

Chapter 3 – General Institution

BP 3900 Freedom of Expression (Speech: Time, Place, and Manner)

References:

Education Code Sections 66301 and 76120

Freedom of expression at Mt. San Antonio College is guaranteed to everyone on the all Mt. SAC campus on the premise that the normal operation or program of the College remains uninterrupted. Students, College personnel, and members of the public shall be free to exercise their rights of free expression, subject to the requirements of this policy.

The College is a non-public forum, except for those areas designated as Free Speech Areas, which are limited public forums. Mt. San Antonio College feels that free expression of ideas and a guaranteed freedom of participation in lawful movements by individuals are essential to public educational institutions such as California community colleges. The College President/CEO 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 established by the College President/CEO shall not prohibit the right of anyone on campus to exercise free expression including, but not limited to, speech, the use of certain bulletin boards for display of written materials, posters, etc., the distribution of printed materials or petitions, and the wearing of buttons, badges, or other insignia, except that expression which is obscene, libelous, or slanderous 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 community college premises, or the violation of lawful community college regulations, or the substantial disruption of the orderly operation of the community college, shall be prohibited.

The College shall not make or enforce any rule subjecting any student to disciplinary sanction solely on the basis of conduct that is speech or other communication that, when engaged outside of the College, is protected from governmental restriction by the First Amendment to the United States Constitution and of Section 2 of Article 1 of the California Constitution.

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 (Education Code Section 66301(e)), 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. Students may be disciplined for harassment, threats, or intimidation unless such speech is constitutionally protected.

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