

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: November 9, 2009

REGULATION TITLE:
Distribution of Printed Material

REGULATION NO.:
UF 2.003

SUMMARY: The changes to Regulation UF-2.003 explain the University’s goals with regard to the distribution of printed materials on campus, which are to encourage open discourse, to reduce litter and landfill waste streams, to preserve property, and to allocate limited educational resources in furtherance of the University’s educational mission, including health and environmental interests. The revised regulation sets forth the manner in which printed materials may be distributed, including continuing the longstanding requirement in the existing regulation of manned distribution-- as well as providing opportunities for unmanned distribution through the use of modular units and non-modular units. Details are provided regarding the use and locations of modular units on campus, including requirements and procedures for assignment of the units, rental fees to cover university costs, and continued use. Locations at the Law School and the Medical School campus have been added to the longstanding existing campus locations for general public leafleting. (University groups may already leaflet in many outdoor areas of the campus.) The existing regulation notes that progressive discipline may occur if the regulation is violated by those distributing printed materials; the revised regulation also notes the possibility of discipline for anyone who wrongfully interferes with distribution of printed materials in accordance with the regulation.

AUTHORITY: BOG Regulation 1.001

COMMENTS CONCERNING THE PROPOSED REGULATION 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 IS: Rebecca J. Holt, Administrative Assistant, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION: Ed Poppell, Vice President for Business Affairs

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.

RULESREGULATIONS OF THE
UNIVERSITY OF FLORIDA

UF 6C1-2.003 University of Florida; Distribution of Printed Material.

(1) The University encourages protected discourse in designated public fora on campus and the reduction of litter and landfill waste streams, which are critical to the University's educational mission and to the protection of human health and the environment. Safety and security as well as protection of property and thoughtful allocation of limited educational resources are also necessary to the operation of the University and the conduct of its work. Appropriate management of manned and unmanned distribution of printed materials on campus is critical to the accomplishment of these goals.

(2) The distribution of printed material, which is defined in this rule~~regulation~~ as newspapers, handbills, leaflets, pamphlets, posters, magazines, and printed paper(s) items of a like nature shall only be, is permitted on campus at~~in~~ designated public fora that the University chooses to open for this purpose. Such distribution is subject to reasonable times, places, and in reasonable manners consistent with the educational mission of the University, the uninterrupted time, place, and manner requirements provided in this regulation to encourage protected speech in public fora without interrupting or impairing the orderly operation of University programs, classes, and studies, research, or other activities of the University and its faculty, staff, and students, and staff; the safety and security of the University and its faculty, students, faculty, and staff, and; the protection of the property and resources of the University and its faculty, students, faculty, and staff, as provided below. The campus should be free from excessive and abusive postings, chalking and the distribution of commercial and promotional

materials, which deface and depreciate the value of our grounds, facilities, and campuses; and the achievement of the University's mission.

(23) Any individual, group or organization desiring to distribute printed material on the University campus may distribute under the following conditions:

~~—— (a) — The individual, group, or organization is subject to the Student Code of Conduct if a student or student group or organization at the University and to all laws and regulations of the city, state, or nation that govern a person in the exercise of his or her rights of expression, including, but not limited to those relating to defamation, obscenity, pornography, violent overthrow of the Government or of the existing authorities, inciting to riot, or any other law or regulation validly limiting the exercise of free speech.~~

~~—— (b) —~~ (a) Manned distribution of printed material is permitted, but printed material, whether sold or distributed without charge, may not be left unattended unless placed for distribution in modular units or non-modular units in compliance with this regulation. Some unmanned, University-provided vending machines and distribution boxes for the unmanned distribution of newspapers and other printed material at specific sites designated by the University are available and are called “modular units” in this regulation. Also, some locations designated by the University are available for publisher or distributor-provided equipment, for the unmanned distribution of printed material and are called “non-modular units” in this regulation. To avoid littering the campus and interference with the operations, work and activities of the University, and its faculty, student and staff, except in these receptacles and locations, printed material may not be left in stacks, left on the ground, left on vehicles, or otherwise be left unattended, and equipment used in the dissemination of printed material may not be left unattended and must be removed after its use.

(b) The individual, group, or organization distributing printed material is subject to all applicable University regulations and laws and regulations of the city, state and nation. For example only, distribution of printed materials by a student or student group or organization is subject to the Student Code of Conduct, among other regulations and law that apply.

(c) Speech that, alone or in combination with any conduct, is obscene, illegal or constitutes or is likely to provoke violence, an unsafe condition, an illegal action, destruction of property, or conduct that violates another provision of the University's regulations, is not protected and is prohibited in all areas of the campus.

