



## District Consultation Council Meeting

May 18, 2020

2:00 p.m.

Zoom Teleconference | Meeting ID: 933-5105-5010

### AGENDA

#### CONSENT CALENDAR & SUMMARY

- |                                     |        |
|-------------------------------------|--------|
| 1. Approval of Consent Agenda Items | N/A    |
| 2. April 27, 2020 Summary           | Action |

#### STRATEGIC GOALS & PLANNING

- |   |            |
|---|------------|
| 1. Educational & Facilities Master Plan | Action     |
| 2. Budget Update                        | Discussion |
| 3. One-time Funds                       | Discussion |

#### OPERATIONAL REVIEW

- 1.

#### POLICY

- |                         |        |
|-------------------------|--------|
| 1. BP/AP 3900 Revisions | Action |
|-------------------------|--------|

#### OTHER ITEMS

- 1.

**DISTRICT CONSULTATION COUNCIL**  
**April 27, 2020**

**SUMMARY**

**MEMBERS PRESENT:** Josh Ashenmiller, Christie Diep, Cathy Dunne, Lisa Gaetje, Craig Goralski, Manjit Grewall, Cherry Li-Bugg, Cheryl Marshall, Tina McClurkin, Dawnmarie Neate, Arturo Ocampo, Kim Orlijan, Jeremy Peters, Irma Ramos, Lizeth Sanchez, JoAnna Schilling, Greg Schulz, Kai Stearns Moore, Joseph Vasquez, and Fred Williams.

**VISITORS:** Gail Arriola-Nickell, Danielle Davy, Jenny Derry, Carissa Oyedele, Andrew Perez, Leslie Tsubaki, Mario Violich, and Kashu Vyas.

Chancellor Cheryl Marshall called the Zoom teleconference meeting to order at 2:02 p.m.

**CONSENT CALENDAR & SUMMARY**

**Consent Items:** The agenda contained no consent items

**Summary:** The summary of the February 24, 2020, meeting was approved as submitted.

**STRATEGIC GOALS & PLANNING**

**Educational & Facilities Master Plan:** Andrew Perez, with Brailsford and Dunlavey, provided DCC with a snapshot of what the consultants have been working on, instructions on how to access the Educational & Facilities Master Plan (EFMP) documents, expectations for edits, and the project's timeline. The draft EFMP will return back to the Steering Committee in order to share the input received, to DCC on May 18, to the Board for an update in May, and first and second readings to the Board in June.

Educational Master Plan: Jenny Derry, with Brailsford and Dunlavey, shared the snapshot demographics, district context, and the strategic directions and goals as developed by the EFMP Steering Committee. She also highlighted the following six educational initiatives that were developed from campus input:

1. Student Success and Completion
2. Student Experience and Learning
3. Diversity, Equity, and Inclusion
4. Enrollment Management
5. Workforce Development
6. Online Learning

Ms. Derry noted that programmatic suggestions and recommendations were included at the end of the educational initiatives in order to assist in meeting goals, and spotlights for each of the campuses were also included for each initiative.

Facilities Master Plan: Carissa Oyedele, with Moore, Ruble, and Yudell, provided a high-level focus on the process and what is expected to be seen in the facilities draft of the EFMP. The

facilities portion includes four chapters (one for the overall district, and one chapter for each of the campuses) and incorporates the following six strategic themes:

1. Campus Life
2. Mobility and Access
3. Identity
4. Campus and Community Partnerships
5. Sustainability, Resiliency, and Stewardship
6. Safety and Security

Ms. Oyedele explained the impact of “pilot projects,” the use of graphics in each chapter to better overall describe the master plan, the renderings used to illustrate if and when all of the projects are undertaken, the maps that outline the opportunity sites which are divided into four types of categories based on dollar amounts, and overviews of each of the campus projects.

Public comments related to the EFMP will be shared through May 15, and the primary method for comment will be via comment box on the District website. Chancellor Marshall asked members to share that the EFMP would be on the website and to encourage people to provide feedback. The EFMP will return to DCC on May 18 for final approval.

**Budget Update:** Fred Williams, Vice Chancellor of Finance & Facilities, reported that there is currently a lot of activity in Sacramento due to the uncertainty of the impact of COVID-19, but that budget information has not been released yet. He shared District budget documents that were developed from the Governor’s January budget and P-1 data from February. He cautioned that the District should prepare for significant reductions in upcoming years, but that it is well positioned when compared to most districts.

