



## **FGCU REGULATION 9.004**

*Effective Date  
of Regulation*

### **Public Expression and Assembly**

*June 13, 2023*

#### **A. GENERAL STATEMENT**

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 ensuring the safe and normal operations of campus life and education. To that end, this Regulation describes the parameters for use of the University premises for public expression and some time, place, and manner parameters on campus expression.

#### **B. APPLICABILITY**

This Regulation applies to all members of the University community, invitees, as well as persons from the general public.

#### **C. PUBLIC EXPRESSION**

1. Public expression activities may be conducted on any unreserved public area of the University premises.
2. Persons engaged in protected speech occurring in public spaces must follow all applicable University Policies and Regulations.
3. Public expression activities may also be scheduled in reservable spaces, subject to availability.
4. A public expression activity that requires use of University resources, including, but not limited to, University-owned sound amplification equipment, reservable spaces, and security must comply with the University facility use regulations.
5. Public expression activities must not disrupt the rights of members of the University community or members of the public who are on the University premises.
6. No public expression activities may be held inside University buildings.
7. Each speaker or group shall be fully responsible for any violation of federal or state law or University regulation committed by them.

#### **D. SOUND AMPLIFICATION EQUIPMENT**

1. Public expression activities which include the use of personal sound amplification

equipment may be conducted only at the Veteran's Pavilion weekdays between the hours of 7:00 a.m. and 6:00 p.m. Public expression activities may use sound amplification equipment in the outdoor areas of campus on weekdays between 6:00 p.m. and 11:00 p.m. and Saturdays and Sundays from 7:00 a.m. to 11:00 p.m. and so long as the use is at least 100 feet away from buildings and does not interfere with a scheduled event or the normal operations of the University. The use of sound amplification equipment is controlled under guidelines available from the Office of Campus Reservations.

## **E. SUSPENSION OR TERMINATION OF ACTIVITIES**

Public expression activities (including Postings) can be suspended, terminated, or removed by the Vice President for Administrative Services and Finance or designee when, after consultation with University 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:

1. Intentional obstruction of ingress to or egress from any office, classroom, building, facility, or area on campus;
2. Disruption of other ongoing, scheduled University functions or operations through excessive sound or noise, yelling or loud voices, or other means;
3. Damage, destruction, seizure or subversion of the University's buildings or other property;
4. Interference with the University's regularly scheduled classes or other educational functions, meetings, or events;
5. Physical harm, coercion, intimidation, or other invasion of the lawful rights of any other person, including University students, faculty or staff members or officials; or
6. Acts which constitute a crime.

## **F. SUSPENSION OR TERMINATION PROCEDURE**

If an activity is or becomes disruptive, the Vice President for Administrative Services and Finance or designee shall utilize the following procedure. University Police have the authority to act independently if the Vice President for Administrative Services and Finance, or designee, is not present:

1. Identify himself/herself to the participants, giving name and official position;
2. Inform participants that they are in violation of the law or this Regulation and specify the nature of the violation;

3. Request of the participants that the violation cease;
4. In the event of non-compliance with the request, the University Official will contact the University Police for assistance in terminating the activity, restoring order, and enforcing the law. University Police have the authority to:
  - a. 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;
  - b. Remove participants from the University premises upon the closure of the activity and for a period of time thereafter consistent with University regulations addressing trespass;
  - c. Arrest participants observed to be violating the law; and
  - d. Enlist the assistance of outside law enforcement agencies, if necessary.

## **G. APPEAL PROCESS**

The suspension or cancellation of a public expression activity including Postings may be appealed to the Vice President for Administrative Services and Finance, or designee. The Vice President for Administrative Services and Finance, or designee, shall render a decision within a reasonable time not to exceed five (5) University business days after receiving the appeal. The written decision of the Vice President for Administrative Services and Finance, or designee, shall be delivered by electronic mail, hand delivery, or mailed certified return receipt to the individual or organization that filed the appeal. The decision of the Vice President for Administrative Services and Finance, or designee, shall be the final agency action for purposes of appeal.

### *Authority*

*Section 1004.097, Florida Statutes*

*BOG Regulation 1.001, University Board of Trustees Powers and Duties*

### *History of Regulation*

*Renumbered 01/15/08; Amended 04/21/09; Amended 06/19/12; Amended 06/18/13; Amended Organizational and Format Change 08/01/18; Amended 09/08/22; Amended 06/13/23*

*Approved by the Florida Gulf Coast University Board of Trustees*

*June 13, 2023*