



## Legal Principles Relating to Free Speech on the College Campus

### WHAT THE COURTS HAVE SAID...

The courts have consistently held that “the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools of higher learning.” The core principles of the First Amendment “acquire a special significance in the university setting, where the free and unfettered interplay of competing views is essential to the institution’s educational mission.”

The First Amendment does not just protect speech that is civil and polite. Annoying speech is usually protected as well since discomfort and unpleasantness often accompany an unpopular viewpoint. Protesters whose speech is “merely annoying” to bystanders must be tolerated. Bystanders who find the protester’s speech offensive are expected to avert their eyes or ears, leave the public forum, or engage in counter-speech.

### TIME, PLACE & MANNER...

Restrictions on expression in a public forum, including reasonable time, place or manner restrictions, must be (1) content-neutral, (2) narrowly tailored to serve an important government interest, and (3) leave open ample alternative channels for the communication of the message.

Plazas and sidewalks at a publicly-supported college campus constitute public forums where free speech may occur. SRJC has designated the following areas as free speech zones on the Petaluma Campus: Zone 1: ROTARY PLAZA LAWN – past the lamp post toward Mahoney Library; and Zone 2: ROTARY PLAZA PATIO – adjacent to Mahoney Library.

### SPEECH THAT ISN’T PROTECTED...

However, not all speech is protected: speech or expressive conduct that is directed to “inciting or producing imminent lawless action and that is likely to incite or produce such action” is subject to regulation. The Constitution also permits the government to punish “true threats,” which encompass those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.

*“How to Handle Speech & Printed...” adapted with permission from Mt. San Antonio College  
Legal information adapted with permission from School and College Legal Services of CA*

**For concerns or complaints, contact Student Affairs @ 707.778-4141**



## How to Handle Speech & Other Materials that You Consider Offensive

Those practicing free speech often use language, videos or printed materials intended to attract your interest, engage you in discourse and generate publicity.

### Effective Response Strategies:

- If you consider the speech offensive, you can choose to ignore the speech completely. Most speakers who use this type of speech will leave campus if they do not have an audience. They want you to stop and engage with them; by doing so, you will likely keep them here longer. If you do choose to engage with the speaker, do so with civility and respect.
- Do NOT touch any of the speakers using such speech. You risk litigation by doing so.
- Plan and/or attend an alternative event or activity sponsored by SRJC’s student clubs and organizations. See the Student Affairs Office for more information on planned events/activities.

### Can the college *prevent* speech and materials that are considered offensive from being on campus?

Certain portions of the campus are considered “public forums” where any person can exercise his or her First Amendment rights. Those using such speech, though unpopular and uninvited, are *usually* acting within their legal rights. In most cases, printed materials or videos with offensive images or language are also protected by the First Amendment. Please see the back of this flier for more information on the First Amendment.

### Policies for SRJC:

- Sound amplification is generally limited to times and locations where classes or other activities will not be disturbed.
- Activities which restrict or disturb the routine business of the College are generally prohibited or closely monitored.

***Information brought to you by the SRJC Student Affairs Office***



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