(d) Advertisements for the rapid and excessive use or consumption of alcohol or the use, sale, consumption or distribution of alcohol or illegal drugs are prohibited, including, but not limited to: 2-4-1 specials, beat-the-clock deals, happy hours, lady's night, or illustrations/photos depicting these activities. This includes advertisements sent via e-mail. Alcohol education materials/promotions (i.e., alcohol/health programs, responsible drinking programs, or University of Florida Alcohol awareness organizations materials), which are sanctioned as University sponsored events) are permissible, so long as they do not violate Rule University of Florida Regulation 6C1-2.019, F.A.C. and do not include such advertisements. Research and course materials on alcohol or drugs are not advertisements, and they and other activities that do not constitute advertisements are not addressed by this clause.

(e) To avoid littering the campus, printed material may not be left in stacks unattended, left on the ground, or placed on vehicles. Equipment used in the dissemination (e)

Distribution of printed material may not be left unattended and must be removed after its use except in those instances where prior approval has been granted to distribute newspapers and other printed material at specific sites by means of vending machines or distribution boxes.

~~— (d) — There must be no interference~~ not interfere with normal or impair the operations and activities of the University, including classroom instruction, or infringement or infringe on the rights of others pertaining to office, including, but not limited to, instructional and research activities and student living privacy, study conditions, in classrooms, laboratories and other settings; residential activities and conditions; office activities and conditions; free movement of pedestrian and vehicular traffic, and restricted; safety and security; privacy; and department- or operational unit-determined use of departmental or unit bulletin boards.

(ef) Distribution of printed material may not take place within University buildings and facilities, including athletic or recreational fields, ~~except~~ with limited exceptions specifically provided in this regulation. In residence halls or other campus living areas, printed material may be distributed if, as and where permitted under the procedures approved by the governing bodies of those areas for such distribution. Printed Distribution of printed material in classrooms is at the discretion of the instructor. In any event, printed material may not be distributed in such a manner as to otherwise interfere with access to, or impair the condition or use of University buildings or facilities. Distribution of printed materials in classrooms is at the discretion of the instructor.

(fg) Any printed material which identifies the author and/or publisher as University personnel, or has subject matter, including photographs, which might incorrectly imply to the reader that such publication is University-sponsored, reflects the University's position, or is sponsored by authorized University personnel-sponsored in their official capacity, must contain the following statement prominently exhibited in the first three pages: "This publication is solely the expression of the author and/or publisher and it is not ~~an official~~ a publication of the University of Florida, nor is it in any way intended to express any policies or opinions of the University of Florida, or its personnel". in their official capacities."

(gh) No printed material may be posted or placed on trees, light or utility poles, any interior or exterior walls or doors of campus buildings, or on any campus property other than permanent official bulletin boards of the University designated for that purpose, except as permitted by the appropriate University official for official University instructional, research and administrative business in a manner that does not damage property, threaten safety or security or interfere with University activities.

(hi) The use of adhesives in the posting of materials is strictly prohibited.

(ij) The selling of printed material is ~~not subject to the provisions of University of Florida Regulation 4.006 and, if permitted on campus except by that regulation, must be sold through newsboxes~~modular or newsstands or as otherwise permitted pursuant to Rule 6C1-4.006, F.A.C. non-modular units complying with this regulation.

(jk) The passing out of ~~materials~~printed material must be conducted in a ~~courteous manner, and cannot be~~ that is not disruptive to the of University of Florida community work or activities or pedestrian or other traffic, does not create a safety, security or health risk, and does not damage property or create litter uncollected by the distributor. Materials may not be forced upon an individual.

(kl) The passing out of printed ~~materials~~material from groups, persons, and entities not defined as “University groups and organizations” under paragraph ~~6C1-2.004(1)(f), F.A.C., UF Reg.,~~ is limited to the following campus locations: Turlington Plaza, Plaza of the America, ~~and~~ the north lawn of the J. Wayne Reitz Union, under the outside covered entrance to the Academic Research Building, J. Hillis Miller Health Science Center, and the northeast lawn of the College of Law. Public sidewalks adjacent to municipal or county streets in the University’s vicinity are also available subject to reasonable time, place and manner requirements of the public authority.

~~(3) — Use of newsstands or news boxes.~~ 4) Non-modular and modular units.

~~(a) All~~ The University's Vice President for Business Affairs or designee determines locations for modular and non-modular equipment. When the University chooses to open an area for this purpose, criteria shall be aimed at providing reasonable University community access without interfering with pedestrian or vehicular travel, creating an unsafe or unsecure condition, creating litter uncollected by the distributor, or interfering with or impairing University education, research, administrative or other work. In granting approval of the use and location of modular and non-modular units for the distribution of printed material sold or distributed without charge, pursuant hereto, which is left unattended, shall be stacked for distribution, their availability, and the objective suitability and capacity of the equipment, as well as other objective criteria shall apply. The approval shall not consider the content of the materials, except in boxes or distribution stands limited circumstances permitted by University regulation or law (for example only, when illegal). Non-modular units will not be approved for placement in those areas of campus where modular units are utilized.