Members requested that the budget information be shared electronically, and Dr. Marshall noted that it would be provided after the meeting.

**One-time Funding Recommendation:** Chancellor Marshall reminded the group that the Board previously approved the allocation of \$19,609,148 in one-time funds for capital improvements to the Colleges and NOCE. At its meeting on April 13, 2020, the Council on Budget and Facilities (CBF) recommended approving \$2.2 million of one-time funding for the Districtwide Information Technology 2019-20 and 2020-21 existing maintenance obligations. Based on the CBF discussion, Vice Chancellor Cherry Li-Bugg revised the supporting documents to provide clarity and reduced the requested amount from \$2.2 million to \$1,976,180.

DCC discussed the CBF recommendation to approve allocating \$1,976,180 of one-time funds for the districtwide IT existing maintenance obligation items for the 2019-20 and 2020-21 fiscal years in order to address short-term and long-term issues in the technology budget.

Members inquired about the non-technology line items noted in the one-time funding listing including items for salary/benefits and SERP payments. Chancellor Marshall noted that all of the one-time funding categories would need to be revisited as a result of the impact of COVID-19 that will require meaningful discussions in both CBF and DCC. Vice Chancellor Fred Williams also stated that adjustments to estimates would need to be made when the Governor’s May Revise is released. Subsequent to the discussion, **members approved the recommendation with 16 voting in favor and three voting against.**

## **POLICY**

**Board Policy and Administrative Procedure Revisions – 6-year Review Cycle Revisions:**  
DCC reviewed the following board policies and administrative procedures:

- BP 3720, Computer and Electronic Communication Systems
- AP 3720, Computer and Electronic Communication Systems
- BP 3740, Websites
- AP 3740, Websites
- AP 3750, Use of Copyrighted Material
- BP 3810, Claims Against the District
- AP 3810, Claims Against the District
- BP 3820, Gifts and Donations
- AP 3820, Gifts and Donations

There was **consensus to approve all of the administrative procedures and post them to the District website**, and to **approve all of the board policies and forward them to the Board of Trustees for their consideration**.

**BP/AP 3900 Revisions:** Revised drafts of BP/AP 3900, Speech: Time, Place, and Manner were presented to DCC for their consideration. The revisions were spearheaded by the Public Affairs Department who led a collaborative workgroup charged with updating them. The items outlining free speech activities, distribution, and posting of printed materials on campus and District sites, were originally introduced to DCC on March 25, 2019 for discussion and again on September 23, 2019. Subsequently, free speech open forums were hosted to facilitate discussion about the draft policy and procedure at Cypress College, Fullerton College, and NOCE, and have also been reviewed by legal counsel and Cypress College, Fullerton College, and NOCE President's Advisory Councils.

During the discussion, members inquired about the definition of "obscene" as noted in the policies; expressed concern about the language used in Section 5.5 in the AP regarding pedestrian traffic; the need for appropriate training for staff who will handle these situations so that it is not misapplied; and several recommended suggestions presented by Fullerton College to their campus practices, reservations, and use of canopies.

Chancellor Marshall asked that members send any revisions to Kai Stearns Moore by April 29, including the Fullerton College specific changes, so that they could be incorporated into revised drafts that would be distributed to membership in advance of the May 18 DCC meeting.

**ADJOURNMENT:** The meeting adjourned at 3:11 p.m.

**NEXT MEETING:** May 18, 2020

# DISTRICT CONSULTATION COUNCIL

Agenda Item Submittal Form

Date: May 6, 2020

From: Dr. Cherry Li-Bugg and Dr. Gail Arriola-Nickell

Re: Agenda Item for District Consultation Council Meeting of May 18, 2020

1. AGENDA ITEM NAME

**NOCCCD Educational & Facilities Master Plan (EFMP) 2021-2030**

2. AGENDA ITEM ACTION (Please check all that apply.)

Information Only		Second Reading	X
Review/Discussion	X	Action	X
First Reading		Consent Agenda Item	

