



USE OF UNIVERSITY FACILITIES FOR AUTHORIZED EVENTS	
Responsible Official: Vice President for Student Life and Enrollment	Responsible Office: Student Life and Enrollment

Policy Purpose

This policy specifies the authorized use of East Tennessee State University Campus Facilities.

Policy Statement

East Tennessee State University (ETSU) regulates the use of its campus property and facilities in order to be consistent with the University mission and educational purpose through the implementation of reasonable, content/viewpoint neutral regulations. This policy, and all campus policies developed in compliance with the policy, shall be implemented and construed so as to ensure no undue disruption of that mission, promote an educational atmosphere on campus; prevent commercial exploitation of Students (defined herein below); preserve residential tranquility, and prevent use of campus property and facilities contrary to federal, state or local law, regulation, or the rules and policies of the ETSU Board of Trustees ("Board").

ETSU recognizes the importance to the educational process and environment for persons affiliated with the University including officially recognized Student Organizations and other groups to have reasonable access to, and use of, the educational facilities on campus, to hear various views. Simultaneously, ETSU facilities are not open public forums, but are instead solely for use consistent with the advancement and orderly administration of its educational mission for the benefit of its students, staff, and Affiliated Groups and Individuals (defined herein below). As such, ETSU does not ordinarily make its buildings or other facilities available to Non- Affiliated Persons (defined herein below). Exceptions may be made only if the proposed use is consistent with this policy and institutional policy and mission.

I. ACCESS TO CAMPUS AND USE OF PROPERTY OR FACILITIES.

- A. Access to and use of campuses, facilities, and property of ETSU is restricted to the institution, institutional administration for official functions, Normal Educational Activities, Affiliated Persons, and Invited Guests of the institution except as specifically

- provided by this policy; when part or all of a campus, its buildings or facilities are open to the general public for a designated time and purpose, or when use by Non-Affiliated Persons has been granted or approved pursuant to the provisions of this policy.
- B. Access to and use of campuses, facilities, and property of ETSU is subject to the Equal Access to Public Property Act: [Tennessee Code Ann. § 39-14-414](#).¹
 - C. All persons on the campus, including Affiliated and Non-Affiliated facilities users and guests shall be subject to all applicable rules and regulations of the University, the Board of Trustees, in addition, to all applicable federal, state laws and regulations. In addition, all persons who operate motor vehicles on the campus agree by such operation to be subject to University and Board rules, regulations, policies and procedures on traffic and parking
 - D. All persons on the university campus must provide adequate identification, upon request, to any university official and/or security personnel. University personnel and Students who refuse to provide such identification may be subject to disciplinary action. Other such persons who refuse to provide such identification may be requested to leave the campus. Should they refuse, they may be subject to lawful removal and prosecution.

II. GENERAL CONDITIONS FOR USE OF PROPERTY OR FACILITIES

- A. Use of campus property and facilities, as detailed in this policy, is subject to limitations on the number of persons who may attend in accordance with appropriate building regulations, fire codes, and safety standards.
- B. All regulations and policy statements that relate to the conduct of assemblies, meetings and demonstrations of Affiliated Persons also apply to all Non-Affiliated Persons and to individual use.
- C. Sound amplification equipment may be used by entities and individuals at assemblies, meetings, and demonstrations only when prior approval has been granted by the University. Such sound amplification is subject to reasonable regulation by the University with respect to time, place, manner, and volume.
- D. University equipment may be used in connection with the use of campus property and facilities only with the approval of, or under the supervision of, approved University personnel.
- E. The University has an established system in which Affiliated Persons are given priority in the use of property and facilities (see Related Forms).
- F. All reservations and usage must comply with the University's designated food service provider contract. All food and beverage vending is handled through the designated University vending services contractor.
- G. Campus property and facilities may not be used by Non-Affiliated Persons for the conduct of profit-making activities except when a rental or lease agreement is negotiated and entered into with the University. Rental rates are generally based on the fair market value of providing the property, facilities, equipment, and service used and

¹ TCA § 39-14-414 Creates a Class E Felony, “. . . for a person to engage in Camping on property owned by the state knowing that the area on which the Camping occurs is not specifically designated for use as a Camping area by the department or agency responsible for the land.” Id.

