statements made by any student, faculty or staff of District or any member of the general public. While not otherwise permitting allegedly defamatory statements, nothing in the policy or this regulation will be construed as a prior restraint on allegedly defamatory statements.

D. Obscenity

For purposes of the Board policy and this regulation, the term "obscene" as set forth in Section 76120 shall be determined in accordance with the current legal standards set forth in statutory provisions or the decisions of the United States Supreme Court or Federal Courts, relative to the Federal Constitution, and to the California Supreme Court, and other State Courts relative to the California Constitution.

E. Administrative Citations and Penalties for Violation

The President of each campus reserves the right to institute administrative disciplinary proceedings against any student who willfully violates the facility use provisions of the Board policy or this regulation. The factors that the President may consider in determining whether disciplinary action is appropriate for a violation of the Board policy or regulation includes, but is not limited to: (1) the severity of the violation; (2) the willfulness of the violation; (3) whether the violation presented a risk of injury to another; (4) whether the violator has been found to have previously violated the policy; and (5) other applicable factors.

Disciplinary proceedings for violation of the Board policy or regulation shall not be based on the viewpoint of any statements. Disciplinary proceedings shall further not be based on the content of any statements with the exception of statements that so 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 colleges.

All rights and remedies with regard to administrative review and disciplinary procedures that govern student actions shall be applicable to the Board policy and the regulation.

The right of members of the general public to continue to utilize District facilities may be revoked if they violate the provisions of the Board policy and the regulation while utilizing District facilities.

The disciplinary penalties and procedures set forth in the Student Code of Conduct are applicable to students for violations of the Board policy and the regulation and are incorporated herein.

F. Financial Responsibility

All persons who apply to use District property shall pay for:

- (i) extraordinary expenses incurred above the ordinary campus maintenance, and operating costs such as "supplies, utilities, janitorial services, services of any other District employees" necessitated by the organization's use of District facilities and property; and
- (ii) the direct costs of extraordinary security incurred above ordinary security.

II. Use of Facilities

A. Designated Free Speech Areas: Designated Free Speech Areas are hereinafter referred to as "Free Speech Areas."

Orange Coast College

The following exterior property at Orange Coast College may be used by students for speech and advocacy to the extent permitted herein:

- a. Walkway between the Student Center and Classrooms and Labs.
- b. Such further areas as may be designated by the President.
- c. The President shall designate one or more Free Speech Areas no further than fifteen feet from either the entrance or exit of any swap meet held on campus grounds. This area must be no smaller than 200 square feet and must only be set-aside during the operation of any swap meet. Any District property used for the operational area of a swap meet, including all parking lots, is considered a nonpublic forum.

Golden West College

The following exterior property at Golden West College may be used by students to the extent permitted herein:

- a. In the front of the College Bookstore, at least 15 feet from the entrance thereto.
- b. In front of the Library Building, at least 15 feet from the entrance thereto.
- c. Such further areas as may be designated by the President.
- d. The President shall designate one or more Free Speech Areas no further than fifteen feet from either the entrance or exit of any swap meet held on campus grounds. This area must be no smaller than 200 square feet and must only be set-aside during the operation of any swap meet. Any District property used for the operation of a swap meet is considered a nonpublic forum.

Coastline Community College

The following exterior property at Coastline Community College may be used by students to the extent permitted herein:

- a. College Center – North Side of Building to the East of the Entrance.
- b. Garden Grove Center – Area Immediately South of the West Entrance.
- c. Westminster Center – North End of the Front Steps.
- d. Such further areas as may be designated by the President.

District Site

- a. The public sidewalks adjacent to the District Site.
- b. Such further areas as may be designated by the Chancellor.

B. No Prior Reservations Needed to Use Designated Free Speech Areas

Any person or group desiring to use the Free Speech Areas may do so without a reservation. These areas have been designated as Free Speech Areas because they are the “prime” location(s) on each campus.

Students or members of the general public are also encouraged to identify the nature of the event or use (e.g., lecture by _____, speech by _____, debate regarding the following topic: _____, etc.) so as to allow for appropriate support and public safety considerations. Providing this information is voluntary, and no use of any Free Speech Area may be denied for failure to provide this information. This information may be provided to the Associated Students Offices at Orange Coast College and Golden West College, and to the Office of Student Services at Coastline Community College.