(b) Non-modular units shall be provided by the publisher or distributor, shall comply with the requirements set forth below, and shall be installed in locations approved by the Vice President for Business Affairs as provided in paragraph (4)(a) above.

1. Placement and design of non-modular units must be approved by the Vice President for Business Affairs or designee prior to placement on campus to confirm that the University has opened the area for this purpose and that the design requirements of this regulation are met.

2. Non-modular units shall not be attached to any University property or to each other.

3. In severe weather conditions, the publisher or distributor shall remove their non-modular units as directed by the Vice President for Business Affairs or designee.

4. Non-modular units shall be constructed of either metal or wood with weather durable plastic, shall have a bottom flooring, enclosed distribution space and be painted, no larger than a length of twenty (20) inches, a width of twenty-two (22) inches, and a height of fifty

(50) inches, and no smaller than a length of twelve (12) inches, a width of twelve (12) inches and a height of twenty eight (28) inches, or a standard newspaper vending machine size, or colored in a manner that does not include exterior wording or symbols, but may include the official name or logo of the publisher for identification purposes at the publisher's option. Non-modular units will be provided by the respective publisher or distributor of the publication.

(b)5. All newsstands or boxes shall non-modular units must be kept in a neat and clean condition, free of graffiti, and shall be used/serviced in a regular and periodic manner— by the publisher or distributor of the publication.

6. Any stand or box not so kept and used non-modular unit not complying with this regulation will be considered a nuisance to the University community and may be removed and stored or disposed of and the space may be reallocated by appropriate University personnel upon request of the Director, Vice President for Business Services, as a nuisance to the University community Affairs or designee.

(c) Newsstands or boxes may be placed only in areas specifically designated for such purposes A number of modular units will be provided by the Office of University for the distribution of free and purchasable printed material. Modular unit locations shall be determined by the University as provided in paragraph (4)(a) above. Use of modular units shall comply with the requirements set forth below.

1. Modular units will be allocated by the Vice President for Finance and Administration, dependent upon the availability of space Business Affairs or designee on a first come, first served and other objective bases (for example only, one person need not be given simultaneous use of all of the units even if asking first).

2. In order to recoup the cost of modular racks and pay for the maintenance and upkeep of such units, the University shall assess rental fees for the use of modular units for distribution purposes. Rental fees will be assessed based on the size of the unit and the number of spaces provided to a respective publication. Additional space fees may be charged for extra clean-up if needed due to graffiti or other causes.

3. All modular units will be secured to a permanent surface to inhibit removal or detachment during severe weather conditions.

4. Modular units shall not be altered by the user.

(d) The University may be allotted on a temporary basis upon request to the Office of the Vice President for Finance and Administration discontinue use of a location or modular or non-modular unit for the distribution of printed material upon determining that such location or equipment is needed for other University purposes, or for other appropriate reasons including, but not limited to, non-interference with University education, research, and service activities or to provide for the safety, security, and protection of property.

(45) Additional regulatory measures ~~should~~shall be observed where such regulations are necessary for special areas of the campus. The following are considered special areas: The J. Hillis Miller Health Center, P.K. Yonge Developmental Research School campus and Florida Field. Distribution of printed material in these areas must be pursuant to the ~~regulations~~policies for these areas.- Such policies are available from the director of each area or designee.

(56) Failure to adhere to this ~~rule will~~regulation may result in immediate or later removal of the ~~materials~~printed material and may result in disciplinary action by the University. ~~These actions will include a step~~Stepped discipline ~~process that includes,~~ including written notification and/or billing for clean-up, ~~and elimination of distribution privileges on campus.~~ may be used. Any individual, group or organization engaged in the distribution of printed material in violation of this ~~rule~~regulation shall be prevented from continuing such distribution if necessary to protect the uninterrupted or orderly operation of the University and its and its faculty's, staff's and student's work and activities, the safety and security of the University and its students and

personnel, and the protection of property of the University and its students and personnel.

—others.

(7) Any member of the University community who wrongfully interferes with the distribution of printed material in accordance with this regulation is subject to disciplinary action by the University.

Specific Authority: BOG Regulation 1.001-1001.74(4) FS.

—Law Implemented 1001.74(6), (10), (19) FS.

History--New 9-29-75, Amended 8-15-78, 8-6-81, 9-15-83, Formerly 6C1-2.03, Amended 5-19-93, 7-11-94, 5-1-96, 6-3-03, 5-30-04-, Formerly 6C1-2.003, Amended _____.