

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES
FLORIDA BOARD OF GOVERNORS**

NOTICE OF PROPOSED REGULATION

REGULATION NO.: FIU-110

REGULATION TITLE: Demonstrations.

SUMMARY: This regulation sets forth the process for conducting demonstrations, and other similar free speech activities, on University premises.

TEXT OF REGULATION: The full text of the Proposed Regulation can be viewed below and on the website of The Florida International University Board of Trustees, <http://bot.fiu.edu/regulations/>. If you would like a copy of the Proposed Regulation, please contact Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, (305) 348-2103.

AUTHORITY: Resolution of the Florida Board of Governors dated January 7, 2003.

NAME OF PERSON INITIATING PROPOSED REGULATION: Cristina Mendoza, Vice President and General Counsel.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

CONTACT PERSON REGARDING THE PROPOSED REGULATION: Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, Florida International University, 11200 SW 8th Street, PC 511, Miami, FL 33199. Email: devillee@fiu.edu Fax: (305) 348-3272. Phone: 305-348-2103.

DATE OF PUBLICATION: August 12, 2008

THE FULL TEXT OF THE REGULATION IS PROVIDED BELOW:

~~6C8-5.008~~ FIU-110 Demonstrations.

(1) Demonstrations include, but are not limited to rallies, outdoor assemblies, and/or meetings of persons to display group ~~feelings~~ opinions, ~~appearances of speakers in outdoor public areas of the campus or immediately adjacent to it~~, mass protests, parades, ~~and~~ picketing, and other similar exercises of free speech and assembly.

(2) Demonstrations will be terminated if they.

(a) Materially disrupt classes, laboratories, traffic and other ordinary functions of the University.

(b) Involve substantial disorder.

(c) Invade the rights of others.

(3) Those who wish to hold or organize a demonstration must file a notice of Intent to Demonstrate with the Vice President for Student Affairs forty-eight (48) hours prior to the date of the proposed demonstration if:

(a) the demonstration will consist of a group of more than 10 participants; or

(b) if sound amplification equipment will be used.

(4) The written notice of Intent to Demonstrate shall include the following:

(a) ~~Name, address and telephone number of the person(s) filing the notice.~~ Contact information.

~~(b) Name, address and telephone number of the person(s) to be contacted.~~

~~(c) Date, time and place of demonstration.~~

~~(d) Nature and purpose of demonstration.~~

~~(e) Type of audio-amplification to be used, if any;.~~

~~(f) Estimated number of participants in demonstration.~~

(5) The Vice President for Student Affairs may deny within 24 hours of filing the Notice of Intent to Demonstrate the right to demonstrate under the following conditions:

- (a) If another demonstration has been scheduled for the same time in the same location.
- (b) If the demonstration will obstruct entrances or exits, or if it will interfere with traffic.
- (c) If demonstration is scheduled after normal University functions have closed for the day.
- (d) If the Notice of Intent to Demonstrate violates provisions of subsection (8) or (9) below.
- (e) If the person(s) filing the notice fails to comply with subsections (3) and (4) above.

(6) Organizations or persons denied permission to demonstrate may appeal to the President. Appeal must be made within one (1) working day of the denial. The decision of the President shall be final.

(7) Security needs will be assessed by the Director of the University Department of Public Safety upon request from the Office of the Vice President for Student Affairs.

(8) Demonstrators 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) Harass passersby or otherwise disrupt normal University activities, ceremonies or events.
- (e) Interfere with or preclude the intended speaker(s) and/or activities from taking place.
- (f) Demonstrate within 1,000 feet of an existing demonstration.
- (g) Damage property, including but not limited to, buildings, personal property, sculptures, benches, grass shrubs, and trees.
- (h) Violate any provision set forth in this ~~rule~~ regulation.

(i) Pose an environmental hazard or a health or safety threat to the University Community or the general public.

(j) Interfere with or obstruct University operations.

(j) Utilize 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 University operations.

(9) Demonstrations shall be subject to, and shall not violate the law, Board of Regents Governors regulations policy or University Rules, and Regulations, policies and/or procedures of the University, nor shall demonstrations place an undue burden on campus facilities, materially interfere with the use of the facilities or equipment by other persons, materially disrupt the University's normal operations or functions, or materially infringe on the rights of members of the University eCommunity.

(10) If subsection (8) or (9) above is violated, University Public Safety Officers, ~~or other~~ University representatives, or law enforcement representatives, may require demonstrators to identify themselves by presenting proper identification such as student I.D. card, driver's license, etc. Demonstrators may be directed to leave campus immediately. Demonstrators may also be subject to arrest for a violation of the law. Demonstrators officially related to the University may additionally be subject to the University discipline.

(11) If subsection (8) or (9) above is violated, University Public Safety Officers or other University representatives may:

(a) Identify himself/herself to the demonstrators, giving name and official position.

(b) Inform demonstrators that they are in violation of the law, University regulations, policies, or procedures, and/or ~~State rule~~ Board of Governors regulations.

(c) Indicate the nature of the violation.

(d) Request that the violation cease.

(e) Request that the demonstration terminate.

(f) Secure the assistance of the Public Safety Department and/or law enforcement representatives, if necessary, to restore order and enforce compliance with the law and University ~~rule~~regulations.

(12) When requested, as set forth in paragraph (11)(f) above, the Director of Public Safety has a responsibility to:

(a) Declare a demonstration to be in violation of the law, University regulations, policies, or procedures ~~Rules~~ and/or Board of ~~Regents~~ Governors ~~Rules~~ regulations and request all demonstrators to clear the area or be subject to arrest and/or University disciplinary action.

(b) Arrest demonstrators violating the law or provisions of this ~~rule~~regulation.

(c) Secure assistance of outside law enforcement agencies, if needed.

(d) Protect persons from injury and University property from damage.

Specific Authority Board of Governors Resolution dated 1-07-03 1001.74(4), 1006.60(5), 1012.92(3), 1013.10 FS. Law Implemented 1001.74(6), 1006.60(5), 1012.92(3), 1013.10 FS. Histor: New 12-23-76, Amended 8-7-83, Formerly 6C8-5.08, Amended _____.