

# TENNESSEE STATE UNIVERSITY

## **Subject: Policy on Access to and Use of Facilities by Affiliated Entities and Individuals/Access to and Use of Campus Grounds by Affiliates and Non-Affiliates**

### **I. PURPOSE**

Tennessee State University (TSU) regulates the use of its campus grounds 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; and prevent use of campus grounds and facilities contrary to federal, state or local law or regulations, or the rules and policies of the Tennessee Board of Regents (TBR) and TSU.

In establishing this policy, and the related University policies, TSU 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, TSU also makes clear that its facilities are not open public forums, but are instead intended solely for use consistent with the advancement and orderly administration of its educational mission for the benefit of its students, staff, and affiliated entities. As such, TSU does not ordinarily make its buildings or other facilities available to outside individuals or outside groups. Exceptions may be made only if the proposed use is consistent with this policy and institutional policy and mission.

Priority for the use of University facilities is in the following order: 1) credit and non-credit classes and programs, 2) University-sponsored activities, 3) all other requests for usage.

The University Events Management and the Division of Student Affairs shall be the principle offices responsible for the administrating of this policy.

### **II. DEFINITIONS**

For the purposes of these regulations, the following definitions shall apply:

- (1) "Affiliated Entities" - an officially registered student, student group or student organization.
- (2) "Affiliated Individuals" - persons officially connected with the institution including students, faculty, and staff.
- (3) "Non-affiliated Entities" - any person, group, or organization which is not an "affiliated entity or individual."

- (4) "Non-affiliated Individual" - Any person who is not an "affiliated individual."
- (5) "Student" - a person who is currently registered for a credit course or courses, non-credit course or program at the institution, including any such person during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period.
- (6) "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, the following: 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.
- (7) Facility- Building, enclosures or other structure in which events, meetings and other gatherings occur. Open space or campus grounds shall not be deemed to be facilities.

### **III. ACCESS TO AND USE OF CAMPUS FACILITIES AND GROUNDS**

#### **A. Access to Facilities and Prioritized Users**

Access to and use of facilities and campus grounds of TSU are restricted to the institution, institutional administration for official functions, normal educational activities, affiliated individuals/entities, and invited or sponsored guests of the University except as specifically provided by this policy, or when part or all of a campus, its buildings or facilities are open to the general public for a designated time and purpose.

#### **B. Use of Facilities by Affiliated Entities and Affiliated Individuals**

##### 1. Application Process.

##### a. Applications from Affiliated Student Groups or Student Organizations.

Applications from affiliated student groups or student organizations shall be submitted to the Events Management Office. Affiliated student groups or student organizations who wish to use campus grounds or facilities for activities or events must complete the "Student Organization Special Event Application." This application must be submitted to the Office of Student Activities at least 10 business days prior to the event. The University President or designee may approve requests to use facilities filed less than five business days, 10 business days in the case of a speaker paid from institutional or school funds, before the event, if it is determined that the use of property requested can be reasonably accommodated and that adequate cause exists for late filing of the application for usage. Approval of late requests shall be within the sole discretion of the President or designee. The

decision of the President or designee will be final.

b. Applications from Affiliated Entities and Affiliated Individuals other than Affiliated Student Groups or Student Organizations. Written approval is required for use of facilities by Affiliated Entities and Affiliated Individuals, and when a proposed outside speaker receives fees and/or expenses in excess of \$2,500.00 from institutional funds. Affiliated individuals or affiliated entities must submit a written request to their Vice President through their reporting supervisor and obtain written permission from their respective Vice President in order to use campus grounds or facilities for activities or events, excluding normal educational activities.

1. Students working independent of a recognized student organization must obtain written permission from the Vice President of Student Affairs.
2. Individual faculty must obtain written permission from the Vice President of Academic Affairs.
3. Staff members must obtain written permission from the Vice President of their respective division.
4. Requests for activities taking place on TSU campuses must be approved in writing by the respective Vice President.
5. Written permission may be in the form of an email message. Written disapproval of a request will include a statement regarding the basis for disapproval. Written approval or disapproval of a request will be provided to the applicant within a reasonable time, usually within five (5) business days after the application. Denial of a request to access/use campus facilities and/or campus grounds shall be based solely on factors related to reasonable regulations in light of the institution's educational mission and the nature of the facility or campus grounds requested and rendered in a content/viewpoint neutral manner. See Section III.D. for examples of reasons for denial.
6. Requests must be made to the appropriate Vice President at least 10 business days in advance of the proposed activity or event. Where an application for a proposed outside speaker involves payment of a total fee and/or expenses in excess of \$2,500.00 from institutional funds, the request must be submitted no later than 20 business days prior to the

date of the proposed speaking engagement to allow time for processing any payment.

