

**THE UNIVERSITY OF WEST FLORIDA  
NOTICE OF PROPOSED REGULATION AMENDMENT and  
PROPOSED REGULATION REPEAL**

**REGULATION TITLES:**

UWF/REG - 3.013 *Pamphlets and Petitions* and  
UWF/REG - 3.014 *Freedoms of Speech and Assembly*

**PURPOSE AND EFFECT:** Currently there are two University Regulations (3.013 and 3.014) and two University Policies (SA- 01.00-06/-1 and SA-1.02-06/01) that cumulatively address the issues of public expression, assembly, and distribution of written materials. Neither of the regulations has been updated since 1987. The goal of this revision was to combine the materials into UWF/REG 3.014 and to improve clarity and address the most recent issues in case law related to these topics.

**SUMMARY OF AMENDMENT/REPEAL:** The updates to UWF/REG 3.014 define types of forum related to public expression, identify UWF's newly designated public forum site, apply the most current case law standards related to protected speech and expression, and provide guidance related to outside speakers and petitions.

**AUTHORITY:** Board of Governors Regulation 1.001(3)(6), and (8).

**THE PERSON TO BE CONTACTED REGARDING THE REGULATION IS:** Anita Schonberger, Associate General Counsel at [aschonberger@uwf.edu](mailto:aschonberger@uwf.edu), 474-3420 (tel), 850-857-6058 (fax), or 11000 University Parkway, Pensacola, Florida 32514. Any comments regarding the proposed regulation amendment must be sent in writing to the contact person on or before Friday, August 30, 2013.

**NAME OF PERSON ORIGINATING PROPOSED REGULATION:**

Dr. Kevin Bailey, Vice President, Student Affairs

**THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE IS: August 15, 2013. THE DATE THIS NOTICE WAS PUBLISHED IN “@UWF”: August 15, 2013.**

**THE FULL TEXT OF THE PROPOSED REGULATION AMENDMENT AND THE PROPOSED REPEAL IS BELOW.**

## **University of West Florida Regulations UWF/REG-3.013 Pamphlets and Petitions.**

Written materials may be distributed free of charge by University students on the campus, either individually or as officials of registered student organizations, pursuant to the following regulations:

- (1) Materials distributed must identify the author or publisher.
- (2) Distributors must register the distribution and a specimen copy of the material with the Office of Student Activities.
- (3) Distributors may not in any way interfere with the orderly process of the University. They shall not, for example:
  - (a) Obstruct vehicular, bicycle, pedestrian or other traffic;
  - (b) Obstruct entrances or exits to buildings or driveways;
  - (c) Interfere with educational activities, inside or outside any building;
  - (d) Harass passersby or otherwise disrupt normal activities;
  - (e) Interfere with or preclude a scheduled speaker from being heard;
  - (f) Interfere with scheduled University ceremonies or events;
  - (g) Damage property, including lawns, shrubs, or trees.
- (4) Materials must not be left unattended and must be removed when distribution terminates.
- (5) This rule does not apply to official printed materials of the University.

*Specific Authority 240.227(1) FS., BOR Rule 6C 6.012, F.A.C. Law Implemented 240.227(1) FS. History New 10-1-75, Formerly 6C6-3.13, Amended 5-31-87. Converted to UWF/REG 3.013-7/21/05*

## **University of West Florida Regulations UWF/REG-3.014 Freedom of Speech and Assembly-Public Expression, Assembly, and Distribution of Written Materials at The University of West Florida**

(I): Traditional functions of the academic environment necessitate appropriate guidelines that ensure the mission of the institution is honored. The uses of University of West Florida property for public expression by members of the University community and the public are governed by the United States and Florida constitutions, case law interpreting those constitutions, and this regulation. There are four types of forums for the purpose of an analysis of governmental property for public expression uses, they are:

- (a): Traditional Public Forum- a public area, like a street, and park; a place that has always been used for assembly and communication of thoughts between citizens and for discussion of public questions. Publicly owned or operated property does not become a public forum simply because members of the public are permitted to come and go at will. The University does not contain any traditional public forum areas

