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5 **SPEECH: TIME, PLACE, AND MANNER**
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8 I. GENERAL PROVISIONS
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10 A. Definitions:

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12 1. President: Refers to chief administrative officer and the designees of the President.
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14 2. Chancellor: Refers to the Chancellor of the District and the designees of the Chancellor.
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16 3. Day: Unless otherwise provided, a day shall mean any day on which the Campus
17 administrative offices are open for business during normal working hours.
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19 4. DPF: Designated Public Forum.
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21 5. Reservations: Reservations to use the DPF Areas, as defined herein, are optional. Any
22 person or group intending to use the DPF area may reserve the DPF Areas in accordance
23 with Section II. C. 1-3 of this procedure.
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25 6. Campus Communication: communications from the administration of any college or
26 location; any official staff organization; and any official student group, including student
27 government or student clubs. Any campus communication shall identify the entity or group
28 responsible for it.
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30 B. Disclaimer and Defense

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32 The District disclaims any liability for any damages for any defamation alleged to be committed
33 by any student or member of the public using District facilities, and further disclaims any
34 liability for damages for any violation of copyright, trademark, or service mark laws alleged to
35 be committed because of any posting or distribution of material on campus. Nothing in these
36 rules permitting speech and/or distribution of materials on its college campuses and property,
37 shall be construed as requiring the District to provide any defense or payment of damages for
38 defamatory statements made by any student, faculty or staff member, or member of the public,
39 nor shall these rules be construed as requiring the District to provide any defense or payment
40 of damages for violations of copyright, trademark or service mark laws.
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42 C. Obscenity

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44 For purposes of the board policy and this regulation, the term "obscene" shall be determined in
45 accordance with the current legal standards.
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47 D. Consequences for Violation

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49 1. The right of members of the general public to utilize District facilities may be revoked if
50 they violate the provisions of board policy and administrative procedures while utilizing
51 District facilities.
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53 2. The disciplinary penalties and procedures set forth in the Student Code of Conduct are
54 applicable to students for violations of the board policy and the procedure and are
55 incorporated herein. (See Administrative Procedure 5500).
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60 E. Financial Responsibility

61 All persons who use District property shall pay for:

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- 64 a. expenses incurred above the ordinary campus maintenance, and operating costs
- 65 such as “supplies, utilities, janitorial services, services of any other District
- 66 employees” necessitated by the organization’s use of District facilities and property;
- 67 and
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- 69 b. the direct costs of security incurred above ordinary security
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71 II. USE OF FACILITIES

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73 A. DPF Areas

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75 1. Crafton Hills College

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77 The following exterior property at Crafton Hills College may be used for speech and

78 advocacy to the extent permitted herein:

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- 80 a. the grassy area in the northeast section of the Library (LR) quad and the adjacent
- 81 north/south sidewalk
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- 83 b. the east/west sidewalk and the grassy area immediately south of the Classroom
- 84 Building (CL) and west of the Library (LR)
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- 86 c. the east/west walkway between the Occupational Education 1 (OE1) building and
- 87 the Chemistry and Health Science (CHS) building
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- 89 d. additional areas may be designated by the President
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91 2. San Bernardino Valley College

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93 The following exterior property at San Bernardino Valley College may be used for speech

94 and advocacy to the extent permitted herein:

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- 96 a. the posted area north of the Campus Center (CC) building. Activities (setup, tables,
- 97 etc.) must stay within the designated area and a minimum of 25 feet from all
- 98 doorways
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- 100 b. the adjacent lawn area and walkways south of the Auditorium building. The area
- 101 south of the Auditorium shall be referred to collectively as the “Auditorium Quad”
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- 103 c. the posted sidewalk and lawn area south of the tennis courts. Activities (setup,
- 104 tables, etc) must stay within the designated area and a minimum of 25 feet from all
- 105 gates
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- 107 d. the lawn area and walkway east of Health and Life Sciences (HLS) building
- 108 bordered by the temporary staff lot
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- 110 e. additional areas may be designated by the President

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112 B. Non Blockage of Areas

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114 Tables and chairs may be placed within the DPF area provided that walkways and

115 entrances are not blocked.

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C. No Reservations Needed to Use DPF Areas

1. Any person or group desiring to use one of the areas may do so provided it is not in use.
2. Any person or group intending to use these areas shall notify the Office of Student Life at least one hour before use.
3. A user may be denied use of the area by the appropriate College office given any of the conditions below:
 - a. there is an existing user and no agreement has been reached as to sharing the areas
 - b. the area is undergoing general maintenance
 - c. the person or group has, on prior occasions, made intentional material misrepresentations regarding the nature or scope of an event or activity previously permitted, or has violated the terms of prior use
 - d. the person or group has on prior occasions damaged District property and has not paid in full for such damage
 - e. the use or activity would conflict with previously planned programs organized and conducted by the District and previously scheduled for the same time and place
 - f. the use or activity intended by the person or group would present a danger to the health or safety of the person or group, or other students, community members, faculty, or staff of the District
 - g. the use or activity is prohibited by law
4. Use of the designated area(s) will not be construed as the use of a “facility” or “service” of the District and/or College pursuant to the Civic Center Act policies and procedures. Therefore, a student or member of the community that wishes to speak and/or distribute written materials in the designated area does not have to apply for or receive a permit prior to using the designated area.

Students and members of the community who wish to reserve space in a College facility and/or use the services of a College department (such as food, equipment, janitorial, power, or audio/visual) must follow the procedures set forth in Board Policy 6700 and Administrative Procedure 6700 and the other applicable policies and procedures of the District regarding its use of facilities.

D. Amplification

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

1. Amplification is not permitted during finals week of each semester.
2. Levels of amplification:

San Bernardino Valley College

No amplification

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Crafton Hills College

Not to exceed 60 decibels (as measured in any classroom or office)

Users of the areas must bring their own amplification system or unit. Crafton Hills College has no responsibility to supply or provide extension cords or amplifiers to those users supplying their own amplification.

III. POSTING OF MATERIAL

Material may be posted in and on the permitted locations. Please refer to campus posting policy. All postings, except campus communications relating to college events which have not concluded, will be removed periodically. Postings will also be removed if they:

1. Are obscene.
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.

IV. DISTRIBUTION OF HANDBILLS, CIRCULARS, OR ADVERTISEMENTS

- A. Handbills, circulars, or advertisements may only be distributed in the DPF areas.
- B. Distributors are required to remove material immediately following the use of the DPF area. The failure to remove litter may result in a charge to the distributor for costs incurred in litter removal and/or denial of future use of the areas.

V. OBSCENE, DEFAMATORY, OR INCITEFUL MATERIALS

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.

VI. 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.

References:

First Amendment to the United States Constitution,
Article I, Section 2 of the California Constitution,
Education Code Section 66301 and 76120
California Penal Code Section 311-312
AMENDED: 12/10/09