2. Limitation on Use of Facilities. Use of facilities is limited to one time only events, short term, intermittent, and/or repeat use of campus facilities where access/use of facilities/campus grounds are permitted without an associated rental/lease fee. Such uses shall be limited to circumstances where the University does not actually, or effectively, cede occupancy or control of any University campus grounds. The appropriate Vice President may, at his or her discretion, give permission to affiliated entities in cases where the meetings are limited to members of the organization, for the repeated use of facilities. Approval for repeated or intermittent use of any facility or campus grounds pursuant to this policy may not exceed four months in length and may only be renewed or repeated after review to determine that such use does not conflict with an institutional need, or another request for access/use of the facility/space by another eligible person/entity.
3. Use of campus grounds or facilities by affiliated entities or individuals will be subject to the same time, place and other guidelines as are in place for non-affiliated entities/individuals.
4. Faculty may invite uncompensated, unaffiliated guest speakers for regular class sessions and/or meetings without prior application or approval where attendance at the class session or meeting will be limited to members of the class and where no fee or compensation from state funds will be paid to the speaker.
5. Affiliated individuals and affiliated entities who wish to invite a guest speaker or reserve space for an event other than a regular class session, normal educational activity, or University-sponsored meeting must follow the approval process set forth in the policy governing the use of facilities by Non-Affiliated Entities (e.g. use of a facility by an affiliate for a family reunion) outlined by the Events Management office.
6. The affiliated individual(s) or affiliated entity or entities sponsoring a guest speaker or event will be responsible for the conduct of both the speaker and the non-affiliated guests at the event, as well as compliance with all laws, TBR and TSU rules and/or policies while present on campus or using campus facilities or campus grounds. Further, they must adhere to any conditions of facility usage as outlined in this policy or stated by the approving Vice President.

7. Affiliated entities or affiliated individuals approved to use campus facilities or campus grounds are subject to all TSU and TBR rules and/or policies and federal, state and local laws.

### C. Campus Grounds

1. Any affiliated entity or affiliated individual or non-affiliated entity or individual wishing to assemble, demonstrate, distribute literature or engage in similar public activity on one of the TSU campuses must complete an online request form at least five (5) business days in advance of the desired date of the activity.
2. The Vice President of Student Affairs or designee will review the requests that relate to or will take place on the TSU Campus.
3. Approval or denial of the request will be in writing and may take the form of an email message.
4. Disapproval of the request to use the assigned areas will include a statement regarding the basis for the disapproval. See Section III.D. for examples of reasons for denial.
5. Upon written approval, the requesting individual or entity must adhere to the following guidelines in addition to the applicable conditions listed in Section III.B:
  - a. The activity must be held in the following assigned areas:
    1. Campus Center-Court Yard
    2. Laura M. Averiett Amphitheater
    3. Welton Plaza
  - b. Participants in the activity must remain in the assigned area.
  - c. The activity may not take place in a classroom, library, or other academic building or facility.
  - d. The activity may not take place in an administrative area, employee office or work area.
  - e. Any literature distributed on campus must comply with all applicable local,

state, and federal laws and regulations, as well as rules and policies of TSU and TBR.

- f. No obscene literature or material, as defined by law, shall be distributed on campus.
- g. The activity may not block the flow of pedestrian or vehicular traffic.
- h. Participants may not make physical contact with others.
- i. Participants must leave the area free of debris and litter.
- j. Sound amplification is not permitted.
- k. No TSU equipment is to be used during the activity.
- l. The activity must not interfere with scheduled TSU sponsored activities.
- m. Users must comply with all TSU and TBR policies and procedures and local, state and federal laws.
- n. Activities may not take place during final exam week or mid-term week in any semester.
- o. Activities may not take place before 9:00 a.m. or after 6:00 p.m. Activities may not take place on Saturdays, Sundays or when the University is closed.
- p. Activities are limited to a total of four per month for any individual or entity requesting usage. The University will consider additional requests for activities.
- q. Children under the age of 18 are not permitted to participate in the activity without being accompanied by an adult.
- r. TSU is not responsible for equipment used by the participants in the activity.