3. ESTIMATED TIME REQUIRED FOR PRESENTATION/DISCUSSION: **20 minutes + discussion**

4. BRIEF NARRATIVE SUMMARY OF AGENDA ITEM:

**Brailsford & Dunlavy in association with Moore Ruble Yudell (B&D+MRY) were contracted in May of 2019 to work with North Orange County Community College District (NOCCCD) to develop and deliver an Educational and Facilities Master Plan (EFMP). The primary objective in creating a ten-year plan, is to collectively generate a vision for the future that can be realized with the implementation of educational programs and facilities projects. B&D+MRY have successfully reached out to each campus, engaging students, staff, faculty and leadership in order to gain a clear understanding of the educational and facilities' needs.**

**As a team, they have continuously remained open and receptive in listening and meeting with all constituent groups throughout the entire process. They have maintained a rigorous schedule to ensure the scope of work is accessible, accurate, and completed in a timely manner, even despite the recent impacts from COVID-19. Overall, the EFMP team was able to engage with over 7,000 members of the District community, providing them a comprehensive understanding of the needs and goals for each campus and the District as a whole.**

**The EFMP reflects the District's intention to re-imagine the Strategic Directions and Goals, while also aligning with the ongoing initiatives at each campus and throughout the State. Through this equitable collaboration with B&D+MRY, Cypress College, Fullerton College, North Orange Continuing Education and District Services were able to develop an EFMP that will guide the District through 2030, and will serve as the measuring stick by which future educational programs and facilities investments will be evaluated.**

**The consultants have worked closely and collaboratively with the EFMP Steering Committee, composed of representatives from all constituency groups (students, faculty, staff, managers) throughout the entire process. The EFMP Steering Committee has approved the Plan; therefore we are submitting the Plan for DCC approval.**

*NOTE: Please forward this form by required dates with all backup material to the Chancellor's Office.*

5. RECOMMENDATION:  
**It is recommended that DCC review and approve the NOCCCD Educational and Facilities Master Plan, 2021-2030.**
  
6. OTHER PEOPLE CONSULTED, INFORMED OR ATTENDING MEETING ABOUT THIS ITEM:  
**The Academic and Faculty Senates, Associated Student bodies, campus leadership teams, the EFMP Steering Committee, Chancellor's Staff**

*NOTE: Please forward this form by required dates with all backup material to the Chancellor's Office.*

**North Orange County Community College District  
One-Time Funding Discussion  
15-May-20**

	Allocation Method	Districtwide	District Services	Cypress College	Fullerton College	NOCE	Total
Districtwide:							
Salary & Benefits		3,500,000.00					3,500,000.00
Student Basic Needs							
Emergency Preparedness							
Committed for PERS/STRS		6,337,728.00					6,337,728.00
SERP Payments		5,000,000.00					5,000,000.00
Increase to Reserves							
Sustainability							
Technology		1,976,180.00					1,976,180.00
Campus Priorities:							
Student Success & Equity	FTES						
Student Success & Equity	Headcount						
Sustainability	Base						
Capital Improvements:							
Facilities Upgrade (including ADA)	Base			7,557,000.00	7,900,000.00	4,152,148.00	19,609,148.00
Instructional Equipment	FTES						
Institutional Capacity:							
Foundations	Base			150,000.00	150,000.00		300,000.00
Business Process Analysis	Base						
Professional Development	Employee Count						
Outreach & Marketing	Base						
Educational Master Plan: Implementation							-
District Resource Allocation Model: Implementation		8,000,000.00					8,000,000.00
COVID-19 Expenses:							
Other		3,879,537.00					3,879,537.00
Backfill campuses for Parking & Health Fees				438,423.00	440,928.00	40,478.00	919,829.00
Reduction Needed							-
<b>Total</b>		<b>28,693,445.00</b>	<b>-</b>	<b>8,145,423.00</b>	<b>8,490,928.00</b>	<b>4,192,626.00</b>	<b>49,522,422.00</b>

FTES		
	#	%
CC	11,950.00	0.35
FC	16,874.00	0.50
NOCE	5,000.00	0.15
<b>Total</b>	<b>33,824.00</b>	<b>1.00</b>

Perm Employee Count		
	#	%
CC	486.03	0.33
FC	694.09	0.47
NOCE	172.33	0.12
DS	119.00	0.08
<b>Total</b>	<b>1,471.45</b>	<b>1.00</b>

2018-19 Headcount		
	#	%
CC	22,046.00	0.27
FC	32,120.00	0.39
NOCE	28,430.00	0.34
<b>Total</b>	<b>82,596.00</b>	<b>1.00</b>

Original Estimates	74,500,000
2019-20 ADJ	(2,606,551)
2020-21 ADJ	(3,537,124)
Back out 20-21 Hold Harmless	(10,926,876)
Deficit	(7,907,027)
<b>Balance</b>	<b>49,522,422</b>

<b>Board Approved</b>
<b>Required Expenditure by Contract/Agreement</b>
<b>DCC Approved</b>

Notes: Dollars can be used over multiple years.