- includes overhead, depreciation, utilities, maintenance, and security expenses. Rental charges may be based in part upon a fixed percentage of the gross receipts of the activity (see Related Forms), with a minimum rental fee being charged. The University reserves the right to reduce or waive rental charges for such use depending upon the nature and extent of the proposed use. The University permits short-term rental/lease agreements with both Affiliated Persons and Non-Affiliated Persons for use of campus property and facilities.
- H. Students, faculty, and staff acting independently of an Affiliated Entity may apply for use of facilities as an Affiliated Person in accordance with these policies and procedures.
 - I. Student Organizations must be registered with the Office of Students Activities & Organizations and have an active full-time faculty/staff advisor to be eligible to reserve space on campus. Event reservations must be approved by the student organization's faculty/staff advisor and the Student Center before being advertised or taking place. Organizations unable to identify the assistance of a faculty/staff advisor may appeal for registration and reservation assistance with the Office of Student Activities & Organizations.
 - J. Insurance and Security—For events held on ETSU property, the Student Center may require the facility user to obtain event insurance and/or safety and security personnel for any event, activity or program. Features that may require insurance and/or event security include:
 - 1. The use of equipment that attendees will be on or in, such as inflatables
 - 2. Anticipated attendance is 200 indoor attendees or 300 total attendees
 - 3. Non-university participants and/or minors are expected to be in attendance
 - 4. High impact sports activities
 - 5. Exchange of large sums of cash, or the event will be ticketed
 - 6. Dignitaries or speakers who may require security detail or who have attracted publicity and/or protests at other venues
 - 7. Alcohol will be served
 - 8. Road or parking lot closures are needed at any point in setting up for, executing, or tearing down the event
 - 9. Staging, sound equipment and out-of-the ordinary power will be needed
 - K. All rental agreements between the University and Non-Affiliated Persons will be processed and approved by the designated university officials. Such agreements shall not exceed four (4) months in length and may only be renewed or repeated after review to determine that such use does not conflict with an institutional need for the facility/space.
 - L. The University may require Non-Affiliated Persons who use campus property or facilities to provide the following:
 - 1. An adequate bond or other security for damage to the property or facilities during the period of use.
 - 2. Personal injury and property damage insurance coverage.

3. A performance bond guaranteeing performance of its obligations under the contract.
 4. Other types of insurance in such amounts as may be designated by the institution. The University may waive these requirements of security, performance bond, or insurance coverage at its discretion.
- M. Non-Affiliated Persons and some Affiliated Persons reserving facilities for camps, conferences, or special events will be required to supply proof of liability insurance consistent with this subsection. The sponsoring organization must supply a certificate of liability insurance in the amount of one million dollars (\$1,000,000) (minimum) naming the University as an additional insured party, except to the extent the Tennessee Code Annotated (T.C.A.) specifies a lesser amount as the maximum liability (tort limit). To the extent permitted by law, the University may in its sole discretion require insurance and/or a performance bond, if it determines there may be a concern for personal or public health or safety. Factors used to determine the requirement of insurance and/or a performance bond include, but are not limited to, the nature and use of particular facilities, the age of event participants, and the anticipated event size or attendance for any use of campus property and/or facilities. If insurance and/or a performance bond will be required, appropriate levels of coverage and minimum limits shall be enumerated pursuant to contract. Proof of compliance with this provision may be required in advance of an event. This provision shall be applied and enforced in a content/viewpoint neutral manner.
- N. All users agree, by making application for use of facilities for an activity and by subsequent use after approval by the University, to indemnify the University and hold it harmless from any and all liabilities arising out of such groups, organization's, or individual's use of the property, facilities, equipment, or services of the University, including, but not limited to, personal injury, property damage, court costs and attorney's fees.
- O. Affiliated Persons may be assessed the incurred costs of providing the property, facility, equipment, or services required based upon use of campus property or facilities, and on a content viewpoint neutral basis.
- P. Non-Affiliated Persons may have access to facilities or space when sponsored or invited by Affiliated Persons under the following conditions. If an Affiliated Person desires to sponsor an event or activity for a Non-Affiliated Person, the Affiliated Person must:
1. Affirm in writing that the event will be held under the authorization of the Affiliated Person.
 2. Agrees that its name and identity will be associated with the event.
 3. Accepts responsibility for primary communication of facility needs and campus services.
 4. Accepts responsibility to address and resolve problems relating to the event(s) including any damages incurred and liability issues involved.
 5. Obtain all necessary campus approvals and authorizations for the events(s).
 6. Ensure that university policies and procedures are followed.

7. Ensure that all financial obligations for the event are met.
- Q. Each student organization is limited to two on-campus events co-sponsored with non-affiliated groups each academic year. Student Organizations may not co-sponsor more than one on-campus event with the same non-University group each semester. Restrictions related to non-University co-sponsorships are intended to reduce ambiguity or exploitation regarding the Affiliated Use and Rental of ETSU Facilities policies.
- R. Co-sponsorship restrictions do not apply to the use of ETSU Property by governmental entities, such as the City of Johnson City; and ETSU may make ETSU Property available to governmental entities at an agreed rate or without compensation.
- S. Affiliated Persons inviting Non-Affiliated Persons under this provision may also be assessed the incurred costs of providing the property, facility, equipment, or services required based upon use of campus property or facilities, specifically including location of event, and/or size of event. Any such costs will be assessed on a content/ viewpoint neutral basis.
- T. When an event/activity is revenue/income producing whether Affiliated or Non-Affiliated, the event sponsor may be charged additional fees use or re-sale of the space in accordance with published and approved facility use fee schedules. These related fees will be reviewed and updated annually.
- U. Responsibilities of Users—Once an event ends, the space used for the event must be restored to its condition when the event began. If clean-up or repairs are needed following an event, the student organization will be assessed supplementary charges to recover the cost of clean-up or repairs. Student Organizations whose events repeatedly incur these supplementary charges may be prohibited from using ETSU property and/or may be subject to additional conduct procedures.

