

Students, employees, and members of the public shall be free to exercise their rights of free expression, subject to the requirements of this policy.

MiraCosta Community College District is an inclusive and diverse academic community that promotes the expansion of ideas and promotes greater understanding through civil discourse. As stated in BP3430 Prohibition of Harassment, the District is committed to providing an academic and work environment that respects the dignity of individuals and groups and the District does not condone hate speech that is meant to intimidate or harass others in a manner that prevents their full participation in the educational and work environment.

The college and facilities of the district are nonpublic forums, with the exception of publicly accessible locations and areas where free-speech activity is unlikely to significantly interfere with and/or disrupt college operations, which shall be deemed limited public forums. 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.

The administrative procedures promulgated by the superintendent/president shall not prohibit the right of students and employees of the district and members of the public to exercise free expression, including but not limited to the use of bulletin boards, the distribution of printed materials or petitions in those parts of the college designated as areas generally available to students and the community, and the wearing of buttons, badges, or other insignia.

Speech shall be prohibited that is defamatory, obscene according to current legal standards, or that so incites others as to create a clear and present danger of the commission of unlawful acts on district property or the violation of district policies or procedures, or the substantial disruption of the orderly operation of the district.

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 §66301(e)), so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution, §2 of Article 1 of the California Constitution, and MiraCosta Community College District Board Policy/Administrative Procedure 5500: Standards of Student Conduct. Students may be disciplined for harassment, threats, or intimidation unless such speech is constitutionally protected.

See Administrative Procedure 3900, Speech–Time, Place, and Manner.

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Adoption History: 3/13/12, 8/17/16

References: Education Code §§66301, 76120
United States Constitution, First Amendment
California Constitution, Article 1, §2Steering: California State University Office of Legal Counsel “Handbook of Free Speech Issues”
VPSS/VPHR / N/A