

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: July 21, 2017

REGULATION TITLE:

Use of University Facilities by the Campus Community; Campus Demonstrations and Other Outdoor Events; Limitations on Use of University Facilities by Non-University Organizations and Persons

REGULATION NO.:

UCF-4.0293

SUMMARY OF REGULATION AMENDMENT: This regulation is amended to being amended to update the procedures for using university facilities and to articulate more clearly limitations on outside individuals and entities who wish to use university facilities. New language concerning the use of amplified sound has been added. Descriptions of designated free assembly areas have been updated. Other provisions in the regulation are clarified and updated.

AUTHORITY: BOG Regulation 1.001

NAME OF PERSONS WHO INITIATED PROPOSED REGULATION AMENDMENT:

Regulations Administrator

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION AMENDMENT IS:

Regulations Administrator
4365 Andromeda Loop N.
Millican Hall, Suite 360
Orlando, FL 32816-0015
Phone: (407) 823-2482
e-mail: regulations@ucf.edu

FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

UCF-4.0293 Use of University Facilities by the Campus Community; Campus Demonstrations and Other Outdoor Events; Limitations on Use of University Facilities by Non-University Organizations and Persons.

(1) ~~Subject to the limitations of this and related regulations~~Except as limited by this or related regulations or as limited by applicable laws or University policies, University grounds may be used for demonstrations and other exercises of free speech and assembly by University and University-

related organizations and persons. Such use must ~~be on a noninterference basis~~ not interfere with the conduct of classes or other University-normal activities ~~of the University~~ and must not infringe on the rights of others ~~members of the University community~~. No person or organization may use University facilities or grounds for unlawful purposes or in a manner that violates the law. All general requirements for use of University buildings and grounds set forth in University Regulations UCF-4.029, UCF-4.0292, and UCF-4.0294 apply to uses of University grounds under this Regulation.

(2) It is the policy and practice of the University to limit use of University facilities by non-University organizations and persons. Provisions in this Regulation outline the limited use that non-University organizations and persons may make of University facilities. The rationale for this policy and practice is that the University, while it supports and encourages the exposure of its students and employees to a diverse and varied marketplace of ideas, however is dedicated first and foremost to the State of Florida's directive to educate its students and engage in research and other scholarly activities. The University is a responsible steward of its public funding – as such, the University must limit the use of University facilities when those uses do not support the mission of the University.

(23) No campus buildings, other indoor facilities, or athletic or recreational facilities may be used by anyone for demonstrations, ~~or~~ assemblies, events, or other functions unless specifically permitted in writing by the campus authority specifically responsible for the building or facility sought to be used. Certain University facilities may be available for rent, in which case the user will be required to enter into a facility use agreement or other formal arrangements with the University. The University reserves the right to charge fees on a differential basis depending on a number of factors, including but not limited to: nature of the use, size of expected crowd, presence of potentially hazardous items or activities, whether the user is directly associated with the University, whether the user is also an

educational or governmental entity, and whether additional security or utilities will be required. See also University Regulation UCF-4.0294 for guidelines and restrictions on use of University facilities.

(43) University ~~organizations~~ and University-related organizations and persons may organize, conduct, or participate in demonstrations and other exercises of free speech and assembly on University grounds, except:

- (a) Grounds immediately adjacent to University residential facilities;
- (b) Grounds associated with the Burnett House;
- (c) Athletic and recreational fields, including any facilities operated by the Recreation and Wellness Center;
- (d) Grounds immediately adjacent to University buildings where such use could impair entrance to or exit from the building or interfere with activities within the buildings;
- (e) Grounds within 200 feet of the Creative School for Children;
- (f) Walkways and sidewalks on the Orlando campus within the boundaries of Gemini Boulevard (except to the extent approved for use as part of a parade or march reviewed through the SAFE process – see Regulation UCF-4.0292).

(45) Non-university organizations and persons may organize or conduct demonstrations and other exercises of free speech and assembly only as specifically permitted in this regulation and related regulations and policies. Non-university organizations and persons are limited to the locations identified in section (120) below for purposes of organizing and conducting demonstrations and other exercises of free speech and assembly on campus. Non-university organizations and persons may use ~~other~~ University facilities (other than those identified in section (12) below, if specifically sponsored by a University ~~organization~~ or University-related organization. Such sponsorship requires the University ~~organization~~ or University-related organization serv-ing-to serve as a sponsor and to be a

participant in the activity of the non-University organization or persons, including being physically present throughout the activity or event.