III. USE OF PROPERTY OR FACILITIES

- A. Standing meetings of Affiliated Persons may be planned and scheduled for two semesters (fall & spring) at a time. Special meetings of other Affiliated Persons may be scheduled for not more than four (4) weeks at a time. Annual meetings, established test dates, recurring university events, and other such events may be submitted as part of the required Request for Use of Facilities Form (See Related Forms).
- B. The University maintains the generally-accessible, open, outdoor areas of campus as traditional public forums for Free Expression Activities conducted by ETSU students.
- C. Spaces open to Non-Affiliated Persons for reservation to conduct noncommercial Free Expression Activitiesⁱ between dawn to dusk (but no longer than 7:00 a.m. to 7:00 p.m. daily) include:
1. Amphitheatre
 2. University Commons.
 3. Designated areas within the Sherrod Library Borchuck Plaza, specifically excluding the Sherrod Library steps and the fountain structure.
 4. The Quadrangle/Quad grass area.

- D. Non-Affiliated Persons may use the areas outlined above up to four (4) times per four (4) week period with no more than two (2) consecutive days of use.
- E. ETSU Public Safety will be notified of all events scheduled through the Student Center. Together, the Student Center, Public Safety and Emergency Management will determine if the event requires any safety/security staffing. This may include uniformed officers, administrative staff, bonded security guards, emergency medical or other certified staff. To the extent permitted by law (Tenn. Code Ann. § 49-7-2405(a)(15), the event organizer/sponsor is responsible to pay the cost associated with providing security staffing.
- F. If ETSU Public Safety determines that barriers are necessary for crowd control purposes, a sectioned off area may be created for the user.
- G. In accordance with Tenn. Code Ann. § 49-7-1907(c)(3), ETSU may restrict or deny use of the institution's property for public displays, organized public gatherings, or public demonstrations if the display, gathering, or demonstration violates Tenn. Code Ann. § 39-17-902 or § 49-7-2405. Individuals and groups that use the institution's property are responsible for ensuring their activities respect community standards and are free of content that may be considered obscene. Any use of the institution's property contrary to law or institutional policy may result in immediate termination of facility access and legal action.
- H. In order to ensure no disruption or interference with educational activities in those buildings and classrooms in the vicinity, no sound amplification of any kind is permitted, unless written approval has been obtained by the D. P. Culp Student Center at least forty-eight (48) hours prior to the event. No amplified sound is allowed during final examination periods.
- I. Facility users may not infringe upon the rights of others to engage in peaceful assembly or the free exchange of ideas, to use or enjoy university facilities, or to attend university functions. Actions such as the following are unacceptable:
 - 1. Blocking, obstructing, or impeding the passage of a person or vehicle. All activities or events must be conducted in such a manner that campus pedestrian traffic and automobile traffic are not unreasonably impeded and so that members of the university community who are not participating in the activity or event may proceed with their normal activities.
 - 2. Causing a person bodily harm.
 - 3. Erecting or placing obstructions that result in depriving others of their rights.
 - 4. Directly or indirectly preventing a speaker from speaking, even for a brief period of time; or asserting control of a Public Speaking Area for one's own purposes while otherwise in use by participants previously using the space.
 - 5. Actions that constitute harassment as defined in university policy and local, state, and federal law.
- J. The following items are prohibited from being used within campus facilities: illegal weapons, simulated weapons, or improvised weapons as determined by law

enforcement officers in their professional judgment; torches; fireworks; explosive devices; incendiary devices; artificial noise-making devices (unless consistent with the sound amplification policy); laser pointers; and masks.

