

University of North Florida
Board of Trustees
March 18, 2004

Issue: Free Speech Rule

Proposed action: Approval

Background information:

Attached is a revised recommended rule on free speech. The purpose of this rule is to ensure that individuals' rights to free speech are protected and that such activities occur in a manner that does not intrude upon the academic programs of the University. This rule has been vetted by legal counsel.

UNF's administration held an open forum on the rule for the University community and other interested parties. The rule was reviewed and approved by the Educational Policy Committee. Upon approval by the Board of Trustees, the rule will be sent to the Joint Administrative Procedures Committee (JAPC) in Tallahassee for a final review prior to University publication of the rule.

Attachments: Proposed rule

BOT Item 5B

Florida Administrative Code Annotated
Title 6. Department of Education
Subtitle 6C 1. Division of Universities
University of North Florida
Chapter 6C 9-7. Public Functions

6C 9-7.014 Use of University Facilities; Outdoor Areas; Demonstrations and other
Outdoor Events

(1) The freedoms of speech 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 intrude upon or interfere with the academic programs and administrative processes of the University.

(2) Events in outdoor areas of the campus are to be scheduled and approved as follows:

(a) Academic areas are areas near classrooms, libraries, laboratories, auditoriums, and research facilities. Non-academic use of such areas is to be scheduled through the Office of Student Life.

(b) Residential areas are outdoor areas in the vicinity of the residence halls and apartments. Events in these areas are scheduled by the residential unit.

(c) University athletic facilities, including playing fields, the Arena, stadiums, courts, and so forth must be scheduled with the Office of Recreation & Intramurals.

(d) The University Nature Trails and Wildlife Sanctuary are open to the public and can be used without prior scheduling, but events taking place on the Nature Trails and Wildlife Sanctuary must be scheduled with the Office of Recreation & Intramurals.

(e) Approval and scheduling of events in the areas above must follow applicable University rules. As a condition of approval, the University may impose safety, security, and liability requirements consistent with the use to be made of the area, and the area to be used must be adequate for the nature of the event.

(3) Informal Use of Outdoor Areas. Outdoor areas on the campus which are not committed to a specific use or assigned to a specific University entity, such as the area located adjacent to the Robinson Student Life Center, are free to be used for informal, unscheduled, and unamplified expressions of opinion or musical events by persons participating as individuals without registration or approval. These impromptu speakers or musical performers will be held responsible for orderly behavior and for no disruption of academic activities, scheduled public functions, or pedestrian or other traffic, and they must follow University rules governing those areas.

(4) Booths: In this rule, "booths" are tables or temporary structures installed for distributing petitions, handbills, or literature, or for displaying signs, or for other forms of expression.

(a) People and groups may install booths in outdoor areas of the campus that are not committed to a specific use or assigned to a specific University entity, after reserving space with the Office of Student Life. In order to reserve space, the person or group is encouraged to contact the Office of Student Life at least seven days before the first day the person or group plans to set up the booth. When it is not practicable to contact the Office of Student Life seven days before the person plans to set up a booth, the Office of Student Life will expedite the reservation process.

(5) Demonstrations may be held anywhere on the campus, so long as they do not disrupt the normal operations of the University or infringe on the rights of other members of the University community, except that no demonstrations are permitted inside University buildings. Demonstrations using a public address system or other electronic amplification and/or involving a substantial outdoor area of the campus and/or a large number of people must be scheduled in accordance with § 6 of this rule. In the event of disruptive action, the procedures set forth in § 8-10 of this rule will apply.

(6) Formal Use of Outdoor Areas: Events using public address systems or other electrical amplification and/or events involving a substantial outdoor area of the campus and/or a large number of people are permissible when approved and scheduled as set forth below. Any person or organization may apply to use areas of campus for an event, but priority will be given to applications from University personnel, students, and student organizations. People and groups are encouraged to contact the Office of Student Life at least two weeks before the planned event, and they must receive prior approval of their applications from the Office of Student Life. When it is not practicable for the applicant to submit his/her application two weeks in advance, such as in the case of a demonstration, the Office of Student Life, with the applicant's assistance will expedite the application process. In order to receive Office of Student Life approval, applicants will fill out an Event Approval Form providing:

- (a) The applicant's name;
- (b) The proposed location, date, and time for the event;
- (c) The anticipated number of participants;
- (d) The purpose of the event;
- (e) The signature of the applicant or, if an organization, its authorized representative; and
- (f) A statement indicating whether or not the person or group intends to use a public address system or other amplification device, including megaphones.

Office of Student Life will approve an application properly made under this paragraph after determining that

- (a) The proposed location is available and appropriate at the time requested;
- (b) The proposed date is reasonable;

- (c) There are no reasonable grounds to believe that the event would obstruct pedestrian or other traffic;
- (d) There are no reasonable grounds to believe that the event would prevent, obstruct, or unreasonably interfere with regular academic and institutional activities, or other approved activities, of the University;
- (e) There are no reasonable grounds to believe that the event would constitute an immediate and actual danger to University students, faculty, or staff, or to the peace or security of the University; and
- (f) There are no reasonable grounds to believe that the applicant is under a disciplinary penalty or probation prohibiting public assembly or demonstration.

If an application under this section is refused, upon request, Office of Student Life will give the applicant a written statement of the grounds for refusal.

(7) In order that participants not interfere with the operation of the University or the rights of others, all events conducted pursuant to this rule shall not:

- (a) obstruct vehicular, pedestrian, or other traffic;
- (b) obstruct entrances or exits to buildings or driveways;
- (c) interfere with educational activities inside or outside any building;
- (d) harass passersby or otherwise disrupt normal activities;
- (e) interfere with or preclude a scheduled speaker from being heard;
- (f) interfere with scheduled University ceremonies or events; or
- (g) damage property, including lawns, shrubs, or trees.

(8) In the event of disruptive action, University employees and students involved in the event shall identify themselves by presenting appropriate documents such as ID cards when requested to do so by the President or his/her designated representative. And such representative will identify him/herself when making this request. 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.

(9) If, in the opinion of the President or his/her designated representative, an event is disrupting normal University operations or infringing on the rights of other members of the University community, the President or his/her representative may:

- (a) identify him/herself to the participants, giving name and official position;

(b) inform the participants that they are in violation of the University policy and/or in violation of the law and specify the nature of the violation;

(c) request that the violation cease; and

(d) in the event of noncompliance with this request, enlist the assistance of the University Police in restoring order and enforcing the law.

(10) The University Police have a responsibility to:

(a) declare an event to be in violation of law and request all participants to cease and desist and to disperse and clear the area or be subject to arrest and/or University disciplinary action;

(b) arrest the participants observed to be in violation of the law; and

(c) enlist the assistance of outside law-enforcement agencies, if necessary.

(11) Contact the University Police Department to report violations of this rule.

(12) Scope of this rule: This rule does not govern the scheduling of official University functions that are not sponsored by students and student organizations, such as public speaking events and assemblies sponsored by University departments or colleges. The distribution of printed material is governed by Rule 6C 9-7.015, not this rule. This rule does not govern or restrict University colleges, schools, divisions, departments, agencies and other corporate organizational units (aside from student organizations) from setting up booths on campus. Tables set up for the purpose of conducting commercial activity and fundraising shall be governed by Rule 6C 9-7.010, not paragraph 3 of this rule.

Specific Authority 1001.74 (4) FS.

Law Implemented 1001.74 (6) FS.

History -- Formerly 6C 9-7.007, Amended 8-28-88; 6C 9-7.008, Amended 8-28-88; 6C 9-7.014 New 11-25-82, Formerly 6C 9-7.14, Amended 9-26-88.