

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

**REGULATION NUMBER AND TITLE:** FPU-1.007 Demonstrations

**SUMMARY OF THE REGULATION:** This regulation is being amended to reflect the provisions of the Campus Free Expression Act. Specifically, the changes to the regulation are:

1. defines campus expression, University grounds, and indoor areas;
2. provides that persons may engage in campus expression on University grounds and indoors areas, however, indoor demonstrations, assemblies, events and other similar functions 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;
3. clarifies that campus expression cannot materially and substantially disrupt or interfere with the operations of the University and rights of others as the Act requires the disruption or interference to be material and substantial;
4. removes a provision requiring persons wanting to demonstrate on University grounds to notify the University at least 2 business days in advance if the demonstration will consists of more than 30 participants or will use sound amplification as this provision violates the freely, spontaneously, and contemporaneously provision of the Act.

**TEXT OF REGULATION:** The full text of the Proposed Regulation can be viewed below and on the Florida Polytechnic University Board of Trustees website, at <http://floridapoly.edu/board-of-trustees/university-policies-and-regulations/>.

If you would like a copy of the Proposed Regulation, please contact Sherri Pavlik Executive Assistant, at (863) 874-8412.

**AUTHORITY:** Board of Governors Regulations 1.001. Sections 1013.10, 1012.80, 1006.61, 1004.097, Florida Statutes

**NAME OF PERSON INITIATING PROPOSED REGULATION:** Regina DeIulio, VP & 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, Executive Assistant at 4700 Research Way, Lakeland, Florida 33805, Email: [spavlik@floridapoly.edu](mailto:spavlik@floridapoly.edu), Phone: (863) 874-8412, Fax: (863) 874-8716.

**DATE OF PUBLICATION:** February 11, 2019

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW:

## THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES

### FPU-1.007 ~~Demonstrations~~ Campus Free Expression

(4)

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) ~~(2)~~ Statement 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.

2)3) **Campus Expression Permitted.** Subject to the limitations of this regulation, University grounds and indoor areas may be used for ~~demonstrations and other exercises of free speech and assembly by the University and University related organizations. However, demonstrations are not permitted inside University buildings~~ 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. ~~Persons engaging in protected speech on University grounds must follow all applicable University regulations and policies and shall be fully responsible for any violation of federal or state law or University regulation.~~

4) ~~(3)~~ Parameters on Campus Expression.

Campus Expression in Indoor Areas. ~~Demonstrations, assemblies, events, and other exercises of free speech and assembly may similar functions wanting to~~ be held ~~on~~ in indoor areas must follow the procedures in University grounds, ~~except:~~

~~—(a) Grounds immediately adjacent to~~ Regulation FPU 1.003 Use of University residential facilities;

~~(b) Buildings, facilities, or areas where such use could impair entrance to or exit from the building, facility or area, or interfere with the activities therein;~~ Facilities and Property and

a) ~~(e)~~ University Libraries.Policy FPU-1.0038 Events on Campus.

~~(4) In no event shall campus buildings, indoor facilities, parking facilities or areas, athletic or recreational facilities, fields~~ Interference with University operations and/or stadiums be used for demonstrations unless specifically permitted in writing by the President or designee.

b) ~~(5) In order rights of others. To ensure that demonstrations and other exercises of free speech and assembly~~ campus expression does not interfere with the operation of the University or rights of others, ~~any person or organization organizing, conducting, leading, or participating in a demonstration, assembly, or activity using University grounds or other facilities shall~~ campus expression is not permitted to:

i) ~~(a)~~ Obstruct vehicular, bicycle, pedestrian, or other traffic;

ii) ~~(b)~~ Obstruct entrances or exits to buildings, classrooms, offices, facilities, or areas on campus;

iii) ~~(c)~~ Interfere Materially and substantially interfere with or disrupt ~~any:~~

(1) Any educational, instructional, research or administrative activities inside or outside any building;

~~(d) Threaten or harass passersby or use fighting words, characterized as those words that by their mere utterance inflict violence or would tend to incite a reasonable person to violence or other breach of the peace;~~

(2) ~~(e)~~ Interfere with or preclude a scheduled speaker from being heard;

(3) ~~(f)~~ Interfere with scheduled Scheduled University ceremonies or events; nor

(4) ~~(g)~~ Interfere with or disrupt normal Normal University operations or activities;

iv) ~~(h)~~ Threaten or harass passersby or engage in activity that is otherwise unprotected by the First Amendment;

iii) ~~v)~~ Damage property, including lawns and landscaping;

iv) ~~vi)~~ (i) Pose an environmental hazard or health or safety threat to the University, the University community, University organizations, or the general public;

~~v) vii) (j)~~ Utilize sound amplification, ~~including bullhorns, except as approved in advance in writing by the President or designee and within sound limits~~ that will ~~not~~ materially and substantially disrupt normal University operations.

c) ~~(6)~~ Material and Substantial Disruption. If a ~~demonstration~~ campus expression is, in the opinion of the President or ~~his/her designated representative, designee, materially and substantially~~ disrupting normal University operations or ~~infringing on~~ 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) ~~(a)~~ Identify him/herself to the ~~demonstrators~~ persons participating in the campus expression, giving name and official position;
- ii) ~~(b)~~ Inform the ~~demonstrators~~ 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) ~~(c)~~ Request that the violation cease (which ~~could~~ may include relocation of the activity to avoid the disruption); and
- iv) ~~(d)~~ 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.

d) ~~(7)~~ 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.

**Law Enforcement Authority.** In the event of a material and substantial disruption, law enforcement personnel ~~has the authority to:~~

- ~~3) 5)~~ ~~(a)~~ Declare a demonstration or assembly ~~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;
- ~~(b)~~ Arrest any participants observed to be in violation of the law; and
- ~~(c)~~ Enlist the assistance of other law enforcement agencies, if necessary.

~~(8)~~

~~4) 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 ~~shall be~~ are subject to appropriate disciplinary action by the University, up to and including termination of employment.

~~5) 7)~~ ~~(9)~~ **Student Disciplinary Action.** Students who intentionally act to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University ~~shall be~~ are subject

to appropriate disciplinary action ~~by~~ in accordance with the ~~University, up to and including~~ Student Code of two (2) ~~years~~ Conduct.

~~(10) In order to coordinate University events and other activities taking place on University grounds, with due consideration for the health and safety of all individuals, any person or organization who intends to demonstrate on University grounds must notify the Office of Student Affairs in writing at least two (2) business days in advance if:~~

- ~~(a) Demonstration event shall involve a group consisting of more than 30 participants; or~~
- ~~(b) Sound amplification shall be used.~~

~~6)8~~ (11) **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*