

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

REGULATION NUMBER AND TITLE: FPU-1.007 Demonstrations.

SUMMARY OF THE REGULATION: 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.”

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://floridapolytechnic.org/board-of-trustees/university-policies-and-regulations/>.

If you would like a copy of the Proposed Regulation, please contact Bacogie Luke, Administrative Assistant to the VP and General Counsel at (863)583-9061.

AUTHORITY: Board of Governors Regulations 1.001(7)(g); Florida Statutes, Sections 1006.61, 1012.80, 1013.10.

NAME OF PERSON INITIATING PROPOSED REGULATION: Gina DeIulio, VP and 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: Bacogie Luke, Administrative Assistant to the VP and General Counsel at 439 South Florida Avenue, Suite 300, Lakeland, Florida 33810, Email: bluke@floridapolytechnic.org, Phone: (863)583-9061, Fax: (863)583-9070.

DATE OF PUBLICATION: 6-28- 2014

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW:

FPU-1.007 Demonstrations

(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) Statement of Regulation. Subject to the limitations of this regulation, University grounds 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. 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.

(3) Demonstrations and other exercises of free speech and assembly may be held on University grounds, except:

- (a) Grounds immediately adjacent to 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; and
- (c) University Libraries.

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

(5) In order that demonstrations and other exercises of free speech and assembly 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 not:

- (a) Obstruct vehicular, bicycle, pedestrian, or other traffic;
- (b) Obstruct entrances or exits to buildings, classrooms, offices, facilities, or areas on campus;
- (c) Interfere with or disrupt 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;
- (e) Interfere with or preclude a scheduled speaker from being heard;
- (f) Interfere with scheduled University ceremonies or events;
- (g) Interfere with or disrupt normal University operations or activities;

- (h) Damage property, including lawns and landscaping;
- (i) Pose an environmental hazard or health or safety threat to the University, the University community, University organizations, or the general public;
- (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 disrupt normal University operations.

(6) If a demonstration is, in the opinion of the President or his/her designated representative, disrupting normal University operations or infringing on 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:

- (a) Identify him/herself to the demonstrators, giving name and official position;
- (b) Inform the demonstrators that they are in violation of University policy and/or in violation of the law and specify the nature of the violation;
- (c) Request that the violation cease (which could include relocation of the activity to avoid the disruption); and
- (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.

(7) In the event of a disruption, law enforcement personnel has the authority to:

- (a) Declare a demonstration or assembly 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) 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 subject to appropriate disciplinary action by the University, up to and including termination of employment.

(9) Students who intentionally act to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University shall be subject to appropriate disciplinary action by the University, up to and including immediate expulsion from the University for a minimum of two (2) years.

(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.

(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, F.S.

History: New: _____