

AP 5550 Speech: Time, Place, and Manner

Reference:

Education Code Section 76120 and 66301

- 1.0 The students of the District shall be permitted to exercise their rights of free expression subject to the time, place, and manner policies and procedures contained in Board Policy 5550 and these procedures.
- 2.0 The colleges of the District are non-public forums, except for designated free speech assembly area(s) as follows:
 - 2.1 At Cypress College, the designated free speech assembly areas are: **1) the stage area at the northeast end of the lake; and 2) the area at the west end of the Gateway Plaza; and 3) the area generally located around the lake and near the Students' Activity Center, Library/Learning Resource Center, and the Science, Engineering & Mathematics (SEM) Building. Persons using this third designated free speech assembly area may request up to three locations within this area to exercise their free speech rights and are entitled to walk ten yards in either direction from that location to pass out literature or communicate with other persons.** In the event these areas of campus become temporarily unavailable for use for any reason including, but not limited to, construction, campus officials shall designate one or more alternate free speech assembly area(s).
 - 2.2 At Fullerton College, the designated free speech assembly area is the south end of the quad. A Free Speech Board is located north of Building 200. In the event this area of campus becomes temporarily unavailable for use for any reason including, but not limited to, construction, campus officials shall designate one or more alternate free speech assembly area(s).
 - 2.3 At the Anaheim Campus, the designated free speech assembly area is the Patio just south of the first floor entrance. A Free Speech Board is located on the south wall of the hallway leading to the Café Cypress dining area directly across from the vending machines. In the event this area of campus becomes temporarily unavailable for use for any reason including, but not limited to, construction, campus officials shall designate one or more alternate free speech assembly area(s).
- 3.0 The designated free speech assembly area(s) are limited public forums. The District reserves the right to revoke that designation and apply a non-public forum designation at its discretion.
 - 3.1 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 colleges. Areas of the colleges that are non-public forums specifically include but are not limited to campus offices, classrooms, warehouses, maintenance yards, and locker rooms.
- 4.0 Freedom of expression is guaranteed in the college where such expression does not violate District policy, **campus rules, including laws on illegal harassment and discrimination,**

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or create a clear and present danger of the commission of unlawful acts, or the substantial disruption of the orderly operation of the college or disrupt activities already scheduled for that day and time in the designated areas. In the event the area sought to be used for expressive activities has already been reserved for another activity so that there will be substantial interference or disruption based on noise, overcrowding, or other considerations unrelated to content, the District will offer alternative available areas or if none are available offer alternative dates. Students, outside organizations, and others are encouraged to make reservations in advance to use the areas for their expressive activities by using the optional reservation forms. In order to prevent obstruction of the free passage of students and staff and to avoid disturbing the regular instructional program of the college, campus persons or groups wishing to use the designated free speech assembly area(s) must adhere to the following regulations:

- 4.1 Persons using the designated free speech assembly area(s) must check in with ~~shall obtain a reservation from~~ the Chancellor or designee, prior to engaging in the activities and ~~the applicant~~ must identify himself or herself as well as the group ~~making the reservation~~ and state the date, time, and duration of the ~~proposed assembly and the possible number of people expected to attend. The purpose of this reservation system is not intended as a prior restraint, but rather a guarantee of equitable use of facilities. Reservations shall be denied only on the basis of overcrowding of the assembly area, of prior request being granted for the same time and location, or failure to comply with other provisions of this policy.~~ This does not involve an advance approval process.
- 4.2 Persons using the designated free speech assembly area(s) and/or distributing material in the designated free speech assembly area(s) shall not impede the progress of passersby, nor shall they force passersby to take material.
- 4.3 Persons using the designated free speech assembly area(s) shall not touch, strike, or otherwise impede the progress of passersby, except for incidental or accidental contact, or contact initiated by a passerby.
- 4.4 Persons using the designated free speech assembly area(s) 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 taking place.
- 4.5 Persons using the designated free speech assembly area(s) shall not solicit donations of money, through direct requests for funds, sales of tickets or otherwise, except where he or she is using the designated free speech assembly area(s) on behalf of and collecting funds for an organization that is registered with the California Secretary of State as a nonprofit corporation or is an approved Associated Students Organization or club.
- 4.6 All signs and posters are to remain within the designated free speech assembly area(s).**

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4.7 Persons using the designated free speech assembly area(s) are to respect the rights of all persons on campus, including but not limited to, their right not to receive literature and their right not to engage in dialogue.

- 5.0 Persons using the designated free speech assembly area(s) shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within the designated free speech assembly area(s). Material distributed in the designated free speech assembly area(s) that is discarded or dropped in or around the designated free speech assembly area(s) 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 designated free speech assembly area(s).
- 6.0 Students shall be provided with bulletin boards for use in posting ~~student~~ materials at campus locations convenient for ~~student~~ use **by students, staff, and members of the public**. All materials displayed on a bulletin board shall clearly indicate the author or agency responsible for its production, ~~the name of the person requesting the posting,~~ and shall be dated ~~and approved~~ with the date of posting by the Cypress College Student Activities Office, the Fullerton College Office of Student Affairs, or the School of Continuing Education site manager. Materials displayed shall be removed after the passage of 14 calendar days.

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