

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

REGULATION TITLE: UWF/REG-3.014 Public Expression, Assembly, and Distribution of Written Materials at the University of West Florida.

SUMMARY: This regulation is being moved from Chapter 3, which contains regulations pertaining to students, to Chapter 5, which contains miscellaneous regulations. The reason for this is that this regulation pertains to more than just students. It pertains to employees, guests of the university and members of the public. The new regulation number will be UWF/REG 5.050.

The location of the Designated Public Forum is currently very close to the entry of the Pace Library. Library patrons have stated that they can hear the speakers in the Designated Forum while trying to study. The location of the Designated Public Forum, therefore is being moved back from the entrance of the Pace Library and far enough from the Library so that speakers in the Designated Public Forum cannot be heard by library patrons. The new location will be marked with signs indicating that it is the Designated Public Forum. Other changes include clarification of language, and removal of unnecessary language. The department approving sound amplification was changed from Conferences Services in the University Commons to the Department of Environmental Health and Safety Department.

AUTHORITY: BOG Regulations 1.001(3), (7), and (8)

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT: President Martha Saunders

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION: :
Anita Schonberger, Deputy General Counsel, aschonberger@uwf.edu, Phone (850) 474-3420; FAX (850) 474-2203; Bld. 10/Rm 104; 11000 University Parkway; Pensacola, FL 32514-5750.
Any comments regarding the proposed regulation amendment must be sent in writing to the contact person on or before May 26, 2017 to receive full consideration.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE: May 10, 2017; revised May 24, 2017

THE DATE THIS NOTICE WAS PUBLISHED IN @UWF: May 11, 2017.

THE FULL TEXT OF THE PROPOSED AMENDMENT TO THIS REGULATION IS SET FORTH BELOW:

University of West Florida Regulations

UWF/REG-~~3.014~~ 5.050 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, including but not limited to free speech, by faculty, students, staff, and the public are governed and protected 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 use 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 a public ~~the~~ University by policy or practice ~~has~~ has opened up the facilities for indiscriminate use expression by the general public. Example: the ~~D~~designated Public Fforum at UWF.
 - c. Limited Forum-government property the use of which is limited by the government to certain groups (such as students and employees) or is dedicated for certain purposes (such as a sports field). 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 campus’es core functions, the University has designated an area for public expression ~~(designated public forum)~~. The area northlawn immediately west of the Pace Library in between the parallel service roads, at GPS coordinates 30°33'03.68" N, 87°13'02.56" WX and Y, ~~is~~ designated as the University’s Designated Public Forum and is marked as such. The Designated Public Forum is open to all individuals seeking to express their opinions without prior registration or approval (except where amplified sound is to be used). This is the only location on campus for non-sponsored public speakers. 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 exercise of public expression and assembly on the UWF campus by students, faculty, staff, guests and members of the public, regardless of the location, shall be in accordance with the guidelines set forth herein:

- a. Scheduled Assemblies – Assemblies in all areas on the campus, except for the area designated as the “Designated Public Forum,” must be scheduled and approved according to the policies set forth in the locations/buildings/facilities in which they are to be held.
- b. ~~Unscheduled Assemblies – All unscheduled assemblies must be held in UWF’s Designated Public Forum. 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. Permission for Use of Amplified Sound – The use of amplified sound and the degree of amplification must be reasonable and must not interfere with the normal processes or activities of the University. Written p-Permission for amplification of sound must be obtained prior to use from the Department of Environmental Health and Safety, Conference Services in the University Commons. -This applies to all scheduled and unscheduled activities.
- d. Time Restrictions – The use of approved facilities/space will be governed by the regulations applicable to the particular venue.
- e. Non-interference with University Operations -- In order that assemblies and exercises of public expression, whether scheduled 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 traffic
 - ii. Interfere with University Operation inside or outside buildings
 - iii. Obstruct entrances or exits to buildings, parking lots or roadways
 - iv. Interfere with or preclude another speaker from being heard
 - v. Interfere with other classes, scheduled events or other assemblies
 - vi. Damage University property, including lawns, shrubs or trees; or
 - vii. Endanger the safety of person or property

IV. Outside Speakers -- Faculty, University departments, recognized or registered student organizations, and other recognized or registered university organizations are authorized to invite outside speakers to the campus as set forth below.

- a. Individual faculty members may issue invitations to outside speakers as guest speakers for scheduled classes.
- b. University departments or organizations, recognized or registered student organizations, and recognized or registered faculty or staff organizations may issue invitations to outside speakers in accordance with the following procedures:

- i. 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.
- ii. 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.
 - 1. In determining the event's security needs, the University will consider the following:
 - a. The estimated crowd size
 - b. The presence of guests that are not members of the University community
 - c. The presence/availability of alcoholic beverages in accordance with applicable State laws and University regulations and policies
 - 2. 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 those two campus police officers.

- V. Pamphlets, Petitions and Distribution of Written Material -- Written materials may be distributed on campus by individuals or registered or recognized student, faculty, and staff organizations, pursuant to the following regulations:
 - i. Distributors/Petitioners are subject to applicable University regulations and policies, and local, State and Federal laws
 - ii. Petitions must identify the name and address of the organization sponsoring the petition drive
 - iii. Student distribution of written materials such as pamphlets and petitions may not take place within any University buildings, with the exception of the specifically designated hallway areas in the University Commons

- iv. Distributors/petitioners may not in any way interfere with the orderly processes of the University, as set forth in parts III.e of this regulation.
- v. Printed materials or petitions may not be left unattended, and must be removed when the distribution period ends.
- vi. Part V of this regulation shall not be construed to limit the normal communications between students, faculty, staff, and their respective organizations, including certified collective bargaining groups, except as narrowly described above.

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 6C6-3.14, 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 12/16/2013,_____.