In the event that more than one user wishes to use the same Free Speech Area that is being used by another party, the parties should try to determine whether a sharing agreement may be arranged. If the parties are not able to enter into a sharing agreement, the later arriving user may either use the designated Free Speech Area earlier or later in the day.

Persons are encouraged to act reasonably and to share a Free Speech Area whenever possible.

Should a request by any person or group to use any Free Speech Areas be submitted, such request may only be denied if:

- (i) such conditions exist as may be applicable to the lawn areas;
- (ii) the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the District and previously scheduled for the same time and place;
- (iii) the proposed use or activity is prohibited by or inconsistent with the classifications and uses of the District facilities or part thereof designated pursuant to this chapter;
- (iv) the use or activity intended by the applicant or reservationists would present an unreasonable danger to the health or safety of the applicant or reservationists, or students, community members, faculty, or staff of the District;
- (v) the use or activity intended by the applicant or reservationists is prohibited by law.

C. Non Blockage of Areas

Tables and chairs may be placed within the specified Free Speech Areas designated by the President of each college.

No tables or chairs may be placed within the area that is designated as a “non use” or “open” area. The purpose of this provision is to maintain the unrestricted access to and from campus buildings, and to provide for unimpeded pedestrian access on campus.

D. Restriction on Use of Lawn Areas

Notwithstanding any reservation or approval for other than Free Speech Areas, a person using the “lawn” areas at Orange Coast College, Golden West College, or Coastline Community College do not have exclusive rights and are subject to the following exclusions which are based on the maintenance needs of the District and the District’s interest in maintaining its facilities:

In the event of substantial rainfall, the President may limit or restrict access on lawns until such time as it is relatively safe to use the lawn area: During watering periods; During maintenance; During times when the area may contain pesticides or fertilizer; A reasonable period as may be determined by the President related to the care, feeding, or maintenance of the lawn area.

E. Reservation of Tables and Chairs

Users may not bring their own tables and chairs for use on campus due to risk and liability concerns, with the exception of special chairs for use by disabled persons.

Certain limited tables and chairs owned by the District are available for reservation on a first come, first served basis and subject to availability. Reservations for tables or chairs must be made 3 business days in advance of the requested event date and submitted to the Associated Students office for Orange Coast College and Golden West College, and through the Office of Student Services at Coastline Community College. The use of District tables and chairs require prior reservation even though the Free Speech Areas may be used without a reservation.

The tables and chairs may only be installed and removed by employees of the District for liability and insurance purposes.

F. Reservation of Amplification

The District has one outside/exterior amplification system available for use at each college by students or members of the general public seeking to use the District areas. The single amplification system is available on a first come, first served basis, and only by reservation made 10 days in advance of the requested event date.

G. Amplification Requirements and Restrictions

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

1. May only be installed and removed by employees of the District.
2. Must be reserved from the Campus Audio Visual Department, Library, or other department specified by the Associated Students Office at Orange Coast College or Student Activities Office at Golden West College, and by the Office of Student Services at Coastline Community College.
3. Permitted only in the Free Speech Areas. (See Section II.A.1., 2., 3., 4.)
4. Not permitted during the final week of each semester or during any examination period.
5. Permitted in the Free Speech Areas during the following days and times:
 - a. Mondays through Friday from 11:30 a.m. to 1:30 p.m.;
 - b. Saturdays from 4:00 p.m. to 8:00 p.m.;
 - c. Sundays from 4:00 p.m. to 8:00 p.m.
6. Levels of amplification:

Orange Coast College: Not to exceed 60 decibels (as measured within any portion of any classroom or office).

Golden West College: Not to exceed 60 decibels (as measured within any portion of any classroom or office).

Coastline Community College: Not to exceed 60 decibels (as measured in any classroom or office).

The amplification setting where music is used shall not include any excessive bass settings. Excessive bass in music amplification cause sound reverberation which disrupts the campus mission, and is prohibited.

Users are required to set the decibel level at a 1 decibel setting or lower than the maximum allowed.

