

ADMINISTRATIVE REGULATION 3900

SOUTH ORANGE COUNTY
COMMUNITY COLLEGE DISTRICT

GENERAL INSTITUTION

SPEECH AND ADVOCACY

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 policies and regulations contained in or authorized by Board Policy 3900 and this administrative regulation.

The Chancellor has enacted this regulation to implement and enforce Board Policy 3900 consistent with the First Amendment to the United States Constitution; Article I, Section 2 of the California Constitution; and Education Code sections 66301 and 76120.

I. AREAS GENERALLY AVAILABLE TO STUDENTS AND THE COMMUNITY

- A. Except as specified herein, the District shall not restrict free expression, including the distribution of petitions, handbills, leaflets, newspapers and other printed matter, in “areas generally available to students and the community.” As used in this regulation, “areas generally available to students and the community” is defined as grassy areas, walkways or other similar common areas, except as otherwise authorized by law, Board Policy 3900 or this Administrative Regulation. The areas generally available to students and the community are designated public forums.
- B. “Areas generally available to students and the community” do not include the following areas, which are non-public forums.
 - 1. Areas within 25 feet of doorways opening to outdoor areas of campus;
 - 2. All “Interior District Property,” which is defined for purposes of this regulation to include all interior portions of District facilities, including, without limitation, administration buildings, classrooms, libraries, learning centers, indoor cafeteria/food service facilities, lecture halls, radio station(s), broadcasting center(s), television center, laboratories, computer rooms, research centers, communication centers, campus offices, performing art facilities, indoor athletic facilities, warehouses, maintenance buildings and areas within the outdoor athletic facilities, parking lots, and maintenance yards.
- C. Use of any areas that are not generally available to students and the community is subject to the Civic Center Permit rules set forth in Board Policy and Administrative

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Regulation 6700, *Civic Center and Other Facilities Use*, or may be licensed for use by way of agreement.

- D. All areas generally available to students and the community, as set forth above, may be temporarily reserved by the District, including recognized student organizations, for specific uses.
- E. Areas generally available to students and the community may not be used to solicit donations or payment of money, through direct requests for funds, sales of tickets, goods, or otherwise, except where he or she is using such areas on behalf of, and collecting funds for an organization that is registered with the Secretary of State as a nonprofit corporation, is an approved Associated Students Organization or club, or is an organization or group directly connected with the institution.

II. USE OF AREAS GENERALLY AVAILABLE TO STUDENTS AND THE COMMUNITY

A. General Access

- 1. Persons desiring to engage in speech or expressive activities in one or more areas generally available to students and the community are encouraged to inform the Student Development Office at Saddleback College (SC), located in the Student Service Center, or the Office of the Vice President for College Administrative Services at Irvine Valley College (IVC), of their intent to be present in such areas.
 - a. The District encourages such check-in as a means to provide for the safety of all persons using areas generally available to students and the community, and for the equitable use of such areas.
 - b. Individuals using areas generally available to students and the community, whether they decide to check in or not, may remain anonymous.
 - c. Persons or groups may, but are not required to, reserve areas generally available to students and the community for their speech or expressive activities. See Section II.E, below.
- 2. In the event an area sought to be used for speech or expressive activities is already in use or has been reserved for another activity or use such that there will be substantial interference or disruption based on noise, overcrowding or other considerations unrelated to content or viewpoint, the District will offer alternative available areas, or if none are available offer alternative dates for the activity or use.

B. Large Groups and Large Materials

- 1. The District wishes to ensure there is sufficient space and resources for crowd control and security for large group events, to take necessary steps to

assess whether activities that involve large materials present reasonably foreseeable risks, hazards, or dangers to public health or safety, and to properly respond to those risks, including requiring that adequate security measures be taken to provide protection for persons in attendance at an event and/or for campus property.

2. To fulfill these purposes, the District and its colleges need to coordinate with any person or group who wishes to conduct an expressive activity that is expected or reasonably likely to have more than 100 people in attendance or involve the use of materials that are larger than 36 inches by 36 inches.
3. Except in the circumstances described below, any person or group who wishes to conduct an expressive activity that is expected or reasonably likely to have more than 100 people in attendance or involve the use of materials that are larger than 36 inches by 36 inches is required to notify the SC Student Development Office or the IVC Office of the Vice President for College Administrative Services, using the reservation process described below, at least three (3) business days before the day of the expressive activity, and providing information as to the specific location to be used for the event, the estimated expected number of persons, the size and nature of the large materials intended to be used, and the name and contact information of at least one person who can be contacted regarding logistics of the event, which should include at least one person who will be personally present. Event organizers or the applicable college may request a meeting to discuss their respective needs for a safe and successful event.
4. If such advance notice is not feasible because of circumstances that could not be reasonably anticipated, such as because of very recent or still-unfolding news developments, the person or group is expected to provide as much advance notice as circumstances reasonably permit.

