FSU-3.003 Freedom of Expression Rights and Responsibilities, Open Platform Areas

(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, protests, and gatherings that do not disrupt the orderly functioning of the University and related activities qualify as peaceful and are therefore protected.

(3) Designation of Open Platform Areas. The University recognizes the entire campus as open for debate and discussion. The University also recognizes that some debates, discussions, or gatherings may take place in a spontaneous manner and therefore has identified the following areas as highly visible, highly trafficked areas traditionally used and well-suited for unplanned gatherings. In Tallahassee, Florida, the green area on the east side of Moore Auditorium, pavilion on the south side of Moore Auditorium and north of the Legacy Walk sidewalk, and the grassy area between Gate K of the football stadium and the Heritage Fountain are designated “open platforms” for this purpose. In Panama City, Florida, the Community Campfire Circle on the east side of the Holley Academic Center and the Four Crossed Logs patio on the North Bay side of the Holley Academic Center are designated as “open platforms” for this purpose. Any student or other individual who desires to be heard publicly on any issue of concern may use these areas subject to the provisions of this regulation at any time when previous scheduling does not preclude such use but only from 8:00 a.m. to 10:00 p.m. local time. Amplification equipment is not allowed except as otherwise specifically permitted and may be subject to the same restrictions as in Section 6 herein. Temporary changes to location boundaries
and any other necessary adjustments due to current construction or other unavoidable circumstances or conditions may be made by the University on an as-needed basis. In addition, the University may temporarily designate any space on campus as an open platform space to ensure that students have the ability to be meaningfully heard. Speech is not limited to open platform areas; students may reserve space pursuant to this and other University regulations and policies. Open platform areas can be reserveable space and groups holding reservations may receive priority over spontaneous activities. Planned use of campus areas and facilities by groups and individuals is generally governed by FSU Regulation FSU-2.007, Use of Campus Facilities.

(4) Planned Outdoor Assemblies. Organized or prearranged outdoor assemblies shall be registered at least twenty-four hours in advance in the Oglesby Union Guest Services Office in Tallahassee or through the Office of Finance in Administration in Panama City, depending on the location of the assembly. Exceptions to the twenty-four hour notice requirement and amplification permission consistent with Section 6 herein may be granted by the Union Director (Tallahassee) or the Director of Finance and Administration (Panama City), or their designees. These offices may refer requests out to other University offices for approval, as appropriate.

(5) Meetings (Indoor, Reserveable Space). The Student Government Association (Tallahassee), Student Government Council (Panama City), recognized student organizations, or other student groups may hold meetings inside University buildings, provided prior approval is granted by the Guest Services Office (Tallahassee) or the Office of Finance and Administration (Panama City) and subject to University policy and space availability. See https://union.fsu.edu/guestservices/ for details. These offices may refer requests out to other University offices for approval, as appropriate.

a) Space Requests, Members of the Public. Absent exigent circumstances, members of the public may only rent University facilities for speaker events during scheduled academic breaks (e.g., spring, holiday, and summer breaks).

(6) Amplification. Public address systems and other electrical amplification equipment may be utilized for permitted events by the Student Government Association (Tallahassee), Student Government Council (Panama City), recognized student organizations, and other student groups subject to venue availability and scheduling approval by the Guest Services Office (Tallahassee) or the Office of Finance and Administration (Panama City).
and subject to approval by the Oglesby Union’s Event Permitting Office (Tallahassee) or the Dean (Panama City). 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.

(7) Circulation of Literature (Non-Commercial). Students’ right to write and distribute literature and to express thoughts and beliefs is acknowledged. Individual students, 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 FSU Regulation FSU-2.0131 Posting, Chalking Advertising and Active Distribution of Materials on FSU Campuses.

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

(9) Speaker Invitations. Recognized student organizations, the Student Government Association (Tallahassee), the Student Government Council (Panama City), recognized student organizations, other student groups, academic departments, alumni groups, and other University-affiliated groups 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 from the Guest Services Office (Tallahassee), the Office of Finance and Administration (Panama City) or other University departments, as appropriate. Speakers wishing to express all varieties of opinions and viewpoints are welcome at the University.

a) Speaker Invitations by Non-University Groups. Absent exigent circumstances, members of the public may only rent University facilities for speaker events during scheduled academic breaks (e.g., spring, holiday, and summer breaks).

b) Speaker Contracts. Security. It is the responsibility of the group extending the invitation to negotiate speaker fees, riders, and any other requests or demands from the speaker. It is also the responsibility of the group extending the invitation to arrange for and cover costs of any security that exceed what the University would normally provide, and to coordinate security plans with University law enforcement prior to the event. Reasonable notice of the event shall be given to the University in order to plan and coordinate for security and safety concerns.
(10) Political Activity. The Student Government Association (Tallahassee), Student Government Council (Panama City), and 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.

