



BOARD OF TRUSTEES

Ad Hoc Committee on Regulations Meeting Agenda

December 13, 2024

10:45 AM

Florida Polytechnic University
Virtual via Microsoft Teams

Dial in: 1-863-225-2351 | Conference ID: 26609040755#

MEMBERS

Ilya Shapiro, Chair
Dr. Brad Towle

Dorian Abbot
Christos Tsetsekas

Jesse Panuccio

AGENDA

- | | | |
|------|---|---|
| I. | Call to Order | Ilya Shapiro, Chair |
| II. | Roll Call | David Fugett,
VP and General Counsel |
| III. | Approval of October 31, 2024 and Nov. 26, 2024 Minutes
* Action Required * | Ilya Shapiro, Chair |
| IV. | Public Comments | Ilya Shapiro, Chair |
| V. | Regulations | Ilya Shapiro, Chair |
| | A. FPU-1.003 Use of University Facilities and Property | |
| | B. FPU-1.007 Campus Free Expression | |
| VI. | Closing Remarks and Adjournment | Ilya Shapiro, Chair |



BOARD OF TRUSTEES

Ad Hoc Committee on Regulations **DRAFT** Meeting Minutes

October 31, 2024
10:00 A – 11:00 A

Florida Polytechnic University
Virtual via Microsoft Teams

I. Call to Order

Ad Hoc Committee Chair Ilya Shapiro called the Ad Hoc Committee on Regulations meeting to order at 10:00 a.m.

II. Roll Call

David Fugett called the roll: Ad Hoc Committee Chair Ilya Shapiro, Trustee Dorian Abbot, Trustee Jesse Panuccio, Trustee Bradford Towle, and Trustee Christos Tsetsekas

Staff Present: David Fugett, Melaine Schmiz, Gina Profeta, Dr. Allen Bottorff, and Sherri Pavlik

III. Public Comment

There were no requests received for public comment.

IV. Regulations

Ad Hoc Committee Chair Shapiro explained that the Committee was formed to review Regulations that were brought before the board in September. Outcomes of discussions for each regulation are as follows:

1. Regulation FPU-1.003 Use of University Facilities and Property discussed modifying the language of “sunset” in section (8) Camping, Tents, and Other Structures to reflect the Florida Department of Agriculture and Consumer Services, which defines the time of sunset each day. There were no further comments for this Regulation.
2. Regulation FPU-1.007 Campus Free Expression, discussed the following modifications:
 - a. Section (4)(b): combine section (4)(c) by including, *campus activities* in the last sentence, “Use of outdoor areas must also be consistent with all other University regulations and policies including, but not limited to the regulations and policies governing *campus activities*, commercial speech and activity, and use of facilities.”;
 - b. Section (4)(c): Eliminate entirely; and

- c. Section (4)(d) (now (4)(c)): define the term “sunset” to reflect the Florida Department of Agriculture and Consumer Services, which defines the time of sunset each day.
- 3. Regulation FPU-1.009 Temporary Signage, Distribution of Materials, and Commercial Solicitation on University Property, discussed with no additional changes.
- 4. Regulation FPU-3.006 Student Code of Conduct, discussed with no additional changes.

V. Closing Remarks and Adjournment

The Office of the General Counsel will add the proposed changes, and the Committee will reconvene at a later date for review, prior to bringing the updated Regulations to the Full Board in February 2025.

The meeting adjourned at 10:52 a.m.

Respectfully submitted:

Sherri Pavlik
Executive Assistant & Paralegal
Office of General Counsel



BOARD OF TRUSTEES

Ad Hoc Committee on Regulations **DRAFT** Meeting Minutes

November 26, 2024

8:30 A – 9:00 A

Florida Polytechnic University
Virtual via Microsoft Teams

I. Call to Order

Ad Hoc Committee Chair Ilya Shapiro called the Ad Hoc Committee on Regulations meeting to order at 8:30 a.m.

II. Roll Call

David Fugett called the roll.

Committee Members present: Ad Hoc Committee Chair Ilya Shapiro, and Trustee Christos Tsetsekas

Staff Present: David Fugett, Gina Profeta, and Sherri Pavlik

III. Public Comment

There were no requests received for public comment.

V. Closing Remarks and Adjournment

The Committee did not meet quorum requirements. With no further business to discuss the meeting adjourned at 8:45 a.m.

