PROHIBITED ACTS

An officer or employee of the College District who is acting or purporting to act in an official capacity may not, because of a person's race, religion, color, sex, or national origin:

1. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the College District;
2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the College District;
3. Refuse to grant a benefit to the person; or
4. Impose an unreasonable burden on the person.

Civ. Prac. & Rem. Code 106.001(a)

FORUM FOR COMMUNICATION

The College District may create a public forum of a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37 (1983); Chiu v. Plano ISD, 260 F.3d 330 (5th Cir. 2001)*

The College District is not required to allow persons to engage in every type of speech when the College District establishes a limited public forum; the College District may be justified in reserving its forum for certain groups or for the discussion of certain topics. The College District shall not discriminate against speech on the basis of viewpoint, and any restriction must be reasonable in light of the purpose served by the forum. *Good News Club v. Milford Cent. Sch., 533 U.S. 98 (2001); Lamb's Chapel v. Center Moriches Union Free Sch. Dist., 508 U.S. 384, 113 S. Ct. 2141 (1993)*

FEES FOR USE

The Board shall be authorized to fix and collect rentals, rates, charges, or fees from students and others for the occupancy, use, or availability of all or any of its property, buildings, structures, activities, operations, or facilities, in such amounts and in such manner as may be determined by the Board. *Education Code 130.123(c)*

FACILITIES AS POLLING PLACES

The College District shall make its buildings available for use as polling places in any election that covers territory in which the buildings are located. If more than one authority requests the use of the buildings for the same day and simultaneous use is impractical, the College District shall determine which authority may use the building. *Election Code 43.031(c)*

No charge, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours, shall be made for the use of a College District building for a polling place if the day of the election is a day on which the building is normally open. If the day of an election is a day on which the building is not normally open, a charge may be made only for the reimbursement of actual expenses resulting from use of the building in the election. *Election Code 43.033(a)*

POLITICAL PARTY CONVENTIONS

The College District shall not assess a charge for the use of a school building for a precinct, county, or senatorial district convention, except for reimbursement for the actual charges resulting from use of the building for the convention. The College District shall provide an itemized statement of expenses to the reimbursing authority. *Election Code 174.0631*

DISTRIBUTION OF NONSCHOOL LITERATURE

Activities such as distributing literature, displaying signs, petitioning for change, and disseminating information concerning issues of public concern are protected by the First Amendment. *Schenck v. Pro-Choice Network, 519 U.S. 357 (1997) (recognizing leafletting and commenting on matters of public concern as protected speech); Boos v. Barry, 485 U.S. 312 (1988) (recognizing public issue signs as protected speech); Meyer v. Grant, 486 U.S. 414 (1988) (recognizing the solicitation of signatures for a petition drive as protected speech)*

If the College District creates a forum for the distribution of nonschool literature, the College District may impose time, place, and manner regulations and may reserve its facilities for their intended purposes, communicative or otherwise, as long as the regulation on speech is reasonable and not an effort to suppress expression merely because public officials oppose the speaker's view. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37 (1983)*

USE OF COLLEGE DISTRICT MAIL SYSTEM

Unless it has been opened to the public, by policy or practice, a school mail system is not a public forum. The College District may create a limited public forum in its campus mailboxes. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37 (1983)* [See also CHE]