In the event that there is more than one user in an area, only the user first requesting amplification is entitled to use amplification. In the event that the reserving user does not wish to use amplification, the second user is entitled to use amplification provided that the second user has reserved the amplification system. Under no circumstances may there be joint amplification systems or more than one amplification system in use in the same general area except as set forth herein.

Users of a Free Speech Area may bring their own amplification system or unit, but shall abide by the decibel limits set forth herein. The District has no responsibility to supply or provide extension cords, electricity, or amplifiers to those users supplying their own amplification.

III. Grounds and Use of the Grounds

All outside portions of Orange Coast College, Golden West College, and Coastline Community College that are not Free Speech Areas, lawn areas, are herein referred to as the "Other Grounds." The term "Other Grounds" means and refers to all outside portions of Orange Coast College, Golden West College, and Coastline College that are not (1) Free Speech Areas as defined above; or (2) are not those areas that are considered or determined to be traditional public forums.

A. Application Process for use of Other Grounds:

Use of any portion of Other Grounds for speech and advocacy purposes must be reserved in advance of the intended use. The reservation process for Other Grounds, except as expressly provided in this section, is the same as set forth in the Free Speech Areas above. A request by any person or group for a reservation for use of any portion of Other Grounds may be denied if:

- (i) the reservation form is not completed;
- (ii) if there is a preexisting reservation;
- (iii) such conditions exist as may be applicable to the lawn areas;
- (iv) the applicant has made on prior occasions material misrepresentations regarding the nature or scope of an event or activity previously permitted

or has violated the terms of prior reservations issued to, or on behalf of, the applicant;

- (v) the application contains a material falsehood or misrepresentation;
- (vi) the application or the person on whose behalf the application was made, has on prior occasions damaged District property and has not paid in full for such damage;
- (vii) the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the District and previously scheduled for the same time and place;
- (viii) the proposed use or activity is prohibited by or inconsistent with the classifications and uses of the District facilities or part thereof designated pursuant to this chapter;
- (ix) the use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, students, or faculty or staff of the District;
- (x) the use or activity intended by the applicant is prohibited by law.

B. Tables and Chairs:

The reservation process and use policy for tables and chairs on the Other Grounds, except as expressly provided in this section, is the same as set forth with respect to the Free Speech Areas above.

C. Amplification:

Orange Coast College: Amplification shall be permitted within the Other Grounds. The provisions with respect to amplification in Free Speech Areas are also applicable to the Other Grounds.

Golden West College: Amplification shall be permitted within the Other Grounds. The provisions with respect to amplification in Free Speech Areas are also applicable to the Other Grounds.

Coastline Community College: Amplification shall be permitted within the free speech areas. The provisions with respect to amplification in Free Speech Areas are also applicable to the Other Grounds.

Amplification shall be permitted within the Other Grounds, on the condition that such amplification does not exceed 60 decibels (as measured in any portion of any classroom or office). The provisions with respect to amplification in Free Speech Areas are also applicable to the Other Grounds.

The single amplification system made available by District may be reserved for use within the Other Grounds. Users may bring their own amplification system or unit. The District assumes no responsibility to supply or provide extension cords, electricity, or amplifiers to those users supplying their own amplification system(s).

IV. Interior District Property

- A. All interior portions of District facilities, including, without limitation, the Administration Building, classrooms, radio station(s), broadcasting center(s), television center(s), laboratories, computer rooms, research centers, and communication centers (hereinafter referred to as "Interior Property") are non-public usage areas. Any use of Interior Property which is inconsistent with that property's intended use, or which would cause substantial disruption of the learning environment and the orderly operation of District campuses is prohibited. Use of any portion of Interior Property not otherwise prohibited must be reserved. The reservation process for Interior Property, except as expressly provided in this section, is the same as set forth with respect to the Free Speech Areas.
- B. A request by any person or group for a reservation for use of Interior Property may be denied if:
 - (i) there is a preexisting reservation;
 - (ii) the applicant has made on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior reservations issued to or on behalf of the applicant;
 - (iii) the application contains a material falsehood or misrepresentation;
 - (iv) the application or the person on whose behalf the application was made has on prior occasions damaged District property and has not paid in full for such damage;
 - (v) the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the District and previously scheduled for the same time and place;
 - (vi) the proposed use or activity is prohibited by or inconsistent with the classifications and uses of the District facilities or part thereof designated pursuant to this chapter;
 - (vii) the use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, other students, or faculty or staff of the District;
 - (viii) the use or activity intended by the applicant is prohibited by law; and
 - (ix) has missing or unsupplied necessary information required for ground usage.

