

FREEDOM OF EXPRESSION

Reference: Education Code Section 76120

Freedom of expression at Southwestern Community College District is guaranteed to all District students and personnel on the premise that the normal operations and/or programs of the District remain uninterrupted. Students shall be free to exercise their rights of free expression, subject to the requirements of this policy.

The District is a non-public forum institution, except for those areas designated as Free Speech areas, generally available for use by students or the community, which may be used for limited public forums. The District supports free expression of ideas and guaranteed freedom of participation in lawful movements by individuals, and believes such freedoms are essential to public educational institutions such as California community colleges. The Superintendent/President 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 Superintendent/President shall not prohibit the right of students to exercise lawful free expression in any manner, including, but not limited to:

- speech;
- the use of certain bulletin boards for display of written materials;
- the distribution of printed materials or petitions; and
- wearing buttons, badges, or other insignia in those parts of the District designated as Free Speech areas.

Speech shall be prohibited that:

- is defamatory;
- is obscene according to current legal standards; and/or
- so incites others as to create a clear and present danger of:
 - commission of unlawful acts on District property;
 - violation of District policies or procedures; and/or
 - substantial disruption of the orderly operation of the District.

The District 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 which would be protected by the Constitutions of the United States¹ and the State of California² if it occurred outside of the District's premises.

¹ United States Constitution, First Amendment

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Students may be disciplined for any speech containing harassment, threats, intimidation, or hate unless such speech is constitutionally protected.

Office of Primary Responsibility: Student Activities & Health Services

² Constitution of the State of California, Article 1, Section 2