



Regulations

Number: UWF/REG – 5.050
Title: Speech, Assembly and Public Expression in Outdoor Areas on Campus

I. Freedom of Speech, Assembly and Public Expression

The freedoms of speech, peaceful assembly, and expression are basic and essential freedoms that the University strives to protect. Reasonable time, place, and manner restrictions will be enforced so that the activities do not materially and substantially disrupt the orderly functioning of the University, infringe upon or interfere with the academic programs and administrative processes of the University, or upon the rights of other individuals or organizations to engage in expressive activities. Enforcement will be content neutral.

II. Definitions

For purposes of this regulation, the following definitions shall apply:

- a. **Commercial Speech.** Commercial speech means speech in which the individual is engaged in commerce, the intended audience is commercial or actual or potential consumers, and the content of the message is commercial.
- b. **Expressive Activities.** Expressive activities are activities such as assemblies, exercise of free speech, protests, demonstrations, marches, and picketing protected under the First Amendment to the United States Constitution and Article 1 of the Florida Constitution. Expressive activity, for purposes of this regulation, does not include commercial speech.
- c. **Outdoor areas of campus.** Outdoor areas of campus are generally accessible areas of the University's Pensacola campus in which members of the campus community are commonly allowed, including grassy areas, walkways, or other similar common areas. The term does not include outdoor areas of campus to which access is restricted. Outdoor areas of campus specifically do not include any buildings or other indoor facilities. Restricted areas. Restricted areas include areas designated by the President or designee(s) either temporarily or permanently as restricted, parking facilities/areas, athletic or recreational facilities, fields and stadiums unless written permission is granted by the

University.

- d. University Community. The University Community consists of the University of West Florida faculty, staff, all other personnel and students.
- e. University Organization(s). University Organization(s) are recognized University organizations, faculty, staff and all other personnel organizations and registered University student organizations. This definition excludes individuals, groups, and/or organizations sponsored by or affiliated with University Organization(s).

III. Orderly Conduct, Processes and Functions of University

Faculty, staff, all other personnel and 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 University authorities.

IV. Speech, Assembly and Public Expression

Subject to the terms of this regulation and related University regulations, expressive activities are permitted in outdoor areas of campus so long as the conduct is lawful and does not materially and substantially disrupt the normal operations and functions of the University or infringe on the rights of other members of the University community, except that no demonstrations are permitted inside University buildings without the express written authorization from the University. Any use of amplification equipment on the outdoor areas of campus must have prior written clearance through the Department of Environmental Health and Safety and will be permitted only if there is no interference or disruption of any academic or other University activities. Use of outdoor areas must also be consonant with all other University regulations and policies including, but not limited to the regulations and policies governing commercial speech and activity, distribution of written materials, and use of facilities.

V. Prohibited Interference

All persons and organizations conducting expressive activities in outdoor areas of campus must abide by the general requirement that no such activities may materially or substantially interfere with, disrupt, or impede the normal operations of the University. In order that demonstrators not materially and substantially interfere with the operation of the University or the rights of others, all events conducted pursuant to this regulation shall not: obstruct vehicular, bicycle, pedestrian, or other traffic;

- (a) obstruct entrances or exits to buildings or driveways;
- (b) interfere with educational activities inside or outside any building;
- (c) pose a health or safety threat to the University, the University Community, University Organizations, or the general public;
- (f) interfere with or preclude a scheduled speaker from being heard;

- (g) use fighting words to inflict violence or incite a reasonable person to violence or other breach of the peace by their mere utterance;
- (h) damage property of the University, including lawns, shrubs, or trees;
- (i) use sound amplification, including bullhorns, except as approved in advance in writing as set forth in this regulation and within sound limits that will not disrupt normal University operations;
- (j) harass passersby or otherwise disrupt normal activities;
- (k) interfere with scheduled University ceremonies or events.

VI. Duty to Identify for Disruptive Action or Conduct

In the event of disruptive action or conduct, University employees and students involved in demonstrations shall identify themselves by presenting appropriate documents such as ID cards when requested to do so by the President or designee(s), and such representative will identify her/himself when making this request. Demonstrators not officially related to the University of West Florida will be directed to leave the campus immediately or be subject to arrest for a violation of the law forbidding the disruption or interference with the administration or functions of an educational institution.

VII. Disruption of Normal University Operations, Infringement on Rights of Others

If, in the opinion of the President or designee(s), a demonstration is disrupting normal University operations or infringing on the expressive rights of other members of the University community, the President or designee(s) may:

- (a) identify her/himself to the demonstrators, giving name and official position;
- (b) inform the demonstrators that they are in violation of the University regulation/policy and/or in violation of the law and specify the nature of the violation;
- (c) request that the violation cease; and
- (d) in the event of non-compliance with this request, enlist the assistance of the University Police in restoring order and enforcing the law.

VIII. University Police

The University Police, as the President's designated representatives, have a responsibility to: declare an expressive activity to be in violation of law and request all demonstrators to cease and desist and to disperse and clear the area or be subject to arrest and/or University disciplinary action;

- (a) arrest any demonstrators observed to be in violation of the law; and
- (b) enlist the assistance of outside law enforcement agencies, or other agencies, if necessary.

Nothing contained in this regulation is intended to limit or restrict the authority of the

University of West Florida Police Department or other law enforcement personnel under applicable laws or University regulations, policies and procedures.

IX. Notice to University and Request for Use of Amplification Equipment

Although it is not necessary for a person to obtain prior permission from the University for expressive activities, it is strongly encouraged that such persons contact the University Commons and Event Services office for scheduling purposes at least two (2) business days in advance in order to make adequate arrangements for safety and security and to assure such activities do not interfere with the University's mission and operations. The University Commons and Event Services office may be contacted at the University of West Florida, 11000 University Parkway, Building 22, Pensacola, Florida 32514; 1.850.474.2406, 1.850.857.6117 or servicedesk@uwf.edu

Request for permission to use amplification equipment may be submitted in writing to the University of West Florida, Department of Environmental Health and Safety, 11000 University Parkway, Building 95, Pensacola, Florida 32514-5750, 1.850.474.2525, facsimile 1.850.857.6425 or envhs@uwf.edu at least two (2) business days in advance.

Any person or organization that is denied permission for a proposed use of amplification may appeal such denial in writing to the Provost or his/her designee within two (2) business days after receipt of a written denial from the Department of Environmental Health and Safety.

Nothing herein shall be interpreted as limiting the right of expressive activity so long as the expressive activities do not violate any content neutral law, regulation, policy or other restrictions designated in this regulation.

X. Exclusions

This regulation does not govern commercial speech and the handing out of pamphlets or other printed material at the University. Commercial speech and distribution of written materials at the University of West Florida is governed by the regulations, policies and rules addressing those respective topics. Use of University buildings and facilities are governed by UWF Regulation 2.005, not this regulation.

Specific Authority: Florida Statutes §§ 877.13, 1001.706, 1004.097, 1006.61.

History: *New 10-1-75, Formerly FAC Rule 6 C6-3.014, Amended 5-31-87; Converted to UWF/REG 3.014-7/21/05, Amended 12/16/2013; Amended and converted to UWF/REG 5.050 7/27/2017; 10/12/2018.*