(56) All organizations and persons that organize or conduct demonstrations and other exercises of free speech and assembly on University grounds, or otherwise conduct activities or events in University facilities, must abide by the general requirement that no such uses may interfere with, disrupt, or impede the normal operations of the University or otherwise interfere with or infringe on the rights of others. In order that demonstrations and other exercises of free speech and assembly not interfere with the operation of the University or the rights of others, any person or organization organizing, conducting, leading, or participating in a demonstration, assembly, or activity using University grounds or other facilities shall not:

- (a) obstruct vehicular, bicycle, pedestrian, or other traffic;
- (b) obstruct entrances or exits to buildings or driveways or impede entry to or exit from any building or parking lot or vehicular path;
- (c) interfere with educational or administrative activities inside or outside any building;
- (d) violate a law, rule, regulation, or ordinance;
- (e) ~~threaten passersby~~ make threatening utterances or gestures directed to a person or persons, which an objectively reasonable person would interpret as a serious expression of an intent to cause a present or future harm or to intimidate with the intent of placing the victim in fear of bodily harm; or
- (f) use fighting words, which are those words that by their mere utterance inflict violence or would tend to incite a reasonable person to violence or other breach of the peace;
- (g) obstruct, disrupt, or attempt to physically force the cancellation or continuance of a speaker;

(h) create an objectively hostile environment for students or employees based on a protected category (race, color, national origin, sex, religion (including non-religion), age, disability, gender identity or expression, or sexual orientation) through speech or conduct that is so severe and pervasive that it objectively interferes with a student's or employee's abilities to benefit from or participate in educational or employment activities, benefits, or privileges;

(ig) interfere with ~~or disrupt~~ scheduled University ceremonies or events;

(jh) interfere with or disrupt ~~normal~~ University operations;

(ki) damage property, including grass, shrubs, trees, or other landscaping; or

(lj) utilize sound amplification, including bullhorns, except as set forth in paragraph (7) below.

(7) ~~approved in advance and within sound limits that will not disrupt normal University operations.~~ Amplified sound, including use of bullhorns, as part of demonstrations and other exercises of free speech and assembly on University grounds or in University facilities is not permitted, except as approved in advance by the official responsible for the particular grounds or facility being used or as set forth in this paragraph. Where amplified sound is permitted, it is permitted at limits specified in this paragraph or as specified by the official. Absent specific restrictions provided by University officials, the use of amplified sound may not exceed a limit of 70 decibels. Even where use of amplified sound is pre-approved, the University reserves the right to impose specific volume restrictions on the use after consideration of the potential impact of the use on the operations of the University. With regard to the free assembly areas identified in paragraph (12) below:

(a) the University does not permit amplified sound in the areas identified in (12)(b) and (12)(i); and

(b) the University permits amplified sound in the areas identified in (12)(a), (12)(c)-(h) as explained and limited in paragraph (7).

(68) If an event, demonstration, assembly, or other activity is disrupting, interfering with, or impeding normal—University operations or infringing on the rights of ~~other members of the University community~~other individuals (“disruptive action”) contrary to the requirements of this and related regulations, the President or one of his/her representative(s) may:

- (a) identify him/herself to the ~~demonstrators~~disrupters, giving name and official position;
- (b) inform the ~~demonstrators~~disrupters that they are in violation of the University policy and/or in violation of the law and specify the nature of the violation;
- (c) request that the violation cease (which could include relocation of the activity to avoid the ~~disruption~~disruptive action); 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.

(79) In the event of disruptive action~~a disruption~~, the University Police have a responsibility to:

- (a) declare the activity, a event, demonstration, or assembly to be disruptive, disorderly, or in violation of law 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) arrest any participants observed to be in violation of the law; and
- (c) enlist the assistance of outside law enforcement agencies, if necessary.

(810) In the event of disruptive action, University employees and students involved in the demonstration, event, assembly or activity shall identify themselves by presenting appropriate documents such as ID cards when requested to do so by the police or by the President or his/her designated representative. When requesting that persons identify themselves, the University representative making the request will identify him/herself verbally. ~~Demonstrators~~Disrupters not

officially related to the University 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.

(911) The areas designated in paragraph (129) below may be used by University students and employees, University organizations, University-related organizations, or non-university organizations and persons on a space-available basis.

(129) Subject to requirements otherwise outlined in this regulation and in Regulations UCF-4.029, 4.0292, and 4.0294; and subject to requirements of the University regarding the assembly of large numbers of people, the use of sound amplification equipment, and maintenance of access to University facilities, the eight-nine areas listed below shall be deemed “Free Assembly Areas” for the conduct of political activity and other exercises of free speech. Sidewalks and paved walkways are not included as part of any “Free assembly area” and users may not extend their use of a free assembly area to sidewalks or paved walkways that form the border of a free assembly area. The Office of Student Involvement will maintain a map which highlights each of the free assembly areas on the main campus. Additional information regarding the Office of Student Involvement and the free assembly areas can be found through the “Use Your Voice” online resource at <http://osi.ucf.edu/useyourvoice/>.

