

THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES NOTICE OF PROPOSED AMENDED REGULATION

REGULATION NUMBER AND TITLE: FPU-1.007 Campus Free Expression

SUMMARY OF THE REGULATION: The regulation is being amended to clarify the use of outdoor space for expression activities and define "sunset" as published by the National Oceanic and Atmospheric Administration (noaa.gov).

TEXT OF REGULATION: The full text of the Regulation Amendment can be viewed below and on the Florida Polytechnic University Board of Trustees website, at Recent Notices (floridapoly.edu).

If you would like a copy of the Regulation Amendment, please contact Sherri Pavlik, Administrative Assistant to the VP and General Counsel at (863) 874-8412.

AUTHORITY: Board of Governors Regulations 1.001; Sections 1013.10, 1012.80, 1006.61, 1004.097 F.S

NAME OF PERSON INITIATING PROPOSED REGULATION: Melaine Schmiz, Associate General Counsel

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

THE CONTACT PERSON REGARDING THIS REGULATION IS: Sherri Pavlik, Administrative Assistant to the VP and General Counsel at 4700 Research Way, Lakeland, Florida 33805, Email: spavlik@floridapoly.edu, Phone: (863)874-8412, or Fax: (863)583-9070.

DATE OF PUBLICATION: December 13, 2024

THE FULL TEXT OF THE REGULATION AMENDMENT IS PROVIDED BELOW:

THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES

FPU-1.007 Campus Free Expression

- 1) **Purpose.** It is the intent of the University to encourage a free discourse of ideas while maintaining the safe and normal operations of campus life and education. To that extent, this regulation provides some time, place, and manner parameters on “campus expression.”
- 2) **Definitions.**
 - a) **Campus Expression.** Campus expression is expressive activities protected under the First Amendment to the United States Constitution and Article 1 of the Florida Constitution and includes, but is not limited to, any oral or written communication of ideas, including:
 - i) all forms of peaceful assembly, protests, and speeches;
 - ii) distributing literature;
 - iii) carrying signs;
 - iv) circulating petitions; and
 - v) the recording and publication, including internet publication, of video or audio recorded in outdoor areas of campus.Campus expression does not include commercial speech. Commercial speech is 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. See University Regulation FPU-1.009 Commercial Solicitation on University Property for more information.
 - b) **University Grounds.** University grounds are the generally accessible outdoor areas of 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 areas of campus to which access is restricted such as parking facilities, and athletic or recreational facilities.
 - c) **Indoor Areas.** Indoor areas are the spaces in or attached to University buildings and facilities, such as classrooms, libraries, labs, terraces, and residence halls.
- 3) **Campus Expression Permitted.** Subject to the limitations of this regulation, University grounds and indoor areas may be used for campus expression. Such use must not disrupt or interfere with the normal operations of the University, any academic or other University activities or the rights of other members of the University community.
- 4) **Parameters on Campus Expression.**
 - a) Campus Expression in Indoor Areas. Demonstrations, assemblies, events, and other similar functions wanting to be held in indoor areas must follow the procedures in University Regulation FPU 1.003 Use of University Facilities and Property and

University Policy FPU-1.0038 Events on Campus to reserve space. Campus expression in indoor areas must comply with all provisions of this regulation. Requesting a reservation of space does not guarantee approval of the activity.

- b) Campus Expression in Outdoor Areas. 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 governing campus activities, commercial speech and activity, and use of facilities.

~~e) Restricted Areas. The President or designee may determine on a content-neutral basis additional areas of campus where it would be unreasonable for campus expression activities to occur because of disruption or health, safety, and welfare considerations.~~

~~d)c) Time Restrictions for Campus Expression. To protect the health, safety, and welfare and to prevent inference or disruption of University operations, protests, parades, marches, picketing, demonstration, and other similar campus expression is not permitted on University grounds nor in indoor areas from sunset, as published by the National Oceanic and Atmospheric Administration (noaa.gov), to 8:00 am EST without prior written approval from the President or designee. Requests for such campus expression will be reviewed in a content and viewpoint neutral manner.~~

- ~~e)d) Interference with University operations and rights of others. To ensure that campus expression does not interfere with the operation of the University or rights of others, campus expression is not permitted to:~~
- ~~i) Obstruct vehicular, bicycle, pedestrian, or other traffic;~~
 - ~~ii) Obstruct entrances or exits to buildings, classrooms, offices, facilities, or areas on campus;~~
 - ~~iii) Materially and substantially interfere with or disrupt:
 - ~~(1) Any educational, instructional, research or administrative activities inside or outside any building;~~
 - ~~(2) A scheduled speaker from being heard;~~
 - ~~(3) Scheduled University ceremonies or events; nor~~
 - ~~(4) Normal University operations or activities;~~~~
 - ~~iv) Threaten or harass passersby or engage in activity that is otherwise unprotected by the First Amendment;~~
 - ~~v) Damage property, including lawns and landscaping;~~

- vi) Pose an environmental hazard or health or safety threat to the University, the University community, University organizations, or the general public;
- vii) Utilize sound amplification that will materially and substantially disrupt normal University operations.

~~f~~e) **Material and Substantial Disruption.** If campus expression is, in the opinion of the President or designee, materially and substantially disrupting normal University operations or materially and substantially disrupting exercise of the rights of other members of the University community contrary to the requirements of this and applicable regulations, the President or his/her designee may:

- i) Identify him/herself to the persons participating in the campus expression, giving name and official position;
- ii) Inform the persons participating in the campus expression that they are in violation of University policy and/or in violation of the law and specify the nature of the violation;
- iii) Request that the violation cease (which may include relocation of the activity to avoid the disruption); and
- iv) In the event of non-compliance with this request, enlist the assistance of University and/or local police in restoring order and enforcing the law.

~~g~~f) **Compliance with Applicable Regulations and Laws.** Persons engaging in campus expression must comply with all applicable University rules, regulations, and policies and state and federal law.

- 5) **Law Enforcement Authority.** In the event of a material and substantial disruption, law enforcement personnel may declare campus expression to be disruptive, disorderly, or 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.
- 6) **Employee Disciplinary Action.** Faculty, staff, and all other personnel who intentionally act to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University are subject to appropriate disciplinary action by the University, up to and including termination of employment.
- 7) **Student Disciplinary Action.** Students who intentionally act to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University are subject to appropriate disciplinary action up to and including expulsion in accordance with the Student Code of Conduct.
- 8) **Employees' Protected Right to Engage in Concerted Activities.** This regulation in no way limits or restricts employees' protected rights to self-organization nor employees' rights to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

| *Authority: BOG regulation 1.001, Sections 1013.10, 1012.80, 1006.61, 1004.097 F.S.*
History: New: 7.29.14, Amended 3.15.19, 9.30.24, XX.XX.2025

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