Board Policies
Chapter 3
General Institution

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BP 3100 Organizational Structure

Reference: Education Code 72400
Board Approved: 04/13/05
Reviewed and Reapproved: 09/09/09, 07/10/19
Amended: 06/12/13

The President/Superintendent shall establish lines of responsibility and fix the general duties of employees within the District.

See Administrative Procedure #3100.
BP 3200  Accreditation

Reference:  Accreditation Eligibility Requirement 21, Standard IV.B.1.i
Board Approved:  04/13/05
Reviewed and Reapproved: 09/09/09, 07/10/19
Amended: 06/13/12

The President/Superintendent shall ensure the District complies with the accreditation process and standards of the Accrediting Commission of Community and Junior Colleges and of other District programs that seek special accreditation.

The President/Superintendent shall keep the Board informed of approved accrediting organizations and the status of accreditations.

The President/Superintendent shall ensure that the Board is involved in any accreditation process in which Board participation is required.

The President/Superintendent shall provide the Board with a summary of any accreditation report and any actions taken or to be taken in response to recommendations in an accreditation report.

See Administrative Procedure #3200.
BP 3225  Institutional Effectiveness

References: Education Code Sections 78210 et seq., and 84754.6; ACCJC Accreditation Standard I.B.5 – 9
Board Approved: 06/10/15
Reviewed and Reapproved: 07/10/19

The Board is committed to developing goals that measure the ongoing condition of the District’s operational environment. The Board regularly assesses the District’s institutional effectiveness.
BP 3250 Institutional Planning

Title 5, Sections 51008, 51010, 51027, 53003, 54220, 55080, 55190, 55250, 55510, 56270 et seq.

Board Approved: 04/13/05
Amended: 01/15/14, 11/18/15, 07/10/19

The President/Superintendent shall ensure that the District has and implements a broad-based comprehensive, systematic and integrated system of planning that involves appropriate segments of the college community and is supported by institutional effectiveness research.

The planning system shall include plans required by law, including, but not limited to,

- Long range educational or academic master plan, which shall be updated periodically as deemed necessary by the Governing Board
- Facilities plan
- Equal Employment Opportunity plan
- Student equity plan
- Student Success and Support Program plan
- Transfer Center
- Cooperative Work Experience
- EOPS

The President/Superintendent shall submit those plans for which Board approval is required by Title 5 to the Board.

The President/Superintendent shall inform the Board about the status of planning and the various plans.

The President/Superintendent shall ensure the Board has an opportunity to assist in developing the general institutional mission and goals for the comprehensive plans.

See Administrative Procedure #3250.
BP 3280  Grants

Reference:  Education Code Section 70902
Board Approved:  04/13/05
Amended: 09/09/09
Reviewed and Reapproved: 07/10/19

The Board will be informed about all grant applications submitted and grants received by the District.

The President/Superintendent shall establish procedures to assure timely application and processing of grant applications and funds, and that the grants that are applied for directly support the purposes and goals of the District.

See Administration Procedures #3280.
BP 3300  Public Records

Board Approved:  04/13/05
Reviewed and Reapproved:  10/14/09, 07/10/19

The President/Superintendent shall establish procedures for records management, including access by the public, that comply with the requirements of the California Public Records Act.

See Administrative Procedures #3300.
BP 3310  Records Retention and Destruction

Reference:  Title 5, Sections 59020, et seq.; Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, 45

Board Approved: 04/13/05
Amended: 10/14/09
Reviewed and Reapproved: 07/10/19

The President/Superintendent shall establish administrative procedures to assure the retention and destruction of all District records – including electronically stored information as defined by the Federal Rules of Civil Procedure – in compliance with Title 5. Such records shall include but not be limited to student records, employment records and financial records.

See Administrative Procedures #3310.
BP 3410  Nondiscrimination

Reference: Education Code Sections 66250, et seq., 72010, et seq.; 87100 et seq.; Title 5, Sections 53000, et seq. and 59300 et seq.; Penal Code Section 422.55; Government Code 12926.1 and 12940, et seq.
Title 2 Sections 10500 et seq.;
Labor Code Section 1197.5,
ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements (formerly Accreditation Standard II.B.2.c)

Board Approved: 04/13/05
Amended: 10/14/09, 06/13/12, 01/15/14, 01/11/17, 07/10/19

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, immigration status, sexual orientation, marital status, physical or mental disability, pregnancy, or because he or she is perceived to have one or more of the foregoing characteristics, or based on an association with a person or group with one or more of these actual or perceived characteristics.