#### D. Denial of the Use of Facilities or Campus Grounds

Denial of a request to access/use campus facilities and/or campus grounds shall be based solely on factors related to reasonable regulations in light of the institution's mission and the nature of the facility or campus grounds requested and rendered in a content/viewpoint neutral manner. TSU may deny affiliated entities or affiliated individuals the use of University facilities or campus grounds, including assigned areas. Such reasons may include, but are not limited to, the following:

1. The campus grounds or facilities have been previously reserved by another group, organization or individual with equal or higher priority,
2. Frequency of previous use during an academic period in comparison to that of a contemporaneous applicant,
3. Use of the campus grounds or facilities requested would be impractical due to scheduled usage prior to or following the requested use, or due to other extenuating circumstances,
4. The applicant or sponsor of the activity has not provided accurate or complete information required on the application for registration,
5. The applicant or sponsor of the activity has been responsible for violation of University or TBR policy during a previously registered use of campus grounds or facilities,
6. The applicant has previously violated any conditions or assurances specified in a previous registration application,
7. The facility or campus grounds requested has not been designated as available for use for the time/date,
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 campus grounds requested,
9. The activity is of such nature or duration that it cannot reasonably be accommodated in the particular facility or area for which application is made,
10. A determination that the size and/or location of the requested use would cause substantial disruption or interference with the normal activities of the institution, the educational use of other facilities or services on campus or the flow of vehicular or pedestrian traffic,
11. The activity conflicts with existing contractual obligations of the institution,
12. 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 campus grounds, 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,
13. A determination that the requested use would be contrary to local, state, or federal law, regulation, or the policies or regulations of the TBR, or the University.

#### E. General Conditions for Use of Facilities or Campus Grounds

Once an affiliated or non-affiliated individual or entity has permission to use University campus grounds or facilities, including assigned areas, the requirements outlined in this section, as well as all other requirements put forth in this policy, must be met. Violation of, or failure to comply with, the requirements set forth in this policy or other University policies may result in the immediate revocation of previously granted approval for access/use of campus facilities or campus grounds and student disciplinary sanctions, if appropriate.

1. Building, fire codes, and safety standards applicable to particular facilities and/or campus grounds must be met.
2. All TSU and TBR rules and/or policies must be followed.
3. Buildings, facilities, and/or campus grounds, not specifically identified as available for use are specifically unavailable for use other than for normal administrative or educational purposes.
4. Sound amplification equipment may be used only when prior approval has been requested and approved by the appropriate official taking into account the University mission and the nature of the facility or campus grounds requested, location, and time of day. Sound amplification is not permitted in the assigned areas.
5. Any rental of University equipment must follow the appropriate University policy and procedure. University equipment is not permitted to be used in the assigned areas, unless the event is university-sponsored.
6. All individuals and/or entities, by making application for registration of an activity and by subsequent use after approval by the University, agree to indemnify the University and hold it harmless from any and all liabilities arising out of such use of the campus grounds and/or facilities of the institution, including, but not limited to, personal injury, campus grounds damage, court costs and attorney's fees.
7. Individuals/entities using University facilities pursuant to this policy shall indemnify the University, and the University shall require:



- a) Adequate bond or other security for damage to the campus grounds or facilities;
  - b) Personal injury and campus grounds damage insurance coverage of \$1 million;
  - c) A performance bond or insurance guaranteeing or insuring performance of its obligations under the contract; and/or
  - d) Other types of insurance in such amounts as are designated by the University.
8. The University reserves the right to identify specific facilities, uses, or events for which bond, security, and/or liability insurance will be required. In setting its policy, the University may consider the nature and uses of particular facilities and/or locations on campus and the anticipated event size or attendance for any use of campus facilities and/or campus grounds. 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.
9. All persons operating motor vehicles in conjunction with an approved use/access of campus facilities and/or campus grounds shall be subject to University and TBR rules, regulations, policies and procedures regarding traffic and parking.
10. Users of facilities or campus grounds and/or their sponsor(s) are responsible for all activities associated with the event.
11. Use of the requested facility and/or campus grounds shall be limited to the declared purpose in the application for use/access to campus facilities and/or campus grounds.
12. Access to, or use of, campus facilities shall not be permitted overnight unless specifically requested and approved pursuant to the requirements of this policy and/or other applicable University policies. Such use shall be limited to the specific time and location set forth in the notice of approval/registration document.
13. All persons on campus in conjunction with an approved application for use/access shall provide adequate identification upon request to appropriate officials and security personnel of the institution. Persons or groups who refuse to provide

such identification may be subject to immediate removal from campus and/or disciplinary action. In appropriate circumstances, such persons may become subject to arrest and/or prosecution, and students will be subject to disciplinary sanctions.

14. University campus grounds and facilities may not be used by any non-affiliated entity/individual for the conduct of profit-making activities except when engaged in a business relationship, pursuant to a contract, with the University and/or when a rental or lease agreement is in place specifically for such temporary purpose.
15. TSU shall have the right to terminate the use of campus facilities or campus grounds by any group, organization or individual which violates any provision of TBR policy, University policy, local, state, or federal law or regulation.