

Student Services

AP 5550 SPEECH: TIME, PLACE, MANNER, AND COMMERCIAL VENDORS

References:

Education Code, Sections 66301 and 76120

The students and employees of the District and members of the public, including commercial vendors, 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.

This procedure and its implementing policy shall be applied equitably and fairly. The District shall place no restrictions on any person, organization, or group on the basis of the content of constitutionally protected free speech or free expression.

Individuals found to have subjected any other(s) to sexual harassment, sexual assault including stalking, or other conduct prohibited on college property or at college events by state or federal law, including harassment based on one or more protected class(es) per Cerritos Community College District Board Policy 3410 Nondiscrimination, are subject to disciplinary action, as well as civil and criminal charges. The District shall provide access to its services, classes, and programs without regard to national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because he/she/they is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

Complaints regarding discrimination in programs and services will be directed to the Vice President of Human Resources or designee for processing pursuant to appropriate state and federal laws and regulations.

I. DEFINITIONS

For purposes of these procedures, the following definitions apply:

A. GROUND OPEN TO THE PUBLIC GENERALLY: Paved, exterior open spaces, and paved exterior pedestrian walkways on District Property except:

1. space that has been reserved for classes, public performances, or organized activities;
2. space that has been reserved for food service or eating;
3. parking lots that have been reserved for parking in accordance with the District's Permitting procedures or other uses designated by the District;
4. vehicular driveways and streets; and

36 5. stairways and ramps to or between District structures.

37 Grounds are open to the public generally between the hours of 6:30 a.m. and 10:30
38 p.m. Between the hours of 10:30 p.m. and 6:30 a.m., these areas are generally
39 closed to all activities except coming and going to a District building.

40 B. DISTRICT PERSONNEL: Individuals employed by any academic or nonacademic
41 department or division or other official District entity without regard to type of
42 monetary compensation.

43 C. DISTRICT PROPERTY: Any District-owned, operated, or maintained property,
44 including all District grounds and structures.

45 D. COLLEGE UNIT: Any academic or nonacademic department or division.

46 E. OFFICIAL DISTRICT FUNCTIONS: Scheduled academic classes and activities;
47 normal daily operations of College units; and programs or activities sponsored by
48 College units in the course of fulfilling their College mission.

49 F. EMPLOYEE REPRESENTATIVE ORGANIZATION: An independent organization
50 which exists for the purpose, in whole or in part, of dealing with District
51 management concerning grievances, labor disputes, wages, hours, and other
52 terms and conditions of employment of employees, as defined by Section
53 3540.1(d) of the Educational Employment Relations Act (EERA).

54 G. BOARD-APPROVED CAMPUS ORGANIZATION: Any organization whose
55 purpose is to provide support for the District and/or its students and staff, and which
56 is currently approved by the Board of Trustees.

57 H. STUDENT CLUB: Any club whose membership is limited to students of the District,
58 and which is currently officially approved, recognized, and/or chartered according
59 to procedures specified in Associated Students of Cerritos College (ASCC) Code.

60 I. STUDENT: One who is currently enrolled at the College or one who has completed
61 the immediately preceding term and is eligible for re-enrollment.

62 J. STUDENT GOVERNMENT: The Associated Students of Cerritos College (ASCC).

63 K. COMMERCIAL VENDORS: Any individual; whether independent or representing,
64 or on behalf of, any other individual or organization; carrying out the purpose(s) of
65 informing others of, promoting, and/or selling goods, services, information,
66 financial or other instruments, and/or other commercial resources.
67 Refer also to BP 5570 titled Student Credit Card Solicitation.