IV. ADVERTISING

- A. Facility users should not advertise or publicly announce anticipated events/activities until written confirmation of the reservation date, time and location is received by the facility user.
- B. No advertising signs, posters, or other material may be placed on or in campus property or facilities by any Non-Affiliated Persons except as otherwise permitted by this policy. The University, at its discretion, may permit non-commercial advertising of programs, events and activities by non-affiliated, non-profit groups in locations on campus. Affiliated Persons may also place advertising materials in designated locations.
- C. The purchase of advertisements by Non-Affiliated Persons in university publications is permitted.
- D. Limited advertising by Non-Affiliated Persons may be permitted when incidental to a donation of property or services to the institution and pursuant to a contract with the institution.
- E. Any Advertising must comply with Board of Trustee Policy and must not:
 - 1. Have illegal aims and goals.
 - 2. Propose activities which would violate regulations of the Board of Trustees or the institution, or federal or state laws and regulations, or materially and substantially disrupt the work and discipline of the institution; or
 - 3. Advocate incitement of imminent lawless action that is likely to produce such action.
 - 4. Furthermore, public displays which an average person applying contemporary community standards would find:
 - a. Taken as a whole, appeals to the prurient interest,
 - b. Depicts or describes sexual conduct in a patently offensive way, and
 - c. Taken as a whole, lacks serious literary, artistic, political or scientific value are prohibited.
- F. The university's name and marks may not be used in a manner that represents or suggests university sponsorship of events that are not funded by the University. For events sponsored (funded) by University departments and organizations, use of the ETSU's brand and trademarks must adhere to the the University's brand standards and trademark policies set forth by the Office of Marketing and Communications.
- G. Digital/Bulletin Boards

1. The use of campus digital/bulletin boards is limited to Affiliated Persons, and to official use by the University. Use of digital/bulletin boards by Non-Affiliated Persons may be approved in digital/bulletin board policies established for specific buildings.
2. Digital/Bulletin boards may be designated for use by specific entities, or individuals, such as faculty, students, or Student Organizations. Those entities, or individuals authorized to use a digital/bulletin board, the types of materials, which may be posted on a board, the maximum size, and duration of any notice, and any other special conditions will be posted on each board and will control the use of the board.
3. The University generally requires prior approval for the use of any digital/bulletin boards on campus. Use of a board may be denied on the basis of one or more of the following:
 - a. The person or group is not authorized to use the board in question;
 - b. The material is not the type authorized for the board in question, or fails to meet special conditions as posted on the board;
 - c. There is insufficient space available for the material on the board in question due to the previous posting of other materials.
4. Any postings must comply with Board of Trustee Policy and must not:
 - a. Be obscene.ⁱⁱ
 - b. Have illegal aims and goals.
 - c. Propose activities which would violate regulations of the Board of Trustees or the institution, or federal or state laws and regulations, or materially and substantially disrupt the work and discipline of the institution; or
 - d. Advocate incitement of imminent lawless action that is likely to produce such action.
5. The D. P. Culp Student Center has a comprehensive policy dealing with display cases, banner areas, campus digital and bulletin boards and campus marquees as administered by the Student Activities and Organizations Policies dealing with digital/bulletin boards are administered by and may be obtained from the D. P. Culp Student Center office.
6. The Building Coordinator in each building or his/her designee will be the individual responsible for the implementation and interpretation of building policies relating to the use of digital/bulletin boards in that building subject to and in compliance with this policy.

V. FOOD VENDORS ON CAMPUS

- A. Permission for outside food vendor sales on campus must comply with the University Food Service Contract. As the office responsible for administering the food service contract, the D. P. Culp Student Center will enforce these policies in conjunction with the space reservations process.
- B. Space must be reserved in accordance with this policy in order to host outside food vendors on campus. When the sale of food items is indicated in a reservation, the Food Vendor Host group will be required to supply the Student Center staff with the necessary proofs of insurance, business license and health inspection, mobile vendor license, and signed vendor statement before the reservation can be approved/confirmed.
- C. Event reservations that include hosting food vendors on campus must be made by an Affiliated Entities or a department of the University. Non-Affiliated Entities may not serve as a Food Vendor Host or directly reserve space for sale of food items on campus.
- D. A representative of the Food Vendor Host must be present/remain with the visiting food vendor at all times during the event in order to address any arising needs or concerns of the vendor or University officials. Food vendors may be present and operational for the duration of the event time listed on reservations only.
- E. All food vendors invited to campus shall be required to provide the following documentation:
 - 1. Proof of insurance;
 - 2. Copy of most recent health inspection with passing grade;
 - 3. Mobile Vendor License;
 - 4. Copy of current license to do business in Johnson City, TN; and
 - 5. A signed Vendor Statement of Responsibility and University/Hosting Organization Release.
- F. It is the responsibility of the Food Vendor Host to collect the required documentation listed above and follow through on ensuring that vendors have what they need to operate (in terms of power, space, garbage disposal, etc.) and adhere to the guidelines regarding space use, disposal of garbage, parking, noise, etc. throughout the duration of the hosted event.
- G. All vendors may be subject to inspection by the Student Center Office, Student Activities Office, Campus Police, or the ETSU Health and Safety Officer. Any vendor found to be in violation of campus policies may be required to leave at any time. In addition, the Food Vendor Host will be empowered to request a food vendor to leave at their discretion. If/when representatives of the Food Vendor Host are no longer available to accompany the vendor, the vendor must exit campus.
- H. Food Trucks may set up in areas approved through the Renovation/Space Utilization Request process only. Previously approved spaces can be found on the Student Center website <https://www.etsu.edu/studentcenter> , and the Renovation/Space Utilization Request form on the Facilities Management website <https://www.etsu.edu/facilities/forms.php>.

