

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 and these procedures.

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 designated as limited public forums. Such publicly accessible locations and areas may provide visibility and allow communication to a large number of students, administrators, faculty, and others walking or traveling on campus, but may not disrupt educational or other activities of the district on behalf of students.

The district reserves the right to designate areas as nonpublic forums as necessary to prevent the substantial disruption of the orderly operation of the college. Areas of the college that are nonpublic forums specifically include campus offices, classrooms, warehouses, maintenance yards, or locker rooms, and any other areas where the primary education and business functions of the district are likely to be disrupted by free-speech activities.

The use of limited public forums for expressive activities is subject to the following:

- A. Persons using and/or distributing material in the areas shall not impede the progress of passersby, nor shall they force passersby to take material.
- B. No person using the areas shall touch, strike, or impede the progress of passersby, except for incidental or accidental contact or contact initiated by a passerby.
- C. Persons using the areas shall not use any means of amplification that creates a noise or diversion that disturbs the orderly conduct of the campus or classes. Free-speech activities must not exceed a volume of sixty-five decibels at a distance of fifty feet.

Nonstudent community groups wishing to engage in speech or expressive activities on campus, in limited public forums, are requested to provide notification to the district via the director of student activities, or designee, at least two business days in advance of the activity and should describe the nature of the planned activity. No illegal activities

will be permitted, nor activities that violate district or campus rules. No activities will be permitted that will substantially interfere with or disrupt activities already scheduled for that day and time in the designated areas.

All persons using publically accessible locations and areas where free-speech activities are unlikely to interfere with and/or disrupt college operations shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within those areas. Material distributed in publically accessible areas that is discarded must be retrieved and removed by those persons distributing the material prior to their departure from campus.

Commercial Speech Activities

Commercial speech has been defined by the United States Supreme Court as “speech where the speaker is more likely to be engaged in commerce, where the intended audience is commercial or actual or potential consumers, and where the content of the message is commercial in character.” (Cornell Law School Legal Information Institute, 2011)

Commercial transactions on district property are generally prohibited without written permission of the superintendent/president or designee unless (1) the proposed transactions aid in the achievement of the educational objectives of the district, do not unreasonably interfere with the operation of the campus, and are not prohibited by law, or (2) the prospective vendor has agreed in writing, in advance, to an appointment and the prospective vendor makes no more than one appointment for any day, and such appointment does not interfere with the operation of the campus. Nonstudent community groups wishing to engage in commercial speech on campus, in locations and areas designated by the district where commercial speech activities are unlikely to interfere with and/or disrupt college operations, must provide notification to the district via the Director of Student Activities, or designee, at least two business days in advance of the activity and must describe the nature of the planned activity. No illegal activities will be permitted, nor activities that violate district or campus rules. No activities will be permitted that will substantially interfere with or disrupt activities already scheduled for that day and time in the designated areas.

The locations and areas designated by the district where commercial speech activities are unlikely to interfere with and/or disrupt college operations shall generally be limited to the Oceanside Campus, 3400 East Patio and Fountain Plaza; San Elijo Campus Student Center patio; and the Community Learning Center sidewalk area adjacent to the administration building.

Commercial speech activities shall generally be limited to the business hours of the district as defined in the current college schedule of classes and/or during the normal business hours of the Student Activities Office.

Credit card vendors are prohibited from offering gifts to students for filling out credit card applications.

Commercial speech activities must not exceed a volume of sixty-five decibels at a distance of fifty feet.

Posting

Bulletin boards shall be provided for 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 their production and shall be stamped with the date of posting by the Director of Student Activities or designee. Materials displayed shall be removed after ten days. MiraCosta College reserves the right to restrict part of each public posting area for the promotion campus activities.

Student Elections

Students who engage in election activities affiliated with the Associated Student Government shall refer to *The Constitution of the Associated Students of MiraCosta College* for guidance on permissive campaigning activities.