

Ad Hoc Committee on a Civil, Safe and Open Environment

October 16, 2007

Committee Attendees:

Brian Aungst
Lola Bovell
Sandra Chance
Steven Hoffstetter
Leslie Jean
James Klausner
Mark Rush
Mike Seigel
Kim Tanzer

Invited Guests:

VP and General Counsel Jamie Lewis Keith, who brought Dr. Barbara Wingo

The meeting was called to order at 10:32 AM

The minutes of the October 9, 2007 meeting will be approved at the next meeting.

Professor Sandra Chance presented an overview of the first amendment freedoms for free speech on a university campus. A copy of Chance's slides was distributed to the members of the committee. Chance discussed the principles underlying the first amendment, the hierarchy of protected speech, the distinction between regulation of content and reasonable time, place and manner regulation, public, designated and non-public for a for speech, the distinction between hate speech and offensive speech, and other related issues. Chance also discussed the state of case law on speech in public high schools and in public universities. Chance also explained that while speech is protected by the First Amendment, conduct is not protected.

Jamie Keith stated that an issue the committee might want to consider is best practices for how to respond to disruptive behavior.

Areas to look into are:

- What are the best roles for moderators and how they can be trained?
- What are the best roles for student life staff and how they can be trained?
- At what point should law enforcement be involved? Is there a best practices protocol for escalating responses by different categories of responders as the situation develops?

A discussion ensued on profanity and obscenity. Keith and Chance discussed the Supreme Court's definition of obscene speech. Kim Tanzer asked how standards that change over time are dealt with. Chance stated that it is based on what is acceptable to the local community at the time.

Keith distributed handouts, provided a further first amendment overview and then reviewed relevant provisions of university regulations. A copy of Keith's handout is attached to and incorporated in these minutes.

She stated that most of the university's regulations are content neutral and that there are time, place and manner regulations to ensure that open speech may occur without disturbing normal operations at UF, undermining the safety of the members of the UF community, or damaging UF property.

Tanzer polled the committee to determine whether they would like to continue the first amendment discussion to complete it or whether to go on to the presentation of 4th amendment principles. After a discussion, it was decided that Brian Aungst will present his discussion of the 4th amendment next week.

The committee discussed the first amendment and freedom of speech presentation.

Mike Seigel asked about profanity and if someone could fit all seven "dirty words" into a question without violating any rules.

Keith answered that the regulations do not attempt to regulate profanity and profanity is not defined. She stated that civility refers to a civil and safe environment that facilitates freedom to speak whether or not the content of the speech itself is polite.

Chance stated that regulations concerning the content of speech are difficult to draft.

Keith stated that Yale has interesting regulations that should be reviewed along with regulations of other institutions.

Question and Answers

1. Q: Brian Aungst: Is the general public subject to the regulations of the university when attending a sponsored event.

A: Keith: Members of the community need to comply with university regulations when they are on campus. The police intervene if there is a safety issue or when trying to "keep the peace".
2. Q: Aungst: At what point does UPD step in and say that you're broken regulations and you're not welcome on campus?

A: Keith: UPD can act on its own if there is a safety issue or a violation of law or UF regulations. UPD does not need to wait for event sponsors to tell them to remove people, but UPD is available to respond when called upon.
3. Q: Mark Rush: What happens if an organized body of students or people who go to a meeting to disrupt it?

A: Keith: There are regulations against disrupting an event. When people participate in UF events they are subject to UF regulations.

Chance stated that perhaps training can be improved in regards to our regulations.

4. Q: Steve Hoffstetter: What gives Accent the authority to exercise rules?

A: Keith: It's their event. But events at UF must also follow university regulations.

5. Q: Seigel: If speaker is giving opinion even if using profanity should Accent turn off the microphone?

A: Keith: The supreme court has allowed high schools to restrict profane speech in furtherance of its educational mission. The court has not yet decided this issue at university level. Sandra Chance added that generally speech is not limited to the most sensitive ears.

Possible issues to consider for recommendations:

- Policy on profanity and microphones. (Professor Chance and Ms. Keith noted that profanity is hard to define and cautioned against focusing on this.)
- People in position to turn off microphone (including: Accent monitors, the Accent director of security, and ushers) should be very familiar with regulations.
- Let public know what the ground rules are
- Create a policy that is broad and encourages the free discourse in public forums
- More understanding of first amendment
- Define threshold for disturbing the peace
- Recognize that unruly behavior is different depending on culture, country, state, city, etc. and maybe more training for different environments would be helpful. Police are trained for city and state environments and may need training specific to the unique university environment.

The meeting adjourned at 12:30 PM