- (b)- Designated Forum- government property that is not a public forum, but that has been intentionally opened up for public discourse. Where the University, by policy or practice, hasve opened up the facilities for indiscriminate use by the general public. Example: the designated forum at UWF.
- (c)- Limited Forum-government property the use of which is limited by the government to certain groups or dedicated for certain purposes. Any use of these areas is limited, must be scheduled and is governed by applicable policies and procedures. Examples: cafeteria, library, performing arts center, and sports stadiums and fields.
- (d)- Non-Public Forum-Areas which are not open for public speech. Examples: individual staff or faculty offices, residence hall rooms, and classrooms.

(II)- Designated Public Forum – In the interest of facilitating a “marketplace of ideas,” designed to provide opportunities for public debate and discourse while at the same time minimizing disruption to the campuses core functions, the University has designated an area for public expression (designated public forum). The lawn immediately west of the Pace Library is designated as the University’s Public Forum. The Designated Public Forum is also open to all individuals seeking to express their opinions without prior registration or approval. In the event that a University-sponsored or sanctioned activity is scheduled to take place in the Designated Public Forum, alternative space will be made available to interested parties. The use of the Designated Public Forum is limited to regular university operating hours (Monday – Friday, 8:00 a.m. – 5:00 p.m.).

(III) The freedoms of speech and assembly guaranteed by the United States and Florida Constitutions shall be enjoyed by students and faculties of The University of West Florida as respects the opportunity to exercise public expression and assembly. The on-campus exercise of public expression and assembly on the UWF campus by students, and faculty, staff, guests and members of the public shall be in accordance with the guidelines set forth herein:

Responsibility— Each speaker shall be fully responsible for any violation of Federal and State law or University regulation committed by him.

- (a) a.-Scheduled Assembly and Public Expression— Assemblies in all Areas areas on the campus, except for the assembly area designated as the “Designated Public Forum,” on the campus map must be scheduled and approved according to the policies set forth in the locations/buildings/facilities in which they are to be held.

- (a) —for organized assemblies and public expression in the Office of Student Activities.

~~(b)~~ b. Unscheduled Assemblies – The lawn immediately west of the Pace Library (UWF’s Designated Public Forum) is established as the only campus location for unscheduled public assemblies.

~~(c)e.~~ Permission for Use of Amplified Sound Equipment—Permission for the use of sound equipment for assemblies anywhere on campus must be secured from the Office of Student Activities. The use of sound equipment amplified sound and degree of amplification for scheduled activities must be reasonable and must not interfere with the normal processes or of activities of the university University. Permission for amplification of sound must be obtained prior to use from Conference Services in the University Commons. This applies to all scheduled and unscheduled activities.

~~(1) —(Unscheduled Assembly and Public Expression—The assembly area designated on the campus map is established as the only campus location for unscheduled and unorganized public expression. However, all outdoor areas on the campus which are not committed to a specific use or assigned for use to a specific University agency are available to be used for informal, unscheduled, and unamplified expressions of opinion by individual members of the faculty and student body participating as individuals without prior registration or approval, provided other applicable University regulations shall be observed.~~

~~-d)-~~ Time Restrictions – The use of approved facilities/space will be governed by the regulations applicable to the particular venue.

~~(e)e.~~ Noninterference with University Operations - In order that assemblies and exercise of public expression, whether scheduled and-or -unscheduled, not interfere with the normal operations of the University or the rights of others, they shall not, for example:

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

~~(ii)~~ Interfere with University oOperation inside or outside buildings;

~~(iii)~~

Obstruct entrances or exits to buildings, parking lots or drivewaysroadways;

~~(iv)~~ Interfere with University operation inside or outside any buildings;

Harass passersby or otherwise disrupt normal activities;

Interfere with or preclude a-scheduledanother speaker from being heard;

~~(v)~~ Interfere with other-classes, scheduled University ceremonies or-events or other assemblies;

~~(vi)~~ Damage University property, including lawns, shrubs, or trees; or

~~(vii)~~ Prejudice-Endanger the safety of person or property.