VI. MISCELLANEOUS

- A. Sanctions for violations of institutional policies regarding permissible use of campus property and facilities for activities, events, meetings, protests, and demonstrations shall be consistent with those listed in East Tennessee State University's Student Disciplinary Rules and/or those specified in building specific use policies.
- B. Use of campus facilities must be consistent with and compliant with the [Non-Student Minors Policy](#).
- C. Minors may only be present at on-campus student organization-sponsored events while a parent or guardian is present with the minor for the duration of the activity.
- D. For events advertised as "all ages," or where the organization anticipates minors to attend, the sponsoring organization must provide notice that minors must be with a parent or guardian and that the parent or guardian is responsible for the minor's participation in the events or activities.
- E. For on-campus events advertised as "all ages," or where the organization anticipates minors to attend, the sponsoring organization must meet with the Student Center staff to review the content of the event. If the content of the event is deemed explicit, obscene or pornographic for minors (according to Tennessee Law), minors will not be permitted to attend, regardless of the presence of a parent or guardian.
- F. If minors are not permitted due to explicit, obscene or pornographic content, the organization must promote the event as 18+ or "ETSU Students Only" and provide such notice prior to and at the event. It is the responsibility of the organization to prevent minors from attending events where minors are not permitted to attend.

Authority: TCA § 49-8-203, et. seq; First Amendment to the United States Constitution; Article I Section 19 to the Tennessee Constitution

Previous Policy: INSERT TBR POLICY CITE IF APPLICABLE OR PREVIOUS POLICY NAME

Defined Terms

A defined term has a special meaning within the context of this policy.

BUSINESS DAY:	A regular day of operations for the University, normally Monday thru Friday 8:00 a.m. - 4:30 p.m. excluding University observed holidays or closures.
AFFILIATED ENTITY:	An officially registered student organization or a department of the University.
AFFILIATED INDIVIDUAL:	A person or persons with a formal relationship with ETSU, including the University's current students, faculty, staff, and Board of Trustee members; collectively, with Affiliated Entities, "Affiliated Persons."

CAMPING:	<p>Consists of any of the following activities on University property at any time between ten o'clock p.m. (10:00 p.m.) and seven o'clock a.m. (7:00 a.m.):</p> <ol style="list-style-type: none"> 1. Erecting, placing, maintaining, leaving, allowing to remain, or using a piece of furniture, tent, raised tarp, or other temporary shelter, structure, or furniture; 2. Placing or storing personal belongings for future use, including storing food for consumption; or 3. Carrying on cooking activities, whether by fire or use of artificial means, such as a propane stove or other heat-producing portable cooking equipment; 4. Sleeping or preparing to sleep, including laying down a sleeping bag, blanket, or other material used for bedding; 5. Making a fire or preparing to make a fire; or 6. Doing any digging or earth breaking.
FOOD VENDOR HOST:	Any affiliated organization or university department reserving space on campus to host an event involving outside food vendors
INVITED GUEST:	A person invited by a student, institutional official, or employee of the university to visit the campus at a specific time and place.
NON-AFFILIATED PERSON:	Any group, person, or organization which is not an Affiliated Entity or Individual. This includes both for-profit and non-profit groups as well as federal, state, and local government organizations.
NORMAL EDUCATIONAL ACTIVITIES	Activities that occur outside of the classroom to enhance and continue student learning and project completion. They include, but are not limited to: small group study sessions (whether organized by Students, tutors, supplemental instructors or teachers), review sessions, open labs, student-teacher conferences and Students_working together on class projects.
PERSONAL TRANSPORT DEVICES (PTD):	Any device used for human transportation that does not require a license to operate. These devices include scooters, skateboards, longboards, hoverboards, Segways, skates, rollerblades, and bicycles.

