

PENSACOLA STATE COLLEGE
MANUAL OF PROCEDURES

Procedure Title: Regulation of Outdoor Public Speaking	<u>Number</u> 141
Related Policy: Facilities and Equipment (Use of) – 6Hx20-1.015	<u>Page</u> Page 1 of 3

I. Speech and Expression in Outdoor Areas

- A. Expressive activities shall be permitted in outdoor areas of College property with general access during regular hours of College operation, subject to the limitations described below. Regular hours of College operation are 7:00 am to 9:00 pm, Monday through Friday, or Monday through Thursday during the Summer four-day work schedule. Expressive activities are defined as those activities protected under the First Amendment to the United States Constitution and Article I of the Florida Constitution, including any lawful oral or written communication of ideas; lawful forms of peaceful assembly, protests, and speeches; distributing literature; carrying signs; circulating petitions; and the recording and publication, including the Internet publication, of video or audio recorded in outdoor areas of campus.

Outdoor areas where expressive activities are not allowed include areas of restricted access as identified by the College, which include but are not limited to areas adjacent to places of residence; areas being used as outdoor classrooms or educational training; or areas to which access is restricted due to operational or safety protocols, such as energy or maintenance control areas.

- B. This policy does not apply to those expressive activities that take place in indoor areas of College property including, but not limited to, classrooms or classroom buildings; interior hallways and breezeways; administrative buildings or offices; auditoriums; performing arts venues; events centers; and recreational facilities. Expressive activities in these areas are governed by College policies related to academic freedom, facilities use, and other applicable policies and protocols. These areas may be used for official events sponsored by the College or for non-college use under Policy 6Hx20-1.015, Facilities and Equipment (Use of). Students, faculty, staff, or visitors may not materially disrupt previously scheduled or reserved activities on College property.
- C. Information tables hosted by or in conjunction with recognized student clubs and organizations are organized by the Office of Student Engagement and Leadership and are governed by policies related to student government and student clubs.
- D. Students, faculty, staff, or visitors who engage in expressive activities in permitted outdoor areas, as defined herein, may do so freely, spontaneously, and contemporaneously as long as the conduct is lawful, in accordance with laws applicable to conduct and activities on the College's property including, without limitation, Sections 1006.61, 877.13, and 871.01, Florida Statutes, and does not materially and substantially disrupt the functioning of the College or infringe upon the rights of others to engage in expressive activities. Conduct that may materially and substantially disrupt the

functioning of the College or infringe upon the rights of others to engage in expressive activities may include, but not be limited to:

1. Obstruction of vehicular, bicycle, pedestrian, or other traffic;
2. Obstruction of entrances or exits to buildings or driveways or impeding entry or exit from any building or parking lot or vehicular path;
3. Violations of a law, rule, regulation, or ordinance, including but not limited to Sections 810.095, 877.13, or 871.01, Florida Statutes;
4. Threats to passerby or use of fighting words, which are those words that by their mere utterance would tend to incite a reasonable person to violence or other breach of the peace;
5. Threaten or call for harm to any person or group of people, whether present on campus or not, or make any credible threat that would cause the target of the threat to be in reasonable fear for his or her safety.
6. Following, badgering, or forcibly detaining individuals;
7. Wearing a mask, hood, or other device on College property whereby any portion of the face is so hidden, concealed, or covered as to conceal the identity of the wearer, if the wearer does so:
 - A. With the intent to deprive any person or class of persons of the equal protection of the laws or of equal privileges and immunities under the laws or for the purpose of preventing the constituted authorities of this state or any subdivision thereof from, or hindering them in, giving or securing to all persons within this state the equal protection of the laws;
 - B. With the intent, by force or threat of force, to injure, intimidate, or interfere with any person because of the person's exercise of any right secured by federal, state, or local law or to intimidate such person or any other person or any class of persons from exercising any right secured by federal, state, or local law;
 - C. With the intent to intimidate, threaten, abuse, or harass any other person; or
 - D. While she or he was engaged in conduct that could reasonably lead to the institution of a civil or criminal proceeding against her or him, with the intent of avoiding identification in such a proceeding.
8. Interference with scheduled College classes, ceremonies or events, including memorials, dedications or classroom activities, whether indoors or outdoors;
9. Damage to property, including grass, shrubs, trees, or other landscaping;

10. Utilization of sound amplification, including bullhorns, except within sound limits that will not disrupt normal College operations;
11. Conducting Expressive Activities during hours outside of the regular hours of College operation;
12. Setting up or placing any encampment, tents or other equipment designed for, or intended as, overnight sleeping accommodations;
13. Use of placards, banners, or signs that are dangerous or cause obstruction as described in subsections 1 and 2 above;
14. Engaging in expressive activities in prohibited or restricted areas as defined in Sections I.A. and I.B. above;
15. Any other interference with normal College operations beyond a minor, brief, or fleeting nonviolent disruption that is isolated or brief in duration; or
16. Any other conduct or activity not protected by the First Amendment to the United States Constitution and Article I of the Florida Constitution.


Nothing herein shall be construed to limit the application of laws related to disruptions, disturbances, or interference with schools and the functions of educational institutions, including without limitation Sections 877.13 and 871.01, Florida Statutes.

- E. The College recognizes that a speech, demonstration, or event on College property may invite another form of protest. When these occasions arise, the expression of all parties is important. When appropriate, a separate area may be designated for counter-protesters. College security officers may also be present and other security measures may be employed to ensure the safety of all participants and the College community.
- F. To promote a safe and effective event, individuals or groups planning to engage in expressive activity are encouraged, but not required, to make advanced arrangements with the Vice President of Administrative Services and General Counsel on the Pensacola campus, or with the campus dean or center director at any other College location, to enable the College to ensure that the event takes place in a constructive and approachable manner. Individuals or groups who engage in expressive activity in outdoor areas on College property are subject to College policies relating to the use and operation of College and campus facilities, including without limitation policies relating to firearms and weapons, alcohol, smoking, and trespass. The College reserves the right to limit the possession or use of clubs, bats, or other material objects on campus property during such events.

II. Commercial Activity on Campus

Individuals, organizations and groups, both internal and external to the College, may not conduct commercial transactions or engage in commercial speech on College property unless directly authorized through specific contracts or approved pursuant

to the College's policy regarding solicitation on campus. Commercial speech means speech in which the speaker is engaged in commerce, the intended audience is commercial or actual or potential consumers, and the content of the message is commercial. Fundraising, including political fundraising, is considered solicitation and is therefore deemed commercial speech under this policy.

Responsible Official: Vice President, Administrative Services and General Counsel	
President's Signature: 	Date: 8/15/2024