

Policies & Regulations

Subject: Freedom of Expression in Outdoor Areas of Campus		
Number	7.0040R	☒ New Regulation
Effective Date	10/11/18	☐ Revision of Existing Regulation
Revised Date		☐ Reaffirmation of Existing Regulation
Responsible Division/Department: Division of Student Affairs		☐ Repeal of Existing Regulation

I. OBJECTIVE AND PURPOSE

The freedoms of speech, expression and assembly are basic and essential freedoms that the University strives to protect. However, these personal freedoms are subject to well-established rights of the University to regulate time, place, and manner so that the activities do not materially and substantially disrupt the academic programs and administrative processes of the University. The purpose of this regulation is to provide guidance to persons external and internal to the University, regarding their rights of freedom of expression in the outdoor areas of the University's campus.

II. DEFINITIONS

For purposes of this regulation, the following definitions shall apply:

A. "Commercial Speech" means speech in which the individual is engaged in commerce, the intended audience is commercial or actual or potential consumers, and the content of the message is commercial.

B. "Expressive Activities" means activities such as assemblies, exercise of free speech, protests, demonstrations, marches, and picketing protected under the First Amendment to the United States Constitution and Article 1 of the Florida Constitution. These activities include, but are not limited to, any lawful oral or written communication of ideas, including all forms of peaceful assembly, protests and speeches; distributing literature; carrying signs, circulating petitions; and the recording and publication, including the Internet publication, of video or audio recorded protected activity in outdoor areas of campus. Expressive activity, for purposes of this regulation, does not include commercial speech.

C. "Outdoor areas of campus" means generally accessible areas of the University's campus in which members of the campus community are commonly allowed, including grassy areas, walkways, or other similar common areas. The term does not include outdoor areas of campus to which access is restricted.

Outdoor areas of campus specifically do not include any buildings or other indoor facilities.

D. “Material and substantial disruption” means any conduct, which is not protected by the United States Constitution and Article 1 of the Florida Constitution, that intentionally and significantly hinders another person’s, or group’s expressive rights or activities.

E. “Restricted Areas” means any portion of campus the University President, or designee, determines on a content-neutral basis, permanently or temporarily, where it would be unreasonable for expressive activities to occur because of disruption or health, safety and welfare considerations.

III. STATEMENT OF REGULATION

A. Right to Engage in Free Expression

Outdoor areas of campus are traditional public forums for individuals, organizations and guest speakers to engage in expressive activities subject to reasonable content-neutral time, place and manner restrictions. Accordingly, consistent with the definitions and other portions of this regulation, persons or groups wishing to engage in expressive activities in outdoor areas of campus may do so freely, spontaneously, and contemporaneously as long as the person’s conduct is lawful and does not materially and substantially disrupt University’s academic mission, its administrative functioning or infringe upon the rights of other individuals to engage in expressive activities. Use of outdoor areas must also be consistent with all other University regulations and policies including, but not limited to the regulations and policies governing commercial speech and activity, distribution of written materials, and use of facilities.

B. Prohibited Acts During Freedom of Expression Activities

As stated above, persons and organizations conducting expressive activities, or others, must not materially or substantially interfere with the University’s academic mission or its functions. The following include, but are not limited to, examples of actions that are considered to cause such material and substantial interference:

- (a) conducting freedom of expression activities inside University buildings, structures or public transportation vehicles;
- (b) obstructing vehicular, bicycle, pedestrian, or other traffic;
- (c) obstructing entrances or exits to buildings or driveways;
- (d) interfering with educational activities inside or outside any building;
- (e) posing a health or safety threat to the University, students, faculty, staff or the general public;
- (f) interfering with or precluding a scheduled speaker from being heard;

- (g) damaging property of the University, including landscape and hardscape including, but not limited to, lawns, shrubs, trees, benches or artwork;
- (h) using sound amplification, including bullhorns, without prior permission
- (i) harassing others causing them to fear of imminent harm;
- (j) interfering with scheduled University ceremonies or events.

C. Use of Amplified or Enhanced Sound, Noise Levels and Crowd Sizes

Any person or group may use campus outdoor areas of campus for expressive activities as discussed in this regulation that does not materially and substantially disrupt University's academic mission, its administrative functioning or infringe upon the rights of other individuals to engage in expressive activities. Use of amplified or enhanced sound, including bullhorns, is an example of activity that may result in such material and substantial disruption. As a result, use of amplified or enhanced sound in spontaneous and impromptu events is not permitted. However, if a person or group desires to use amplified sound at a scheduled expressive event, they must complete an Event Approval Form and provide it to the Director of the Student Union. The Event Approval Form must be submitted at minimum of seven (7) days prior to the planned event indicating the date, time and location of where they desire to use amplified or enhanced sound. If it is determined that the desired location for the proposed event will result in material or substantial disruption, the person, or Event organizer acting on behalf of a group, submitting the Event Approval Form will be informed whether the event can proceed without the use of amplified sound, or alternative locations on campus or at alternative times the event can proceed using amplified sound.

Large groups, more than fifty (50) people, who desire to schedule an event to engage in expressive activities has the potential of causing material or substantial disruption because of the potential for increased noise levels. As with the use of amplified sound, the group, or its representative, should complete the Event Approval Form and submit it to the Director of the Student Union. The Event organizer will be informed whether the event can proceed at the date and time desired or whether alternative locations on campus or alternative times for the event are necessary.

D. Interfering with the Rights of Others to Engage in Expressive Activities.

To ensure that all persons or groups rights to engage in expressive activities are protected, students, faculty and staff may not materially disrupt previously scheduled or reserved activities occurring on campus at the same time. Likewise, a person or group may not infringe on the rights of others' expressive activities as defined in this regulation. If the University President, or designee, determines a person or group is materially disrupting previously scheduled events or infringing upon others' rights to free expression, the President, or designee, may take appropriate action including, but not limited to, informing the

person or group if they desire to continue the expressive activity they must relocate to another portion of campus or terminating the event.

E. Obligation to Comply with Directives of University Officials Regarding Disruptive Activities

In the event of material and substantial disruption as defined in this regulation, if requested by University officials, students, faculty and staff involved in the disruptive activities shall identify themselves by presenting appropriate documents such as ID cards when requested to do so. Participants not officially related to the University of North Florida will be directed to leave the campus immediately or be subject to arrest for a violation of the law forbidding the disruption or interference with the administration or functions of an educational institution.

Additionally, failure for University students, faculty and staff to comply with instructions of University officials to cease material disruption or infringing on the rights of others, may result in disciplinary action.

F. Exclusions

This regulation does not govern a person or group who desires to rent indoor or outdoor space for commercial purposes on campus as such events shall be governed by Regulation 7.0050R, Commercial Activity; Selling of Merchandise, Activities Involving Off-Campus Vendors. Likewise, this regulation does not govern handing out pamphlets or other printed material as such activity is governed by Regulation 7.0060R Distribution of Printed Material. Finally, the right to engage in freedom of expression does not relieve a person or group from the duty to comply with other University regulations and policies.

Specific Authority Regulation 1.001; F.S. Florida Statutes 1004.097. History--New as Approved by BOT on 10/11/18.