68 II. USE OF DISTRICT PROPERTY

69 A. General Provisions

- 70 1. The District derives its basic authority from the California Education Code. All
71 pertinent local, state, and federal statutes are in force on District property and
72 may be enforced by authorized campus or off-campus agencies.
- 73 2. All persons on District Property are required to abide by Board policies and
74 administrative procedures. This includes, but is not limited to, the following
75 prohibitions:
 - 76 a. no person on District Property or at official District functions may block
77 entrances to or otherwise physically interfere with the free flow of traffic into
78 and out of campus buildings of passerby, except for incidental or accidental
79 contact or contact initiative by a passerby;
 - 80 b. obstruct or disrupt campus activities and the orderly operation of the
81 college;
 - 82 c. engage in the production of amplified or non-amplified sound that disrupts
83 campus activities taking place at that time;
 - 84 d. camp or lodge, except in authorized facilities or locations;
 - 85 e. engage in physically abusive, threatening, harassing, or intimidating
86 conduct toward any person;
 - 87 f. exhibit disorderly or lewd conduct;
 - 88 g. participate in a disturbance of the peace or unlawful assembly;
 - 89 h. use, possess, sell, or manufacture narcotic or illegal drugs;
 - 90 i. possess weapons, including all firearms of any kind;
 - 91 j. fail to comply with the directions of a District official acting in the
92 performance of his/her/their duties; or
 - 93 k. engage in the theft or misuse of District property or equipment.
- 94 3. Persons using grounds open to the public generally or who have reserved
95 space for programs or activities under Section VII of these procedures shall not
96 create noise or diversion that unreasonably disturbs the orderly conduct of the
97 campus or classes taking place at that time. Individuals or groups desiring to
98 use amplification at an event in designated exterior areas may submit a
99 reservation request through the Student Life & Leadership Office for Student
100 Groups, the Facilities Scheduling Office for College units, and Campus Police
101 for all others. Amplification will be permitted provided it does not unreasonably
102 disrupt the operations of the District.

103 Sales or distribution of commercial products on campus must be conducted in
104 accordance with procedures administered by the Student Life & Leadership
105 Office. Commercial sales in support of programs and activities of students of
106 the District, Board approved campus organizations, or student clubs is not
107 considered a commercial activity under these procedures, provided that the
108 primary purpose of such is to underwrite a District program or activity, as

109 opposed to personal gain or the promotion or endorsement of a commercial
110 product.

111 Non-student, community individuals or groups wishing to engage in speech or
112 expressive activities on campus, in the areas designated as public forums,
113 must check in with the District through the Chief of Campus Police or designee
114 prior to engaging in the activities. No illegal activities will be permitted. No
115 activities will be permitted that violate District or campus rules, including rules
116 and laws on illegal harassment and discrimination, and none that will
117 substantially interfere with or disrupt activities already scheduled for that day
118 and time in the designated areas as described below. In the event the area
119 sought to be used for expressive activities has already been reserved for
120 another activity so that there will be substantial interference or disruption based
121 on noise, overcrowding, or other considerations unrelated to content, the
122 District will offer alternative available areas or if none are available offer
123 alternative dates. Students, outside organizations, and others are encouraged
124 to make reservations in advance to use the areas for their expressive activities
125 by using the optional reservation forms.

126 4. District property may be used for the purpose of voter registration. Such activity
127 is restricted to grounds open to the public generally (as defined in these
128 procedures).

129 5. All persons on District property are required, for reasonable cause, to identify
130 themselves to, and comply with instructions of, authorized District officials
131 acting in the performance of their duties.

132 6. The name, initials, insignia, seal, or address of the District or any of its offices
133 or units shall not be used except for official or authorized District purposes.

134 7. No sign, poster, paint, pencil, charcoal, chalk, ink, or other writing, marking, or
135 posting medium may be placed, affixed, or applied to the walls, ceilings,
136 windows, floors, roof, areas or other surfaces of campus buildings or structures,
137 streets, parking lots, driveways, walkways, lighting and other utility poles,
138 campus signs and poles, construction fences, trees, or shrubbery, except as
139 provided for in Section V of this procedure.

140 III. FREE SPEECH AND ADVOCACY

141 A. On District grounds open to the public generally (as defined in these procedures),
142 individuals and groups may assemble and engage in discussions and other speech
143 provided that individual privacy and orderly operations of the District are not
144 disrupted. Space is available on a first-come, first-served basis, subject to the prior
145 reservation of certain spaces under Section III.B., below.

