

**District Policy on Speech and Academic Freedom  
SBIA Draft Proposal dated February 23, 2012**

**I. District Principles of Freedom of Expression**

The Santa Barbara Community College District is dedicated to maintaining a climate of freedom of expression and academic freedom, which encourages the sharing and cultivation of a wide variety of viewpoints. This commitment is further set forth in Board Policy 4030, "Academic Freedom," and these policies together serve to protect and support the freedom of expression and academic freedom of faculty.

Freedom of expression and academic freedom support the District's belief in inquiry, informed debate and the search for truth. Freedom of expression and academic freedom are necessary to provide students and employees with a variety of ideas, to encourage them to engage in critical thinking and to help them understand conflicting ideas and opinions.

Freedom of expression and academic freedom encompass the right to study, teach and express ideas, including unpopular or controversial ones, without censorship or political restraint, whether speaking as an employee or as a citizen.

The District's faculty have the right to express their opinions which relate, directly or indirectly, to their professional activities, and any other issues, whether these opinions are expressed in the classroom, elsewhere on campus, at college-related functions or in other media or settings.

Employment by the District does not in any way restrict or limit the First Amendment and California Constitution rights faculty enjoy as members of their communities. Faculty members are free to speak and write publicly on any issue, as long as they do not indicate they are speaking on behalf of the District.

Protecting freedom of expression and academic freedom is the responsibility of the college community. Therefore, in a climate of openness and mutual respect, free from distortion and doctrinal obligation, the District protects and encourages the exchange of ideas, including unpopular ones, which are presented in a spirit of free and open dialogue and debate.

**II. District Public Forums**

The colleges of the District are, unless indicated otherwise, public forums, available for the exercise of academic freedom and free expression by the faculty, staff, administration, students, and the public, except as limited by legitimate and narrowly drawn time, place and manner regulations.

a. Grounds. The grounds of the District, including sidewalks, plazas, quadrangles, patios, knolls, lawns and similar or related open space of the District are a public forum.

b. Other areas in general. Other areas of the District which are enclosed, such as meeting rooms,

auditoriums, classrooms and similar areas are periodically designated as or become by use, designated public forums, where freedom of expression is protected, as determined by the circumstances.

c. Classrooms. While classrooms are intended for educational purposes, a classroom may be designated a public forum for a particular event or debate. Generally, a classroom environment is one in which academic freedom protects expression, although subject to the reasonable regulations of the instructor in charge, and other reasonable time, place and manner rules.

Even when used for educational purposes, classrooms are protected by principles of academic freedom, and comments made in classrooms by those expected to be there are protected by principles of free speech.

d. Cafeterias. District cafeterias shall be a designated public forum, in which expression is protected, but subject to reasonable time, place and manner rules.

e. Faculty Offices. Faculty shall have an expectation of personal privacy in their offices, and in their personal belongings within their offices; in their desks and file cabinets, and in their computers. Faculty offices are an extension of faculty interests, beliefs, and they are entitled to freedom of expression within their offices.

### **III. Faculty Rights to Free Expression**

Any such regulations promulgated pursuant to this policy shall not restrict faculty in:

- \* disseminating their views in faculty mailboxes, which are hereby declared to be a public forum, available to all sides on an equitable basis.
- \* disseminating their views by email, blogs, listservs, or other internet or web-based communications.
- \* displaying buttons, clothing, insignias or symbols which convey expressive speech
- \* displaying posters, photographs, or similar material in one's office
- \* distributing leaflets, handbills or other written material anywhere on campus, except when such distribution would materially interfere in academic instruction or services
- \* the use of sound amplification, except when such amplification would materially interfere in academic instruction or services

Speech shall be prohibited which is obscene according to current legal standards or which is intended to incite another to create a clear and present danger of the commission of unlawful acts, or which materially interferes with academic instruction or services.

This policy shall not prevent the regulation of hate violence that denies students their full participation in the educational process so long as the regulation conforms to the requirements of the California Constitution and this Policy.

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