Yosemite Community College District Policies and Administrative Procedures **No. 3900**

Policy

3900 Time, Place & Manner

The Colleges of the District are non-public forums, except for those areas designated as "free speech areas", which are limited public forums. 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 designated for such use, the distribution of printed materials or petitions in those parts of the College designated as "free speech areas", and the wearing of buttons, badges, or other insignia. Nothing in this policy shall prohibit the regulation of hate violence, 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.

References:
Education Code Section 76067, 76120, 66301

Adopted: June 28, 2004
Revision Adopted: May 13, 2009

Administrative Procedure

3900 Time, Place & Manner

I. 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.

II. The Colleges of the District are non-public forums, except for designated areas generally available to students and the community, as follows:

A. Modesto Junior College (East Campus) the area(s) generally available to students and the community is designated as the stage area Northeast section of the Quad. The Free Speech boards are located in front of the Student Center.

B. At Modesto Junior College (West Campus) generally available to students and the community is designated in the Quad area in between Yosemite and Sierra Halls. The Free Speech boards are located outside the Mary Stuart Rogers Student Learning Center.

C. At Columbia College, the area(s) generally available to students and the community are designated in *Columbia College Guidelines and Procedures for Requesting College Facilities for Free Speech* which can be obtained at the Office of Vice President for Student Learning.

III. The areas generally available to students and the community are limited public forums. The District reserves the right to revoke that designation and apply a non-public forum designation at its discretion.

A. 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 campus offices, classrooms, warehouses, maintenance yards, and locker rooms.

IV. The use of area(s) generally available to students and the community is subject to the following:

A. Persons using the area(s) generally available to students and the community and/or distributing material in the areas generally available to students and the community shall not impede the progress of passersby, nor shall they force passersby to take material.

B. No person using the area(s) generally available to students and the community shall touch, strike or impede the progress of passersby, except for incidental or accidental contact, or contact initiated by a passerby.

C. Persons using an area(s) 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 of the campus or classes taking place at that time.

D. No persons using the area(s) generally available to students and the community shall solicit donations of money, through direct requests for funds, sales of tickets or otherwise, except where he or she is using the area(s) generally available to students and the community on behalf of and collecting funds for an organization that is registered with the Secretary of State as a nonprofit corporation or is an approved Associated Students Organization or club.

E. Persons using the area(s) generally available to students and the community shall not disrupt the orderly operation of the college.

F. Unauthorized camping is prohibited.

V. All persons using the area(s) generally available to students and the community of the colleges shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within the area(s) generally available to students and the community. Material distributed in the area(s) generally available to students and the community that is discarded or dropped in or around the area(s) generally available to students and the community 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 area(s) generally available to students and the community that day.

VI. Posting: Students shall be provided with bulletin boards for use in posting student materials at campus locations convenient for student use. 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 by the Student Development and Campus Life Office on the East and West Campus for Modesto Junior College, and the designee of the Learning Support Services office at Columbia College.

References:
Education Code Section 76120

Procedure Last Revised: ~~April 11, 2007,~~ May 9, 2012