

Ad Hoc Committee on a Civil, Safe and Open Environment

November 13, 2007

Committee Attendees:

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

Invited Guests:

Vice President and General Counsel Jamie Lewis Keith  
Vice President for Student Affairs Patricia Telles-Irvin  
Assistant Vice President Student Affairs and Dean of Students, Gene Zdziarski

Chair, Professor Kim Tanzer called the meeting to order at 10:40 a.m.

The minutes of the October 23, 2007 meeting were approved by a unanimous vote of those members in attendance at that meeting.

Lola Bovell and Mark Rush made a presentation about conduct codes, campus demonstrations and academic freedom and responsibility at University of Florida and peer institutions, commenting that there are many similarities concerning conduct, disruption of events, and encouraging academic freedom. A copy of their presentation materials is attached to these minutes. Bovell reviewed University of Florida's relevant regulations and Rush reviewed a sample of those of peer institutions. Rush and other members of the Committee noted interest in Columbia University's regulations' articulation of differing levels of disruption and corresponding consequences. Interest was also expressed in \_\_\_\_\_University's regulations. Rush then invited the Committee to discuss these matters.

Tanzer asked Patricia Telles-Irvin whether she would like to inform the committee about any matters relating to conduct of events. Telles-Irvin stated that groups, including UFPD, Student Affairs, host organizations such as ACCENT, and host venues meet in advance of certain kinds of events to plan how the event should be run, secured and coordinated. These groups have also been meeting over the last month to focus on more training and clearer roles and responsibilities for moderators, Student Affairs, ACCENT, and the police in order to ensure the most effective management of events and response to disruptions. Gene Zdziarski agreed and noted it all

depends on the type, expected attendance and controversy of the event. The Committee expressed an interest in more formalized protocols.

Sandra Chance and Tanzer asked whether Telles-Irvin's group would have a draft of their recommendations on roles and protocols for the Committee to review by the end of November or beginning of December. Telles-Irvin stated she thinks they will be able to provide recommendations to the Committee in that time frame.

A question was raised as to whether demonstrations are taped by the police or other groups. Telles-Irvin said that Student Affairs does not tape events, but noted that some speakers and activist groups do tape events. Tanzer and Seigel noted that so many people have camera cell phones that it would be hard to limit taping.

Seigel reported that he and Steve Hoffstetter had a very good meeting with University Police Department Chief Linda Stump and Lt. Stacy Ettl to prepare for their overview of events security issues at the next meeting. They found Stump and Ettl to be very professional and learned that the Chief had proactively initiated some clarifying amendments to the wording of UFPD's taser policy that would be reported at the next meeting.

A question was raised and a discussion ensued about what constitutes a disruption of an event, how the First Amendment affects this determination, and when a disruption justifies an arrest.

Jamie Keith pointed out that, unlike the many places on campus where individuals may speak out about anything as long as they don't create safety hazards or interfere with classes or university operations, events may have allotted times and protocols for speech. At an event, disruption occurs under UF's regulations and policies when someone speaks out of turn and causes the event to stop or to be interrupted or someone else's right to speak is interrupted. The law in Florida makes disruption of a school event illegal. However, most disruptions are handled without an arrest.

Telles-Irvin pointed out that moderators, Student Affairs, venue or event hosts, ushers, etc. can often address the disruption without difficulty. The police are available if these efforts don't successfully address the disruption. Keith noted that arrests usually occur only when a person disrupts an event, won't stop when asked to do so, and resists removal.

Chance, Seigel, and Keith discussed disruptions and how they relate to speech. They noted the difference between regulating offensive conduct, which is not protected by the First Amendment, and regulating offensive speech content, which is protected. Keith pointed out that the Supreme Court has nevertheless allowed high schools to regulate profanity, sexual and certain other speech but has not yet decided the extent to which universities may regulate speech in the exercise of their educational mission. She pointed out that she is not stating what the Court should decide, but only that it is a conservative court and could allow some regulation. Chance and Keith recommended that the focus be on regulating conduct that disrupts, which may include speaking outside of the allotted time or turn and interrupting an event. Chance, Seigel, and Keith concurred that it is best for a university's regulations not to regulate "offensive" speech content

and to be clear that it is not an interruption of an event for a person to use offensive speech that is on topic during the time and turn allotted for the person to speak.

Tanzer noted that judgment is exercised on whether a disruption will stop. Brian Aungst wondered when the police's intervention is warranted. Seigel reminded the group that security issues and protocols, including use of tasers, would be addressed at the next meeting. Tanzer reminded the Committee of the possible adverse consequences, including litigation, that can result when untrained personnel try to respond to disruptions and inadvertently injure someone.

A discussion ensued about different types of events, such as concerts, football games, and lectures, and it was noted that different events management approaches may be necessary depending on the type of event. Seigel recommended against the Committee addressing football games with 90,000 attendees because UFPD is among the most experienced campus police in the country in managing these events.

Tanzer noted that, as an academic institution, our conduct code could impose a higher standard than applies in other contexts. A discussion ensued about the chilling effects of disrespectful discourse among faculty.

Chance stated it is difficult to legislate "manners" and "collegiality." Tanzer stated that the Committee should consider civility and what it means at UF. Seigel noted he had written an article on this subject that advocates for collegiality.

Tanzer asked for public comment: Professor Fred \_\_\_ noted that he has been on campus for 45 years as a student and faculty member. He stated that deans and administrators can't deal with some situations. Police wear uniforms and they can diffuse situation by showing that there will be consequences for continuing a disruption.

Seigel commented that sometimes being slow to respond can have the unintended effect of escalating a situation.

Aungst said he and Hoffstetter attended a forum on taser use and talked with some interested students who want a moratorium on taser use on campus until further research is undertaken on their safety. He stated he agreed to voice this position for these students to the Committee.

Tanzer noted a few reports on tasers, one by Amnesty International and another by Wake Forrest University, and asked Amelia Bell to post them on the Committee's Web site. Seigel stated that all of the studies, on both sides of the issue, have been criticized. He said the Committee would learn more at the next meeting.

The meeting was adjourned at 12:30 pm.