

# FAYETTEVILLE STATE UNIVERSITY

## USE OF UNIVERSITY SPACE

<b>Authority:</b>	Issued by the Chancellor. Changes or exceptions to administrative policies issued by the Chancellor may only be made by the Chancellor.
<b>Category:</b>	University-Wide
<b>Applies to:</b>	● Administrators    ● Staff    ● Faculty    ● Students    ● Visitors
<b>History:</b>	First Issued – June 11, 2019
<b>Related Policies/ Regulations/Statutes:</b>	<ul style="list-style-type: none"> <li>● <i>Code of Student Conduct</i></li> <li>● <i>Free Speech/Expression</i></li> <li>● <i>Alcoholic Beverages</i></li> <li>● <i>Solicitations</i></li> <li>● <i>Free Speech and Free Expression Within the University of North Carolina</i> [The UNC Policy Manual #1300.8]</li> <li>● <i>Sale of Merchandise or Services by Governmental Units</i> (Umstead Act) [NC General Statute §66-58]</li> </ul>
<b>Contact for Info:</b>	Office of Legal Affairs (910) 672-1145 Astra Administrator (910) 672-1724

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### I. PURPOSE

Fayetteville State University's ("University") buildings and grounds are provided to enable the University to accomplish its mission as a public institution of higher education. Recognizing that its support derives in large part from public funds, the University is also committed to making its space available for use consistent with laws/regulations governing the use of its space, its duties as a custodian of State resources and its responsibility to consider the welfare of its students, faculty, staff, and visitors. Thus, to the extent that appropriate space is available and subject to procedures outlined in this policy, University space may be made available to non-University groups for purposes compatible with or supplementary to the University's primary educational, research and service mission

The purpose of this policy (Policy) is to delineate requirements and expectations regarding the use of University space by University Groups, Student Groups and Non-University Groups.

### II. SPACE USAGE REQUIREMENTS

#### A. Definitions

1. **Non-University Group** means an external entity or individual separate and apart from the University, even though some of the group's members or participants may be University employees, alumni, or students.

2. **Student Group** means a number of students who are associated with each other or a group of students who have satisfied the University's procedures and requirements for registration or recognition as a student organization.
3. **University Group** means an administrative or academic department, unit, center or institute within the University.
4. **University Space** means any outdoor space, building, or structure that is owned, leased, operated, or controlled by the University.

**B. Priority Use**

Consistent with the University's educational, research, and/or service mission priority for use of space shall be as follows:

- **University Groups** performing official University activities in furtherance of the University's educational, research, and/or service mission shall have the highest priority in the use of University space.
- Other uses by **University Groups** shall have the next highest priority.
- **Student Groups** shall have the next highest priority use after University Groups, except with events in the Rudolph Jones Student Center, in which case Student Groups shall have a higher priority.
- **Non-University Groups** shall have the lowest priority.

**C. Reservations**

Once reserved, the use will generally not be rescheduled or moved. However, the University reserves the right to move any activity to another space or reschedule that activity to accommodate the needs of groups assigned a higher use priority by this Policy. In the event the University moves or reschedules the use, the University will attempt to provide a reasonably similar location or time for that activity and will provide notification and explanation for the reason for the change. The University will not move or reschedule a use based on the content or viewpoint of the use or based on reactions to the use.

**D. Suitability of Space**

In reviewing a request for University Space, the University will consider the following:

- how the space is to be used (proposed event);
- the time the space is being requested;
- the anticipated size, including the number of attendees;
- noise likely to be generated;
- the impact on University educational and non-educational activities;
- the impact on vehicular and pedestrian traffic;
- adequacy and suitability of accommodations provided in the requested location;
- compliance with applicable laws and University policies, regulations, and rules; and
- potential risk to the health or safety of participants, observers, or others.

**E. Requesting Space**

1. A request to use University space must be made in the following manner:

**a. University Groups and Student Groups**

University Groups and Student Groups should request the use of space as noted below:

- Athletics Facilities – request should be made to the Athletics Director of designee.
- Rudolph Jones Student Center – request should be made to the Director of the Student Center via Astra (University Groups) or Bronco Advantage (Student Groups). University employees and students may utilize the Free Speech Zone as outlined below in Section II.H.2.
- Seabrook Auditorium – request should be made to the Astra Administrator
- All other University spaces – request should be made via Astra (University Groups) or Bronco Advantage (Student Groups)

**b. Non-University Groups**

Non-University Groups should request the use of space as noted below:

- Athletics Facilities – request should be made to the Athletics Director of designee.
- Seabrook Auditorium – request should be made to the Astra Administrator.
- Free Speech Zones – request should be made to the Director of the Student Center.
- All other University spaces – request should be made to the Astra Administrator.

**2. Fronting**

Fronting by University Groups or Student Groups is strictly prohibited. Fronting occurs when a University Group, or Student Group reserves space that is primarily for the use of an individual or Non-University Group. Fronting is done in an effort to allow a Non-University Group to receive benefits provided only to University Groups or Student Groups. If it is determined that fronting has occurred, the University may deny or rescind permission to use the space or apply the appropriate rental charge. The University may also prohibit the offending University Group or Student Group from reserving University space in the future.