# DISTRICT CONSULTATION COUNCIL

Agenda Item Submittal Form

Date: May 11, 2020

From: Cheryl Marshall

Re: Agenda Item for District Consultation Council Meeting of May 18, 2020

1. AGENDA ITEM NAME

**Revision of BP/AP 3900, Speech: Time, Place, and Manner**

2. AGENDA ITEM ACTION (Please check all that apply.)

Information Only		Second Reading	
Review/Discussion		Action	X
First Reading		Consent Agenda Item	

3. ESTIMATED TIME REQUIRED FOR PRESENTATION/DISCUSSION: 15 minutes

4. BRIEF NARRATIVE SUMMARY OF AGENDA ITEM

The Public Affairs Department led a collaborative workgroup charged with updating BP/AP 3900. This policy and procedure outline free speech activities, distribution, and posting of printed materials on campus and District sites. The workgroup successfully crafted updated drafts of BP/AP 3900 which were originally introduced to DCC on March 25, 2019 for initial discussion and again on September 23, 2019. Subsequently, free speech open forums were hosted to facilitate discussion about the draft policy and procedure at Cypress College, Fullerton College, and NOCE. The drafts of BP/AP 3900 have been reviewed by legal counsel and the Cypress College, Fullerton College, and NOCE President’s Advisory Councils.

DCC reviewed the drafts on April 27, 2020 and the feedback received at that meeting and subsequent to the meeting has been incorporated.

5. RECOMMENDATION:

It is recommended that upon DCC consensus, revised Administrative Procedure 3900 be posted on the District website and revised Board Policy 3900 be forwarded to the Board for their consideration.

6. OTHER PEOPLE CONSULTED, INFORMED OR ATTENDING MEETING ABOUT THIS ITEM:

**BP/AP 3900 Workgroup, legal counsel, Chancellor’s Staff, Cypress College, Fullerton College, and NOCE President’s Advisory Councils.**

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## **BP 3900 Speech: Time, Place, and Manner**

Reference:

**Education Code Sections 66301 and 76120**  
**Penal Code Sections 422.6, 626.4, and 626.6**

- 1.0 The North Orange County Community College District (“the District”) is committed to assuring that all persons may exercise their constitutional rights protected under the First Amendment to the United States Constitution and Article I, Section 2, of the California Constitution. As any owner of property, the District reserves the right to limit the use of its facilities for the exercise of free speech and free expression consistent with the United States Constitution and the California Constitution. The District’s commitment to the exercise of free speech and free expression set forth herein is not intended to permit, while utilizing District facilities, expression and activity that is not otherwise protected by the First Amendment or Article I, Section 2, of the California Constitution (e.g., obscenity, illegal activity, advertising of illegal substances, defamatory speech, true threats, false advertising, and any speech or activity that causes substantial disruption of the orderly operation of the District’s campuses).
- 2.0 The District desires to provide the best available curriculum and facilities in order to encourage its students to matriculate, study, graduate, obtain a place of employment, or go on to obtain a further degree. This policy is designed to encourage students who want to attend class and study in a peaceful and quiet setting to do so without substantial disruption. Maintenance of an atmosphere conducive to learning on campus in order to further the educational process is essential to the District, its students, faculty, and staff.
- 3.0 This policy is intended to further the District’s substantial interests in: 1) protecting student health and safety, 2) preventing substantial disruption of the learning environment and the orderly operation of District campuses, 3) preserving District facilities for their intended use, 4) coordinating multiple uses of limited space, 5) preventing unlawful, dangerous, or impermissible uses of District facilities, and 6) assuring financial accountability for damages and litter caused by the use of District facilities for speech and advocacy purposes.
- 4.0 It is the policy of the District that its interpretation of Education Code Section 76120, be consistent with the First Amendment of the United States Constitution, Article I, Section 2 of the California Constitution and Education Code Section 66301, and that none of the District’s regulations shall prohibit any speech or expression unless it falls outside the protection of the First Amendment to the United States Constitution and Article I, Section 2 of the California Constitution.
- 5.0 Speech and expressive activities shall be permitted in common areas of each District campus, as defined, including those areas that are designated as recommended free speech assembly area(s). The Chancellor or campus designee shall enact such administrative procedures as are necessary to reasonably regulate the time, place, and manner of the exercise of free expression in these areas.
- 5.1 The phrase “common areas,” as used in this policy and any administrative procedures enacted to reasonably regulate the time, place, and manner of the exercise of free expression, is defined as publicly accessible outdoor areas of an educational campus such

