

FSU-3.003 Freedom of Expression Rights and Responsibilities

(1) Policy Statement Concerning Freedom of Speech. The right of all students and individuals to seek knowledge, debate ideas, form opinions and freely express their views is recognized, both as an individual right and an important part of the University culture. This right must be exercised in a manner which will not interfere with the same rights and freedoms of others in their enjoyment of the benefits of the programs offered by this University, or their lawful use of University facilities, including ingress and egress. Such rights may be exercised subject to applicable laws, rules, regulations, policies and procedures, including lawful imposition of time, place, and manner restrictions that are consistent with the University's mission and the intent of this regulation.

(2) Policy Statement Concerning Freedom of Assembly. The right or freedom of peaceful assembly is recognized and shall be protected. Meetings, assemblies, picketing activities, demonstrations, protests, and gatherings that do not disrupt the orderly functioning of the University and related activities qualify as peaceful and are therefore protected.

(3) Planned Outdoor Assemblies. Certain outdoor areas of campus may be reserved by individuals or groups or otherwise may be restricted for official University use. Groups planning outdoor ~~assemblies~~ meetings, assemblies, picketing activities, demonstrations, protests, and gatherings should provide advance notice per applicable event permitting processes to ensure space availability and the adequate provision of security.

(4) Individual Spontaneous Expression. ~~; however,;~~ Lawful, spontaneous speech assemblies may occur provided such expression is that they are in compliance with applicable time, place, and manner restrictions outlined in section (12) of this regulation, do not materially and substantially disrupt university operations or the expressive activities of other individuals or groups, and do not present a threat to the health, safety, or welfare of the university community. Individuals and groups holding reservations will may receive priority over spontaneous activities. Planned use of campus areas and facilities by groups and individuals is generally governed by Regulation FSU-2.007, Use of ~~Campus~~ University Lands and Facilities.

(5) Expressive activities in outdoor areas that have been reserved by the University or another individual, group, or organization for use through established University procedures are subject to removal or relocation under the parameters of this regulation. Additionally, no individual or group may claim exclusive use of any area without prior approval through the applicable event permitting or reserving processes.

(4) ~~Amplification. Public address systems and other electrical amplification equipment may be utilized for events, subject to the provisions of Regulation FSU 2.007. All such use of public address systems or other amplification equipment shall maintain a reasonable sound level which meets the communication needs of the event without excessive noise penetration to adjacent areas.~~

~~(65)~~ Circulation of Literature (Non-Commercial). Students' right to write and distribute literature and to express thoughts and beliefs is acknowledged. Individual students and, registered ~~recognized~~ student organizations, ~~and other student groups~~ may circulate non-commercial literature, provided it is identified by authorship and sponsorship, subject to applicable provisions of Regulation FSU- 2.0131 Posting, Chalking Advertising and Active Distribution of Materials on FSU Campuses.

~~(76)~~ Circulation of Literature (Commercial). Commercial solicitations are governed by Regulation FSU-2.013.

~~(87)~~ Speaker Invitations; Speaker Contracts; Security.

(a) University and University related persons, groups, and organizations, as defined in Regulation FSU-2.007, may invite persons from outside the University to speak to their memberships and the public. If University facilities are to be used for holding the meeting, prior scheduling and space reservations approval shall be obtained pursuant to Regulation FSU-2.007. Speakers wishing to express all varieties of opinions and viewpoints are welcome at the University.

(b) It is the responsibility of the group extending the invitation to negotiate speaker fees, riders, and any other requests or demands from the speaker. Reasonable notice of the event shall be given to the University in order to plan and coordinate for security and safety concerns. The University may impose reasonable costs for security required for any sponsored event held on campus, based on constitutionally permissible criteria.

~~(98)~~ Political Activity. The Student Government Association (Tallahassee), Student Government Council (Panama City), and registered ~~recognized~~ student organizations, ~~and other student groups~~ may sponsor speeches, rallies, or other events by or for political candidates for federal, state or local office, subject to availability of suitable location based on size of crowd and time of speech, and subject to Regulation FSU-2.007 and applicable FSU policies on political activity.

~~(109)~~ Recordings. Recordings of speeches, gatherings, rallies, or other activities at the University may be restricted by copyright protection. Additionally, despite the open nature of some gatherings, participants may still enjoy the expectation of privacy in certain conversations. Any person who records an event or conversation is expected to understand and accept the civil and criminal risks associated with the recording, and/or to take steps to reduce those risks prior to making the recording.

~~(11 10)~~ Authority of the President, ~~Time, Place, and Manner Restrictions, Campus Safety~~. The President or his or her designee retains the authority to determine whether or not activities materially and substantially disrupt the functioning of the University or infringe upon the rights of other individuals or organizations to engage in expressive activities, as provided in section 1004.097, F.S., and more specifically as follows:

(a) If the President has reasonable grounds to believe that a planned speech, demonstration, or other event is likely to draw a large number of persons who are not Florida State University

students, faculty, or staff; obstruct ingress or egress to or from University classrooms or other facilities or travel across campus; or interfere with the ability of students or faculty to study and enjoy a secure and peaceful academic atmosphere, the President is authorized to designate an area on University property, or secure an area off University property, that would mitigate such effects and is reasonably accessible to University students and faculty, and to limit the event to such location. Nothing in this section is intended to, nor shall be read to, imply an obligation on the part of the President or the University to secure or rent property for any ~~speech, demonstration, or event, meeting, assembly, picketing activity, demonstration, protest, or gathering~~ nor is it intended to indicate that ~~such any and all speeches, demonstrations, or events~~ can be accommodated.

