

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: May 22, 2024

REGULATION TITLE:

Use of University Facilities; Definitions; Restrictions
and Conditions

REGULATION NO.:

UCF-4.029

SUMMARY OF REGULATION AMENDMENT:

This regulation is amended to consolidate the content of UCF-4.0293 and UCF-4.0294 into this regulation concerning use of university facilities and grounds to reduce the risk of repetition and confusion and to group related material together. Existing concepts have been retained, however there are proposed amendments related to time, place, and manner restrictions including a prohibition on camping and a change in the times for unscheduled use of university grounds. Due to the extensive nature of revisions resulting from the consolidation, a completely new version of the regulation is presented. Additionally, the title of this regulation has been amended to better capture the consolidation of topics.

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-4.029 Use of University Facilities; Events and Protests

(1) Definitions.

- (a) "University" means the University of Central Florida.
- (b) "University campus" or "campus" means all grounds and buildings of the University of Central Florida occupied or controlled by the University or under the guidance, supervision, regulation, or control of the University of Central Florida. "University campus" or "campus" does not include those facilities occupied by the University in leased or shared-use facilities; instead, events at those facilities must comply with policies and procedures prescribed by the owner of the facility. (E.g., Seminole State College establishes guidelines for events at Seminole State College, including in those

areas used by the University of Central Florida.) “University campus” or “campus” does not include Research Park or affiliated housing.

- (c) “University facilities” means all buildings and grounds, including athletic and recreational fields, on the University campus.
- (d) “Instructional space” means all University facilities used primarily for the conduct of scheduled classes and other academic activities, including but not limited to classrooms, laboratories, studios, theaters, auditoriums, and lecture halls.
- (e) “University Grounds” means the generally accessible outdoor areas of campus, as defined by section 1004.097, F.S., 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 such as parking facilities, athletic or recreational facilities, the grounds of the Creative School for Children, or the grounds of the Burnett House. The term also does not include courtyards or grounds within the curtilage of University buildings, or grounds immediately adjacent to University buildings where activities or use could impair entrance to or exit from the building or interfere with operations within the buildings.
- (f) “Event” is a gathering or activity, typically involving multiple persons. A gathering or activity does not have to be scheduled in advance to constitute an event. An event may be expressive in nature and constitute an “expressive activity,” as defined below.
- (g) “Potentially hazardous event” is a gathering or activity that, due to the size of the gathering or the nature of the activity, could reasonably be expected to create a risk of harm to persons or damage to property. Potentially hazardous events are also subject to the requirements of University Regulation UCF-4.0292.
- (h) “Expressive Activities” are activities such as assemblies, exercises of free speech, protests, parades, marches, and picketing protected under the First Amendment to the United States Constitution and Article 1 of the Florida Constitution. For purposes of this regulation, expressive activity does not include solicitation or other commercial speech.
- (i) “March” means an organized walk, run, or procession by a group of people for a specific cause or issue where the organizer does or could reasonably expect at least 50 people to participate.
- (j) “Parade” means a public procession, sometimes including a marching band or float(s) and often of a celebratory nature, held in honor of an anniversary, event, person, cause, etc.
- (k) “University organizations” means units of the University (i.e., colleges, schools, divisions, departments, institutes, or centers); the Student Government Association; and certain corporate entities authorized by the University that operate for the benefit of the University (including but not limited to all University direct support organizations).
- (l) “University-related organizations” means registered student organizations; honor societies officially recognized by the University; and those organizations that, although not officially recognized or registered by or affiliated with the University or otherwise failing to meet the definition in paragraph (j) above, are related to the University because they promote the interests of the University or perform other service to the University, such as nationally or regionally organized academic professional associations or professional fraternal societies supported by an academic unit. Other public educational institutions and other governmental agencies of and within the State of Florida may be treated as “University-related organizations” at the discretion of the University.
- (m) “Non-university organizations” means persons or organizations that do not meet the definitions in paragraphs (j) and (k), immediately above. “Non-university organizations” include unregistered student groups; candidates for election to public

office; organizations supporting such candidates; charitable organizations; organizations that exist primarily for the purpose of carrying on commercial activity for profit; and those persons whose activities are primarily for personal gain or benefit.

- (n) “Organization” means any group of persons or individuals, whether incorporated or not and whether organized by means of bylaws or not, acting in coordinated fashion, including clubs.