The President/Superintendent shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, immigration status, sexual orientation, marital status, physical or mental disability, or because he or she is perceived to have one or more of the foregoing characteristics, or because of his or her association with a person or group with one or more of these actual or perceived characteristics.

See Administrative Procedure #3410.
BP 3420   Equal Employment Opportunity

Reference: *Education Code Sections 87100, et seq.*

*Title 5, Section 53000, et seq, ACCJC Accreditation Standard III.A.12*

Board Approved: 04/13/05
Reviewed and Reapproved: 10/14/09, 08/14/19

The Board supports the intent set forth by the California Legislature to assure that effort is made to build a community in which opportunity is equalized, and community colleges foster a climate of acceptance, with the inclusion of faculty and staff from a wide variety of backgrounds. It agrees that diversity in the academic environment fosters cultural awareness, mutual understanding and respect, harmony and respect, and suitable role models for all students. The Board therefore commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program.

The President/Superintendent shall develop, for review and adoption by the Board, a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements are from time to time modified or clarified by judicial interpretation.

**See Administrative Procedure #3420.**
BP 3430  Prohibition of Harassment

Reference: Education Code Sections 212.5; 44100; 66252; 66281.5; Government Code Sections 12940 & 12950.1; Civil Code Section 51.9; Title 2 Sections 10500 et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000e.

Board Approved: 04/13/05
Amended: 10/14/09, 06/13/12, 06/10/15, 01/11/17, 09/13/17, 08/14/19

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation, including acts of sexual violence. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, immigration status, marital status, sex, gender, gender identity, gender expression, age, sexual orientation of any person, or military and veteran status, or because he or she is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees, students, unpaid interns, and volunteers feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student, employee, unpaid intern, or volunteer who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

To this end the President/Superintendent shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The President/Superintendent shall establish procedures that define harassment on campus. The President/Superintendent shall further establish procedures for employees, students, unpaid interns, volunteers, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students
to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

This policy and related written procedures, including the procedure for making complaints shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution. They shall be available for students, employees, unpaid interns, and volunteers in all administrative offices, and shall be posted on the District’s website. Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion.

See Administrative Procedure #3430.
BP 3440  Service Animals

References:


Board Approved: 05/09/12
Reviewed and Reapproved: 08/14/19

In order to prevent discrimination on the basis of disability, the District will allow an individual with a disability to use a service animal or miniature horse in District facilities and on District campuses in compliance with state and federal law.

See Administrative Procedure #3440.
The Board is committed to a safe and secure District work and learning environment. To that end, the President/Superintendent shall establish a campus safety plan and ensure that it is posted or otherwise made available to students. The campus safety plan shall include availability and location of security personnel, methods for summoning assistance of security personnel, any special safeguards that have been established, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions to be made during the next 24 months.

See Administrative Procedure #3500.
BP 3501  Campus Security and Access

Reference: 34 Code of Federal Regulations Part 668.46(b)(3), ACCJC Accreditation Standard Ill.B.1
Board Approved: 05/09/12
Amended: 08/14/19

The President/Superintendent shall establish procedures for security and access to District facilities.

See Administrative Procedure #3501.
BP 3505  Emergency Response Plan


Board Approved: 02/10/10
Reviewed and Reapproved: 08/14/19

The President/Superintendent shall establish procedures that ensure that the District implements a plan to be activated in the event of an emergency or the occurrence of a natural disaster or hazardous condition. This plan must comply with the National Incident Management System (NIMS), the Standardized Emergency Management System (SEMS) and should incorporate the functions and principles of the Incident Command System (ICS), the Master Mutual Aid Agreement (MMAA) and any other relevant programs. The plan must incorporate NIMS and SEMS to facilitate the coordination between and among agencies in the event of an emergency or natural disaster.

Compliance with NIMS and SEMS mandates include but are not limited to:

- Establishing disaster preparedness procedures or a plan; and
- Completion of training sessions by college personnel in compliance with NIMS and SEMS guidelines
  - Training requirements vary based on job titles or assigned roles within the emergency plan

College personnel must be informed that as public employees, they are also disaster service workers during national, state, and local emergencies. The District must ensure that its employees are in compliance with the disaster service worker oath requirements.

