

DVC Procedure 3025.03
FREE EXPRESSION AND DISTRIBUTION OF NON-COMMERCIAL MATERIALS

ADOPTION: May 14, 2007

REFERENCES: CCCC Board Policy 2019, 5032, 6001;
CCCCD Business Procedures 6.01, 6.04, 6.06;
CCCCD Student Services Procedure 3025, 3027;
CCCCD Human Resources Procedure 4000.17,
Education Code sections 76120, 76067;
Penal Code sections 556, 556.1, 556.2, 556.3

Diablo Valley College ("College" or "DVC") is committed to ensuring that all individuals are able to exercise their constitutional right to free expression protected under the First Amendment of the United States Constitution, and article I, section 2, of the California Constitution, on campus subject to reasonable time, place, and manner restrictions.

The following forms of expression are prohibited: 1) expression which is obscene, libelous or slanderous according to current legal standards; and 2) expression which creates a clear and present danger or incites persons to commit unlawful acts or damage persons or property.

The primary purposes of this Procedure are 1) to ensure that students are able to freely engage in protected expression in areas designated for that purpose; 2) to protect student safety; 3) to prevent substantial disruption of the learning environment and the orderly operation of District campuses; and 4) to preserve District facilities for their intended use.

The Governing Board of CCCC has delegated responsibility to the Student Life Office to administer the following procedures.

FREE EXPRESSION

No individual will be prohibited from engaging in protected expression based on its content.

In general, expression in the form of speech or oral advocacy may be exercised in all areas of campus. However, the College reserves the right to limit expression in classrooms, libraries, faculty and administration offices, and corridors adjoining those facilities where the resulting noise is incompatible with the essential functions of the campus.

This Procedure shall not inhibit protected expression by an employee bargaining unit pursuant to a collective bargaining agreement or state law.

DISTRIBUTION OF WRITTEN MATERIALS

1. Individuals are prohibited from blocking access to or from College facilities;
2. Individuals are prohibited from blocking the paths of others as they attempt to move freely through campus;
3. Individuals are prohibited from forcing materials upon persons who do not voluntarily accept the materials;
4. Individuals are prohibited from placing any materials on automobiles, bicycles, or other forms of transport parked on campus;

OUTDOOR DISTRIBUTION

Any person may hand distribute non-commercial materials in outdoor areas of the campus. This activity shall not disrupt the free flow of persons and traffic and shall not interfere with College activities. Individuals interested in distributing materials of a commercial nature must contact the Student Life Office and follow all regulations outlined in DVC Procedure 3025.02.

Parties interested in passing out non-commercial materials from a distribution table situated in either the Quad or Student Union must adhere to the following time, place, and manner regulations:

1. Parties wishing to distribute materials from a distribution table must register their names, addresses and phone numbers with the Student Life Office, as well as provide a copy of the materials to be distributed;
2. The Student Life Office will assign the individual or group a distribution table in a designated area, depending on availability. College affiliated individuals or groups shall have scheduling priority for table assignments.
3. Each table must identify the sponsoring person or organization's name.
4. The College does not necessarily endorse the views expressed in any materials distributed on campus.

Individuals or organizations who distribute materials on campus are responsible for cleaning-up of the area around the distribution table and litter around campus associated with the distribution.

INDOOR DISTRIBUTION

1. In classrooms: Individuals are prohibited from distributing materials in classrooms when those rooms are being used for instructional activities.
2. In College Departments: With prior permission of the department head, materials such as pamphlets and brochures may be left in waiting areas, lobbies, or lounges assigned to a specific department.
3. In Faculty Mailboxes: Individuals are prohibited from placing any materials other than class-related communications or assignments in faculty mailboxes.
4. In Student Leadership or Club Mailboxes: Individuals may place materials in the student leadership and club mailboxes located in the Student Life Office.

AMPLIFIED SOUND

Amplified sound is only permitted at the Duck Pond area and the upper patio between the Student Union building and the cafeteria. Parties interested in using amplified sound must first register with the Student Life Office, fill out a "Use of Facilities Form," and follow all other District policies and College procedures which apply to this communication medium