C. No Physical Contact or Impeding of Passersby

Persons using areas generally available to students and the community shall not touch, strike or impede the progress of passersby, except for incidental or accidental contact or contact initiated by a passerby, nor shall they force passersby to take materials.

D. Restriction on Use of Lawn Areas

Any person or group using lawn areas that are generally available to students and the community at any campus shall be subject to the following exclusions, which

are based on the reasonable maintenance needs of the District and the District's interest in maintaining its facilities:

1. In the event of substantial rainfall, the President, or designee, may limit or restrict access on the lawn until such time as it is relatively safe to use the lawn area;
2. during watering periods;
3. during maintenance by gardeners, including but not limited to times when the area may contain pesticides and/or fertilizers.

E. Reservation Process

1. In the event any person or group desires or is required to make a reservation for use of any area generally available to students and the community, the user shall contact the SC Student Development Office or the IVC Office of the Vice President for College Administrative Services or the District web site. The reservation form, which shall be developed by the Office of the Chancellor, or designee, and may include information such as:
 - a. the sponsoring person or group, whose name or identification will be kept in confidence and will not be disclosed, except as required by law, e.g., California Public Records Act;
 - b. the area proposed to be reserved;
 - c. the proposed type of usage in generic terms, such as meeting, presentation, speech (without designation of content), or event; and
 - d. the date and time for the proposed event and/or usage.
2. Reservations may not be submitted more than 60 days in advance of the intended use.
3. Persons are encouraged to act reasonably and to share a reserved area whenever possible. If no sharing agreement is reached, the non-reserving or later reserving user may use the area earlier or later in the day, or schedule use for another day.
4. A request by any person or group for a reservation of an area generally available to students and the community, or attempted use of an area

generally available to students and the community without a reservation, may only be denied if:

- a. the reservation form, if applicable, is not completed;
 - b. there is a preexisting conflicting reservation or use;
 - c. conditions exist that preclude use of the lawn areas, as set forth above, or other grounds due to, for example, construction or maintenance;
 - d. the person or group on whose behalf the reservation was made has on prior occasions damaged District property and has not paid in full for such damage;
 - e. the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the District or other users and previously scheduled for the same time and place;
 - f. the proposed use or activity is inconsistent with the character and uses of the area sought to be used;
 - g. the use or activity intended by the person or group would present a danger to the health or safety of the applicant, or other students, community members, faculty, or staff of the District;
 - h. the use or activity intended by the applicant is prohibited by law; or
 - i. information requested that is necessary for coordinating use of the area is not provided.
4. Reservations will not be denied based on the content or viewpoint of the speaker(s).

F. Amplification

1. Persons using areas generally available to students and the community shall not use any means of amplification that creates a noise or diversion that disturbs or tends to disturb the orderly conduct (as defined in Penal Code section 626.6) of the colleges, classes, or other lawful activities.
2. Amplification is not permitted during the final week of each semester.
3. In the event that there is more than one user in an area, only the user first requesting or seeking to use amplification shall be entitled to use amplification. In the event that the reserving 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 except as set forth herein.

4. The District has no responsibility to supply or provide electricity, extension cords, amplifiers or other related equipment to those users supplying their own amplification systems or units, or to users who have not made advance reservations to use an area generally available to students and the community with a request to use District equipment. Users who do not qualify for free use of such District equipment pursuant to Administrative Regulation 6700, "Civic Center and Other Facilities Use," shall be charged direct costs for the use of such equipment and related services, as allowable by law.

G. Non-Blockage of Areas

Tables and chairs may be placed within areas generally available to students and the community for use while a person or group is engaging in expressive activities. However, tables and chairs may not impede or block free access into buildings and across walkways, and must be removed once the speaker(s) are done using areas generally available to students and the community for the day, absent prior permission from the SC Student Development Office or the IVC Office of the Vice President for College Administrative Services for multi-day events.

H. Litter Removal

Persons or groups who distribute written materials are required to remove litter from any immediate area where materials have been distributed. The failure to

remove litter may result in denial of future use of campus areas for expressive activities.

III. INTERIOR DISTRICT PROPERTY

- A. Any use of Interior District 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.
- B. Use of any portion of Interior District Property not otherwise prohibited must be reserved. The reservation process and the grounds for denying a requested reservation are the same as set forth in Section II.E, above.
- C. Amplification may be used in gymnasiums, theatres, auditoriums, and large rooms seating more than 50 persons. The provisions concerning amplification in Section II.F, above, are also applicable to Interior District Property.
- D. Nothing contained herein shall be construed as restricting the use of amplification as part of the classroom and/or teaching process, or the ability of students to engage in discussion while located in or traversing Interior District Property.

