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**Kern Community College District  
Administrative Procedure  
Chapter 3 – General Institution**

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**AP 3900 Speech: Time, Place, and Manner**

References:

Education Code Sections 66301 and 76120

**Note:** ~~This procedure is legally advised~~

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 procedures contained in Board Policy 3900 Speech: Time, Place, and Manner and ~~this~~ procedures.

The Colleges of the District designate the following areas as reserved for expressive activities which do not violate District policy and which are lawful: those areas generally available to students and the community, defined as grassy areas, walkways, and other similar common areas. These areas are chosen so as to provide visibility and allow communication to a large number of students, administrators, faculty, and others walking or traveling on campus but also so as not to disrupt educational and other activities of the District on behalf of students.

- These areas are designated public forums. The District reserves the right to revoke that designation and apply a non-public forum designation.
- 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 college. Areas of the college that are non-public forums specifically include campus offices, classrooms, warehouses, maintenance yards, athletic fields in use or scheduled for use, or locker rooms, and any other area not specified above.

The use of these areas reserved and open for expressive activities is subject to the following:

- No person using the areas shall touch, strike, or physically impede the progress of passersby, except for incidental or accidental contact or contact initiated by a passerby.
- Persons using areas shall not use any means of amplification that creates a noise or diversion that disturbs the orderly conduct of the campus or classes taking place at that time.
- Persons using the areas reserved for expressive activities shall not disrupt the orderly operation of the college.

Non-student, community groups wishing to engage in speech or expressive activities on campus, in the areas designated as public forums, must check in with the College Administrative Office three business days prior to engaging in the activities. This does not involve an advance approval process. No illegal activities will be permitted, no activities that violate District or campus rules, including rules and laws on illegal harassment and discrimination, and none that will substantially interfere with or disrupt activities already scheduled for that day and time in the designated areas, as described below. In the event the area sought to be used for expressive activities has already been reserved for another activity so that there will be substantial interference or disruption based on noise, overcrowding, or other considerations unrelated to content, the District will offer alternative available areas or, if none are available, offer alternative dates. Students, outside organizations, and others are encouraged to make reservations in advance to use the areas for their expressive activities through the use of optional reservation forms.

**Commented [EO1]:** This is the maximum notice we should require. We should be prepared to explain the practical, operational reasons we need notice.

All persons using the areas that are designated public forums shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within those areas. Those persons distributing printed material must, prior to their departure from the areas that day, make reasonable efforts to retrieve, remove or properly discard material that is discarded or dropped in or around the areas other than in an appropriate receptacle.

#### **Hours of Access**

The hours of operation of the District are 7:00 a.m. to 10:00 p.m. Expressive activities are not permitted outside the District's hours of operation. Overnight use or sleeping on campus is not permitted, nor is use of the campus areas for sleeping, camping, or laying down of bedding. Nor is use of facilities for similar purposes permitted during hours of operation.

#### **Posting**

Bulletin boards shall be provided for use in posting materials at campus locations convenient for use by students, staff, and members of the public. All materials displayed on a bulletin board shall clearly indicate the author or agency responsible for its production ~~and shall be dated with the date of posting by the authority.~~ The District may remove ~~m~~Materials displayed ~~shall be removed~~ after the passage of ten days.