(2) Use of University Facilities – Reservation of Rights; Priority of Use

- (a) University facilities are reserved and used primarily for the official and regular conduct of the University’s business by the University and the campus community. The University supports and encourages the exposure of its students and employees to a diverse and varied marketplace of ideas, but is dedicated foremost to the University’s mission and to the State of Florida’s directive to educate its students and engage in research and other scholarly activities. Therefore, the University gives precedence to the educational and administrative activities of the University and limits the use of University facilities by non-University organizations and persons, as outlined herein.
- (b) Certain campus facilities which are funded by student activity and service fees may give priority to student events and activities over university department business, according to policies set by those facilities.
- (c) The general public may access the streets, libraries, bookstores, and parking lots on campus solely for the purposes of conducting legitimate business with the University and participating in University-related activities that are open to the public. Unless invited by someone with authority to do so, members of the general public shall not have access to lecture halls, classroom buildings, classrooms, laboratories, studios, residential facilities, research areas, administrative buildings, faculty or staff offices, or other buildings and areas reserved for University housing, teaching, research, administration, recreation, creative activity, or athletic activity.
- (d) The University reserves the right to change, relocate, cancel, or reschedule an event, expressive activity, or scheduled use of University facilities, as necessary, due to:
 - (i) the need to accommodate University educational and administrative activities;
 - (ii) an emergency; or
 - (iii) reasonable grounds to believe that the use or activity presents an imminent threat to health, safety, or welfare that cannot be sufficiently mitigated using reasonable alternative means.

(3) Scheduled Use of University Facilities

- (a) University organizations and University-related organizations may request non-commercial use of University buildings, and particular facilities may be assigned in response to such requests on a non-interference basis, subject to the requirements of the University.
- (b) Use of University buildings, indoor facilities, and athletic or recreational facilities must be scheduled in advance. Recreation and Wellness Center recreational fields and areas are not generally accessible for common access by the university community, but may be available for reservation under procedures established by the Recreation and Wellness Center. Athletic facilities may be scheduled for use provided such use is authorized by the Athletics Association. Except in regard to expressive activities on occasions where there is not a prior reservation or scheduled event, use of certain areas of University Grounds must be scheduled in advance: Memory Mall, Lake Claire, the Reflecting Pond, the Arboretum, and Ferrell Commons courtyard.
- (c) Certain University facilities may be reserved by the general public, for a fee, on a space-available basis, pursuant to a facility use agreement or other formal arrangement

with the University, for personal purposes (such as a reception) or commercial purposes (such as a test preparation service), subject to the policies and procedures of the University and the specific facility. This includes Memory Mall, rooms within the Student Union or Ferrell Commons, the Live Oak Event Center, the Fairwinds Alumni Center, the UCF Arena, and various outdoor recreation facilities. The University reserves the right to charge use fees on a differential basis depending on a number of factors, including but not limited to: nature of the proposed use, size of expected crowd, presence of potentially hazardous items or activities, whether the user is affiliated with the University, whether the user is an educational or governmental entity, and whether additional security or utilities will be required. Usage fees and/or service charges will be assessed by the authority controlling the facility to defray the costs of use. Charges will not be imposed for the spontaneous conduct of expressive activities on University Grounds as defined above. However, if a person or organization wishes to reserve an outdoor area of campus for exclusive, prescheduled use to conduct expressive activities, and such outdoor area is available, then the requestor will be expected to pay a usage fee and/or service charge otherwise charged for such reservations.

- (d) Requests for scheduling events in University facilities should be directed to the authority controlling the facility.
- (e) Even where advance scheduling is not required, persons and organizations are encouraged to schedule events and activities in advance, because scheduled events and activities are given priority over unscheduled ones, except in the event of an emergency or the need to conduct educational or administrative activities of the University.
- (f) Use of University facilities for solicitation or other commercial speech must be scheduled and approved in advance and cannot be sponsored by a University organization or University-related organization. The University shall review commercial use requests in light of the University's contractual and other legal requirements, the relationship of the activity to the University's mission, and the benefit of the activity to the University and the State of Florida. Commercial use of University facilities is governed also by University Regulation UCF-4.010.

(4) Use of University Facilities – General Principles

- (a) The University shall not discriminate on the basis of the viewpoint expressed by any person or organization making authorized use of University facilities.
- (b) No person or organization may use University facilities for unlawful purposes or in an unlawful manner.
- (c) A condition for the scheduled use of University facilities may be that the sponsoring person or organization obtain adequate insurance coverage and/or that adequate security be provided by the University Police. The costs of such insurance and/or security shall be borne by the event sponsor/organizer. See University Regulation UCF-4.0292 for further information regarding insurance requirements.
- (d) No outside food service shall be permitted on or in University facilities during, or in conjunction with, any public meeting, event or function without the specific approval of the University.
- (e) Camping is prohibited on campus, except where such camping is in connection with an official activity of the University, such as an activity of an academic or administrative unit, and has been approved in writing by the Senior Vice President for Administration and Finance, the Provost, or one of their designees. Camping means the use of any outdoor space for living accommodation purposes, such as overnight sleeping activities, making preparations for overnight sleeping (including the laying down of bedding for

the purpose of sleeping), storing personal belongings, making a fire, using any tents or other structures for sleeping, digging or earth breaking, and/or carrying on cooking activities. Such activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging. Tailgating associated with athletic events at times designated by the University is not camping.

