



Trustees

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John Bruning

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Whitney Yamamura, Ed.D.

January 9, 2024

Hello colleagues,

As we begin 2024, we may encounter highly polarized opinions and speech within our civil discourse. Here are some concepts that may help in navigating the freedom of speech and assembly which are available to all of us.

Most are familiar with the U.S. First Amendment protections against government interference in “freedom of speech” and “right of the people peaceably to assemble.” California’s Constitution also provides that for areas under state purview, “every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right.” For public institutions, the law favors the right to speak and peacefully gather in most cases. However, there are enforceable limits.

Many common spaces on our campuses, like the lawns and walkways, are afforded the greatest freedom as open public forums. That means people have the maximum protections to assemble, speak, post, and distribute literature. This may be restricted only if there is a compelling reason. For reasonable restrictions, please see [CCCD AP 3900 Speech: Time, Place, and Manner](#). Recording in these spaces is generally allowable, though using “an electronic amplifying or recording device to eavesdrop upon or record” confidential communication is a crime under California Penal Code Section 632.

In classrooms, labs, or lecture halls, faculty may direct students to limit their comments to certain topics of relevance to the class or lesson. It should be noted that students have a right to express their viewpoints on a relevant topic (within legal limits of Education Code Section 66301 and Education Code Section 76120) but do not have the right to disrupt the class. Faculty also may exclude members of the public from entering the classroom and disrupting instruction. In addition to free speech, faculty hold the rights and responsibilities such as is stated in [CCCD BP 4030 Academic Freedom](#). Under Education Code Section 78907, “the use by any person, including a student, of any electronic listening or recording device in any classroom without the prior consent of the instructor is prohibited, except as necessary to provide reasonable auxiliary aids and academic adjustments to disabled students.”

Offices and other spaces for providing services or transacting business are not generally considered forums in their normal everyday use. Faculty, classified professionals, confidentials, and managers hold free speech and assembly rights, and generally do not give up those rights when at work. However, meetings may be focused on a specific purpose. Certain conversations may be kept private or confidential, limited to the relevant parties. Students, the public, and we as employees do not generally have the right to disrupt operations in these spaces. Members of the public generally have a right to make video recordings in public areas of the District and the Colleges, including video-recording employees at work, so long as confidential communications or information are not being recorded, and so long as student and employee privacy rights are respected. Eavesdropping upon or recording a confidential or private conversation is a crime under the previously cited California Penal Code Section 632.



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Three last points — Harassment, threats, intimidation, obscenity, libel, and slander as well as “incitement as to create a clear and present danger of the commission of unlawful acts” may result in disciplinary, civil, or criminal penalties. Additionally, California and federal law may prohibit certain commercial or political activities if they occur during work hours or use public resources ([CCCD BP 7370 Political Activity](#)). Also, regardless of where the meeting is held, recording is permitted during open session of public meetings so long as there is not a disruption created based on noise, illumination, or obstruction.

As stated previously, the law favors speech and peaceful assembly in most cases, as well as allowing recording in public areas in many cases. Should a situation ever arise where you are in the position of limiting these rights, it is important to have a clear and compelling reason rooted in policy and law. If the situation allows, it may be best to contact Public Safety, Human Resources, or your Dean/Supervisor prior to taking action to stop those who are speaking, gathering, or recording.

As we discussed at our District Consultation Council, as members of the academy and employees of the Coast District, we hold an important responsibility in supporting and facilitating civil discourse among our students and colleagues and appreciate your commitment to respectful engagement.

Sincerely,

A handwritten signature in blue ink, appearing to read "Whitney Yamamura".

Whitney Yamamura, Ed.D
Chancellor, Coast Community College District

A handwritten signature in blue ink, appearing to read "Vince Rodriguez".

Vince Rodriguez, Ed.D
President, Coastline College

A handwritten signature in blue ink, appearing to read "Meredith Randall".

Meridith Randall
Interim President, Golden West College

A handwritten signature in blue ink, appearing to read "Angelica Suarez".

Angelica Suarez, Ph.D
President, Orange Coast College