146 B. Space may be reserved in designated areas in accordance with the provisions of
147 Section VII.G.2. of these procedures.

148 IV. DISTRIBUTION OF LITERATURE

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

156 B. Literature may be distributed on District Property or at official District functions
157 subject to the following provisions:

158 1. On District grounds open to the public generally (as defined in these
159 procedures), literature may be distributed provided that:
160 a. the free flow of traffic at any point is not obstructed;
161 b. it is not forced upon others;
162 c. it is not placed on or in vehicles parked on campus;
163 d. tables or portable (i.e., hand carried) displays used to facilitate distribution
164 are placed on paved pedestrian walkways do not block the walkways or
165 entrances to buildings so as to impede the free flow of traffic, and are
166 attended to at all times by the individuals or groups sponsoring the
167 distribution; and
168 e. it does not litter the area.

169 2. Literature advertising any on-campus program for which a donation is
170 requested must make it clear that such a donation is not required as a condition
171 of admission nor may a specific amount of donation be indicated.

172 3. In campus buildings or at District events or programs, literature may be
173 distributed only in accordance with the following provisions:
174 a. literature may be distributed only in rooms or areas reserved for meetings
175 or programs and only by the group which has reserved the room or area;
176 and
177 b. only in compliance with the restrictions stated in Section IV.A.1., a through
178 e of these procedures.

179 V. POSTING OF LITERATURE, SIGNS, OR BANNERS

180 A. Literature, signs, or personal announcements may not be posted on District bulletin
181 boards, buildings, or elsewhere on campus, except that:
182 1. materials may be posted on College Unit bulletin boards with the prior consent
183 of the College Unit; and
184 2. materials may be posted on the designated open posting boards and locations
185 on campus and must comply with the established size limitations.

186 B. All materials posted including signs and banners shall clearly indicate the name of
187 the sponsoring College Unit, Student Government, Board-Approved Campus
188 Organization, Student Club, Employee Representative Organization, or other
189 group or individual.

190 C. Material posted shall be considered expired and removed as of the last event date
191 on the material or as of the removal date affixed by the District or when deemed
192 weathered and unsightly by District personnel.

193 D. Posting of literature and materials within the areas of College Units or on Unit
194 bulletin boards must be in accord with the specific procedures applicable to such
195 areas and boards. Information regarding the specific procedures may be obtained
196 from the individual Units. Such procedures shall ensure that all materials conform
197 to the general provisions governing distribution and posting.

198 E. Posters, signs, or banners which are written in any language other than English
199 must provide, on the same poster, sign, or banner, an accurate and complete
200 translation, in English, of the information contained therein.

201 F. Posters, signs, banners, and other materials and literature advertising official
202 District functions may be placed in designated posting locations on campus. (Note:
203 The use of windows or any painted, metal, plastic, or wood surfaces is prohibited.)

204 G. "Sidewalk chalk" may be placed by Student Government, Student Clubs, School
205 Relations/Welcome Center, or the Child Development Center only in those
206 locations authorized by the Facilities Department and either the Student Life &
207 Leadership Office, School Relations/Welcome Center, or the Child Development
208 Center, as applicable.

209 H. Banners and signs may be placed by Student Government or Student Clubs only
210 in those locations authorized by the Student Life & Leadership Office.

211 VI. FUND RAISING

212 A. On District grounds open to the public generally (as defined in these procedures),
213 individuals and groups may engage in fundraising through direct requests for funds
214 or sales of tickets or materials provided such activities comply with the
215 requirements in Section IV.A.1., a through e above, and do not disrupt the orderly
216 operation of the campus.

217 B. All Student Club fund raising activities must have the prior authorization of the
218 Student Life & Leadership Office to ensure proper accounting and expenditure of
219 such funds.

220 VII. PROGRAMS AND ACTIVITIES

221 A. College Units, Student Government, Board-Approved Campus Organizations,
222 Student Clubs, and Employee Representative Organizations are authorized to use
223 District Properties for organized programs and activities subject to the provisions
224 of these procedures.