IV. POSTING OF MATERIAL, STRUCTURES AND DISPLAYS

- A. Material may be posted in and on the permitted locations described in this regulation. All postings, except campus communications relating to college events which have not concluded, may be cleared on the last day of each month in order to free up space and/or to facilitate maintenance. Postings will also be removed, at

the direction of the SC Student Development Office or the IVC Office of the Vice President for College Administrative Services, if they:

1. Are obscene, as determined by current legal standards; 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.

B. Permitted Locations:

1. Unsecured interior and exterior bulletin boards not marked for a specific purpose.
2. Kiosks.
3. Other designated areas as determined at each college by the College President.

C. Prohibited Locations:

1. Secured bulletin boards and any other bulletin board marked for a specific purpose.
2. No material other than campus communications may be posted
 - a. in interior hallways, classrooms, and laboratories;
 - b. on the exterior of any campus controlled building or structure
3. No material may be posted
 - a. in the following interior areas: closets, bathrooms, ceilings, windows, trash cans, stairwells, stair railings, and benches, except as permitted herein;
 - b. in the following exterior areas: trees, landscaping, shrubbery, bricks, sign posts, directional signs, directional information or historical markers, vending machines, light poles, and the sides of buildings that have not otherwise been designated for posting; or
 - c. on glass, painted surfaces, including painted light posts and railings.
4. Postings may not be placed over previously posted or approved materials. No more than one original or copy of a posting may be placed on a single bulletin board or open posting area.
5. All postings must use masking tape or painter's tape. Staples or pins may be used on the bulletin boards. Duct tape is not allowed.

D. For purposes of this rule, "campus communications" are communications from the administration of any college or location; any official staff organization; and

student government. Any campus communication shall identify the entity or group responsible for it.

- E. These provisions are not applicable to the interior of faculty offices.
- F. Posting by Student Organizations and Clubs
 - 1. Student organizations and clubs may have printed materials relating to activities and events posted on bulletin boards reserved for student clubs,

official college communications, as well as in authorized open posting areas.

2. Student organizations and clubs may bring a draft of the materials to be posted to the Student Development Office for assistance with design and content.

G. Banners

1. Speakers may display one banner per event not exceeding three feet by six feet in the following areas:
 - a. Saddleback College: On the exterior of the two bridges and Quad A and Quad B.
 - b. Irvine Valley College: Quad A and Quad B.
2. The banner shall be removed within 24 hours after the end of the event.

V. ADVERTISEMENT OF UNLAWFUL SUBSTANCES

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

- A. Illegal substances as identified by the Federal Government, and/or by the State of California.
- B. Explosive material of any kind.

VI. ADDITIONAL PROVISIONS

A. Definitions:

1. President: Refers to chief administrative officer, including provost, of a campus and the designees of the President.
2. Chancellor: Refers to the Chancellor of the District and the designees of the Chancellor.
3. Day: Unless otherwise provided, a day shall mean any day on which the District administrative offices are open for business during normal working hours.

B. Disclaimer and Defense

The District disclaims any liability for any damages for any defamation alleged to be committed by any student or member of the public using District facilities, and further disclaims any liability for damages for any violation of copyright, trademark, or service mark laws alleged to be committed because of any posting or distribution of material on campus. Nothing in these rules permitting speech and/or distribution of materials on its college campuses and property, shall be

construed as requiring the District to provide any defense or payment of damages for defamatory statements made by any student, faculty or staff member, or member of the public, nor shall these rules be construed as requiring the District to provide any defense or payment of damages for violations of copyright, trademark or service mark laws.

C. Obscene, Defamatory, or Inciteful Expression or Materials

Nothing in this regulation shall be deemed to permit expression that is obscene (as determined by current legal standards), 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.

D. Consequences for Violation

1. The right of members of the general public to utilize District facilities may be revoked if they violate the provisions of board policy and administrative regulations while utilizing District facilities.
2. 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. (See Administrative Regulation 5500), except that no student shall be subject to disciplinary sanction solely on the basis of conduct that is speech or other communication that, when engaged in outside a District campus, is protected by the First Amendment of the United States Constitution or Article I, Section 2 of the California Constitution.

References:

*Education Code Sections 66301 (Stats.1992, c. 1363 (S.B.1115)), 76120, and 87708;
Penal Code Sections 311, 311.2, 407, 409, 415, 415.5, 416, 422.6, 602.10, 626-626.6*