**3. Funeral/Memorial Services**

A University facility may be utilized to hold a funeral service only for a former chancellor. Memorial services sponsored by the University may be held in a University facility if the service is to honor an individual enrolled or employed at

the University at the time of their death. Nothing in this section prohibits employees/students from holding spontaneous or planned gatherings in the Free Speech Zone as outlined in Section II.H of this Policy.

Non-University Groups may not utilize University facilities for funeral/memorial services.

**F. Rental and Other Charges**

The Astra Administrator will maintain a current list of costs associated with the use of University space. Such charges may include, but not be limited to, rent, equipment, labor, and security. Some uses may require the assessment of additional charges.

University Groups and Student Groups may not be charged a rental fee for certain University space. However, depending on the space being requested, charges may be assessed for equipment, labor, and security.

Non-University Groups will incur charges associated with the use of University Space dependent on the University Space being requested.

**G. Insurance and Damages**

Depending on the use of the space, Non-University Groups may be required to show proof of insurance. Costs associated with damages incident to the use of University space shall be borne by the group or individual utilizing the space.

**H. Public Assemblies**

The University encourages the free exchange of ideas and is committed to making University space available for such exchanges. In so doing, the University must ensure that such exchanges and activities do not render a space unsatisfactory for its normal or primary use. The University must also ensure that such activities and exchanges do not conflict with previously scheduled uses of the space; impede campus pedestrian or vehicular traffic; or prevent individuals who are not participating in such activities from proceeding with their normal activities.

**1. Free Speech Zones**

Consistent with the provisions of this Policy, while the University reserves the right to control time, place, and manner in which its space is used, the University permits individuals or groups to engage in public speaking, peaceful assembly, or similar exchanges of ideas at its Free Speech Zones. The Free Speech Zones are located in the following areas:

- the front of the Rudolph Jones Student Center on the brick walkways and other surrounding hard space located outside and encircling the Student Center,
- the atrium area located on the side of the Rudolph Jones Student Center.

These areas are available on a first-come first-serve basis for non-commercial speech or assembly unless otherwise scheduled.

Except when University officials are carrying out official University business, no public address or amplifying system may be used at the Free Speech Zones without written approval in advance from the Director of the Student Center.

## **2. Use of the Free Speech Zones**

### **a. University Employees and Students**

Subject to restrictions on the use of University space prescribed elsewhere in this Policy, the University encourages spontaneous or planned assemblies and gatherings of University students and employees in its Free Speech Zone located in the area outside and encircling the Rudolph Jones Student Center. Such assemblies do not require prior approval. Any scheduled use of this space shall have priority over any unscheduled use.

Nothing in this section shall be interpreted as limiting the rights of students and employees from free expression in other exterior spaces on campus, so long as the expressive activities or related conduct do not violate any other applicable University policies.

### **b. Non-University Groups**

The University encourages free assemblies and gatherings sponsored by Non-University Groups, with prior approval, in the Free Speech Zone.

Non-University Groups must apply, in writing, to the Director of the Student Center no less than five (5) business days prior to the planned use. In the request, the Non-University Group must provide the following:

- the name of the activity,
- the requested date and time,
- the first and last name of the representative of the Non-University Group,
- a contact phone number and email address, and
- the number of expected participants (include the numbers of all expected participants including, students, faculty, guests, and visitors).

In general, use of the Free Speech Zone is free of charge. However, if the University deems necessary, law enforcement shall be assigned for crowd control or safety. Non-University Groups shall be expected to pay the cost of those services. Non-University Groups must pay prior to one (1) business day before the planned use to avoid cancellation of any planned activity. If the need for security arises during an activity, the Non-University Group shall pay such cost within one (1) business day after the event. Consequences of failure to pay include, but are not limited to, denial of any future University space usage.

**I. Commercial/Fundraising Activities**

Individuals (including students, faculty, and staff), or groups may not solicit, conduct business or raise funds on University space (including residence halls) except as permitted by the University's policy on solicitations. This may include, but not be limited to, efforts to sell goods or services or to raise money on behalf of any company, club, society, religious organization, political party, or similar organization.

**III. DISTRIBUTION OF PRINTED MATERIALS**

The University distinguishes between non-commercial printed material, the primary purpose of which is to inform or educate members of the University community, and commercial printed material. The University reserves the right to limit or deny the distribution of commercial printed material that is intended to solicit the purchase of or sell of goods, services, or other commercial ventures.

Any University Group, Student Group, employee or student may distribute at any outside University space non-commercial printed material.

Non-University Groups may distribute non-commercial printed material in the Free Speech Zone located in the area outside and encircling the Rudolph Jones Student Center without registration or advanced approval.

**IV. TERMINATION OF USE**

- A. The University reserves the right to terminate any use of space that fails to comply with this regulation.
- B. The University also reserve the right to immediately terminate any use of University space if, in the judgment of University officials, continuation of such use will result in either of the following:
  - danger to participants or others;
  - unlawful conduct or violation of a University policy by participants or others; or
  - interference with, disruption or disturbance of the University's educational mission, operations, business, or functions.

**V. DISCLAIMER**

In making its spaces available for use under this Policy to individuals or groups other than University Groups, the University assumes no obligation or responsibility for the activities of other groups.