

**Replaces AR 4430 & 4432 by Bea??**

**I. INTRODUCTION**

- A. Free and open association, discussion and debate are important elements of the educational environment and should be actively protected and encouraged, even when the positions advocated are controversial and unpopular.
- B. Santa Monica College is committed to assuring that all persons may exercise the constitutionally protected rights of free expression, speech, assembly, and worship. In order to carry on its work of teaching and public service, SMC has an obligation to maintain conditions under which the work of the College can go forward freely, in accordance with the highest standards of quality, institutional integrity, and freedom of expression, with full recognition by all concerned of the rights and privileges, as well as the responsibilities, of those who comprise the College. The time, place, and manner of exercising the constitutionally protected rights of free expression, speech, assembly, and worship are subject to these Administrative Regulations, which have been formulated to provide for the greatest possible free and open association, discussion, and debate while at the same time providing for the orderly operation of the campus.
- C. The college is a non-public forum, except for the following areas, which are a limited public forum available for expressive activities which do not violate these regulations: All outdoor walkways and courtyards when not in use for a permitted activity. These areas are chosen so as to provide visibility and allow communication to a large number of students, administrators, faculty, and others walking or traveling on campus but also so as not to disrupt educational and other activities of the District on behalf of students. The District reserves the right to revoke that designation and apply a non-public forum designation. In addition, use of portions of these areas may be restricted during certain time periods as set forth in these regulations.
- D. College facilities are located in the City of Santa Monica, City of Los Angeles, and City of Malibu. Traditional public forums exist in the municipalities in which College facilities are located. These include public parks, public streets, and public sidewalks and are subject to such rules and regulations of the governing municipality. This Administrative Regulation does not apply to such traditional public forums under the control of the City of Santa Monica, the City of Los Angeles, or the City of Malibu.
- E. This Administrative Regulation applies to all property owned, leased, or otherwise used by the College. When the College uses a facility under the control of a private individual, private entity, or another public entity, the College may be subject to more restrictive limitations on its use.
- F. The District reserves the right to designate areas as non-public forums as necessary to prevent the substantial disruption of the orderly operation of the college. Areas of the college that are non-public forums specifically include interior hallways, campus offices, classrooms, learning labs, warehouses, Corsair Gym, Corsair Field, maintenance yards, parking lots, parking structures, or locker rooms, and any other area not specified in I(C) above.
- G. Each member of the College shares the responsibility of maintaining conditions conducive to the achievement of the College's mission of teaching and public service. These regulations are

designed to protect and promote the rights of members of the College, prevent interference with College functions or activities, and assure compliance with all pertinent laws and other applicable College policies.

- H. These regulations address the rights and responsibilities of all members of the College community, including students, officers, employees, and others while on College property.

## **II. USE OF COLLEGE PROPERTIES**

### **A. Obligations Concerning Use of College Property**

1. All persons on College property are required to abide by College policies and campus regulations. Individuals on College property or in attendance at an official College function assume an obligation to conduct themselves in a manner compatible with the College's mission as an educational institution.
2. Violation of College policies or campus regulations may subject a person to legal penalties; if the person is a student, faculty member or staff member of the College, that person may also be subject to College discipline. These regulations may not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly, or the constitutionally protected right of personal privacy.

### **B. Prohibited Conduct**

1. No person, either alone or in combination with others, shall while on College property or at official College functions:
  - a. Block entrances to or otherwise interfere with the free flow of traffic into and out of campus buildings.
  - b. Knowingly and willfully interfere with the peaceful conduct of the activities of the campus or any campus facility by intimidating, harassing, or obstructing any College employee, student, or any other person having lawful business with the College.
  - c. Willfully cause physical injury to another person, or threaten to do so.
  - d. ~~Physically restrain or detain any other person.~~
  - e. Remove anyone from any place where the person removed is authorized to remain.
  - f. Willfully damage or destroy property of the College.
  - g. Remove property of the College.
  - h. Use College property without authorization.
  - i. Enter into any private office of an administrative officer, member of the faculty or staff member without implied or explicit permission.
  - j. Enter into and remain in any campus building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use.
  - k. Remain without authorization in any building or facility after it is closed.
  - l. Refuse to leave a campus building or facility after being required to do so by an authorized administrative officer.
  - m. Obstruct the free movement of people or vehicles on College property.
  - n. Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings.

- o. Deliberately disrupt or prevent the freedom of any person to express the person's views, including invited speakers, at permitted events.
  - p. ~~Delay or linger without lawful purpose for being on the property for the purpose of committing a crime.~~
  - q. Engage in the unauthorized production of amplified or non-amplified sound that disrupts campus activities.
  - r. Camp or lodge, except in authorized facilities or locations.
  - s. Engage in physically abusive, threatening, or intimidating conduct toward any person.
  - t. Exhibit disorderly or lewd conduct.
  - u. Urinate or defecate in any place on College property other than a designated restroom or other facility designated for the sanitary disposal of human waste.
  - v. Participate in a disturbance of the peace.
  - w. Use, possess, sell, or manufacture narcotics or illegal drugs.
  - x. Use or possess any prohibited weapons.
  - y. Drink or consume any alcoholic beverage, or possess an alcoholic beverage in an open container, except as an invited guest at an event or activity at which a Facility Use Permit has authorized the consumption of alcoholic beverages.
  - z. Fail to comply with the directions of a College official acting in the performance of the official's duties.
  - aa. Rummage through or remove any discarded item from any waste container, trash can, dumpster, recycling container, or any designated College waste or recycling center without authorization.
  - bb. Engage in the theft or misuse of College property or equipment.
  - cc. Harm plants and wildlife in any way.
  - dd. Climb or place objects on buildings, trees or bushes or attaching items to them without College authorization.
  - ee. Use College facilities not generally open to the public, including but not limited to, offices, classrooms, showers, storage lockers, study lounges or recreational facilities, without College authorization.
2. All persons on College property are required, for reasonable cause, to identify themselves to, and comply with instructions of College Officials acting in the performance of their duties.
  3. No non-College commercial activities shall take place on College property except as authorized by a Facility Use Permit issued by the Facilities Programming Department. The fact that an individual may be paid to circulate petitions or distribute literature does not by itself make the circulation or distribution a commercial activity.
  4. No person shall solicit, hawk, demonstrate or otherwise peddle or rent any goods, wares, merchandise, liquids, or edibles for human consumption or services on College property, operate any commercial enterprise, or give any paid lessons, classes or instruction on College property, except as specifically authorized by the College. For purposes of this section, soliciting and selling shall include the leafleting or distribution of advertisements or other promotional devices.
  5. No person shall bring any explosive material (as defined by section 12000 of the California Health and Safety Code) or flammable material (as defined by section 12504 of the California Health and Safety Code) or any hazardous or flammable materials (as defined by the regulations adopted pursuant to section 2402.7 of the California Vehicle Code) onto College

property, regardless of whether or not the material is burning, except such materials that are transported in approved containers and necessary for the conduct of the business of the College or are approved by the Designated College Official or are contained in any tank used only to carry fuel necessary for the operation of a vehicle or any equipment of the vehicle.