C. Amplification:

Amplification may only be permitted within the Gym, Auditoriums, and large meeting halls. The provisions with respect to amplification in the Free Speech Areas apply to the Interior Property. Nothing contained herein shall be construed as restricting the use of amplification as part of the classroom and/or teaching process.

V. Posting of Material

The provisions of this section are intended to be viewpoint neutral and no posting may be removed based on viewpoint. Further, no posting may be removed based on content, except any posting that (a) references illegal substances; (b) is obscene; (c) defamatory, or (d) incites students to create a clear and present danger of the commission of unlawful acts on District premises, or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the District. Any posting which is obscene or incites students to create a clear and present danger of the commission of unlawful acts may be removed by the President or other designated college authority.

- A. In order to ensure that all written postings abide by this regulation prohibiting the advertisement of illegal substances, the following requirements and restrictions apply:

Anyone seeking to post any commercial or non-commercial handbill, circular, or advertisement ("posting") must date stamp the posting and provide a copy of the posting to the Associated Students Office at Orange Coast College, the Student Activities Office at Golden West College and the Office of Student Services at Coastline Community College, to indicate the date for removal.

One copy of all handouts and any other materials intended for distribution to the campus community must be presented to the Associated Students office at Orange Coast College, the Student Activities Office at Golden West College and the Office of Student Services at Coastline Community College, or to the Campus Swap Meet Office if during a Swap Meet.

Written postings in languages other than English must be accompanied by an English translation. All general posting areas are cleared weekly. Items that have expired or are not dated will be removed.

In order to accommodate multiple users of limited space, no more than one commercial or non-commercial handbill, circular, or advertisement may be posted by any person or organization concerning the same subject matter, in any one posting area. The size of the commercial or non-commercial handbill, circular, or advertisement shall not exceed 120 square inches.

- B. A commercial or non-commercial handbill, circular or advertisement may only be posted in limited approved areas that are designated public usage areas as follows:

General Purpose Posting Locations

- i. Bulletin Boards and kiosks marked "General Purpose" are available for posting by any person;

- ii. For Coastline Community College, the posting locations shall be the bulletin Boards labeled as "free speech" Boards within the Coastline Community College Center, the Garden Grove Center, and the Westminster Center.

Specific Use Posting Locations

All bulletin Boards not marked "General Purpose" are reserved for specific uses such as posting of grades, job offers, and scholarship information where only those items may be posted by designated officers and authorities.

Non-permitted Locations

No commercial or non-commercial handbill, circular or advertisement may be posted:

- i. In the interior of any building, including classrooms, closets, laboratories, hallways, bathrooms, ceilings, doors, windows, trash cans, stairwells, stair railings, benches, and anywhere else including the inside of any structure (except as permitted herein).
- ii. On the exterior of any building, structure, fence, post, stairway, railing, chain link, trash can, bench, tree, landscaping, shrubbery, windows, doors, bricks, flag poles, poles, sign posts, directional signs, directional information, or historical markers.

VI. Distribution of Handbills, Circulars, or Advertisements

- A. In addition to the limitations imposed upon the posting of commercial or non-commercial handbills, circulars, or advertisements, such materials may be similarly limited from distribution on District property. Prior approval for distribution of commercial or non-commercial handbills, circulars, or advertisements is required except as specified below.
- B. Areas where commercial or non-commercial handbills, circulars, or advertisements may be distributed: Outside of any District building where such distribution does not block any sidewalk or create an obstruction to unrestricted access; Within the Free Speech Areas; Along the walkways adjacent to the parking lots. No handbills may be distributed within the parking lots without the written consent of the Associated Student's Office or the President. All persons distributing handbills or advertisements are responsible for removing all debris caused by the distribution of same.
- C. Commercial or non-commercial handbills, circulars or advertisements may not be distributed inside any buildings including classrooms (except as may be distributed by faculty members in their classroom for educational purposes related to the course).