Respectfully submitted:

Sherri Pavlik
Executive Assistant & Paralegal
Office of General Counsel

THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES

FPU-1.003 Use of University Facilities and Property

- (1) **Purpose.** Facilities are scheduled on a priority basis to serve university needs and, when available, to accommodate non-university groups and the general public. The purpose of this regulation is to set priorities for Facility use and to establish authority for determining scheduling procedures and setting charges.
- (2) **Definitions.**
 - (a) **Facilities.** Physical space and grounds that are under the University's operating authority.
 - (b) **Facility Administrators.** Individuals with designated responsibility for the management of one or more Facilities, appointed by the President or designee.
 - (c) **Student Group.** Student groups, clubs or organizations that have received official recognition from the Office of Student Affairs.
 - (d) **University Affiliated Groups.** The University's Direct Support Organizations, institutes, and centers.
 - (e) **Affiliated Organizations.** University Departments or Units, University Affiliated Groups, Student Groups and University Partners.
 - (f) **Affiliated Activities.** Activities hosted by Affiliated Organizations that are related to University business.
 - (g) **Unaffiliated Activities.** Activities hosted by Unaffiliated Groups or activities hosted by any other groups or individuals when such activities are not related to University business.
 - (h) **Unaffiliated Groups.** Groups or individuals other than University Departments or Units, University Affiliated Groups, Student Groups or University Partners.
 - (i) **University Departments or Units.** Component parts of the University.
 - (j) **University Partners.** Institutions and organizations with which the University has formal written agreements for mission-relevant joint efforts, for example: industry partners and state colleges.
 - (k) **Elected Official or Candidate.** Individuals serving in, or running for, an elected position at the local, state, or national level.
- (3) **Access.** There are some areas of the University where access of the Facilities by the general public is permitted, and in many cases, encouraged. However, in order to foster an atmosphere and environment in which the University's educational mission can be carried out, some areas such as classrooms, laboratories, academic offices, and other academic and research areas are not open to the general public. For the most part, the academic and research areas are limited to the use of faculty, staff, students, and invited guests who have business related to the mission of the University.
- (4) **Priority.** The following order of priorities will be observed by Facility Administrators when scheduling Facilities:
 - (a) Credit Instruction. The highest priority for the use of the Facilities is reserved for

academic scheduling, i.e., the use of classrooms, laboratories, and other Facilities for teaching and instructional programs for credit.

- (b) Other Academic Use (Research and Essential Support Services). These are mission-essential academic activities including sponsored and non-sponsored research projects and support services. These include but are not limited to library services, technology support, recruiting events, art exhibits, performances needed to fulfill the academic mission, registration services, counseling and tutoring, and Student Group meetings.
- (c) Non-Credit Instruction and Academic Outreach. This includes academic offerings that are not degree-related or credit-generating (i.e., certain continuing education programs).
- (d) Affiliated Organization and University Partner events related to the University mission.
- (e) Unaffiliated Activities. On a resources-available basis, the University may grant use of its Facilities for Unaffiliated Activities when such use:
 - i. Complies with University rules, regulations, policies and charge schedules;
 - ii. Does not compete with University programs;
 - iii. Does not interfere with other proper functions of the University; and
 - iv. Does not result in the deterioration of Facilities without reimbursement to the University.

Tax exempt organization activities will generally be given priority in scheduling over commercial activities.

- (5) **Scheduling.** When scheduling use of Facilities or equipment, priority shall be given to University programs and functions. Requests for scheduling events in Facilities, except for instructional space, should be directed to the appropriate Facilities Administrator for the Facility. Scheduling of instructional space shall be determined by the Registrar.

(6) **Charges.**

- (a) Rental Fees. The President or designee will establish standard Facility/Equipment Use Fees. These fees may correlate to the number of attendees per event and may include:
 - i. Space rental fee;
 - ii. Equipment use, maintenance or replacement fee;
 - iii. Cost recovery charges; and
 - iv. Processing fees.
- (b) Cost Recovery. Cost recovery may include, but is not limited to, expenses incurred for:
 - i. Event-specific security;
 - ii. Event-specific traffic control;
 - iii. Parking for event guests or visitors;
 - iv. Use of technology;
 - v. Set up;
 - vi. Clean-up; and
 - vii. Processing.
- (c) Distribution of Rental Fee and Cost Recovery. All fees collected will be distributed to the appropriate service areas and Facilities or as directed by the President or designee.
- (d) Facility/Equipment Use Fee. The President or designee will establish a standard Facility use fee schedule. The President or designee may waive or reduce fees for the use of Facilities when appropriate. Applicants requesting a Facilities/Equipment use fee waiver must submit written documentation with the basis for the waiver to the Facilities Administrator or Registrar, as appropriate, for consideration.

(7) Conditions.

