

NOTICE OF REGULATION REPEAL

August 22, 2018

DEPARTMENT OF EDUCATION

Division of Universities
University of North Florida

REGULATION TITLE:

Use of Amplified Sound in University Facilities; Outdoor Areas; Demonstrations and Other Outdoor Events

REGULATION NO.:

7.0040R

SUMMARY:

The repeal is being undertaken in order to establish and implement a new regulation that is current and in accordance with present University practice and procedure.

FULL TEXT:

The full text of the regulation for repeal is attached.

AUTHORITY:

Resolution of the Florida Board of Governors dated January 7, 2003
BOG Regulation 1.001

UNIVERSITY OFFICIAL INITIATING THE REPEALED REGULATION:

Marcus L. Snow, Senior Associate General Counsel

INDIVIDUAL TO BE CONTACTED REGARDING THE REPEALED REGULATION:

Stephanie Howell, Paralegal, Office of the General Counsel, showell@unf.edu, phone (904)620-2828; fax (904)620-1044; Building 1, Room 2100, 1 UNF Drive, Jacksonville, FL 32224.

Any comments regarding the repeal of the regulation must be sent in writing to the contact person on or before September 5, 2018, to receive full consideration.



UNIVERSITY OF NORTH FLORIDA

Regulation Number	Regulation Title	Effective Date	Revised Date
7.0040R	Use of Amplified Sound in University Facilities: Outdoor Areas, Demonstrations and Other Outdoor Events	06/17/04	3/15/11
Responsible Division/Department:			
<input type="checkbox"/> New Regulation <input checked="" type="checkbox"/> Revision of Existing Regulation <input type="checkbox"/> Repeal of Existing Regulation <input type="checkbox"/> Reaffirmation of Existing Regulation			

I. STATEMENT OF REGULATION

~~(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 Vice President for Student and International Affairs.~~

~~(b) Residential areas are outdoor areas in the vicinity of the residence halls and apartments. Events in these areas are to be scheduled with the Office of Housing and Residential Life.~~

~~(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, regulations and policies. 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 Arena and the Wellness 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 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 regulations governing those areas. For example, while the University respects impromptu speakers' right to free speech, such speakers may not interfere with the University's academic, administrative or other scheduled functions by yelling at or speaking at a loud tone toward those who may gather near them or at those who pass by. If an impromptu speaker is found to be speaking in such a loud manner that he/she is disrupting University functions, University representatives may ask the speaker to lower his/her voice and/or to relocate to another area where their speech will not cause disruption.~~

~~(4) Booths: In this regulation, "booths" are tables or temporary structures installed for distributing petitions, handbills, or literature, or for displaying signs, or for other forms of expression. 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 Student Union Administration. In order to reserve space, the person or group is encouraged to contact Student Union Administration 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 Student Union Administration seven days before the person plans to set up a booth, Student Union Administration will attempt to 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 subsection (6) of this regulation. In the event of disruptive action, the procedures set forth in subsections (8)-(10) of this regulation will apply.~~

~~(6) Formal Use of Outdoor Areas: Any person or organization may use campus outdoor areas as discussed in paragraph (5) without prior approval; however, 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. The Vice President for Student and International Affairs is responsible for the approval of these types of events. People and groups are encouraged to contact the appropriate reservations departments as outlined in this policy at least three weeks before the planned event, and they must receive prior approval of their applications from the Vice President for Student and International Affairs. When it is not practicable for the applicant to submit his/her application three weeks in advance, such as in the case of a demonstration, the Vice President for Student and International Affairs, with the applicant's assistance will attempt to expedite the application process. In order to receive approval of an event, applicants must fill out an Event Approval Form providing: the applicant's name; the proposed location, date, and time for the event; the anticipated number of participants; the purpose of the event; the signature of the applicant or, if an organization, its authorized representative; and a statement indicating whether or not the person or group~~

~~intends to use a public address system or other amplification device, including megaphones:~~

~~(a) The Vice President for Student and International Affairs will approve an application properly made under this paragraph after determining that:~~

~~1. The proposed location is available and appropriate at the time requested;~~

~~2. The proposed date is reasonable;~~

~~3. There are no reasonable grounds to believe that the event would obstruct pedestrian or other traffic;~~

~~4. 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;~~

~~5. 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~~

~~6. There are no reasonable grounds to believe that the applicant is under a disciplinary penalty or probation prohibiting public assembly or demonstration.~~

~~(b) If an application under this section is refused, upon request, The Vice President for Student and International Affairs will give the applicant a written statement of the grounds for refusal.~~

~~—(c) The University has designated “Quiet Areas” throughout the University campus. In doing so the University prohibits the use of amplified sound in order to promote a supportive learning environment. Any exceptions to this prohibition on the use of amplification must have the approvals of the Vice President for Student and International Affairs and the Provost and Vice President for Academic Affairs. “Quiet Areas” are designated in the following areas:~~

~~—————1. All Courtyards within the core of Campus.~~

~~—————2. The Green and Quad within the building #14 complex~~

~~—————3. All areas that encompass University Housing.~~

~~While final approval for use of amplified sound must be received from both the Vice President of Student and International Affairs and the Provost and Vice President for Academic Affairs, for numbers 1 and 2 above begin the registration process with Student Union Administration. For number 3, begin registration process with Housing and Residence Life.~~

~~—(d) Amplified Sound Guidelines for the Northern Property (Athletics and Recreation) (contact Campus Recreation for reservations):~~

~~—————1. Amplified sound is permitted at all Athletics events and contracted sporting events.~~

~~—————2. Amplified sound for Outdoor Concerts on the Northern Property will require the approval of the Vice President for Student and International Affairs.~~

~~—(e) Amplified Sound Policy in the UNF Student Union and Coxwell Amphitheater (contact the Student Union Administration for reservations):~~

~~—————1. Enhanced sound at a reasonable decibel level is permitted on the Student Union premises. Enhanced sound includes the Student Union in-house A/V equipment or its equivalent.~~

~~—————2. Enhanced Sound on the Student Union premises must face away from academic structures.~~

~~—————3. Amplified sound events on the Coxwell Amphitheater are defined as~~

~~occurring when production services (sound, stage, lighting, etc...) are outsourced to a production company.~~

~~4. The Dean of the College of Education must be notified at least twenty (20) days in advance of any amplified sound event occurring in the UNF Student Union or Coxwell Amphitheater.~~

~~(7) In order that participants not interfere with the operation of the University or the rights of others, all events conducted pursuant to this regulation 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) Contact the University Police Department to report violations of this regulation. The University Police may:~~

- ~~(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.~~

~~(12) Exclusions: This regulation 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. Likewise, the handing out pamphlets or other printed material is governed by Regulation 7.0050R Distribution of Printed Material, not this regulation. Additionally, this regulation 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. Similarly tables set up for the purpose of conducting commercial activity and fundraising shall be governed by Regulation 7.0060R, Commercial Activity; Selling of Merchandise, Activities Involving Off-Campus Vendors, , not this regulation.~~

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(6) FS. History New 11-25-82, Formerly 6C9-7.14, Amended 9-26-88, 6-17-04. Formerly 6C9-7.014. Revised 3-18-04, 3-15-11.