The President/Superintendent should ensure that a team is created to carry out compliance with NIMS and SEMS mandates. The responses to emergencies or natural disasters are organized by SEMS into five categories: field response, local government, operational areas, regions, and state.

The plan should contain information regarding activation and chain of command responsibilities. Compliance with NIMS mandates requires planning and incorporation for all phases of emergency management including mitigation and prevention, preparedness, response and recovery. The District must ensure that its plan is updated regularly. Colleges must comply with NIMS and SEMS to receive federal or state funding.

See Administrative Procedures #3505.
BP 3510  Workplace Violence


Board Approved:  04/13/05
Reviewed and Reapproved: 11/18/09, 08/14/19
Amended: 04/13/16

The Board is committed to providing a District work and learning environment that is free of violence and the threat of violence. The Board’s priority is the effective handling of critical workplace violence incidents, including those dealing with actual or potential violence.

The President/Superintendent shall establish administrative procedures that assure that employees are informed regarding what actions will be considered violent acts, and requiring any employee who is the victim of any violent conduct in the workplace, or is a witness to violent conduct to report the incident, and that employees are informed that there will be no retaliation for such reporting.

See Administrative Procedure #3510.
BP 3515  Reporting of Crimes

Reference:  Education Code Section 67380
Board Approved:  04/13/05
Reviewed and Reapproved: 11/18/09, 09/11/19

The President/Superintendent shall assure that, as required by law, reports are prepared of all occurrences reported to Campus Police of and arrests for crimes committed on campus that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication. The President/Superintendent shall further assure that required reports of non-criminal acts of hate violence are prepared. Such reports shall be made available as required by law.

See Administrative Procedure #3515.
BP 3518  Child Abuse Reporting


Board Approved: 04/13/05
Amended: 11/18/09, 09/11/19

The President/Superintendent shall establish procedures related to the responsibility of employees, within the scope of employment or in their professional capacity, to report suspected abuse and neglect of children.

*See Administrative Procedure #3518.*
Each campus or center of the District shall enter into a written agreement with local law enforcement agencies. The agreement shall clarify operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

The written agreement shall designate which law enforcement agency shall have operational responsibility for violent crimes and delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

The written agreements required by this policy shall be public records and shall be made available for inspection by members of the public upon request.

See Administrative Procedure #3520.
BP 3530  Weapons on Campus

Reference: Penal Code Sections 626.9 and 626.10
Board Approved: 04/13/05
Amended: 12/9/09

Firearms or other weapons shall be prohibited on any college or District center or in any facility of the District except for activities conducted under the direction of District officials or as authorized by an official law enforcement agency.
BP 3540  Sexual and Other Assaults on Campus

Reference:  *Education Code Section 67382, 67385; 20 US.C § 1092(f); 34 C.F.R. § 668.46(b)(11)*

Board Approved:  04/13/05
Amended:  12/09/09
Reviewed and Reapproved:  09/11/19

Any sexual assault or physical abuse, including, but not limited to, rape, as defined by California law, whether committed by an employee, student, or member of the public, that occurs on District property, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance. The President/ Superintendent shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law.

The procedures for sexual assaults shall meet the criteria contained in EC 67385, 67385.7 and 34 C.F.R.§ 668.46.

*See Administrative Procedures #3540.*
BP 3550 Drug Free Environment and Drug Prevention Program

Board Approved: 04/13/05
Amended: 12/09/09, 09/11/19

The District shall be free from all drugs and from the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all facilities under the control and use of the District.

Any student or employee who violates this policy will be subject to disciplinary action (consistent with local, state or federal law), which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion or dismissal.

The health risks associated with the use of illicit drugs and the abuse of alcohol include:

- Death including by alcohol poisoning or drug overdose;
- Risk of addiction and withdrawal symptoms including pain, convulsions and depression;
- Liver, heart, kidney, pancreas, and brain damage and/or loss of brain cells;
- Impaired judgment and resulting safety and health risks including accidents, unwanted pregnancies or sexually transmitted diseases, and aggressive or violent behavior;
- Impaired performance including drowsiness, impaired memory, and impaired concentration;
- Sexual dysfunctions;
- Harm to a fetus, including spontaneous abortions, premature labor, and detached placentas;
- Psychological problems including depression, anxiety, paranoia, panic reactions, psychosis and hallucinations;
- Seizures;
- Strokes, cardiac arrest or cardiovascular problems;
- Lung damage or illnesses, bronchitis, or respiratory arrest, and,
- Needle-related illnesses and complications such as hepatitis, HIV, muscle and nervous tissue death necessitating limb amputation, and infections.