225 B. Non-college organizations' use of designated and available District Properties
226 shall be in accordance with the specific policies governing such use, as
227 administered by the Facilities Scheduling Office.

228 C. A request for use of District Properties may be denied if the request is not in
229 accordance with Board policies and these procedures, and shall be denied if
230 circumstances are such that the use will unreasonably disrupt the orderly operation
231 of the campus. Denial of use requests by authorized users may be appealed to
232 the appropriate College Vice President or designee. Denial of use requests on the
233 basis of unreasonable disruption shall be accorded a prompt appeal directly to the
234 appropriate Vice President or designee.

235 D. Activities, programs, or events must not unreasonably disrupt official District
236 functions or the orderly operation of the District. If any unscheduled or scheduled
237 activity unreasonably disrupts the orderly operation of the District or an official
238 District function or any other scheduled activity, it shall be discontinued at the
239 direction of Campus Police or, in the absence of the Campus Police, by duly
240 authorized administrators.

241 The criteria to be used to determine whether an activity, program, or event
242 unreasonably disrupts the orderly operation of the District or an official District
243 function or any other scheduled activity shall include the following:

- 244 1. The availability of proximate, alternate locations which afford opportunities for
245 similar or larger-sized audiences;
246 2. the expected duration of the activity;
247 3. the activity's timing in relation to the academic calendar (for example, proposed
248 scheduling during the first week of classes or during final examination week);
249 4. the number of participants; the expected noise level to be generated by the
250 activity; and
251 5. the need for District resources and personnel to facilitate, oversee, or control
252 the activity.

253 E. District property may be available for reservation for activities, programs, or
254 events. For direction to the appropriate department regarding scheduling, student
255 groups shall first contact the Student Life & Leadership Office and all other groups
256 shall contact the Facilities Scheduling Office. Such use must be for activities,
257 programs, or events which are directly related to the purposes of the sponsoring
258 entity. Such use is also subject to the specific limitations and scheduling
259 procedures of the facilities involved. No reservations by Student Government or

Student Clubs may be finalized until arrangements have been approved by the Student Life & Leadership Office. Permission to use facilities shall not necessarily confer endorsement by the District.

- F. Users requiring special facility arrangements, equipment, or staffing may be assessed charges for such. Deposits and/or other financial accountability may be required.

G. Outdoor Areas

1. General Provisions

- a. Outdoor areas of the campus may be reserved for activities and programs in accordance with Board policies and campus procedures, and specific restrictions applicable to each area.
- b. Use of outdoor areas must not interfere with the use of those areas by others for other than reasonably short periods, or unreasonably disrupt the orderly operation of the campus or official District functions, or unreasonably disrupt the peace and quiet of the campus and the community adjacent to the campus.

2. Designated Areas

- a. The specific areas (listed below) may be used for programs or activities subject to the General Provisions (above) and specific restrictions applicable to each area. Use of these areas may be substantially altered or precluded due to construction or renovation or other District activities:
 - (i) The paved areas of the quadrangle known as "Falcon Square" and generally bounded by the Student Center, Library, Performing Arts Center, and Student Services Administration buildings;
 - (ii) the paved area, except for space reserved for outdoor dining, generally bounded by the Liberal Arts, Business Education, Social Sciences, and Administration Buildings; and
 - (iii) pedestrian access ways onto the campus from parking lots.
- b. For scheduled events, such areas as shall freely allow access to the pedestrian traffic flow to and from the special event but shall not interfere with ingress to or egress from the special event.

3. Restricted Areas: Areas essential to the operation of the District are not available for programs and activities. These areas include, but may not be limited to: interior hallways and stairways, elevators, classrooms, bathrooms, locker rooms, lobbies, office waiting areas, employee/student offices, warehouses, storage or maintenance yards, mechanical rooms, and storage rooms.

Office of Primary Responsibility: Vice President, Student Services

298 See also BP 5570 titled Student Credit Card Solicitation

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