6. No person shall start or maintain campfires, portable stoves, barbecues, open fires and other fires on College property except as expressly authorized by a Facilities Use Permit, and subject to such requirements regarding location, time, and fire safety precautions as the authorized College Official may impose. This section does not apply to the authorized use of any laboratory equipment.
7. No person shall on College property carry upon their person or have in their possession or under their control any Dangerous Weapon. For purposes of this Section, "Dangerous Weapon" means and includes, but is not limited to:
  - a. Any firearm in violation of the Gun-Free School Zone Act of 1995, California Penal Code section 626.9.
  - b. Any knife having a blade two and one-half inches or more in length.
  - c. Any folding knife with a blade that locks into place.
  - d. Any ice pick or similar sharp tool that can be used as a stabbing implement capable of inflicting serious bodily injury.
  - e. Any razor with an unguarded blade.
  - f. Any cutting, stabbing or bludgeoning weapon or device capable of inflicting serious bodily injury.
  - g. Any dirk or dagger.
  - h. Any taser, stun gun, or other similar electronic device.
  - i. Any instrument that expels a metallic projectile such as a BB or a pellet, through the force of air pressure, CO2 pressure, or spring action, or any spot marker gun.
  - j. Any leaded cane or weapon of any kind known as billy, blackjack, sandbag, sandclub, sap, or slung shot prohibited by Penal Code Section 22210.
  - k. Any nunchaku prohibited by Penal Code Section 22010.
  - l. Any metal knuckle prohibited by Penal Code Section 21810.

This prohibition shall not apply to a duly appointed peace officer as defined in Chapter 4.5 (commencing with section 830 of the California Penal Code), a full-time paid peace officer of another state or the federal government who is carrying out official duties while in this state, a security guard authorized to carry a loaded firearm pursuant to California Penal Code section 12031 and specifically authorized by the College to be on campus (e.g., armored truck personnel picking up or delivering cash), or a member of the military forces of this state or the United States who is engaged in the performance of their duties.

8. No person, while in or upon any College property may wear a mask, personal disguise or otherwise conceal one's identity with the intent of intimidating any person or group, or for the purpose of evading or escaping discovery, recognition, or identification in the commission of violations of College policy, College regulations, or federal, state, or municipal laws.
9. No person on College property shall, without authorization from an authorized College Official:

- a. Camp, occupy camp facilities, use camp paraphernalia, or store personal property on College property.
- b. Set up any tent or other housing structure on College property, or occupy any such tent or housing structure.
- c. Set up a household or campsite on College property.
- d. Bring, leave, or dump furniture, mattresses, or other large household items on College property, or bring or maintain large personal belongings or large amounts of personal belongings on College property. For purposes of this section, "large household items," "large personal belongings," and "large amounts of personal belongings," means anything that cannot be reasonably carried on the person or reasonably used for personal purposes.
- e. Store personal possessions on College property. For purposes of this section, "storage of personal possessions" means leaving items unattended, that is, not in the owner's immediate personal custody and control.

This prohibition does not apply to College employees in connection with their workspaces or to individuals who have been authorized to use College lockers so long as the use of such locker is authorized and in accordance with the terms and conditions of such authorization.

10. No person may bring onto College property any unauthorized carts, carriages, trailers, or other vehicles of conveyance designed for, or used to transport property, except for baby carriages or strollers actually used to transport infants, or wheelchairs or other wheeled conveyances necessary for disabled access.
11. No person shall enter or otherwise remain on College Property between the hours of midnight to 6:00 a.m., or at such other times as published or posted by the campus or College location. This curfew shall not apply to College faculty, employees, or persons possessing valid written authorization from the Designated College Official, or those on legitimate College related business or attending a specific College sponsored event. Those persons possessing a valid written authorization, or attending a specific event, shall be allowed to remain and use the facilities as specified in their authorization or through the duration of the specific event, after which time they shall leave the property without any appreciable delay.
12. No person shall enter or remain in any building or office which is locked and closed to the public. This prohibition shall not apply to College faculty, employees, or persons possessing valid written authorization from a College official.
13. No person shall distribute food and drink on campus with first obtaining a Facility Use Permit authorizing such distribution. Issuance of a Facility Use Permit may require that an appropriate permit be issued by the Los Angeles Department of Public Health. No permit is required for catering by on-campus food operations for meetings and similar College activities or for food provided at Departmental activities. On-site cooking is prohibited except for approved on-campus food facilities or by Facility Use Permit. For some College locations, only licensed caterers or food trucks will be eligible to apply for a Facility Use Permit.
14. No structures, electrical modifications, or mechanical apparatus may be erected or installed on District property without specific written approval in the Facility Use Permit.

15. All decorative materials, including but not limited to draperies, hangings, curtains, and drops used in connection with any activity authorized by Facility Use Permit shall be made or treated with flame-retardant processes approved by the Fire Marshall.
16. Commercial filming and photography are prohibited except in accordance with the terms and conditions of a Facility Use Permit. This prohibition does not apply to news organizations.
17. All outdoor programs or activities utilizing sound amplification systems or planning on loud sounds (such as drumming or other musical instruments) must obtain a Facility Use Permit. During periods of regularly scheduled classroom instruction or the conducting of other College-related business, amplified sound may only be used during the College Activity Period. Every attempt will be made to avoid the scheduling of concurrent programs in adjacent areas when one or more of the programs has amplified sound. Loud sounds or amplification will be limited to the Quad Lawn, Library Walkway, CORE plaza, Student Services Center plaza. Exceptions will be made only in rare instances and will require the approval of the Vice President for Student Affairs.

### **III. SPEECH AND ADVOCACY**

- A. On College grounds designated as a limited public forum in I(C), individuals may assemble and engage in discussion or non-amplified speech, distribute literature, solicit signatures on non-commercial petitions, solicit donations for political and charitable purposes, and register voters provided that such activity does not otherwise violate any law or other provisions of this regulation. No permit or advance registration is required to engage in such activities.
- B. Civil disobedience is not protected speech. Neither the United States Constitution nor California Constitution guarantees any right to engage in civil disobedience – which by its very definition, involves the violation of laws or regulations – without incurring consequences. Civil disobedience may interfere with College business or threaten public safety or College assets in ways that require the College to act to protect those other interests.
- C. To ensure the free movement of pedestrians, the use of tables for activities allowed under 1 above, are limited to areas designated on the map set forth in Appendix A when these areas are not being used for College functions or permitted events.
- D. The use of canopies, pop-ups, stationary umbrellas, or other shade structures requires issuance of a Facility Use Permit.
- E. College departments and units and approved student organizations may reserve College properties for meetings, programs, and events for purposes of speech and advocacy upon the issuance of a Facility Use Permit.
- F. College Employee Organizations may use College property for meetings, programs, and events upon the issuance of a Facility Use Permit.
- G. Any individual employee or student who seeks to use College property shall be subject to the same rules governing use of College property by civic organizations.