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**BP 3900 Speech: Time, Place, and Manner**

as grassy areas, outdoor walkways, or other similar outdoor areas, and exclude areas within 20 feet of doorways opening to outdoor areas of campus, all indoor facilities, including but not limited to campus offices, classrooms, lecture halls, laboratories, libraries, learning centers, performing arts facilities, indoor, and outdoor athletic facilities, locker rooms, parking lots, warehouses, and maintenance yards. All common areas may be reserved by the District, including recognized student organizations, for specific uses.

- 5.2 Recommended free speech assembly area(s) are those areas that are recommended for speech and expressive activities because they tend to provide visibility and allow communication to a large number of students, administrators, faculty, and others walking or traveling on campus, while mitigating disruption to the educational and other activities of the District. Use of recommended free speech assembly area(s) is strongly suggested, but not required.
- 5.3 Peaceful assembly is best achieved in an atmosphere of mutual respect on the part of the speaker and the audience, recognizing the right of the speaker to be heard and the right of the audience to listen.
- 6.0 The administrative procedures promulgated by the Chancellor or campus designee shall not prohibit the right of students to exercise free expression protected under the First Amendment of the United States Constitution, and Article I, Section 2 of the California Constitution, including but not limited to the use of bulletin boards designated for such use, the distribution of printed materials or petitions, and the wearing of buttons, badges, or other insignia.
- 7.0 Students and staff shall be free to exercise their rights of free expression, subject to the requirements of this policy.
- 8.0 Speech shall be prohibited that is defamatory, obscene according to current legal standards, that which is directed at inciting or producing the commission of unlawful acts, or which is likely to incite or produce such acts on District property; activity in violation of District policies or procedures, or expressive conduct that results in the substantial disruption of the orderly operation of the District.
- 9.0 Nothing in this policy shall prohibit the regulation of hate violence, so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution, and of Article I, Section 2 of the California Constitution. Individuals may be disciplined and/or excluded from District property for harassment, threats, or intimidation unless such speech is legally protected and not in violation of this policy.
- 10.0 This policy and Administrative Procedure, 3900 are intended to be content – and viewpoint – neutral, and shall be implemented as such.
- 11.0 The District expressly disclaims the sponsorship and/or endorsement of any statements or activities of any student, person, or group utilizing the facilities or grounds of the District for speech and advocacy purposes unless there is a written document that is signed and authorized by the Chancellor or designee, which expressly provides for District sponsorship and/or endorsement.

**BP 3900 Speech: Time, Place, and Manner**

12.0 Use of District facilities by the general public also is governed by other provisions of law including but not limited to, the Civic Center Act, Education Code Section 82537. The District shall enact regulations pursuant to this section.

See Administrative Procedure 3900, Speech: Time, Place, and Manner; Board Policy 4030, Academic Freedom; and Board Policy and Administrative Procedures 6700, Civic Center and Other Facilities Use.

**Date of Adoption:** June 14, 2005

**Date of Last Revision:** April 14, 2015  
August 26, 2014  
March 14, 2006

Presented to DCC on April 27; no revisions requested. Distributed electronically on May 1.