- (a) The open grass area between the kiosk near Millican Hall and the ~~Math and~~ PhysicsMathematical Sciences Building as bounded by Apollo Circle and the ~~sidewalks-paved walkways~~ leading to the southwest entrance of the Mathematical Sciences Math and Physics Building.
- (b) The northwest portion of the grass area between the Student Union brick mall and the John T. Washington Center as to the west of the covered patio, bounded by Pegasus Circle to the northeast, the sidewalk leading to the patio- the sidewalk of Aquarius

Agora Dr. to the north, and the paved walkway leading to the covered patio of the Chick-fil-A. The grass area between the John T. Washington Center and the Student Union sidewalk as bounded on the west side by the Student Union loading dock and east side by the sidewalk crossing the brick mall near the entrance to the Student Union.

- (c) The ~~triangle~~ ~~rectangle~~ grass area formed bounded by the sidewalks paved walkway bordering the ~~south~~ ~~northeast~~ side of ~~Colbourn Hall~~ Howard Phillips Hall, the next paved walkway immediately northeast, and the paved walkway bisecting diagonally the grass area between the John T. Washington Center and Howard Phillips Hall, the next John T. Washington Center walkway immediately south, and the sidewalk bisecting diagonally the grass area between John T. Washington Center and Howard Phillips Hall, the paved walkway immediately parallel to the paved walkway bordering the south side of Howard Phillips Hall, and the paved walkway bordering the southeast edge of this grass area. bordering the east face of the John C. Hitt Library.
- (d) The area ~~behind~~ ~~south of~~ the Health and Public Affairs 2 building ~~bordering~~ ~~bordered~~ by the sidewalks paved walkways and road adjacent to the Engineering 2 building Pegasus Drive.
- (e) The ~~A~~ portion of the rectangular grass area on the east side of Memory Mall bordered by Parking Surface Lot D, Mercury Circle, the east paved sidewalk walkway of Memory Mall, and Memory Mall lamppost marker MM 23.
- (f) The grass area between the exits of the Student Union boardwalks (north and east) as bordered by Pegasus Circle on one side and a retention pond on the other ~~southwest~~ ~~of the Student Union~~ bounded by Pegasus Circle and the north and east

~~boardwalks. triangular grass area between the Memory Mall and Classroom I Building as bounded on the east side by the Memory Mall sidewalk paved walkway and on the north and south sides by the sidewalk paved walkway that leads from the Memory Mall to the northeast entrance to Classroom Building I.~~

- (fg) The open area southwest of the Convocation Center entrance bound by the West Plaza Drive sidewalk on the west and the Gemini Boulevard sidewalk to the south.
- (hg) At the Rosen College of Hospitality Management, the grass area north of, and adjacent to, the Rosen College Library bounded by the ~~sidewalks paved walkways~~ on the north, east, and west, and by the Library on the south.
- (ih) At the Rosen College of Hospitality Management, a portion of the great lawn directly adjacent to the UCF Rosen College shuttle stop bounded on two sides by the ~~sidewalk paved walkway~~ of the shuttle stop and the ~~sidewalk paved walkway~~ running north/south from the campus entrance gate.

(134) Non-university organizations and persons who intend to use the areas identified in paragraph (102) above must notify the university at least twenty-four hours in advance of the ~~assembly proposed use~~. Notification must be provided in writing to the Office of Student Involvement. Notification must include: name of the non-university organization or person, contact information for the person or for a representative of the organization, date and time of intended use of university assembly area, general nature of use, and expected attendance at event. If the ~~event proposed use~~ qualifies as a potentially hazardous event, the documents provided to meet the requirements of Regulation UCF-4.0292 will suffice to notify the university of intent to use the identified assembly area, assuming the documents properly identify the assembly area intended for use. Please note that forms and information for potentially hazardous events must be submitted at least 15 calendar days in advance

of the proposed event. It is the responsibility of the event organizer to submit all required information sufficiently in advance of the event to allow for University review.

(142) Campus demonstrations or organized activities that will take the form of or involve a parade or a march and during which the participants will use or cross lanes of vehicular or pedestrian traffic ~~or march on campus~~ must follow the requirements of University Regulation ~~6C7UCF~~4.0292, “Potentially Hazardous Events.” This is required so that necessary safety precautions can be taken, ~~particularly where the parade or march route will cross lanes of vehicular or pedestrian traffic.~~

Authority: BOG Regulation 1.001. History–New 10-19-86, Amended 3-16-03, 8-15-07, 06-09-08, Formerly 6C7-4.0293; Amended 1-15-2010, _____-17.