- H. Activities, programs or events must not unreasonably disrupt official College functions or the orderly operation of the campus. If any unscheduled or scheduled activity unreasonably disrupts the orderly operation of the campus or an official College function or any other scheduled activity, it shall be discontinued at the direction of the Superintendent/President or designee or the Vice President of Student Affairs. The criteria to be used to determine whether an activity, program or event unreasonably disrupts the orderly operation of the campus or an official College function or any other scheduled activity shall include, but are not limited to, the following: the expected duration of the activity; the activity's timing in relation to the academic calendar (for example, proposed scheduling during the first week of classes or during final examination week); the number of participants; the expected noise level to be generated by the activity; and the need for College resources and personnel to facilitate, oversee or control the activity.

#### **IV. SIGNS, POSTERS, PLACARDS, BANNERS, HANDBILLS, DISPLAYS/STRUCTURES**

- A. No person shall carry, transport or use signs, posters, placards or banners exceeding thirty inches (30") by thirty inches (30") in size, in or on any College property unless prior authorization has been obtained from an authorized College Official. The size of the handles or supports for such signs, posters, placards, or banners shall be limited to one-fourth inch (1/4") in thickness by three-fourths inch (3/4") in width and shall extend no more than eighteen inches (18") beyond a single exterior edge of such signs, posters, placards or banners. All such handles or supports shall be made of wood without exception.
- B. Unless directed by an authorized College official for an approved College activity, no person shall in any way affix, fasten, or attach to the premises any signs, posters, placards or banners; nor shall they be self-supporting and placed for display; nor leaned against any wall, partition, tree, shrub, or other portion of College property.
- C. No person shall carry signs, posters, placards or banners in a way that obstructs or interferes with the normal movement of any vehicular traffic or pedestrian movement on College property.
- D. No person shall post or affix, or cause to be posted or affixed, on any College property any handbill, circular, booklet, card, pamphlet, sheet or written or printed notice except in such locations and in the time and manner explicitly established by the College for such purpose.
- E. No person shall distribute any written or printed matter within any building.
- F. No person shall erect any structure or display, or bring a structure or display on to College property without prior written authorization from the Designated College Official. For purposes of this paragraph, "structure or display" means any object larger than two feet in any dimension that is intended to be placed or displayed in a public area, or is left unattended in a public area. It does not include objects entirely supported or carried by a single person that do not extend more than one foot from that person (e.g., a signboard supported over someone's shoulders).
- G. No paint, chalk or ink messages may be placed, affixed or applied to the walls, windows, floors or other surfaces of campus buildings or structures, streets, walkways, utility poles, construction fences, trees or shrubbery.

- H. Authorized Associated Students campaign signs may be staked in grass areas in the vicinity of Quad in accordance with the AS Elections Code. Candidates must remove their signs within 48 hours after their participation in the election has concluded.
- I. No unattended signboards shall be placed on College property except as part of any official College signage. Attended signboards may be used in connection with any approved tabling or free speech activity. All signboards must be placed on the side of walkways; signboards may not be in the middle of walkway intersections. Signboards may not be placed indoors or in front of entrances or exits. Any unattended signboard is subject to removal by the College.
- J. Commercial literature or products may only be distributed on College property or at official College functions with an approved Facility Use Permit. College Units (including authorized student organizations and clubs), employee organizations, and College support groups may distribute material incidental to their purposes at their own meetings and programs.
- K. Commercial support of student programs and activities approved by the College is not considered a commercial activity under these guidelines and may therefore be permitted, provided that the primary purpose of such support is to underwrite a student program or activity, as opposed to the promotion or endorsement of a commercial product. The unit or organization receiving the support may publicly acknowledge such support but shall not endorse any commercial products or services. All plans for commercial support must receive approval of the appropriate Vice President. The appropriate Vice President will consult with the Santa Monica College Foundation to ensure consistency and compliance with the College's development efforts.
- L. Bulletin Boards. Unless open to posting by all, bulletin boards are limited for official College communications or the official communications of College unit or organization. All materials posted on bulletin boards shall clearly indicate the name of the responsible College Unit (which may be an authorized student government) and the date of posting.

## **V. FUND RAISING**

- 1. On College grounds generally designated as limited public forums individuals may engage in the solicitation of funds and the sale of noncommercial material if such activity is in compliance with applicable legal requirements, does not disrupt the free flow of pedestrian traffic, and does not disrupt the orderly operation of the campus. Where required, individuals are responsible for obtaining the authorization of the appropriate federal, state or local governmental agencies to engage in such activities.
- 2. College units must receive the specific authorization of the Superintendent/President or designee to engage in fund raising activities and must comply with the conditions of such approval. College Units may charge admission to campus programs or activities only if they have been specifically authorized to make such charges by the Superintendent/President or designee.
- 3. Student organizations and club may raise funds to support their activities in accordance with the following provisions:
  - a. Initiation fees and membership dues may be collected at their own business and membership meetings.



- b. Fund-raising activities must have the prior authorization from the Office of Student Life, which shall establish and enforce procedures for accountability of funds collected on campus.
  - c. Voluntary donations may be solicited and noncommercial material related to the purpose of the organization may be sold on College grounds generally open to the public (as defined in these regulations), and at their own programs and meetings.
4. Donations may not be required as a condition of admission to any on-campus program, activity or meeting. Implication by literature or by any arrangement at the program that a donation is required is prohibited. This paragraph does not apply to events for which an admission price has been authorized.

## **VI. Securing Approval to Use College Property or Facilities**

A. All use of College property and facilities requires either an approved Room Reservation or a Facility Use Permit. Room reservations are used for scheduled instructional activities; a Facility Use Permit is required for other uses of College property or facilities. The College uses an Events Management System (EMS) to coordinate all use of College property and facilities for which a reservation or permit is required.

### **B. Control and Assignment of Facilities:**

1. The control and assignment of facilities for class meetings is placed in the Office of Instruction.
2. The control and assignment of facilities for all other use is placed in the Facilities Programming Department.
3. The interrelated responsibilities will necessitate close coordination by the following offices:
  - a. Operations and Maintenance Department
  - b. Office of Academic Affairs
  - c. Facilities Programming Department
  - d. Office of Student Life
  - e. Athletics Department
  - f. SMCPD

### **C. Priority for the use of District facilities will be as follows:**

1. Instructional program and official College events.
2. Approved student organizations and clubs.
3. Fundraising, entertainment or meetings paying fair rental value for use of College property and facilities.
4. Civic Center uses as described in more detail below.