(b) If the President has reasonable grounds to believe that any such event presents an imminent threat to the health, safety, and welfare of campus, the President may cancel the event provided that the threat cannot be mitigated using reasonable alternative means.

(12) Prohibited Conduct

The University prohibits any person from interfering with university and authorized functions, activities, and events and from participating in unlawful conduct. As such, no person may engage in the following:

- (a) Obstruct or impede vehicular, bicycle, pedestrian, or other traffic;
- (b) Obstruct any entrance or exit to any building, assembly space, driveway, parking lot, vehicular path, stairway or walkway or impede entry to or exit from any such area;
- (c) Build or construct any shelter, barrier, or other physical structure.
- (d) Camping as defined in Regulation FSU-2.007.
- (e) Disrupt, disturb, or interfere with educational or administrative activities, events, or operations inside or outside any building;
- (f) Enter into any building or facility or occupy any university building without appropriate authorization;
- (g) Violate any applicable federal, state, or local law, rule, or ordinance;
- (h) Fail to comply with any reasonable instruction by university policy or any University official action in the performance of their duty;
- (i) Cause any threat to the health or safety of any passerby or member of the University community;
- (j) Engage in harassing conduct as defined in the Student Conduct Code, regulation 3.004 which includes any gesture, written, verbal, or physical act or any electronic communication that places a person in reasonable fear of harm to their person or damage to their property, infringes upon rights of personal privacy, has the effect of substantially interfering with a reasonable person's academic performance or ability to participate in opportunities or benefits provided by the University, or has the effect of substantially interfering with the orderly operation of the University.
- (k) Obstruct, disrupt, or attempt by physical force to cancel or discontinue speech by any speaker, or the observation of speech by any person intending to see or hear a speaker;

- (l) Damage University property, including but not limited to structures, grass, shrubs, trees, fountains, or other landscaping;
- (m) Mark university property, including any vertical or horizontal surface, other than in accordance with regulation 2.0131.
- (n) Use amplified sound, including but not limited to bullhorns, airhorns, and noise-making devices or instruments, except as approved in advance under applicable policy and within sound limits that will not disrupt University operations;
- (o) Wear any mask, hood, or device whereby any portion of the face is so hidden, concealed, or covered as to conceal the identity of the wearer.
- (p) Conduct that is in violation of the lawful time, place, and manner restrictions in this regulation.
- (q) Any inflammatory speech that is directed to inciting or producing imminent lawless action, and is likely to incite or produce such action.

(13) Time, Place and Manner Restrictions

Time, place, and manner restrictions are content-neutral limitations that serve the University interest to ensure the health, safety, and rights of all members of the University community.

(a)(c) No person, while participating in any meeting, assembly, picketing activity, demonstration, protest, or gathering demonstration, rally, picket line, or other public assembly shall carry or possess any of the following:

1. Signs exceeding the size restriction of 24" by 36". Only signs constructed of foam, cardboard, or paper shall be permitted to be carried. Signs may be mounted on sticks or posts provided that the sticks or posts are constructed of wood, foam, or plastic and their dimensions do not exceed one-half inch in diameter (if round in shape) or one-fourth inch thick by two inches wide (if rectangular in shape).

2. Unmanned signs, banners, or flags. All signs, banners and flags must be in the possession of persons at all times, and any unmanned signs, banners, or flags will be collected.

3. Signs, banners, flags, or displays that infer university endorsement either by content or location.

4. Weapons or firearms as defined by FL Statute 790.001.

5. Mace or pepper spray unless for the purpose of personal protection-

6. Bats or other club-like objects.

7. Face shields, or gas masks, hand-held shields, or helmets.

8. Other masks or disguises that are worn with the intent of threatening the safety of others or of evading or escaping discovery, recognition, or identification in the commission of violations of University regulations or policies, or other applicable laws or ordinances.

9. Flammable liquids.

10. Torches or other open flames, except as authorized by University officials.

11. Wagons, carts, or ladders, except as authorized by University officials, or other items that could be used to barricade or to push or manipulate crowds.

12. Tents, vehicles, shelters, and/or bedding.

13. Any other items reasonably determined by the President or designee to be a public safety hazard.

(b) Meetings, assemblies, picketing activities, demonstrations, protests, and gatherings are subject to the following restrictions:

1. ~~(4) Amplification.~~ Public address systems and other electrical amplification equipment may be utilized for events, subject to the provisions of Regulation FSU-2.007. All such use of public address systems or other amplification equipment shall maintain a reasonable sound level which meets the communication needs of the event without excessive noise penetration to adjacent areas.

2. Only University or University-related events will be permitted during any final exam period, and no unapproved amplified sound will be permitted at outdoor events during any final exam period.

3. The University may place limits on the attendance of expressive activities based upon the capacity of the forum.

4. Outdoor events are only permitted between sunrise and sundown unless prior approval is granted from the University i.e. scheduled sports competitions located in properly lighted space designed for such activity and scheduled through Campus Recreation.

5. Events are not permitted to block ingress or egress to any building or pathway, stairs, landings, or other areas deemed to create a hazard to the safety of the community.

Specific Authority BOG Regulations 1.001(3)(j),(4), (7).History–New 9-30-75, Formerly 6C2- and 6C2R- 3.03, Amended 7-28-86, 6-17-2009, 3-8-2013, 2-22-2017, 1-18-2018, 9-4-2018, _____