- (f) Sponsored use. Non-university organizations and persons may use University facilities for events if specifically sponsored by a University organization or a University-related organization. Such sponsorship requires the University organization or University-related organization to be a participant in the event, including being physically present throughout the event.
- (g) If the proposed use of a University facility qualifies as a potentially hazardous event, the user must follow the requirements (including insurance requirements) of Regulation UCF-4.0292. The event organizer must submit forms and information for potentially hazardous events sufficiently in advance of the proposed event to allow for University review and ensure the safety and security of the event.
- (h) The possession or use of firearms, explosives, or munitions on campus is generally prohibited. Law enforcement personnel may carry firearms or munitions and may use them in the course of law enforcement activities. The University also reserves the right to permit the use of firearms or munitions by military personnel or trainees and in limited circumstances with approval. See University Policy 3-119.2 for more information.
- (i) A person or organization making use of University grounds, as defined in (1)(n) above, for expressive activities does not have the right to conduct commercial activities in conjunction with the person's expressive activities unless the commercial activity has been approved by the University.
- (j) Amplified Sound. The University does not permit the use of amplified sound, including use of bullhorns, as part of events or expressive activities conducted on University grounds, except as approved in advance by the official responsible for the particular grounds being used, or as set forth in this paragraph. Absent specific instructions provided by University officials, the approved 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 different volume restrictions on the use after consideration of the impact of amplified sound on the operations of the University at the particular date and time of the event/activity.

(5) Use of University Facilities – Conditions of Use

- (a) Limitations on Signage and Displays. "Displays" means signs not held or carried by a person. Displays may be static, dynamic, or electronic, such as LCD digital signage. Regardless of whether they are part of an event or expressive activity, all displays must comply with the Florida Building Code and adhere to the following guidelines:
 - (i) Outdoor displays are allowed only in conjunction with an event.
 - (ii) Displays are restricted to a size of eight feet by four feet. Screens for projection purposes may be larger if approved through the potentially hazardous events process or by the Senior Vice President for Administration and Finance or designee.
 - (iii) Displays must be assembled and disassembled each day.
 - (iv) Displays must be staffed at all times by the person or organization sponsoring the display.

- (v) There is a five-day maximum on displays and signs associated with an event.
 - (vi) The same display cannot be sponsored by the same or different organizations successively merely to extend the five-day maximum.
 - (vii) If a display requires a constructed support structure, then it must be reviewed and approved by a University building code official or safety officer. A sketch drawing of the display indicating the size and construction materials must be submitted with the SAFE Form.
- (b) Facilities must be returned to their original condition following use. Users will be billed for the costs of any required cleanup. Users will be billed for damage to University facilities attributable to the use, beyond normal wear and tear.
 - (c) All events, including expressive activities, using University facilities must comply with this regulation, Regulation UCF-4.0292 if the event is a potentially hazardous event, and with the following:
 - (i) Events may last no more than five days in succession. The same or different organizations may not sponsor the same event in succession in order to extend this maximum limitation.
 - (ii) No organization may reserve University facilities and then permit the facilities to be used by any other person or organization. When a University facility is reserved, reservations must be made in the name of a specific person or organization, and that person or organization must be present and actively utilizing the space so reserved. The University may shut down an event (or revoke the reservation) if the person or organization reserving the facility is not present and/or not actively utilizing the space.
 - (iii) Events and expressive activities generally are limited to the hours of 8:00 a.m. to 8:00 p.m. Sunday through Thursday, and 8:00 a.m. to 10:00 p.m. Friday and Saturday. Events and expressive activities outside of these hours must be specifically approved by the University at least fifteen calendar days in advance, so that the University can make custodial and security arrangements.
 - (iv) Damage to University or personal property in the course of use of University facilities is prohibited. Care should be taken to ensure that University and personal property is not damaged or destroyed. This includes campus lawns, grassy areas, shrubs, plants, and trees.

(6) Demonstrations and Protests

- (a) Except as limited by this or related regulations, or as limited by applicable laws or University policies, University grounds (as defined in (1)(n), above) may be used for demonstrations, protests, and other exercises of free speech and assembly subject to reasonable time, place, and manner restrictions set forth in this regulation, including that such use be lawful and non-disruptive and not infringe on the rights of others.
- (b) No campus buildings, other indoor facilities, or athletic or recreational facilities may be used by anyone for demonstrations, protests, 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.
- (c) Campus demonstrations or protests 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 must follow the requirements of University Regulation UCF-4.0292, "Potentially Hazardous Events."