- D. The Associate Dean for Facilities Programming is responsible for the coordination and implementation of all rules related to the issuance of Room Reservations or Facility Use Permits.
- E. The Facilities Programming Department will have the responsibility for clearing facility reservations and providing accommodations for student groups only upon receipt of the approved application form from the Dean of Student Life.
- F. No College employee or academic or administrative department shall authorize use of facilities under its control for events sponsored by a non-departmental user. The non-department user must apply for and obtain a Facility Use Permit.
- G. District facilities identified as Civic Center uses or as designated limited public forums are available for community use when such use does not conflict with District programs and operations. Facility use shall be limited to places and times identified by the Facilities Programming Department, but shall be sufficiently frequent, and available on specific dates and times, so as to allow meaningful use by outside groups. Except as provided in these regulations, or as authorized by law, no organizations shall be denied the use of District facilities because of the content of the speech to be undertaken during the use.
- H. Except for College users, users who require a Facility Use Permit shall be required to:
1. Provide the District with a hold harmless and indemnification agreement acknowledging that they will be financially responsible for any losses, damages, or injuries incurred by any person as a result of their use of the facilities.
  2. Provide a certificate of insurance with limits acceptable to the District and/or other proof of financial responsibility acceptable to the District.
- I. Eligible persons or groups may use District buildings or grounds designated as the Civic Center uses for public, literary, scientific, recreational, or educational meetings, or for discussion of matters of general or public interest. The groups identified in Education Code Section 82542(a) will be permitted, "when an alternative location is not available," as described in the statute, to use District facilities upon payment only of the following:
1. The cost of opening and closing the facilities, if no District employees would otherwise be available to perform that function as a part of their normal duties;
  2. The cost of a District employee's presence during the organization's use of the facilities if it is determined that the supervision is needed, and if that employee would not otherwise be present as part of his/her normal duties;
  3. The cost of custodial services, if the services are necessary and would not have otherwise been performed as part of the custodian's normal duties; and
  4. The cost of utilities directly attributable to the organization's use of the facilities.

- J. Except as provided herein, groups not identified in Education Code Section 82542(a) shall be charged an amount not to exceed the direct costs of District facilities. Direct costs shall include costs of supplies, utilities, custodial services, services of any other District employees, and salaries paid District employees necessitated by the organization's use of District facilities. Direct costs shall also include the costs for maintenance, repair, restoration and refurbishment of college facilities and grounds used by the group.
- L. The District shall maintain a fee schedule that includes the hourly fee for each specific school facility and grounds.
- M. The following shall be charged fair rental value for the use of District facilities:
  - 1. Any church or religious organization for the conduct of religious services, which may be conducted for temporary periods where the church or organization has no suitable meeting place for the conduct of such services.
  - 2. Entertainment or meetings where admission fees are charged or contributions are solicited and the net receipts of the admission fees or contributions are not expended for the welfare of the students of the District or for charitable purposes.
- N. Requests for use of District's property or facilities shall be submitted within at least 15 business days in advance of the first date of use being requested. Any Major Event must comply with VII below. Requests shall be made to the Facilities Programming Department on forms provided by the District.
- O. Permission to use District facilities shall not be granted for a period to exceed one fiscal year. No person or organization may be granted a monopoly on any facility.
- P. All charges for the use of District facilities are payable in advance in accordance with the terms of the Facility use Permit.
- Q. Any persons applying for use of District property on behalf of any groups shall be a member of the groups and must present written authorization to represent the group. Each person signing an application shall, as a condition of use, agree to be held financially responsible in the case of loss or damage to District property.
- R. The District may require security personnel as a condition of use whenever it is deemed to be in the District's best interests.
- S. No person applying for use of District property shall be issued keys or electronic access devices to District facilities.
- T. Future facility requests may be denied on grounds including, but not limited to, abuse or misuse of District property and failure to pay promptly for any damage to District property.

- U. For events involving the service of food, the event organizer shall consult with the College's Sustainability Office to develop solid waste reduction, reuse, and recycling plan.
- V. The general authority and responsibility for the administration of these regulations and the policies on which they are based is delegated to the Facilities Programming Department. The use of College Property may be denied if the proposed activity:
  - 1. May create or cause risk of injury or illness to persons; or may create or cause risk of damage or destruction to property.
  - 2. May impede the performance of public business to be conducted in the area.
  - 3. Is clearly contrary to express College policies or campus regulations concerning the general use of properties or use of specific properties.
- W. The College may deny a Facility Use Permit or cancel a permit before or during an event upon determination that any of the following conditions have occurred:
  - 1. Incomplete information, false statement(s), or misrepresentations were made on the application.
  - 2. Fraud was committed in obtaining the permit.
  - 3. The person to whom the permit was issued is not present at the activity and is not available for contact by a SMCPD officer or a representative of the College responsible for the property where the activity is taking place.
  - 4. The conduct of the person(s) to whom the permit was issued involves a violation of the permit, these regulations, state law, or any other statute or ordinance.
- X. No publicity identifying the College as the location of an event may be released before the event has been approved and reservations or permit for facility use have been finalized.

## **VII. Major Events Hosted by Non-Departments Users**

### **A. Purpose**

- 1. Santa Monica College is committed to free speech as essential to its educational mission and as a vital component of its identity. The College is also committed to enabling student organizations and other groups to host a variety of events on campus and thereby to supplement and enrich students' educational experience. Toward that end, the campus makes certain facilities and spaces available to student organizations and to other non-College users for events. For purposes of this regulation, non-departmental users include individuals other than current employees of the College acting within the course and scope of College employment and organizations other than academic and administrative departments of the College. Non-departmental users include, but are not limited to, private individuals, private corporations, non-profit organizations, unincorporated associations, and student organizations including student government entities.

2. Non-departmental users must adhere to the terms and conditions of this regulation, including by obtaining written permission from the campus to host Major Events. Campus facilities are made available for non-departmental users other than Associated Students and approved clubs only when those events result in the generation of revenue for the campus.
3. This regulation is explicitly intended to support the ability of non-departmental users to host Major Events on campus and will be applied without regard for perspectives or positions expressed in connection with those events. All criteria for assessing Major Events must be applied in a viewpoint-neutral manner and without regard to the content of any performance or speaking aspect of the event.
4. This regulation has been developed to promote the efficient and orderly use of campus property. Campus property (which includes both facilities and grounds) is intended to further the Santa Monica College's mission of education. Priority for the use of campus property will be given to academic and administrative departments of the College. Subject to the requirements of this regulation, and to campus regulations and policies applicable to specific facilities, campus facilities may be made available for use by non-departmental users provided those facilities are not needed by the campus at that time and use by the non-departmental users does not disrupt campus business or activities.

## **B. Scope of Major Event Regulation**

1. This regulation applies to Major Events hosted by non-departmental users anywhere on campus.
2. For purposes of this regulation, a Major Event is any planned gathering including but not limited to celebrations, social gatherings with or without amplified music or sound, lectures, forums, performances, concerts, rallies, speaker presentations, and conferences at which one or more of the following conditions apply:
  - a. 150 or more people are expected to attend;
  - b. Authorized campus officials determine the event is likely to significantly affect campus safety and security (based on assessment from the SMCPD) or significantly affect campus services;
  - c. Authorized campus officials determine the event has a substantial likelihood of interfering with campus functions or activities;
  - d. The event is a dance as defined by this regulation (as distinguished from a performance during which the performers are dancing) or a concert featuring amplified sound, at which a majority of the audience is not seated;
  - e. Alcohol is intended to be served, unless the alcohol is served in connection with an event at the Performing Arts Center; or
  - f. Outdoor amplified sound is requested.
3. Any determination by authorized campus officials that an event constitutes a Major Event under items b or c, or d above will be based on the officials' assessment of information other than the content or viewpoints anticipated to be expressed during the event.
4. Permissible criteria to be used to determine whether an event is likely to significantly affect campus safety and security or significantly affects campus services under item b above are the

following: (a) the proposed location of the event, (b) the estimated number of participants, (c) the time of the day that the event is to take place, (d) the date and day of the week of the event, (e) the proximity of the event to other activities or locations that may interfere, obstruct, or lessen the effectiveness of the security measures being implemented, (f) the resources needed to secure the event, (g) the anticipated weather conditions, (h) the estimated duration of the event, (i) any objective and credible evidence regarding actual threats to campus safety or security, and (j) any similar viewpoint- and content-neutral considerations relevant to assessment of campus safety, security, and services.