DRAFT

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## **AP 3900 Speech: Time, Place, and Manner**

Reference:

**Education Code Sections 66301 and 76120 Penal Code Sections 422.6, 626.4, and 626.6**

- 1.0 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 administrative procedures. These procedures are enacted to implement and enforce Board Policy 3900 consistent with the First Amendment to the United States Constitution; Article I, Section 2 of the California Constitution; and Education Code Sections 66301 and 76120.
- 2.0 Speech and expressive activities shall be permitted in common areas of each District campus, as defined in Board Policy 3900, including those areas that are designated as recommended free speech assembly area(s). Limitations on the use of common areas or recommended free speech assembly areas will be implemented when needed to address noise, overcrowding, obstruction, safety or other disruptions to campus operations. Should the need arise to limit the number of speakers or groups assembled in these areas, priority to remain in the area being used shall be afforded first to those who had made a reservation to use the space, and then to others who arrived on a first-come, first-serve basis.
  - 2.1 At Cypress College, the recommended free speech assembly areas are: 1) the stage area at the northeast end of the lake; 2) the area at the west end of the Gateway Plaza; and 3) the area generally located around the lake and near the Students' Activity Center, Library/Learning Resource Center, and the Science, Engineering & Mathematics (SEM) Building. Persons using this third recommended free speech assembly area may request up to three locations within this area to exercise their free speech rights and are entitled to walk ten yards in either direction from that location to pass out literature or communicate with other persons. A Free Speech Board is located outside the Humanities Building.
  - 2.2 At NOCE Cypress Center, the recommended free speech assembly area is main hallway/breezeway in building 18. A Free Speech Board is located inside the NOCE 100 Building, Bldg 18, inside the hallway, near the bathrooms.
  - 2.3 At Fullerton College, the recommended free speech assembly area is the south end of the quad. Two Free Speech Boards are located north of Building 1200 and west of Building 1000.
  - 2.4 At NOCE Wilshire Center, the recommended free speech assembly area is the north end of campus, in the walkway between the Center quad area and the parking lot. The Free Speech Board is located inside the 200 Building.
  - 2.5 At the Anaheim Campus, which is a multi-story building, the recommended free speech assembly area is the Patio just south of the first floor entrance. A Free Speech Board is located on the first floor, on the south wall of the hallway leading to the Café Cypress dining area directly across from the vending machines.

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## **AP 3900 Speech: Time, Place, and Manner**

- 3.0 The common areas, including recommended free speech assembly area(s), as set forth above, may be temporarily reserved by the District, including recognized student organizations, for specific uses, including campus functions or events, maintenance, or compliance with the Civic Center Permit rules set forth in Board Policy and Administrative Procedure 6700, Civic Center and Other Facilities Use. In the event a recommended free speech assembly area(s) or common area becomes temporarily unavailable for use for any reason including, but not limited to, construction or events, campus officials may designate one or more alternate recommended free speech assembly area(s).
- 4.0 Freedom of expression on campus is guaranteed where such expression does not violate District policy, campus rules, or laws on illegal harassment and discrimination, or incite or create the likelihood of incitement to the commission of unlawful acts, cause the substantial disruption of the orderly operation of the campus, or disrupt activities previously scheduled for that day and time in the area(s) sought to be used for expressive activities. In the event the area sought to be used for expressive activities is already in use or has been reserved for another activity, so that there will be substantial interference or disruption based on noise, overcrowding, or other considerations unrelated to content or viewpoint, the campus will offer alternative available areas or, if none are available, offer alternative dates.
- 5.0 **Use of Common Areas Including Recommended Free Speech Assembly Areas**
- 5.1 Persons and groups are encouraged to act reasonably and to share the common areas, including recommended free speech assembly areas. If no sharing agreement is reached, the non-reserving or later reserving user(s) may use the area earlier or later in the day, or schedule use for another day. Similarly, if a space is already in use or has been reserved for another activity so that there is or will be substantial interference or disruption based on noise, overcrowding, or other considerations unrelated to content, the non-reserving or later reserving user(s) may be asked to move or reschedule their use and the campus will offer alternative available areas, if available, or alternative dates.
- 5.2 Persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Those who distribute such materials are expected to retrieve and remove, or properly discard in an appropriate receptacle, their materials which are discarded or dropped in or around the area being used for expressive activity.
- 5.3 Persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall not impede the progress of passersby, nor shall they force passersby to stop to engage in dialogue or to receive material or literature being distributed.
- 5.4 Persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall not touch or strike passersby, except for incidental or accidental contact, or contact initiated by a passerby.