D. Litter Removal

In the event that litter is created by the distribution of commercial or non-commercial handbills, circulars, or advertisements, the distributor is expected to exercise good manners and to remove any litter from the immediate area and throw out any discarded materials that may be on the ground or visible within the area of distribution. In the event that a distributor does not remove litter, District reserves the right to charge the distributor a reasonable fee for costs incurred in litter removal.

E. Obscene, Defamatory, or Materials that Incite

Nothing in this section shall be deemed to permit the distribution of material that is obscene, defamatory, or 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.

VII. Banners

- A. Except for banners pertaining to college educational activities, one banner per event not exceeding three feet by six feet may be displayed in the following areas no more than one week in advance of the specified event:

Orange Coast College: The brick wall on the west side of the Student Center surrounding the outdoor patio.

Golden West College: In front of the library, at least 15 feet from the entrance thereto.

Coastline Community College: All Free Speech Areas.

- B. The banner shall be removed within 24 hours after the end of the event.

VIII. Copyrighted Material and Trademarks

The District disclaims any responsibility for any alleged violation of the copyright laws or trademark or service mark laws in regard to any material that is set forth in any writing that is posted or distributed on its campuses. Persons utilizing District facilities are advised not to violate copyright or trademark laws as it may expose the user to liability.

IX. Advertisement of Unlawful Substances

All advertisements that advertise illegal substances as identified by the laws of the United States or the State of California are prohibited. The following are prohibited:

- A. Alcoholic beverages;
- B. Tobacco products;
- C. Guns or firearms of any kind;

- D. Illegal substances as identified by the Federal Government, or by the State of California;
 - E. Explosive material of any kind, not otherwise previously approved by the District.
- X. Exterior Amplification on all Campuses:
Free Speech activity amplification is limited to 60 decibels, as measured within any classroom or office within reasonably close proximity of the activity.
- XI. Financial Responsibility
All persons who apply to use of District property shall pay for: (i) extraordinary expenses incurred above the ordinary campus maintenance, and operating costs such as "supplies, utilities, janitorial services, services of any other District employees" necessitated by the organization's use of District facilities and property; and (ii) the direct costs of extraordinary security incurred above ordinary security.
- XII. Admission Fee or Charge
No person or entity that intends to use District facilities may charge any person who is invited or seeks to attend the event or usage an admission charge or any other charge for any entrance fee or any use fee, with the following exception:

A non-profit organization may charge for entrance or admission to:
 - a. Cover the cost of the event or use including for example, the cost of referees, judges, equipment, etc., in regards to any supervised recreational use of District property;
 - b. Cover the cost of the event or use including for example, the cost of travel, equipment, handouts, in regard to use of District Property;
 - c. Hold a fund raising event to support the organization.
- XIII. No Activity Which Creates an Unreasonable Risk of Harm
No activity that creates an unreasonable risk of harm shall be permitted. This includes, without limitation, the following types of impermissible activities, unless previously authorized by the district or campus:
 - a. Bonfires;
 - b. Destroying any object with hammers, sledgehammers, fire, or in any other manner;
 - c. Rollerblading, roller skating or skateboarding, or using scooters (persons who roller blade to school may do so on public sidewalks but not on campus);
 - d. Karate, wrestling, boxing; unless previously authorized by the District or Campus;
 - e. The use of weapons or firearms of any type, including slingshots, bows and arrows, guns, rifles, paint ball guns, BB guns or air rifles, of any nature and any type; In the event that a person intends to bring an antique weapon of this nature on campus, they must first obtain approval

- from the President; This includes plastic or wooden weapons and ammunition of any type.
- f. The use of unauthorized explosive material of any type, including firecrackers.
 - g. Any sporting or recreational event involving direct physical contact with another person which creates an increased risk of harm, including soccer and tackle football, not otherwise previously authorized by the District or Campus.

The college President and/or District Risk Services shall determine whether any activity creates an unreasonable risk of harm.

Ratified December 11, 2013