5. Permissible criteria to be used to determine whether an event has a substantial likelihood of significantly interfering with other campus functions or activities under item c above are the following: (a) the proposed location of the event, (b) the estimated number of participants, (c) the time of the day the event is to take place, (d) the expected duration of the activity; (e) the activity's timing in relation to the academic calendar (for example, proposed scheduling during the first week of classes or during final examination week); (f) the expected noise level to be generated by the activity; (g) the need for and/or availability of College resources and personnel to facilitate, oversee or control the activity; and (h) any similar viewpoint- and content-neutral considerations relevant to assessment of potential disruption to campus functions or activities.
6. The campus reserves the right to classify any proposed event a Major Event subject to this regulation, consistent with the definition set forth above. Non-departmental event organizers are encouraged to consult with the Facilities Programming Department at the earliest possible time if they have any question whether their event may be classified as a Major Event.
7. This regulation applies to Major Events scheduled, organized, or supervised by non-departmental users or over which non-departmental users have authority to decide whether to hold the event or to determine the contents of the event. For purposes of this regulation, supervision is defined as direct, on-site responsibility for the event.
8. Events scheduled, organized, and supervised by campus academic and administrative departments are not subject to this regulation. Only College employees acting in the course and scope of their College employment may supervise a departmental event.
9. Use of campus facilities by non-departmental users for events not defined as Major Events is subject to other sections of this Administrative Regulation.

### **C. Procedures Applicable to All Non-Departmental Users of Campus Facilities**

1. Non-departmental users are liable for all costs related to the Major Event. This includes, but is not limited to, facility fees, basic security costs (as described in the section on Security Procedures for All Major Events below), and any damages that occur as a result of the Major Event. Individual non-departmental users may be held personally liable for costs related to the Major Event.
2. All Major Event attendees may be subject to search for contraband, weapons, drugs, alcohol, and other illegal or prohibited materials to provide for the safety of event participants. Participants will be notified through clearly posted signs at the event entrance if they will be subject to a search.

3. The maximum room capacity for all campus facilities is established by the Fire Marshal. The facility's event coordinator may reduce capacity further in accordance with staff availability and other considerations.
4. The possession and/or consumption of alcohol at all campus events is prohibited unless approved by the College in the Facility Use Permit and service is provided by an ABC-licensed supplier under contract, and the ABC-licensed supplier provides SMC with proof of liquor liability insurance coverage as specified by Facilities Programming Department. Under no circumstances will an individual under the age of 21 be served alcohol. If alcohol is served at an event, at least 20% of all beverages must be nonalcoholic and food must be provided throughout the event. Non-alcoholic beverages must be prominently displayed and served in the same place as alcoholic drinks.
5. Failure to comply with campus regulations and policies pertaining to events, including deadlines in this regulation. Non-compliant events may be re-scheduled in a compliant manner.

#### **D. Security Procedures for All Major Events**

1. For all Major Events, SMC will conduct a security assessment based on information provided on the Event Security Assessment Form and such other information as SMCPD may obtain.
2. In consultation with the Campus Counsel, SMCPD will assess security needs based on objective and credible evidence of specific risks, and not on assessment of the viewpoints, opinions, or anticipated expression of event speakers, sponsors, participants, community, or performers. Permissible factors for consideration include but are not limited to: (a) the proposed location of the event, (b) the estimated number of participants, (c) the time of day the Major Event is to take place, (d) the date and day of the week of the Major Event, (e) the proximity of the Major Event to other activities or locations that may interfere, obstruct, or lessen the effectiveness of the security measures being implemented, (f) the resources needed to secure the Major Event, (g) the anticipated weather conditions, (h) the estimated duration of the Major Event, and (i) any similar content-neutral considerations relevant to assessment of security needs.
3. SMCPD will make security recommendations that, in SMCPD's professional judgment, will address security threats identified as a result of the evaluation conducted pursuant to Paragraph B above. The goals of SMCPD's security recommendations will be to:
  - a. Minimize risks to the health and safety of the event participants and audience;
  - b. Minimize risks to the campus and surrounding community;
  - c. Maximize the ability of the event organizers to successfully hold the Major Event; and
  - d. Protect the exercise of rights of free expression by the event organizers, participants, and community.
4. Recommended security measures may include, but are not limited to: adjusting the venue,

date, and/or time of the event; providing additional law enforcement; imposing controls or security checkpoints; and creating buffer zones around the venue.

5. If SMCPD determines the Major Event has substantial security needs, the host organization must schedule a security assessment meeting with SMCPD no later than four weeks prior to the Major Event date. The meeting may include, as necessary, the following: Vice President of Student Affairs; Associate Dean of Facilities Planning; other administrators deemed necessary for the meeting; and one or more student organization signatories or other representatives from the sponsoring organization. The individuals serving as first contacts or signatories will attend the meeting and be available for consultation throughout the event-planning period. SMCPD will present security concerns and recommendations at the security assessment meeting, and meeting participants will discuss options for addressing security needs that SMCPD has identified.
6. If SMCPD determines that, because of new information it has received or changing circumstances, its security assessment must be modified, it will schedule additional meetings or communications with the event organizers and other appropriate stakeholders to discuss its revised recommendations.
7. Should the Major Event organizers and SMCPD be unable to agree on implementation of security measures or recommendations, the Major Event organizers may submit an appeal to the Superintendent/President or designee for final determination. The Superintendent/President or designee may determine the security measures required for the event based on SMCPD's security assessment. The goals of that determination will be to:
  - a. Minimize any identified threat to health and safety of the event participants and audience;
  - b. Minimize any identified threat to the campus and surrounding community;
  - c. Maximize the ability of the Major Event sponsors to successfully hold the event; and
  - d. Protect the exercise of rights of free expression by the event sponsors, participants, and community.
8. Implemented security measures may include, but are not limited to: adjusting the venue, date, and time of the event; providing additional law enforcement; imposing controls or security checkpoints; and creating buffer zones around the venue. The Superintendent/President designee will provide the Major Event organizers a written explanation of the reasons for the final decision.
9. If during an event an imminent threat to safety or property arises, avoidance or minimization of which requires termination of the event, authority to terminate the event rests with the senior civilian administrator designated to oversee law enforcement operations. If no senior administrator is present or available, authority is delegated to the highest-ranking SMCPD officer at the event.
10. The event organizers must agree to reimburse costs of basic event security provided by SMCPD. Basic event security consists of SMCPD presence and related costs necessary to carry out an event in the absence of any expected disturbance. The cost of extraordinary



security necessary to protect the larger community is borne by the College.

