Book	VCCCD Board Policy Manual
Section	Chapter 3 General Institution
Title	BP 3900 Speech: Time, Place and Manner
Code	BP 3900
Status	Active
Legal	Business and Professions Code, Section 5402
	Penal Code, Section 311
	Penal Code, Section 311.2
	Penal Code, Section 407
	Penal Code, Section 415
	Penal Code, Section 415.5
	Penal Code, Section 416
	Penal Code, Section 422.6
	Penal Code, Section 602.10
	Penal Code, Section 626-626.6
	Education Code, Section 66301
	Education Code, Section 76120
	Education Code, Section 87708
Adopted	April 18, 2006
Last Revised	December 17, 2019
Last Reviewed	December 17, 2019

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

The colleges considered a non-public forum, except for those areas of the college that are designated as areas generally available for use by students or the community, which are designated public forums. The district shall enact such administrative procedures as are necessary to reasonably regulate the time, place, and manner of the exercise of free expression in the designated public forums at each campus.

The administrative procedures shall not prohibit the right of students to exercise free expression, including but not limited to the use of bulletin boards designated for such use, 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. Students shall be free to exercise their rights of free expression, subject to the requirements of this policy. (Education Code section 76120.)

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 procedures, or the substantial disruption of the orderly operation of the District. (Education Code section 76120.)

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, 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. "Hate violence" is defined in subdivision (a) of Section 4 of Chapter 1363 of the Statutes of 1992 (Senate Bill 1115) to mean any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, sex, sexual orientation, disability, or political or religious beliefs of that person or group. Acts shall not be considered "hate violence" based on speech alone, except upon a showing that the speech itself threatens violence against a specific person or group of persons, that the person or group of persons against whom the threat is directed reasonably fears that the violence will be committed because of the speech, and that the person threatening violence had the apparent ability to carry out the threat. (Education Code section 66301.) Students may be disciplined for harassment, threats, intimidation, or hate violence unless such speech is constitutionally protected.

Non-students may obtain use of areas, classrooms, rooms, buildings, facilities and grounds not reserved and open for speech or expressive activities pursuant to the Civic Center Permit rules set forth in Board Policy and Administrative Procedure 6700, "Civic Center and Other Facilities Use."

Reference Administrative Procedure AP 3900.

Governance Review
2019 12.17 Board of Trustees Annual Organizational Meeting
2019 12.06 Consultation Council
2019 11.19 Board Policy, Planning and Student Success Committee
2019 11.14 DTRW-SS