The President/Superintendent shall assure that the District distributes annually to each student the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

See Administrative Procedure #3550.
BP 3560  Alcoholic Beverages

Reference: Business and Professions Code Section 25608, 34 Code of Federal Regulations Part 668.46 subdivision (b)
Board Approved: 04/13/05
Amended: 10/09/19
Reviewed and Reapproved: 12/09/09

The President/Superintendent is authorized to enact procedures as appropriate and permitted by law regarding serving alcoholic beverages on campus or at fund-raising events held to benefit non-profit corporations. Alcoholic beverages shall not be served on campus except in accordance with these procedures.

See Administrative Procedure #3560.
BP 3570  Smoking on Campus

Reference: Government Code Sections 7596, 7597, and 7598; Labor Code Section 6404.5; Title 8, Section 5148
Board Approved: 12/09/09

The President/Superintendent shall assure that the District has procedures in place specifying limitations on smoking as required by law and as may be adopted by the District.

See Administrative Procedure #3570.
The Board may recognize and approve auxiliary organizations established for the purpose of providing to the District any and all supportive services, specialized programs and functions identified in Title 5.

The President/Superintendent shall establish the administrative procedures necessary to fully comply with California law relating to auxiliary organizations, and to submit this policy and those procedures to the Chancellor for the California Community Colleges as required by law. At a minimum, the procedures shall address the subjects required by Title 5.

Recognition and establishment of auxiliary organizations shall include a public hearing on the recommendation to recognize or establish an auxiliary organization; Board approval of the auxiliary organization; and approval of a written agreement between the District and the auxiliary organization describing the services, programs or functions to be performed. All such written agreements shall comply fully with the requirements of Title 5, Section 59257(j).

Any auxiliary organization recognized by the Board shall conduct its business in accordance with the administrative procedures adopted by the President/Superintendent pursuant to this policy. Notwithstanding anything contained in the administrative procedures, any auxiliary organization recognized by the Board shall comply with Education Code provisions regarding:

- the composition of a board of directors and the way in which it conducts its meetings;
- conducting an annual audit;
- employing its work force;
- expending and appropriating its funds, and keeping its records.

No funds or resources, other than funds or resources derived from gifts or bequests, shall be transferred by the District to any of its auxiliary organizations for the purpose of either avoiding laws or regulations that constrain community college districts or providing the District with an unfair advantage with respect to any state funding mechanism. Such state funding mechanisms include, but are not limited to, general apportionment funding, capital outlay funding, Extended Opportunity Programs and Services funding, and funding for programs and services for disabled students.

The auxiliary organization must reimburse the District for direct payments made to the Foundation, as well as indirect services. The reimbursement may not only come in the form of cash payment, but also in the form of non-monetary reimbursement such as development of good will toward the District, community awareness or other benefits that are agreed upon by the District and the auxiliary organization.

See Administrative Procedures #3600.
BP 3710  Securing of Copyright

Reference: *Education Code Sections 72207, 81459, 17 United States Code 201*
Board Approved: 04/13/05
Amended: 01/13/10
Reviewed and Reapproved: 10/09/19

The President/Superintendent is directed to develop appropriate administrative procedures to implement the provisions of the Education Code which authorize the securing copyright protection for works, including but not limited to registering copyrights and policing infringements, on behalf of the District.

The procedures developed by the President/Superintendent shall assure that the District may use, sell, give or exchange published materials and may license materials prepared by the District in connection with its curricular and special services.

In the development of these procedures, the President/Superintendent shall solicit the input of the proper representatives of the college community in accordance with the District’s policies regarding shared local decision making.