11. In addition to basic event security, the event organizers must agree to pay in advance all standard rental fees. Fee waivers will not be given.
12. If an event organizer or a speaker or performer requests additional security measures not required by the campus, the campus will not pay the costs associated with those security measures.
13. If the campus requires additional security beyond what the published schedule anticipates, the campus will bear all costs associated with that additional security. Additional security fees will not be charged to event sponsors based on concerns that the content of the event or the viewpoints, opinions, or anticipated expression of the sponsors, event performers, or others participating in the event might provoke disturbances or response costs required by such disturbances.
14. Prior to a Major Event, the SMCPD chief or designee may inform other law enforcement and governmental agencies about the Major Event. The SMCPD chief may request additional meetings with other law enforcement agencies in advance of the Major Event to discuss concerns.

#### **E. Student Organization Major Events**

1. For purposes of this regulation, student organization Major Events include any Major Event sponsored or co-sponsored by a non-departmental user that is a College-recognized student organization or club.
2. A student organization may seek a Facility Use Permit for a Major Event as follows:
  - a. Six weeks or more prior to the event, complete the Facility User Permit signed by an authorized student of College-recognized student organization or club. If sponsorship is sought by the AS, the event sponsorship, must follow the appropriate AS process.
  - b. Six weeks or more prior to the event, submit an [Event Security Assessment Form](#) to the SMCPD.
  - c. Meet with the assigned Facilities Programming Department coordinator to review Major Event details at least five weeks prior to the event.
  - d. Attend any required security assessment meeting.
  - e. Provide insurance at least two weeks prior to the event. The Facilities Programming Department will provide referrals to arrange for insurance. The event cannot proceed unless the insurance coverage is obtained.
  - f. Pay all required fees at least one week prior to the Major Event.
  - g. Failure to attend any required meeting or meet any required deadline will result in the denial of the Facility Use Permit and the student organization will be required to select another date.

#### **F. Events Staged by Non-Departmental Users Other than Student Organizations**

1. All other non-departmental users of campus facilities must follow the procedures set forth in this Regulation to secure a Facility Use Permit.

2. A non-departmental user other than a student organization may seek a Facility Use Permit for a Major Event as follows:
  - a. Six weeks or more prior to the event, complete the Facility User Permit signed by an authorized representative of the group or organization.
  - b. Six weeks or more prior to the event, submit an [Event Security Assessment Form](#) to the SMCPD.
  - c. Meet with the assigned Facilities Programming Department coordinator to review Major Event details at least five weeks prior to the event.
  - d. Attend any required security assessment meeting.
  - e. Provide insurance at least two weeks prior to the event. The Facilities Programming Department will provide referrals to arrange for insurance. The event cannot proceed unless the insurance coverage is obtained.
  - f. Pay all required fees at least one week prior to the Major Event.
  - g. Failure to attend any required meeting or meet any required deadline will result in the denial of the Facility Use Permit and the student organization will be required to select another date.

## **G. Dances**

1. For purposes of this regulation, a dance is any social gathering whose primary purpose is the promotion of free movement to amplified music in an unobstructed area at a campus property. This does not include events at which performers are the only people dancing.
2. The following additional requirements apply to dances:
  - a. Only Santa Monica College students with valid student identification cards and their accompanied guest(s) may attend a dance at a campus location. All event attendees are required to show a college or state-issued photo identification. Non-College of California students under 18 years of age will not be admitted. A maximum of two guests per SMC student are allowed, and all guests must accompany the SMC student.
  - b. Advance ticketing is required for dances. Tickets may be sold at the door up to one hour after the event begins.
  - c. The number of tickets sold or distributed cannot exceed the number of guests approved for the dance or the room capacity.
  - d. Tickets must be sequentially numbered.
  - e. Tickets will state that a college or state-issued identification is required for entrance to the event.

Dated: November 20, 2019  
Education Code Sections 76120, 66301

**AR 4430 Use of Open Space on Campus by Student Organizations**

Campus facilities shall be made available for the use of recognized on-campus student groups. In order to reserve any campus facility, the student group must obtain the approval of the Dean of Student Life and file an approved Application for Use of College Facilities with the Events Office.

#### Definitions:

Student Organization -- any student group currently registered with the Student Activities Office. Any student organization that is not currently registered with the Student Activities Office will be considered an off-campus group subject to District policy and administrative regulations in regard to off-campus groups.

#### Activity Hour:

Tuesdays, Thursdays and Fridays, 11:15 a.m. until 12:35 p.m. during the regular semester are designated as activity hours.

1. Any meeting or event scheduled during these hours by clubs or student associations will require the approval of the faculty advisor and the Dean of Student Life or designee.
2. Any activity in the Free Speech Area, the Clocktower Area, Library Walkway or Amphitheater during the campus activity hours will require approval from the Dean of Student Life or designee.
3. Use of classroom space during the Activity Hour by recognized student organizations will require approval by the Dean of Student Life or designee.

#### Free Speech Area

The Free Speech Area is defined as the area at the Art Complex grass area, and the Main Stage grass area. Any person may speak in the Free Speech Area at any time. Speech in this area may not be amplified by use of any sound or voice enhancement equipment, unless an Application for Use of Campus Facilities is approved by the Dean of Student Life or designee.

#### Designated Program Areas

The Clocktower Area, Library Walkway, the Amphitheater and the Free Speech Area are the designated Program Areas.

#### All Other Campus Facilities

To reserve any other campus facility will require completion of an Application for Use of Campus Facilities approved by the appropriate administrator, and filed with the Events Office.

#### Food Distribution and/or Sales on Campus

The foremost concern in the distribution and/or sale of food by any recognized club or organization on campus is public health and safety.

Each person or group will be responsible for completing a Permit for Temporary Food and Beverage Form from the Student Activities Office, obtaining the approval from the faculty advisor, the Dean of Student Life, and Events Manager, as well as the appropriate permit from the Los Angeles County Health Department, if required. A copy of the Application for Use of College Facilities permit and the food permit must be on file in the offices of the Dean of Student Life and the Events Manager and must be displayed on the table from which food or beverages are distributed.

- A. On-campus clubs and organizations who wish to sponsor a single food event (such as bake sale, Club Row, or other one-time event involving food sales or distribution) must:
  1. obtain approval of the faculty advisor, the Dean of Student Life, the Events Manager,

2. complete an Application for Use of College Facilities and an approved Temporary Food and Beverage Permit
  3. Complete Collection of Cash Funds form.
  4. A copy of all forms must be on file in the office of Student Life and with the Events Manager at least two weeks prior to the event.
- B. On-campus clubs or organizations that wish to distribute or sell food more than once per semester must:
1. Follow steps 1 - 4 above.
  2. Obtain the appropriate health department permit.

#### Amplification/Loud Sounds on Campus

Amplified sound at any event shall require approval of the Dean of Student Life and the filing of an approved Application for Use of College Facilities with the Events Office. Loud sounds or amplification will be limited to the Free Speech Area, Clocktower Area, Library Walkway and the Amphitheater. Exceptions will be made only in rare instances and will require the approval of the Vice President for Academic Affairs.

#### Sponsorship of Off-Campus Individuals or Groups

Sponsorship of Off-Campus Individuals or Groups may include financial assistance; use of campus facilities, grounds and personnel; and the use of organizational names for promotion of activities.