- (a) Laws and Policies. All use of Facilities and equipment shall be governed by all applicable state and federal laws and by University rules, regulations, and policies. Security and traffic control for all events held on or in Facilities are under the jurisdiction of the University and all event attendees are subject to University traffic and parking rules.
- (b) Licenses for the use of the Facilities shall include appropriate insurance provisions. All non-governmental groups not directly a part of the University or Student Groups must provide proof of insurance coverage in the appropriate amount as determined by risk management.
- (c) If a University Department or Unit, Student Group, or governmental group holding an event utilizes an outside vendor to provide services for the event, the vendor must be required, by contract, to have and maintain types and amounts of insurance that cover the vendor's exposure in performing the services.
- (d) Unaffiliated Activities Sponsored by University Departments or Units. The University sponsor is responsible for:
 - i. Submitting all required applications for the proposed use as required;
 - ii. Being on site to supervise the activity or event;
 - iii. Assuring that the Facilities are used for the purposes for which they were scheduled;
 - iv. Being fiscally responsible for the event;
 - v. Ensuring that all (on-campus and off-campus) promotion and advertising of such events shall identify the University Department or group that is the sponsor and all groups involved in funding the event;
 - vi. Taking all reasonable steps to ensure that use of the Facilities complies with local, state, and federal laws, and University rules, policies, and regulations.
- (e) Before contacting or inviting any Elected Official or Candidate to an event sponsored by the University or a University Affiliated Group, the Government Relations staff must be consulted.

- (8) Camping, Tents, and Other Structures.** University Affiliated Groups may set up tents and other structures outdoors during their events, subject to the appropriate approvals. Tents and other structures may only be on campus between 8:00 am EST and sunset, as published by the National Oceanic and Atmospheric Administration (noaa.gov-). Tents and other structures may not be left overnight. At least one member of the University Affiliated Group must remain with the tent or structure at all times. Exceptions to this provision may be made for large tents being used for events, subject to appropriate approvals. Camping, including but not limited to, using tents or other similar items for sleeping, is prohibited on campus except when such camping is in connection with an official University activity and has been approved by the President or designee.

- (9) Fronting.** A University Department or Unit or Student Group may not reserve space on behalf of or for the use by an Unaffiliated Group so that the Facility can be used at a reduced rate. This conduct constitutes "fronting" and is prohibited.

- (10) **Refusal, Reassignment or Cancellation.** The reservation and use of Facilities or equipment is a privilege and not a right. The University reserves the right to refuse a request for use of Facilities or equipment or to reassign or cancel any reservation by any person or group. The requestor will be notified, as soon as practicable, of any decision refusing the request for use of space or equipment, or the reassignment or cancellation of a reservation.
- (11) **Employees Protected Right to Engage in Concerted Activities.** This regulation in no way limits or restricts employees' protected rights to self-organization and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

Authority: BOG regulation 1.001(7)(g); Fla. Stat. § 1013.10

History: New: 5.15.14. Amended: 12.6.2017, 9.30.2024, XX.XX.2025

THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES

FPU-1.007 Campus Free Expression

- 1) **Purpose.** It is the intent of the University to encourage a free discourse of ideas while maintaining the safe and normal operations of campus life and education. To that extent, this regulation provides some time, place, and manner parameters on “campus expression.”
- 2) **Definitions.**
 - a) **Campus Expression.** Campus expression is expressive activities protected under the First Amendment to the United States Constitution and Article 1 of the Florida Constitution and includes, but is not limited to, any oral or written communication of ideas, including:
 - i) all forms of peaceful assembly, protests, and speeches;
 - ii) distributing literature;
 - iii) carrying signs;
 - iv) circulating petitions; and
 - v) the recording and publication, including internet publication, of video or audio recorded in outdoor areas of campus.Campus expression does not include commercial speech. Commercial speech is speech in which the individual is engaged in commerce, the intended audience is commercial or actual or potential consumers, and the content of the message is commercial. See University Regulation FPU-1.009 Commercial Solicitation on University Property for more information.
 - b) **University Grounds.** University grounds are the generally accessible outdoor areas of campus in which members of the campus community are commonly allowed, including grassy areas, walkways, or other similar common areas. The term does not include areas of campus to which access is restricted such as parking facilities, and athletic or recreational facilities.
 - c) **Indoor Areas.** Indoor areas are the spaces in or attached to University buildings and facilities, such as classrooms, libraries, labs, terraces, and residence halls.
- 3) **Campus Expression Permitted.** Subject to the limitations of this regulation, University grounds and indoor areas may be used for campus expression. Such use must not disrupt or interfere with the normal operations of the University, any academic or other University activities or the rights of other members of the University community.
- 4) **Parameters on Campus Expression.**
 - a) Campus Expression in Indoor Areas. Demonstrations, assemblies, events, and other similar functions wanting to be held in indoor areas must follow the procedures in University Regulation FPU 1.003 Use of University Facilities and Property and

University Policy FPU-1.0038 Events on Campus to reserve space. Campus expression in indoor areas must comply with all provisions of this regulation. Requesting a reservation of space does not guarantee approval of the activity.