(11) Recordings. Recordings of speeches, gatherings, rallies, or other activities in open platform and reserved space 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.

(12) Authority of the President, Time, Place, and Manner Restrictions, Campus Safety. 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, nor is it intended to indicate that any and all speeches, demonstrations, or events can be accommodated.

Specific Authority BOG Regulations 1.001(3) (j), (7) (g). History—New 9-30-75, Formerly 6C2R-3.03, Amended 7-28-86, 6-17-2009, 3-8-2013, 2-22-2017.
FREQUENTLY ASKED QUESTIONS: FSU-ER17-1, FREEDOM OF EXPRESSION RIGHTS AND RESPONSIBILITIES, OPEN PLATFORM AREAS

What is FSU-ER17-1?

FSU-ER17-1 is an interim regulation passed by the FSU Board of Trustees on September 22, 2017. It makes revisions FSU-3.003, the university’s existing regulation on First Amendment issues.

What are the changes?

The revisions relate to large-scale events, usually involving an outside speaker invited to campus by a student group or academic department. They require that the group and speaker coordinate security plans with FSU and place limits on security costs for the university. The revisions also restate the authority of the University President to designate a place on or off campus if an event is likely to disrupt the regular operation of the university or significantly interfere with the ability of students, faculty, and staff to move about the campus, go to classes, and do their jobs.

Why are these changes being made?

In large part, the revisions codify practices already in place for large-scale events. Codification of these practices is important to ensure that all interested parties have notice of how the university will treat a particular event and reduce the possibility that a particular group or speaker will perceive that they are subject to different standards than others.

Why now?

Good question. While institutions of higher learning have long been celebrated as strongholds of free speech, proudly cultivating an environment where viewpoints of all kinds can be expressed in a respectful manner, recent events nationwide have shown that controversial speakers, perhaps identifying public institutions as areas where First Amendment protections are particularly strong, have begun to hold rallies and speeches on college campuses. Oftentimes, the views expressed by these speakers are contrary to the values of the institution and sometimes the speaker has no connection to the campus at all. As a result, the institution is in a difficult position of allowing the speech to take place and dealing with security issues, protests, and counter-protests, or risking litigation over its First Amendment obligations. It is truly a Hobson’s choice, but having good policies in place assists us in making these difficult decisions.

Isn’t FSU doing this just so it can ban speech it doesn’t like?

No. The revisions do not ban any speech, and it has never been FSU’s practice to deny space or access to anyone on the basis of an unpopular or controversial viewpoint. On the contrary, FSU has a long and proud history of inviting or allowing provocative speakers on campus, including Milo Yiannopoulos, William Ayers, Spike Lee, Ralph Nader, Ariana Huffington, Marc Lamont Hill, and Cornel West. The revisions do not diminish our commitment to free speech or to allowing members of our community the opportunity to express their ideas. We are equally committed to the safety of our campus, and the revisions are indicative of that promise.

If it’s an interim regulation, when does it become permanent?
The Board of Trustees intends to adopt a final version of the interim regulation at its next meeting, currently scheduled for January 2018. The final regulation may differ from the interim one based on feedback, effectiveness of the interim regulation, and the identification of other issues that may arise.

**What if I have comments or ideas for the final regulation?**

We welcome all thoughts, ideas, and proposed revisions during this interim time period. University administrators and staff will be meeting with stakeholders during the remainder of the fall semester. We encourage student leaders to be a voice for students in this process. There will also be a formal comment period open thirty days before the meeting, and, as always, a public comment section of the meeting itself.

**What if I want to learn more about the regulation?**

A redline version of the interim regulation is available at [http://regulations.fsu.edu/current-notices](http://regulations.fsu.edu/current-notices), along with a summary of the revisions and the reasoning behind them. The summary includes contact information for the university official responsible for collecting comments, but we have also provided it here:

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Associate General Counsel  
424 Westcott Building  
222 South Copeland Street  
Tallahassee, Florida 32306-1400  
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If you would like to view the Board of Trustees’ discussion of the interim regulation from the September meeting, a video of the meeting is available at [http://learningforlife.capd.fsu.edu/bot/](http://learningforlife.capd.fsu.edu/bot/). In addition, FSU will be creating a website to keep interested parties updated on forums, deadlines, and ways to provide input on the final version of the regulation. Thank you for your interest, and we look forward to working with you on this important matter.