No individual, club or organization may sponsor any outside group without the written approval of the appropriate administrator. For faculty and classified personnel, the appropriate person is Vice President, Business and Administration. For Associated Students and student clubs, the appropriate person is the Dean of Student Life. Any individual, organization or club that sponsors an off-campus group assumes responsibility and liability for the outside group's activities. In addition to the proceeding, a student organization must obtain the approval of the faculty advisor, who must approve the event, and be present at the event, for the entire duration of the event.

Reference: Education Code Section 76062

*Updated: 12/11/01*

Note: Please refer to Administrative Regulation 6311 for Use of SMC Facilities or Grounds by other college and community groups.

#### AR 4432 Posting and Distribution of Publicity

This regulation applies to the main campus and each of the satellite campuses.

#### **Posting of Publicity Approval**

Student activities and other student and college related material may be publicized and advertised on campus in designated areas only, subject to the following conditions:

1. For posting on Associated Students bulletin boards:
  - a. Material must be stamped by SMC Office of Student Life (A.S.)
2. For posting on departmental bulletin boards:
  - a. Material must be approved by department chairperson or designee.
3. For posting on bulletin boards in classrooms:

- a. Faculty members are responsible for posting on bulletin boards in classrooms;
  - b. Posted material should be related to classroom instruction;
  - c. Posted material should be respectful of instructors and students using that room;
  - d. Publications by students or other parties advertising sales of goods or services (e.g., paid tutoring services, selling of books, rentals) are prohibited and subject to removal by college personnel.
4. Posting is prohibited on all permanent structures, such as buildings, sidewalks, walls, windows, doors, blackboards, lawns, trees, phone booths, vending machines.
  5. Posting of commercial publications:
    - a. Commercial advertisements for off-campus events, productions, sales, etc., may be posted only on the designated bulletin boards. Publicity posted on campus must be stamped by the SMC Office of Student Life or designated satellite campus office before being displayed.
    - b. Sales by off-campus individuals or organizations, promoting their bulletins, circulars, newspapers, magazines, or other printed material are permitted in designated areas. These individuals and organizations must obtain a permit from the office of the SMC Events Manager. In-person selling shall be accomplished in such a manner as not to harass or intimidate any student or other person on campus.
  6. Content of Publicity for Posting:
    - a. In an effort to maintain an environment conducive to learning and free of harassment, the following guidelines should be observed:
      - i. Publicity may not contain references to the promotion of alcohol, illegal substances, or obscene material.
      - ii. Publicity must not advertise events that restrict attendance on the basis of age, race, ethnicity, religion, sex, sexual orientation, national origin, disability, or political affiliation.
      - iii. Posting parties are strongly encouraged to include specific contact information (e.g., name, organization, telephone, email) on all their publications.

### **Distribution of Publicity by Off-Campus Individuals and Organizations**

Off-campus individuals and organizations wishing to distribute (not post) materials on campus must adhere to the following rules and regulations:

1. The individual or organization should, but is not required to, register in the SMC Office of Student Life (A.S.) or designated satellite campus office and file a copy of the material to be distributed.
2. Distribution of materials, including free printed publications or gathering of signatures may not occur in classrooms, hallways, the Library, or in parking lots.
3. No literature may be placed or left on vehicles.
4. The District may reasonably limit the number of persons distributing materials in any given area for safety purposes and to prevent the disruption of educational activities.

## **SMC Disclaimer of Content**

The content and opinions expressed in all forms of publicity posted and distributed by college individuals and organizations and by off-campus individuals and organizations do not necessarily express those of the College. Permission to post and distribute materials does not implicitly or explicitly signify endorsement by the College.

## **Offensive Publicity and Complaints**

While it is not the intention of Santa Monica College to authorize the posting of material deemed offensive by some individuals, students, faculty, and staff are prohibited from removing these without prior authorization. The offended party may address his/her complaint to one of the three parties noted below. Such party will then pursue the proper protocol for removal of publicity.

1. Appropriate Department Chair;
2. Dean of Student Life;
3. Dean of Student Services.

*Updated: 03/08/05*

## ***ARTICLE 2. Use of School Property, Public Purposes [82537 - 82548]***

### **82537.**

(a) There is a civic center at each and every community college within the state where the citizens, Camp Fire Girls, Boy Scout troops, farmers' organizations, school-community advisory councils, senior citizens' organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts may engage in supervised recreational activities, and where they may meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside. Governing boards of the community college districts may authorize the use, by citizens and organizations of any other properties under their control, for supervised recreational activities.

(b) The governing board of any community college district may grant the use of college facilities or grounds for public, literary, scientific, recreational, educational, or public agency meetings, or for the discussion of matters of general or public interest upon terms and conditions which the board deems proper, and subject to the limitations, requirements, and restrictions set forth in this article.

(c) No use shall be granted in a manner that constitutes a monopoly for the benefit of any person or organization.

(d) The use of any community college facility and grounds for any meeting is subject to reasonable rules and regulations as the governing board of the district prescribes, and shall not interfere with the use and occupancy of the community college facilities and grounds, as is required for the purposes of the community colleges of the state.

(e) The management, direction, and control of the civic center is vested in the governing board of the community college district.

(f) The governing board of the community college district shall make all needful rules and regulations for conducting the civic meetings and for such recreational activities as are provided for in this chapter and which aid, assist, and lend encouragement to the activities.

82542.

(a) Except as provided in subdivision (b), the governing board of a community college district shall grant without charge the use of any college facilities or grounds under its control, pursuant to the requirements of this article, when an alternative location is not available, to nonprofit organizations and clubs and associations organized for general character building or welfare purposes, such as:

- (1) Student clubs and organizations.
- (2) Fundraising entertainments or meetings where admission fees charged or contributions solicited are expended for the welfare of the students of the district.
- (3) Parent-teachers' associations.
- (4) School-community advisory councils.
- (5) Camp Fire Girls, Girl Scout troops, and Boy Scout troops.
- (6) Senior citizens' organizations.
- (7) Other public agencies.
- (8) Organizations, clubs, or associations organized for cultural activities and general character building or welfare purposes, such as folk and square dancing.
- (9) Groups organized for the purpose specified in subdivision (k).

(b) The governing board may charge those organizations and activities listed in subdivision (a) an amount not to exceed the following:

- (1) The cost of opening and closing the facilities, if no college employees would otherwise be available to perform that function as a part of their normal duties.
- (2) The cost of a college employee's presence during the organization's use of the facilities, if the governing board determines that the supervision is needed, and if that employee would not otherwise be present as part of his or her normal duties.
- (3) The cost of janitorial services, if the services are necessary, and would not have otherwise been performed as part of the janitor's normal duties.
- (4) The cost of utilities directly attributable to the organization's use of the facilities.

(c) The governing board may charge an amount not to exceed its direct costs or not to exceed fair rental value of college facilities and grounds under its control, and pursuant to the requirements of this article, for activities other than those specified in subdivision (a). A governing board that decides to levy these charges shall first adopt a policy specifying which activities shall be charged an amount not to exceed direct costs and which activities shall be charged an amount not to exceed fair rental value.

