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December 06, 2006

Students challenge UCF's 'free-assembly' policies

By MARK HARPER
Education Writer

Months after campus police broke up an Iraq war protest because students were gathered outside "free-assembly zones," a University of Central Florida committee is reconsidering those policies.

The review comes after a student grievance, a Student Senate resolution and an intervention by the Foundation for Individual Rights in Education (FIRE), a Philadelphia-based civil rights organization.

"It is simply unacceptable for UCF to transform the vast majority of its campus into a censorship area," FIRE President Greg Lukianoff said in a news release. "The current policy is unconstitutional and must be repealed."

Maribeth Ehasz, vice president for student development and enrollment services, is forming a committee to review free assembly, including representatives from law enforcement, the general counsel's office and students. She hopes to have recommendations to the Board of Trustees by late spring.

Ehasz said it is common for universities to limit gatherings to "free-assembly zones," as they have the potential to disrupt the business of the university, and took issue with FIRE's characterization of the free-assembly areas as "free-speech zones."

"FIRE has used the terms to mean the same thing," she said. "They don't."

At UCF, students have free-speech rights anywhere on campus, she said.

"What we restrict is the assembly of groups, the use of amplification, hazardous activities, solicitation on campus and commercial activities," she said.

Youndy Cook, associate general counsel at UCF, noted in a letter to FIRE those types of gatherings enjoy different and lower levels of constitutional protection. Cook also claims FIRE has failed to review all of the university's policies.

But Patrick DeCarlo, a senior who was part of the Iraq war protest and a later gathering that was broken up by police, says the rights to free speech and free assembly are both guaranteed by the First Amendment.

He described the Iraq protest as a gathering of about 40 students, some with signs, between the Student Union and the John T. Washington Center at the Orlando campus. It was neither loud nor violent, he said.

"It was shocking to see UCF police come out and say, 'You have to leave or you're going to be arrested for trespassing,'" he said. "We pay to go there. We know the public university is supposed to be a marketplace of ideas, not injustice."

DeCarlo later filed a grievance against the university. The Student Senate passed a resolution last month noting: "The 'free assembly areas' create a chilling effect by creating an environment that is hostile to freedom of expression," and calling for the zones to be abolished.

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Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

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