~~(f)~~ The following types of speech are generally not protected by the first amendment as free speech, and therefore will not be provided with protection by the ed-in-a-University-venue:

(i) Incitements (provocation to engage in immediate violence or harm)

- (ii) Fighting words (confrontational words or threats that provoke immediate violence)
- (iii) True threats-where speaker intends to communicate a serious expression of intent to commit an act of unlawful violence
- (iv) Defamation (falsehoods that harm a person's reputation)
- (v) Obscenity (appeals to carnal interests that are clearly offensive and without redeeming social value)
- (vi) Commercial speech or advertising that is false or misleading
- (vii) Speech by public employees related to their employment or related to matters not of public concern as a citizen

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(IV): Outside Speakers -- University departments, recognized or registered student organizations, and other recognized or registered university organizations are authorized to invite outside speakers to the campus. The issuance of invitations to outside speakers shall be done in accordance with the following procedures:

- (a)- Student organizations inviting outside speakers must submit a completed Event Registration Form to Conference Services in the University Commons (Building 22) at the time a facility reservation is made for the purpose of hosting an outside speaker. The Event Registration Form requires the signature of the organizational president and advisor. If, in the judgment of the Director of the University Commons and Student Involvement, the event presents a clear and present danger to the University's orderly operation, approval to invite the speaker must be granted by the applicable Assistant or Associate Vice President of Student Affairs in accordance with established policy.
- (b)- University departments or recognized staff organizations inviting outside speakers must obtain approval from the appropriate Dean or Associate/Assistant Vice President.
- (c)- The sponsoring organization/department must assume the direct costs of any security or other special services for the event. The organization/department will be notified of these costs before the event is held.
  - (i)- In determining the event's security needs, the University will consider the following:
    1. The estimated crowd size
    2. The presence of guests that are not members of the University community
    3. The presence/availability of alcoholic beverages in accordance with applicable State laws and University regulations and policies
  - (ii)- If it is determined that security is necessary for the event using the criteria listed above, the sponsoring organization/department will be responsible for the cost of security for the event as determined by University Police but not to exceed

overtime costs for two campus police officers. - The University will assume responsibility for the cost of any security costs beyond two these two campus police officers.

(d): If the request to host an outside speaker is denied, the sponsoring organization or department may submit a written appeal to the applicable Vice President. The Vice President or designee will review the appeal within five business days and will issue a final decision.

(e): Part IV of this regulation is not applicable to:

(i): Invitations for outside speakers issued by individual faculty members as guest speakers for scheduled classes; or

(ii): Invitations issued by University administrative offices designated by the President.

(V): Pamphlets, Petitions and Distribution of Written Material -- Written materials may be distributed on campus by individuals or registered or recognized University departments or organizations, pursuant to the following regulations:

i.(a) Distributors/Petitioners are subject to the Student Code of Conduct, applicable University regulations and policies, and local, State and Federal laws

(b)ii. Petitions must identify the name and address of the organization sponsoring the petition drive

(c)iii. Distribution of materials may not take place within any University buildings, with the exception of the specifically designated hallway areas in the University Commons

(d)iv. Distributors/petitioners may not in any way interfere with the orderly processes of the University, as set forth in parts III.e and f of this regulation.

(e)v. Printed materials or petitions may not be left unattended, and must be removed when the distribution period ends.

*Specific Authority 240.227 (1) FS., BOR Rule 6C 6.012, F.A.C. Law Implemented 240.227 (1) FS-BOG Regulation 1.001(7). History-New 10-1-75, Formerly 6C6-3.14, Amended 5-31-87. History – Formerly FAC Rule 6C6-3.014 amended 5/31/87. Converted to UWF/REG 3.014-7/21/05. Amended \_\_\_\_\_.*