(d) (1) As used in this section, "direct costs" to the district for the use of college facilities or grounds includes all of the following:

(A) The share of the costs of supplies, utilities, janitorial services, services of any other district employees, and salaries paid to community college district employees to operate and maintain college facilities or grounds that is proportional to the organization's use of the college facilities and grounds of the district under this section.

(B) The share of the costs for maintenance, repair, restoration, and refurbishment, proportional to the use of the college facilities or grounds by the organization using the college facilities or grounds under this section. For purposes of this subparagraph, "college facilities" shall be limited to only nonclassroom space, and "grounds" shall include, but not be limited to, playing fields, athletic fields, track and field venues, tennis courts, and outdoor basketball courts.

(2) The share of the costs for maintenance, repair, restoration, and refurbishment shall not apply to either of the following:

(A) Classroom-based programs that operate after school hours, including, but not limited to, after school programs, tutoring programs, or child care programs.



(B) Organizations retained by the college or community college district to provide instruction or instructional activities to students during school hours.

(3) Funds collected pursuant to this subdivision shall be deposited into a special fund that shall only be used for purposes of this section.

(e) By December 31, 2015, the Chancellor of the California Community Colleges shall develop, and the Board of Governors of the California Community Colleges shall adopt, regulations to be used by a governing board of a community college district in determining the proportionate share and the specific allowable costs that a community college district may include as direct costs for the use of its college facilities or grounds.

(f) As used in this section, "fair rental value" means the direct costs to the district, plus the amortized costs of the college facilities or grounds used for the duration of the activity authorized.

(g) The governing board of a community college district that authorizes the use of college facilities or grounds for the purpose specified in subdivision (h) shall charge the church or religious denomination an amount at least equal to the fair rental value of the facilities or grounds.

(h) The governing board of a community college district may grant the use of college facilities or grounds to any church or religious organization for the conduct of religious services for temporary periods where the church or organization has no suitable meeting place for the conduct of these services upon the terms and conditions as the board deems proper, and subject to the limitations, requirements, and restrictions set forth in this article. The governing board shall charge the church or religious organization using the property for the conduct of religious services a fee as specified in subdivision (g).

(i) For entertainment or a meeting where an admission fee is charged or a contribution is solicited and the net receipts of the admission fees or contributions are not expended for the welfare of the students of the district or for charitable purposes, a charge not less than fair rental value shall be levied for the use of the college facilities, property, and grounds, as determined by the governing board of the district.

(j) The governing board may permit the use, without charge, by organizations, clubs, or associations organized for senior citizens and for cultural activities and general character building or welfare purposes, when membership dues or contributions solely for the support of the organization, club, or association, or the advancement of its cultural, character building, or welfare work, are accepted.

(k) The governing board of a community college district may grant the use of college facilities, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, and may cooperate with these agencies in furnishing and maintaining services deemed by the governing board to be necessary to meet the needs of the community.

(l) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

#### **82542.**

(a) Except as provided in subdivision (b), the governing board of a community college district shall grant without charge the use of any college facilities or grounds under its control, pursuant to the requirements of this article, when an alternative location is not available, to nonprofit organizations and clubs and associations organized for general character building or welfare purposes, such as:

(1) Student clubs and organizations.



- (2) Fundraising entertainments or meetings where admission fees charged or contributions solicited are expended for the welfare of the students of the district.
  - (3) Parent-teachers' associations.
  - (4) School-community advisory councils.
  - (5) Camp Fire Girls, Girl Scout troops, and Boy Scout troops.
  - (6) Senior citizens' organizations.
  - (7) Other public agencies.
  - (8) Organizations, clubs, or associations organized for cultural activities and general character building or welfare purposes, such as folk and square dancing.
  - (9) Groups organized for the purpose specified in subdivision (g).
- (b) The governing board may charge those organizations and activities listed in subdivision (a) an amount not to exceed the following:
- (1) The cost of opening and closing the facilities, if no college employees would otherwise be available to perform that function as a part of their normal duties.
  - (2) The cost of a college employee's presence during the organization's use of the facilities, if the governing board determines that the supervision is needed, and if that employee would not otherwise be present as part of his or her normal duties.
  - (3) The cost of janitorial services, if the services are necessary, and would not have otherwise been performed as part of the janitor's normal duties.
  - (4) The cost of utilities directly attributable to the organization's use of the facilities.
- (c) The governing board may charge an amount not to exceed its direct costs or not to exceed fair rental value of college facilities and grounds under its control, and pursuant to the requirements of this article, for activities other than those specified in subdivision (a). A governing board that decides to levy these charges shall first adopt a policy specifying which activities shall be charged an amount not to exceed direct costs and which activities shall be charged an amount not to exceed fair rental value.
- (1)** As used in this section, "direct costs" to the district for the use of college facilities or grounds means those costs of supplies, utilities, janitorial services, services of any other district employees, and salaries paid community college district employees necessitated by the organization's use of the college facilities and grounds of the district.
- (2)** As used in this section, "fair rental value" means the direct costs to the district, plus the amortized costs of the college facilities or grounds used for the duration of the activity authorized.
- (d) The governing board of a community college district that authorizes the use of college facilities or grounds for the purpose specified in subdivision (e) shall charge the church or religious denomination an amount at least equal to the fair rental value of the facilities or grounds.
- (e) The governing board of a community college district may grant the use of college facilities or grounds to any church or religious organization for the conduct of religious services for temporary periods where the church or organization has no suitable meeting place for the conduct of these services upon the terms and conditions as the board deems proper, and subject to the limitations, requirements, and restrictions set forth in this article. The governing board shall charge the church or religious organization using the property for the conduct of religious services a fee as specified in subdivision (d).
- (f) For entertainment or a meeting where an admission fee is charged or a contribution is solicited and the net receipts of the admission fees or contributions are not expended for the welfare of the students of the district or for charitable purposes, a charge shall be made for the use of the college facilities, property, and grounds, which charge shall not be less than the fair rental value for the use of the college facilities, property, and grounds, as determined by the governing board of the district.

(g) The governing board may permit the use, without charge, by organizations, clubs, or associations organized for senior citizens and for cultural activities and general character building or welfare purposes, when membership dues or contributions solely for the support of the organization, club, or association, or the advancement of its cultural, character building, or welfare work, are accepted.

(h) The governing board of a community college district may grant the use of college facilities, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, and may cooperate with these agencies in furnishing and maintaining services deemed by the governing board to be necessary to meet the needs of the community.

(i) This section is operative on and after January 1, 2020.

**82544.**

Lighting, heating, janitor service, and the services of the person when needed, and other necessary expenses, in connection with the use of community college buildings and grounds pursuant to this article, shall be provided for out of the county or special school funds of the respective community college districts in the same manner and by the same authority as similar services are provided for.

**82548.**

The governing board of any community college district may require any person, group, or organization granted the use of community college property pursuant to this article for the purposes of athletic activities to obtain a certificate of insurance from a liability insurance carrier and to submit such certificate to the district for approval prior to using any district property. The certificate shall evidence a minimum coverage of three hundred thousand dollars (\$300,000) for any liability for injury or damage to property which may arise out of such use of community college property. The governing board of any community college may require more than such minimum coverage.