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## **AP 3900 Speech: Time, Place, and Manner**

- 5.5 Persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall not obstruct campus or building entrances, by remaining more than 20 feet from doorways opening to outdoor areas of campus, ~~or pedestrian or vehicular traffic~~, or interfere with or disrupt classes, meetings, business, events, or other District or campus sponsored or initiated activities occurring in or near the area(s).
- 5.6 Persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall not use any means of amplification that creates a noise or diversion that disturbs or tends to disturb the orderly conduct of the campus or classes taking place.
- 5.7 Persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall not solicit donations of money through direct requests for funds, sales of tickets, goods, or otherwise, except where the person or group can demonstrate upon request that the activity is being conducted on behalf of and collecting funds for an organization that is registered with the California Secretary of State as a nonprofit corporation or is an approved Associated Students Organization or club, or is an organization or group directly connected with the institution.
- 5.8 No persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall neither bring on campus items or articles that are generally considered to be weapons or reasonably capable of being used as weapons, nor use such items or articles as weapons.

**5.9 The use of canopies and other large, free-standing display materials by persons or groups are permitted only in the recommended free speech assembly areas. Such materials are not permitted in common areas, unless a reservation is made.**

### **6.0 Reservations of Common Areas Including Recommended Free Speech Assembly Areas**

6.1 It is the District's intent to prevent overcrowding and obstruction of the free passage of students and staff; to ensure campus security and priority use of property by students and staff; and to avoid disturbing the regular instructional program or business of the campus. ~~To fulfill these purposes, and except as otherwise indicated herein, persons or groups desiring to use the recommended free speech assembly area(s) or common areas are strongly encouraged to make reservations in advance to such use by using the following optional reservation process:~~

6.1.1 On the Cypress College Campus: The user shall contact the Campus Safety office to provide the following information:

6.1.1.1 the sponsoring person or group, whose name or identification will be kept in confidence and will not be disclosed, except as required by law, e.g., California Public Records Act;

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## **AP 3900 Speech: Time, Place, and Manner**

- 6.1.1.2 the area proposed to be reserved;
  - 6.1.1.3 the proposed type of usage in generic terms, such as meeting, presentation, speech (without designation of content), or event;
  - 6.1.1.4 the date and time for the proposed event and/or usage; and
  - 6.1.1.5 the anticipated size of the assembly, to the extent known or reasonably subject to estimation.
- 6.1.2 At the NOCE Cypress Center: The user shall contact the Cypress College Campus Safety Office to provide the information listed in 6.1.1.1 to 6.1.1.5.
- 6.1.3 On the Fullerton College Campus: Recommended free speech assembly areas are first-come, first-serve and cannot be reserved in advance for free speech activity.
- 6.1.3.1 Common areas may be used without a reservation for free speech activity if they are available.
  - 6.1.3.2 Advanced reservations of common areas may be made using the College's online reservations system. Standard reservation procedures apply to advanced reservations.
- 6.1.4 On the NOCE Wilshire Center: The user shall contact the Wilshire Center Site Administrator located in Building 300. Individuals will need to sign-in on the reservation form. Individuals will receive a campus map highlighting the recommended free speech area (north quad area, in the walkway between the quad and the park lot) and a copy of this Administrative Procedure. The Wilshire Center Site Administrator shall contact Campus Safety as an informational item.
- 6.1.5 On the NOCE Anaheim Campus: The user shall contact the Campus Safety Office. Individuals will need to sign-in on the reservation form. Individuals will receive a campus map highlighting the recommended free speech area (outside patio), and a copy of this Administrative Procedure.
- 6.1.6 A request by any person or group ~~for a reservation of a~~ **to use a** common area including a recommended free speech assembly area without a reservation, shall be granted unless:
- ~~6.1.6.1 the reservation form, if applicable, is not completed such that a reservation cannot effectively be made for the desired activity;~~
  - 6.1.6.21 there is a preexisting conflicting reservation or use;
  - 6.1.6.32 conditions exist that preclude use of the areas due to, for example, construction or maintenance;

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## **AP 3900 Speech: Time, Place, and Manner**

6.1.6.~~43~~ the person or group ~~on whose behalf the reservation was made~~ has on prior occasions damaged District property and has not paid in full for such damage;

6.1.6.~~54~~ the proposed use or activity is inconsistent with the character and uses of the area sought to be used;

6.1.6.~~65~~ the use or activity intended by the person or group would present a danger to the health or safety of the applicant, or other students, community members, faculty, or staff of the District;

6.1.6.~~76~~ the use or activity intended by the ~~applicant~~ **person or group** is prohibited by law or District policy or procedure; or

~~6.1.6.8 information requested that is necessary for coordinating use of the area is not provided.~~

6.2 Reservations or use of common areas including recommended free speech assembly area(s) will not be denied based on the content or viewpoint of the speaker(s).