(7) Reservations for designated outdoor areas are available to the University Community. The University community (e.g., University students and employees, University organizations, and University-related organizations), may reserve certain outdoor areas of campus on a space-available

basis, for the exclusive use of the reserving individual or organization. Contact the Office of Student Involvement for further information and to make reservations for a reservable area on the Main campus; contact Event Services at Rosen College to make reservations for all or part of a reservable area at the Rosen campus. Sidewalks and paved walkways are not included as part of any reservable area, and users may not extend their use of a reservable area to sidewalks or paved walkways that form the border of a reservable area. The Office of Student Involvement will maintain a map which highlights each of the reservable areas on the Main campus.

- (a) The open grass area between the kiosk near Millican Hall and the Mathematical Sciences Building, as bounded by Apollo Circle and the paved walkways leading to the southwest entrance of the Mathematical Sciences Building.
- (b) The northwest portion of the grass area between the Student Union brick mall and the John T. Washington Center, as bounded by Pegasus Circle to the northeast, the sidewalk of Aquarius Agora Dr. to the north, and the paved walkway leading to the covered patio of the Chick-fil-A.
- (c) The grass area bounded by the paved walkway bordering the northeast side of 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, and the paved walkway bordering the southeast edge of this grass area.
- (d) The area south of the Health and Public Affairs 2 building bordered by the paved walkways and Pegasus Drive.
- (e) 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 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 side.
- (g) The open area southwest of the Convocation Center entrance, as bounded by the West Plaza Drive sidewalk on the west and the Gemini Boulevard sidewalk to the south.
- (h) At the Rosen College of Hospitality Management:
 - (i) the grass area north of, and adjacent to, the Rosen College Library bounded by the paved walkways on the north, east, and west, and by the Library on the south.
 - (ii) a portion of the great lawn directly adjacent to the UCF Rosen College shuttle stop bounded on two sides by the paved walkway of the shuttle stop and the paved walkway running north/south from the campus entrance gate.

(8) **Use of University Facilities - No Interference, Disruption, or Infringement.** University facilities shall not be used for any purpose that will impair or interfere with the orderly processes and functions of the University, or that pose an unreasonable and immediate threat to the safety of persons or to the protection of property or are otherwise contrary to law. To that end, any person or organization organizing, conducting, leading, or participating in an event or expressive activity in or on a University facility 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 in or on any University facility;
- (d) violate a law, rule, regulation, or ordinance;
- (e) make threatening utterances or gestures directed to a person or identifiable group of persons, which an objectively reasonable person would interpret as a serious expression of an intent to cause a present or imminent future harm;
- (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 force the cancellation or continuance of a speaker;

- (h) create an objectively hostile environment for any person(s) 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 person's ability to benefit from or participate in educational or employment programs, benefits, or privileges;
- (i) interfere with or disrupt scheduled University ceremonies or events;
- (j) interfere with or disrupt University operations;
- (k) damage property, including grass, shrubs, trees, or other landscaping; or
- (l) utilize sound amplification, including bullhorns, except as permitted in paragraph (4)(j), above.

(9) Response to Disruption and Interference.

- (a) If an event, demonstration, protest, assembly, or other activity is disrupting, interfering with, or impeding University operations or infringing on the rights of other individuals ("disruptive action") contrary to the requirements of this and related regulations, the President or one of his/her representative(s) may:
 - (i) identify him/herself to the disrupters, giving name and official position;
 - (ii) inform the disruptive person(s) that they are engaged in disruptive action and/or are violating the law, and specify the nature of the disruptive action or violation;
 - (iii) request that the disruptive action or violation cease (which could include relocation of the activity to avoid the disruptive action); and
 - (iv) in the event of non-compliance with this request, enlist the assistance of the University Police in restoring order and enforcing the law.
- (b) In the event of disruptive action or violation of law, the University Police have a responsibility to:
 - (i) declare the activity, event, demonstration, or assembly to be disruptive, disorderly, or in violation of law (an "unlawful assembly") 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;
 - (ii) arrest any participants observed to be in violation of the law; and
 - (iii) enlist the assistance of outside law enforcement agencies, if necessary.
- (c) In the event of disruptive action, University employees and students involved in the demonstration, protest, 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. Individuals involved with the disruptive action who are not university students or employees will be directed to leave the campus immediately or be subject to arrest.
- (d) The University may take disciplinary action against any student or employee who engages in disruptive action. The University may seek criminal prosecution of any criminal violation by any person in connection with disruptive action or an unlawful assembly.
- (e) In the event of an emergency, the University Police should be called. The police may respond to any emergency or violation of criminal law, including any threat or act of violence, without waiting for the President or one of his/her representatives to act or request police intervention.

Authority: BOG Regulation 1.001. History—New 10-8-75, Amended 10-20-81, 5-5-83, Formerly 6C7-4.29, Amended 10-19-86, 4-27-03, 8-15-07, 06-09-08, Formerly 6C7-4.029, Amended 1-15-2010, 7-19-18, _____-24.