Procedure

I. RESERVATION PROCEDURES

- A. Staff with the D. P. Culp Student Center are responsible for receiving and processing "Requests for Use of Facilities" Forms pursuant to this policy and will maintain a copy of the University policies for inspection by entities, and individuals. A copy of the policy is available online.
- B. The Space Management Coordinator of Facilities Management represents the University in connection with non-university related multi-day events and/or complex events using multiple facilities on campus. These types of events include summer camps and conferences, conventions, athletic tournaments, charity events, and other such activities. This individual will create and process detailed contracts, work orders, and facility reservations with the various university departments to ensure the efficient operation of these events.
- C. The Office of Emergency Management plays a primary role in determining when an event requires extensive logistical planning for campus safety and security or significantly affects campus services (including alterations to class schedules, traffic flow, or parking);
- D. Campus Recreation is responsible for receiving and processing Requests for the Use of Basler Center for Physical Activity Facilities Form pursuant to this policy and will maintain a copy of the University and Board of Trustees policies for inspection by entities, and individuals. A copy of the policy is available online.
- E. The reservation of academic space is coordinated by the Registrar's Office.
- F. Facilities Management is responsible for the space utilization approval process which includes space requests outside of this policy.
- G. Requests for use of facilities can be made through the reservation forms found on the [Culp Student Center](#) and [Facility Reservation webpage](#).
- H. While small and informal events requiring little to no staff support and taking place inside meeting rooms of the Culp Student Center may be reserved same-day by students and University Affiliated groups; larger General Assembly and Outdoor spaces, as well as events requiring staff support (due to size, set-up, security or technology needs), must submit a Request for Use of Facilities a minimum of 15 Business Days (typically 3 weeks) in advance of the event. Approval of late applications shall be handled on a case by case basis and must be provided to the facility user in writing. The decision of such official will be final.
- I. Requests for Use of Facilities should be submitted using the online form. Affiliated and Non-Affiliated Persons reserving space on campus acknowledge that successful submission of a reservation does not guarantee assignment or availability of the space requested. Furthermore, staff reserve the right to assign event locations for a number of reasons including, but not limited to, event size/capacity, maximization of space

- utilization, or management of safety and security for participants.
- J. Any group, organization or individual, which has submitted a Request for Use of Facilities Form and has received approval for the proposed use is responsible for:
1. Honoring the Reservation
 2. Providing timely notice of cancellation by email to the Student Center staff. For most events 24 hours' notice will be considered timely. For large events involving significant set up, security or other services, notification of cancellation should occur no less than four (4) Business Days prior to the event.
 3. Any fees for services as outlined in the facility use fee schedule and/or any expenses incurred by the University, or its contractors.
- K. The Director of the facility has the right to assess the following sanctions for failure to notify:
1. The assessment of a room rental fee for the first offense of a related policy violation during an academic term, and
 2. The assessment of a room rental fee and loss of the privilege of using university facilities for one (1) school term for the second occurrence.
- L. Any Request for Use of Facilities filed at a later time may be approved upon determination by the appropriate university official that the use requested can be reasonably accommodated and that adequate cause exists for late filing of the application. Approval of late requests shall be at the discretion of the Dean/VP or his/her designee (usually the director of the area being requested). The decision of such official is final.
- M. In the event two or more Request for Use of Facilities Forms are submitted for use of the same facility in the same time frame, attempts will be made to honor both requests by the use of alternate facilities or by the mutual agreement to change the date or time of one of the facility requests. If no arrangements can be made to accommodate the multiple requests, then the requests shall be evaluated and honored in accordance with the established Priority for Facilities Use policy (see Related Forms). Once a Request for Use of Facilities Form has been approved and confirmed, requests for the same date and facility will not be approved.
- N. University property may not be taken off campus except for instructional equipment used for instructional purposes or athletic events and in the possession and care of (or under the supervision of) a university employee. Any exception to this policy must be approved in advance by the University Comptroller.
- O. Any attempt to hold an assembly, meeting, demonstration or other activity in non-compliance with this policy are subject to the following:
1. May be asked to leave the campus.
 2. May be subject to citation and/or arrest.
 3. Members of the campus community who fail to comply may additionally be

referred to Student Conduct (Students) or Human Resources (faculty and staff) for disciplinary action.

P. A Request for Use of Facilities may be denied when any of the following occur:

1. The area or space has been previously reserved by another entity.
2. A determination is made that the requested use would be contrary to federal, state or local law or regulation, policies of the Board of Trustees, or the policies of the University.
3. The applicant or sponsor of the activity has not provided accurate or complete information on the Request for Use of Facilities.
4. The applicant or sponsor of the activity has been responsible for violations of this policy during a previously registered use of campus property, facilities, or equipment or has violated any conditions or assurances specified in a previous usage agreement.
5. The activity is of such nature and/or duration that it cannot reasonably be accommodated in the particular area for which application is made. In such event, clarification of event description will be sought and an alternate on- campus site, if available pursuant to these policies, shall be proposed by the University.
6. The activity presents a clear and present danger for physical harm, coercion, intimidation, or other invasion of lawful rights of the institution's officials, faculty members, or Students, the damage or destruction, or seizure and subversion, of the institution's or school's buildings, other property, or for other campus disorder of a violent or destructive nature. In determining the existence of a clear and present danger, the responsible official may consider all relevant factors.
7. The activity conflicts or would conflict with existing contractual obligations of the University.
8. The anticipated size or attendance for the event will exceed building/fire codes, established safety standards, and/or the physical or other limitations for the facility or area requested.
9. None of the rules or regulations in this policy are meant to infringe upon any student rights or responsibilities outlined in Board of Trustee's Policy.
10. Any group, organization or individual whose timely Request for Use of Facilities is denied shall have the right to appeal that denial to the Dean/VP or his/her designee. Notice of the appeal shall be made in writing during normal business hours of the University no later than five (5) Business Days (excluding weekends and holidays) prior to the time of the proposed event. The decision shall be made at least four (4) days before the date of the event. Written notices will be delivered as expediently as possible, preferably via electronic means. It is the responsibility of the applicant to obtain written notice of approval/denial.

