



REGULATION: FGCU-PR9.004

Public Expression and Assembly

*Effective
Date of
Regulation:*

04/21/09

(1) The freedom of speech and assembly guaranteed by the Constitutions of the United States and the State of Florida shall be enjoyed by all members of the University community. 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 end, this regulation provides some time, place and manner parameters on campus expression.

(2) Persons engaged in speech occurring in public spaces that requires no University support or services are not required to coordinate the activity with Campus Reservations but must follow all University Policies and Regulations. An event that requires use of University resources including but not limited to sound amplification, reservable spaces, and security must go through the normal scheduling and coordination process provided by Campus Reservations. Demonstrations may be held anywhere on 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 may be held inside University buildings.

(3) Responsibility: Each speaker or group shall be fully responsible for any violation of federal or state law or University regulation committed by them.

(4) Suspension or Termination of Activities: Like all activities, public expression activities may also be scheduled in reservable spaces, subject to their availability. Public expression activities (to include postings) can be suspended, terminated or removed by the Vice President of Student Affairs or designee when, after consultation with Campus Police it is determined that the activity is disrupting the University's normal operations, is causing harm to University property or infringing on the safety or rights of others. The following occurrences may result in the suspension or termination of a public expression activity:

(a) Intentional obstruction of ingress to or egress from any office, classroom, building, facility or area on campus;

(b) Disruption of other ongoing, authorized University functions or operations through excessive sound, noise or other means;

(c) A speaker's advocacy of the use of violence towards any Individual or of the violent overthrow of the government (local, state or federal);

(d) Damage, destruction, seizure or subversion of the University's buildings or other property;

(e) Interference with the University's regularly scheduled classes or other educational functions;

(f) Physical harm, coercion, intimidation or other invasion of the lawful rights of any other person, including University students, faculty or staff members or officials;

(g) Acts which constitute a crime;

(5) Appeal Process: The suspension or cancellation of a public expression activity to include solicitation may be appealed to the President or designee. The President or designee shall render a decision within a reasonable time not to exceed five (5) University working days after receiving the appeal. The written decision of the President or designee shall be hand-delivered, mailed certified return receipt or faxed to the individual or organization that filed the appeal. The decision of the President or designee shall be final and binding.

(6) Sound Amplification Equipment: The University reserves the right to impose reasonable time, place and manner restrictions on the use of sound equipment, such as the degree of amplification.

(7) Suspension or Termination Procedure. If an activity is or becomes disruptive, the Vice President of Student Affairs or designee shall utilize the following procedure. The Campus Police has the authority to act independently if the Vice President of Student Affairs or designee is not present :

(a) Identify himself/herself to the participants, giving name and official position;

(b) Inform participants that they are in violation of the law and/or this regulation and specify the nature of the violation;

(c) Request that the violation cease;

(d) In the event of non-compliance with the request, enlist the assistance of the University Police in terminating the activity, restoring order and enforcing the law. The University Police have the authority to:

1. Declare an assembly to be in violation of the law and this regulation 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;

2. Arrest participants observed to be violating the law; and

3. Enlist the assistance of outside law enforcement agencies, if necessary.

(8) All prior University policies or directives concerning public expression are superseded by this regulation.

Specific Authority:

§§1001.74, 1006.60, F.S.

Law Implemented:

§§870.01-04, 1004.74, F.S.

History of Rule:

New 8/2/98

History of Regulation:

Renumbered 1/15/08, Amended 4/21/09

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