### **7.0 Postings**

7.1 Free Speech bulletin boards shall be provided for use in posting materials at campus locations convenient for use by students, staff, and members of the public. All materials displayed on a Free Speech bulletin board shall clearly indicate the author or agency responsible for its production, and shall be dated with the date of posting by the Cypress College Student Activities Office, the Fullerton College Student Activities Office, or the North Orange Continuing Education Site Administrator at Anaheim Campus, Cypress Center, and Wilshire Center. Materials posted shall be removed after the passage of 14 calendar days in order to free up space and/or to facilitate maintenance.

7.2 It is the District's intent to maintain campus environments that are attractive and conducive to learning. Accordingly, no material may be posted:

7.2.1 in the following interior areas: classrooms, closets, bathrooms, ceilings, windows, trash cans, stairwells, stair railings, elevators, and benches, except as permitted herein;

7.2.2 in the following exterior areas (including material placed on stakes): trees, grass and landscaping, shrubbery, bricks, sign posts, directional signs, directional information or historical markers, vending machines, light poles, and the sides of buildings that have not otherwise been designated for posting; or

7.2.3 on glass, painted surfaces, including painted light posts and railings.

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- 7.3 Postings may not be placed over previously posted materials or campus communications to students, staff and the public. In the event of overcrowding on bulletin boards, speakers may be limited to no more than one posting on a single bulletin board or open posting area.

### **8.0 Large Groups and Large Materials and Displays**

- 8.1 It is the District's intent to ensure there is sufficient space and resources for crowd control and security for large group events; to take necessary steps to assess whether activities that involving large materials present reasonably foreseeable risks, hazards, or dangers to public health or safety; and to properly respond to those risks, including requiring that adequate security measures be taken to provide protection for persons in attendance at an event and/or for campus property.
- 8.2 To fulfill these purposes, the District and its colleges need to coordinate with any person or group who wishes to conduct an expressive activity that is expected or reasonably likely to have more than 100 people in attendance or involve the use of materials that are larger than 36 inches by 36 inches.
- 8.3 Except in the circumstances described below, any person or group who wishes to conduct an expressive activity that is expected or reasonably likely to have more than 100 people in attendance or involve the use of materials that are larger than 36 inches by 36 inches is required to notify the Campus Safety Office, using the reservation process described in Section 6.0 above, at least three (3) business days before the day of the expressive activity, and providing information as to the specific location to be used for the event, the estimated expected number of persons, the size and nature of the large materials intended to be used, and the name and contact information of at least one person who can be contacted regarding logistics of the event, which should include at least one person who will be personally present. Event organizers or the applicable college may request a meeting to discuss their respective needs for a safe and successful event.
- 8.4 If such advance notice is not feasible because of circumstances that could not be reasonably anticipated, such as because of very recent or still-unfolding news developments, the person or group is expected to provide as much advance notice as circumstances reasonably permit.
- 9.0 The District disclaims any liability for any damages for any defamation alleged to be committed by any student or member of the public using District facilities, and further disclaims any liability for damages for any violation of copyright, trademark, or service mark laws alleged to have been committed because of any posting or distribution of material on campus. Nothing in these rules, permitting speech and/or distribution of materials on its college campuses and property, shall be construed as requiring the District to provide any defense or payment of damages for defamatory statements made by any student, faculty or staff member, or member of the public, nor shall these rules be construed as requiring the District to provide any defense or payment of damages for violations of copyright, trademark or service mark laws.

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10.0 Violation of any law, including City ordinances, pertaining to physical violence or the carrying or use of weapons, by any persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall result in exclusion from District property, discipline as appropriate, and potential criminal action.

See Board Policy 3900, Speech: Time, Place, and Manner; Board Policy 4030, Academic Freedom; and Board Policy and Administrative Procedures 6700, Civic Center and Other Facilities Use.

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