See Administrative Procedure #3710.
BP 3715  Intellectual Property

Reference: 17 USC 101 et seq.; 35 USC 101 et seq.; and 37 CFR 1.1 et seq.
Board Approved: 04/13/05
Reviewed and Reapproved: 01/13/10, 10/09/19

The President/Superintendent shall develop procedures that define the rights, interests, protection and transfer on intellectual property created by the District employees and students.
BP 3720  Computer Use

Reference:  Education Code 70902; 17 U.S.C. Section 101 et seq.; Penal Code Section 502, Cal. Const., Art.1 Section 1; Government Code Section 3543.1(b)

Board Approved: 04/13/05
Amended: 01/13/10

Employees and students who use District computers and networks and the information they contain, and related resources have a responsibility not to abuse those resources and to respect the rights of others. The President/Superintendent shall establish procedures that provide guidelines to students and staff for the appropriate use of information technologies. The procedures shall include that users must respect software copyrights and licenses, respect the integrity of computer-based information resources, refrain from seeking to gain unauthorized access, and respect the rights of other computer users.

See Administrative Procedures #3720.
BP 3721 Information Security Standards

References:  
Education Code Section 70902; 17 U.S.C. Section 101 et seq.; Penal Code Section 502; California Constitution Article 1, Section 1; Government Code Section 3543.1(b)

Board Approved: 11/08/17

Ohlone Community College District (the District) collects, processes, and manipulates large amounts of data and information of its students, employees, and others. The District is committed to ensuring the highest level of privacy and security for these data sets in accordance with state and federal law and industry best practices.

The President/Superintendent shall establish information security procedures that continuously meet or exceed the California Community Colleges Information Security Standard.

The procedures shall include requirements for classifying all data sets by security level and shall apply the appropriate security protocols.

Furthermore, the District intends for employees charged with managing data sets of any level of confidentiality to adhere to District information security procedures and complete regular training in said procedures.
BP 3810  Claims Against the District

Reference:  Education Code Section 72502; Government Code Sections 900 et seq.; 910
Board Approved:  04/13/05
Reviewed and Reapproved: 01/13/10

Any claims against the District for money or damages, which are not governed by any other statutes or regulations expressly relating thereto, shall be presented and acted upon in accordance with Title I, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the California Government Code. Claims must be presented according to this policy and related procedures as a prerequisite to filing suit against the District.

Claims that are subject to the requirements of this policy include, but are not limited to, the following:

- Claims by public entities: claims by the state or by a state department or agency or by another public entity.
- Claims for fees, wages and allowances: claims for fees, salaries or wages, mileage, or other expenses and allowances.

The designated place for service of claims, lawsuits or other types of legal process upon the District is the Office of the President/Superintendent.

See Administrative Procedure #3810.
BP 3820  Gifts

Reference:  *Education Code Section 72205*
Board Approved:  04/13/05
Reviewed and Reapproved:  1/13/10
Amended:  06/13/12, 04/13/16, 09/13/17

The Board shall consider all gifts, donations and bequests made to the District. The Board reserves the right to refuse to accept any gift which does not contribute toward the goals of the District, or the ownership of which would have the potential to deplete resources of the District.

The District shall assume no responsibility for appraising the value of gifts made to the District. Acceptance of a gift shall not be considered endorsement by the District of a product, enterprise or entity.

In no event shall the District accept a donation from any donor who engages in practices or policies which discriminate against any person on the basis of nationality, religion, age, gender, gender identity, gender expression, race or ethnicity, medical condition, genetic information, ancestry, sexual orientation, marital status, military or veteran status, or physical or mental disability; or when the stated purposes of the donation are to facilitate such discrimination in providing educational opportunity.
BP 3900  Speech: Time, Place and Manner *(previously numbered as BP 5550)*

Reference: *Education Code Sections 76120 and 66301*
Board Approved: 11/09/05  
Amended: 02/09/11, 01/15/14

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

The college of the District is a non-public forum, except for those areas that are generally available for use by students, employees, or members of the public, which are designated public forums. The President/Superintendent shall enact such administrative procedures as are necessary to reasonably regulate the time, place and manner of the exercise of free expression in the designated public forums.

The administrative procedures promulgated by the President/Superintendent shall not prohibit the right of students to exercise free expression, 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.

Speech shall be prohibited that is defamatory, obscene according to current legal standards, or which 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 Section 66301(e)), so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution, and of Section 2 of Article 1 of the California Constitution. Students may be disciplined for harassment, threats, intimidation, or hate violence unless such speech is constitutionally protected.

**See Administrative Procedure #3900.**