Q. A change in date or location may occur for a requested activity when any of the following occur:

1. A determination is made by the appropriate official that the requested use would cause a disruption or interference with the normal activities of the institution being conducted in the course of its lawful mission, processes and functions.
2. Use of the property or facilities requested would be impossible due to set-up time and/or take-down time required for other previously scheduled activities at the requested location before and/or after the requested use, or due to other extenuating circumstances.
3. Attendant services (audio/visual, telecommunications equipment, food service, public safety, etc.) which are required for the event are not available due to lack of sufficient equipment and/or personnel.
4. The facility or area requested has not been designated as available for the activity indicated. In this instance, facility users will be directed to submit a Renovation/Space Utilization Request to Facilities Administration for approval of activities outside the usual scope of the venue requested.

II. PARTICULAR USES

A. Contracted Speakers/Entertainers/Vendors Employing University Funds.

1. In order to properly process institutional payment, where an application for use of facilities involves a vendor who is contracted to be paid from institutional funds, the request must be submitted at least twenty (20) Business Days prior to the date of the proposed speaking engagement and processed in the normal procurement process. Student Organizations must work with the Student Activities and Organizations (SAO) for contract processing.
2. Production Riders and contract addendums must be provided along with Requests for Use of Facilities, and before contracts are signed, in order for facility staff to make appropriate arrangements and determine if contract requirements can be met with campus resources available.

B. If the event includes an invitation to one or more political candidate or elected officials to speak at an event on university property, including classroom visits and debates, the event sponsor must disclose that information in the Request for Use of Facilities in order for staff to ensure that the event is conducted in a manner consistent with the University's status as both a state institution and as a federal tax-exempt organization.

C. Events Requiring Extensive Logistical, Safety and Security Planning.

1. It is the responsibility of the facility user to disclose as much detail about requested events/activities as possible when completing the Request for Use of Facilities form in order that location assignment can be made using accurate and complete information.

2. Once a location has been assigned, events involving extensive logistical, safety and security planning will require review and approval by the Office of Emergency Management in addition facility/venue staff. Emergency Management will work with facility staff for the venue and the facility user hosting the event/activity to develop a safety plan in accordance with the unique circumstances and needs for each event. Logistics may include, but are not limited to:
 - a. Police services or bonded security agents
 - b. Crowd management, ushers, ticket takers and box office oversight
 - c. Dignitary protection/escort to and from event venue
 - d. Controlled access, metal detection, clear bag requirements
3. As a general matter, the event sponsor is responsible for the cost of safety and security measures within the venue for the protection of performers, speakers, and the planned audience; and for the minimum safety and security measures outside of the venue, which are charged to all major events for the protection of performers, speakers, and the planned audience, including traffic management associated with the event's planned guests. The university is responsible for the cost of safety and security measures and traffic management associated with observers or protesters.
4. The university reserves the right, based on a reasonable assessment that proceeding with the event has created an imminent threat of physical harm, to refuse to schedule the event, or to cancel a scheduled event if cancellation appears to be the only effective way to protect public safety.
5. The university reserves the right to halt and cancel an event already underway upon a determination that safety of participants and others are at risk. Such a determination shall be made on a case-by-case basis considering the particular circumstances presented.

D. Solicitation/Commercial Literature Distribution or Sale.

1. Except where otherwise permitted by this provision, Solicitation for commercial purposes is prohibited on all property owned or used by the University. Solicitations by the institution and Solicitations by contracted vendors are permissible. Activities or events engaged in by affiliated entities, or individuals for the purpose of raising funds to meet expenses of the group, organization or individual would not be considered Solicitation. The funds that are raised by such activities or events shall be used for the benefit of the group, organization or individual, or for a charity. No funds shall be distributed to an Affiliated Person's officers or members, or any other individual for personal profit or use. For purposes of this provision the following activities are not prohibited:
 - a. Advertising, as permitted by this policy.

