



REGULATION: FGCU-PR9.004

Effective
Date of
Regulation:

Freedom of Speech and Assembly

8/2/98

(1) General: The freedoms of speech and assembly guaranteed by the Constitutions of the United States and the State of Florida shall be enjoyed by all students, faculty and staff of Florida Gulf Coast University so long as the exercise of these freedoms does not interfere with the operation of the University or the rights of others. The on campus exercise of public expression and assembly by students, faculty and/or staff shall be in accordance with the guidelines set forth herein.

(2) Responsibility: Each speaker or group shall be fully responsible for any violation of Federal or State law or University regulation committed by them.

(3) Outside Speakers: The issuance of invitations to outside speakers by members of the University community is encouraged. However, only those requests sought by University-recognized or registered student groups, faculty or staff groups or authorized University committees will be considered for scheduling in University facilities. (See section (4) of this rule for the approval and scheduling procedure).

(4) Approval for Outside Speakers and/or Assembly and Public Expression: With the exception of guest lecturers in a scheduled class, all individuals or groups seeking to host an outside speaker or hold a scheduled assembly must obtain approval for such activity from the Office of the Dean of Student Services (for students) or from the Facilities Coordinating Committee (for all others). Such a request must contain the following:

- (a) Name, address, and telephone number of the person(s) filing the notice;
- (b) Name, address, and telephone number of the person(s) to be contacted;
- (c) Date, time, duration and location place of proposed activity;
- (d) Name of speaker and topic, or purpose of the activity;
- (e) Type of audio-amplification to be used, if any; and
- (f) Estimated number of participants.

(5) Denial of Permission to Hold Activity: Free speech activities can be scheduled in any of the University's designated public speech areas, subject to their availability. Permission to hold free speech activities can be denied, or in the case of an approved activity, canceled by the Office of the Dean of Student Services when, after consultation with the Campus Police and Safety Department, there is a substantial likelihood that the activity will result in disruption of the University's normal operations, imminent harm to the property and safety of others, including that of the University; or infringe the rights of others. The following occurrences will result in cancellation 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 University functions or operations through excessive sound, noise or other means;

(c) A speaker's advocacy of use of violence towards any individual or of the violent overthrow of the government of the United States, the State of Florida or any political subdivision;

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

(e) Intentional interference with the University's regularly scheduled classes or other educational functions:

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

(g) Other acts which constitute a crime.

(6) Appeals Process: The denial or cancellation of a scheduled activity may be appealed to the President. The "Use of University Facilities Decision Appeal Form" FCC #004 (9/97), which is incorporated by reference, should be obtained from the Facilities Coordinator, completed and returned to the Facilities Coordinator. The President 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 shall be hand-carried or faxed to the individual or organization that filed the appeal. The decision of the President shall be final and binding.

(7) Sound Amplification Equipment: Permission to use sound amplification equipment for assemblies or free speech activities in designated areas on campus must be secured from the Dean of Student Services Office, or Facilities Coordinating

Committee, as appropriate. 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.

(8) Non-interference with University Operation: In order that outside speakers, assemblies and public expression activities not interfere with the operation of the University or the rights of others, participants in these activities shall not, for example:

- (a) Obstruct vehicular, bicycle, pedestrian or other traffic in and around the University;
- (b) Obstruct ingress or egress to buildings, facilities or roadways;
- (c) Interfere with educational activities inside or outside any building or facility;
- (d) Harass passersby or otherwise interrupt, interfere with or disrupt normal University ceremonies, events or speakers;
- (e) Damage or injure University property or equipment; or
- (f) Prejudice the safety of persons or property.

(9) Disrupting School Activities: Pursuant to Sections 231.07 and 877.13, F.S., it is unlawful for any person to knowingly disrupt or interfere with the lawful administration of functions of any educational institution or activity on University property. Further it is unlawful for any person to advise, counsel, or instruct any University student or employee to disrupt the University or an activity on University Property. It is unlawful to knowingly interfere with the attendance of any student or employee to a University function. Finally, it is unlawful to conspire to riot or to engage in any disturbance which interferes with the educational process or orderly conduct of the University. In doing so, the person shall be guilty of a misdemeanor of the second degree and punished accordingly.

If an activity is or becomes disruptive, the Dean of Student Services or a designated representative shall:

- (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 rule 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 rule 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.

Specific Authority

240.227(1), 240.261, F.S.

Law Implemented

240.132, 870.01-04, F.S.

History

New 8/2/98