- b) Campus Expression in Outdoor Areas. Outdoor areas of campus are traditional public forums for individuals, organizations and guest speakers to engage in expressive activities subject to reasonable content-neutral time, place and manner restrictions. Accordingly, consistent with the definitions and other portions of this regulation, persons or groups wishing to engage in expressive activities in outdoor areas of campus may do so freely, spontaneously, and contemporaneously as long as the person's conduct is lawful and does not materially and substantially disrupt University's academic mission, its administrative functioning or infringe upon the rights of other individuals to engage in expressive activities. Use of outdoor areas must also be consistent with all other University regulations and policies including, but not limited to the regulations and policies governing governing campus activities, commercial speech and activity, and use of facilities.
- ~~e) Restricted Areas. The President or designee may determine on a content neutral basis additional areas of campus where it would be unreasonable for campus expression activities to occur because of disruption or health, safety, and welfare considerations.~~
- d)c) Time Restrictions for Campus Expression. To protect the health, safety, and welfare and to prevent inference or disruption of University operations, protests, parades, marches, picketing, demonstration, and other similar campus expression is not permitted on University grounds nor in indoor areas from sunset, as published by the National Oceanic and Atmospheric Administration (noaa.gov)-, to 8:00 am EST without prior written approval from the President or~~f~~ designee. Requests for such campus expression will be reviewed in a content and viewpoint neutral manner.
- e)d) Interference with University operations and rights of others. To ensure that campus expression does not interfere with the operation of the University or rights of others, campus expression is not permitted to:
 - i) Obstruct vehicular, bicycle, pedestrian, or other traffic;
 - ii) Obstruct entrances or exits to buildings, classrooms, offices, facilities, or areas on campus;
 - iii) Materially and substantially interfere with or disrupt:
 - (1) Any educational, instructional, research or administrative activities inside or outside any building;
 - (2) A scheduled speaker from being heard;
 - (3) Scheduled University ceremonies or events; nor
 - (4) Normal University operations or activities;
 - iv) Threaten or harass passersby or engage in activity that is otherwise unprotected by the First Amendment;
 - v) Damage property, including lawns and landscaping;

- vi) Pose an environmental hazard or health or safety threat to the University, the University community, University organizations, or the general public;
- vii) Utilize sound amplification that will materially and substantially disrupt normal University operations.

~~f~~e) **Material and Substantial Disruption.** If campus expression is, in the opinion of the President or designee, materially and substantially disrupting normal University operations or materially and substantially disrupting exercise of the rights of other members of the University community contrary to the requirements of this and applicable regulations, the President or his/her designee may:

- i) Identify him/herself to the persons participating in the campus expression, giving name and official position;
- ii) Inform the persons participating in the campus expression that they are in violation of University policy and/or in violation of the law and specify the nature of the violation;
- iii) Request that the violation cease (which may include relocation of the activity to avoid the disruption); and
- iv) In the event of non-compliance with this request, enlist the assistance of University and/or local police in restoring order and enforcing the law.

~~g~~f) **Compliance with Applicable Regulations and Laws.** Persons engaging in campus expression must comply with all applicable University rules, regulations, and policies and state and federal law.

- 5) **Law Enforcement Authority.** In the event of a material and substantial disruption, law enforcement personnel may declare campus expression to be disruptive, disorderly, or in violation of law and request all participants to cease and desist and to disperse and clear the area or be subject to arrest and/or University disciplinary action.
- 6) **Employee Disciplinary Action.** Faculty, staff, and all other personnel who intentionally act to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University are subject to appropriate disciplinary action by the University, up to and including termination of employment.
- 7) **Student Disciplinary Action.** Students who intentionally act to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University are subject to appropriate disciplinary action up to and including expulsion in accordance with the Student Code of Conduct.
- 8) **Employees' Protected Right to Engage in Concerted Activities.** This regulation in no way limits or restricts employees' protected rights to self-organization nor employees' rights to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

Authority: BOG regulation 1.001, Sections 1013.10, 1012.80, 1006.61, 1004.097 F.S.
History: New: 7.29.14, Amended 3.15.19, 9.30.24, XX.XX.2025

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