- b. Sale or distribution of commercial literature as permitted by this policy.
 - c. Conversations or communications between a residence hall or university apartment Student and a properly admitted guest notwithstanding the commercial content of the conversation or communication. Other hall or apartment residents may not be solicited for the purposes of selling a product or service or enrolling the individual in a contest, program or other commercial venture.
- 2. Solicitation and fund-raising activities, other than for purely commercial purposes, may be conducted on university property by affiliated entities or individuals; charitable organizations sponsored by the University the State of Tennessee, or Non-Affiliated Persons subject to the specified registration and reservation requirements and procedures of this policy. Affiliated Persons may reserve facilities for two fund raising activities per semester with the exception of charitable activities. A single activity is defined to mean a maximum period of five (5) days per semester. Only two (2) fund raising activities involving food items may be scheduled each semester. This includes activities for organizational fund raising as well as for charitable purposes. Affiliated Persons desiring to solicit funds must obtain guidelines from the Student Activities and Organizations (SAO) and then submit a form for the proposed campus solicitation location.
- 3. No Solicitation of charitable funds will be permitted unless the Affiliated Person provides evidence to the University, if requested, demonstrating that the proposed activity is in accordance with or exempt from the provisions of the Tennessee Code Annotated (E.g., T.C.A. Sections 48-3-501 through 48-3-518).
- 4. Solicitation in connection with the distribution of literature is subject to the provisions of this policy.
- 5. Solicitation of dues and/or membership in an organization is permissible only by officially registered Student Organizations of the University.
- 6. Solicitations will be permitted only in those areas designated by the University pursuant to the conditions of this policy. Applications for registration of a solicitation may be denied for any of the reasons outlined within this policy and persons engaged in solicitation shall comply with the provisions of this policy.
- 7. No funds solicited on campus property shall benefit any individual unless contributions are requested for the relief of an individual specified by name at the time of the Solicitation; and all funds contributed are turned over to the named beneficiary for his or her use without any deductions whatsoever.
- 8. The University may require any group, organization or individual to document the use, application or disposition of funds solicited on campus property.
- 9. Any Solicitation/Commercial Distribution or Sale must comply with Board of Trustee Policy and must not:
 - a. Have illegal aims and goals.
 - b. Propose activities which would violate regulations of the Board of Trustees or the institution, or federal or state laws and regulations, or materially and substantially disrupt the work and discipline of the institution; or

- c. Advocate incitement of imminent lawless action that is likely to produce such action.
 - d. Furthermore, public displays which an average person applying contemporary community standards would find:
 - i. Taken as a whole, appeals to the prurient interest;
 - ii. Depicts or describes sexual conduct in a patently offensive way, and
 - iii. Taken as a whole, lacks serious literary, artistic, political or scientific value are prohibited.
10. No person, whether distributor or recipient of literature, shall cause any litter to occur on the campus of the University, and literature shall only be discarded in trash receptacles. The cost of any special clean-up resulting from literature distribution may be assessed to the distributing group or individual.
 11. Persons engaged in the sale or distribution of printed matter shall not obstruct or impede pedestrians or vehicles, harass other persons with physical contact or persistent demands, misrepresent the purposes or affiliations of those engaged in the sale or distribution, or fail to specify whether there is a cost or donation associated with the printed material.
 12. No literature or other promotional literature shall be placed on cars, car windshields, street signs, building signs, trees, or other external surfaces not specifically designated to accommodate the posting of literature.
 13. The University has the right to terminate the distribution or sale of literature by any group, organization or individual that violates any provision of this policy.

E. Operating Hours

1. Operating hours for each facility will be posted at entrances, and facility hours of operation as well as office units within that facility shall be posted on the respective websites of each unit. Offices located within each facility may operate within the facility's hours of operation, but may not be open for service the full time that the building is open.
2. Non-Affiliated Persons will not be permitted to be in facilities outside of building operating hours without express permission of the Dean/VP and/or accompaniment by an Affiliated Person.

F. Personal Transport Devices (PTD)

1. Bicycles, skateboards, rollerblades/skates and other personal transport devices must be operated and parked in a safe and responsible manner that prevents or mitigates personal injuries and always provides pedestrians the right of way.
2. Bicycle, skateboard and PTD riding is prohibited in all University buildings, facilities, garages, parking lots and loading zones. These devices (with the exception of skateboards and rollerblades/skates) may not be walked through these buildings

- or facilities.
3. Wheelchairs and other ADA-related mobility aids or devices are excluded from this policy.

Procedure History

Effective Date

- a. Initial:
- b. Revised:

Related Form(s)

Request for [Use](#) of Facilities
[Requests for the Use of Basler Center for Physical Activity Facilities](#)
[Facility Rental Agreement Form](#)
[Priority for Facility Use](#)
[University Food Services Catering Policies](#)
[Facility Usage Fee Schedules](#)
[Specific D.P. Culp Student Center Policies](#)
[Specific Quadrangle/The Quad Policies](#)

ⁱⁱ Currently, obscenity is evaluated by federal and state courts alike using a tripartite standard established by [Miller v. California](#). The Miller test for obscenity includes the following criteria:

1. Whether 'the average person, applying contemporary community standards' would find that the work, 'taken as a whole,' appeals to 'prurient interest'
2. Whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and
3. Whether the work, 'taken as a whole,' lacks serious literary, artistic, political, or scientific value.