

**Austin Peay State
University**

**Policy on Access to and Use of Campus Property and
Facilities**

POLICIES

Issued: September 15, 2017

Responsible Official: Vice President for Finance and Administration

Responsible Office: University Facilities

Policy Statement

It is the policy of Austin Peay State University (Austin Peay or University) to regulate the use of its campus property and facilities in a content and viewpoint neutral manner, consistent with the University's mission and educational purpose.

Purpose

This policy shall be implemented and construed to ensure that there is no undue disruption of Austin Peay's mission; to promote an educational atmosphere on campus; to prevent commercial exploitation of students; to preserve residential tranquility; and to ensure that use of campus property and facilities complies with federal, state (T.C.A. §8-50-1001) and local law and, regulations.

Austin Peay recognizes that it is important to the educational process and environment that persons affiliated with the University, including officially recognized student organizations and other groups, have reasonable access to and use of the educational facilities on campus to hear various views. The University's campus, facilities, and buildings, however, are not open public forums. Rather, they are 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/individuals. Austin Peay, therefore, 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 institutional policies and the University's mission.

The use of Austin Peay State University facilities by non-affiliated entities/individuals is permitted only as prescribed in this policy.

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Definitions

Affiliated Entities	An officially registered student, student group or student organization
Affiliated Individuals	Persons officially connected with the University including students, faculty, and staff
Non-affiliated Individual	Any person who is not an “affiliated individual”
Student	A person who is currently registered for a credit course or courses, non-credit course or program at the University, 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.

Procedures

**Access to Facilities and
Prioritized Users**

1. Access to and use of Austin Peay's campuses, facilities, and property are restricted to the institution, the institutional administration for official functions, affiliated individuals/entities, and the institution's invited or sponsored guests, or when part or all of a campus, its buildings or facilities are open to the general public for a designated period of time and purpose, or when access/use by non-affiliated entities or individuals has been allowed pursuant to the provisions of this policy.
2. Denial of a request to access/use campus facilities and/or property shall be based solely on factors related to reasonable regulations in light of the University's educational mission and the nature of the facility or property requested and rendered in a content/viewpoint neutral manner. See Section Use by Non-affiliated Individuals/entities D. For examples of reasons for denial.
3. 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. When considering requests for use, priority shall be given to affiliated individual/entities whose proposed use is consistent with the University's educational mission, with highest priority for use of University buildings, facilities, and/or property always being reserved for administrative and educational uses. Educational and administrative uses include, but are not limited to: classes, university-wide events, commencement, awards programs, and recruitment and/or registration events.
4. All requests for use of university space must be made at <http://www.apsu.edu/facilities/events>, where there is an online list of the facilities/areas available for use/rental by affiliated and/or non-affiliated entities and individuals. Applications will be evaluated and processed in the order they are received. Facilities use requests not related to class scheduling are reviewed and approved/denied in the University Facilities Office, except for the following:

All Athletic spaces (Dunn Center and associated athletic fields) approved by the Office of Athletic Director.

Music/Mass Communications Concert Hall approved by Office of the School of Music.

Foy Recreation Center and Intramural Field approved by the Office of University of Recreation.

5. Applications to reserve facility space for priority use (administrative and educational should be submitted prior to April 1 for the following academic year. After that date, facility space scheduling for the following academic year will be open to affiliated entities/individuals for all other uses. After the Spring Semester is concluded, scheduling will open to non-affiliated entities/individuals. However, the scheduling or the rescheduling of classes, no matter the time of the year, takes priority or all other scheduling.
6. Notification of approval or denial of an application to reserve facility space will be provided by email.
7. All approved users of campus facilities or property are subject to all Austin Peay and federal, state and local laws. Further, they must adhere to any conditions of facility usage as outlined in this policy or stated by the approving body.

**Use of Affiliated
Individual/entities**

1. Faculty and/or affiliated individuals 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 or affiliated entity and where no fee or compensation from state funds will be paid to the speaker.
2. Access to or use of campus facilities or property by affiliated entities and affiliated individuals for an event other than a regular meeting of its membership that will include a compensated guest speaker and/or be open to persons outside group membership be made through the application process established in this policy. The sponsoring entity will be responsible for the conduct of both the speaker and non-affiliated guests at the event as well as for compliance with all laws, APSU rules or policies while present on campus or using campus facilities or property. An application for such access or use of campus facilities or property must clearly set forth the identities of both the affiliated individual/entity filing/sponsoring the application as well as the non-affiliated entity being sponsored.
3. Specialty spaces such as auditoriums and gym spaces may have additional requirements regarding their use.

Applicants can check the <http://www.apsu.edu/facilities/events> website for operating use manuals for various campus buildings.

4. The University will not charge students security fees based on the content of their speech, the content of the speech of guest speakers invited by students, or the anticipated reaction or opposition of listeners to speech.
5. The University must allow all students and all faculty to invite guest speakers to campus to engage in free speech regardless of the views of guest speakers.
6. The University will not disinvite a speaker invited by a student, student organization, staff, or faculty member because the speaker's anticipated speech may be considered offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed by students, faculty, administrators, government officials, or members of the public.
7. The University may cancel an event if there is a credible threat of violence.

Use by Non-affiliated Individuals/entities

1. Non-affiliated individuals/entities may apply for use or access to designated university space. A list of those facilities is on the online reservation system <http://www.apsu.edu/facilities/events>
2. The University has designated the Morgan University Center as the main location on campus for use by non-affiliated individuals/entities to request. Campus auditoriums; and gyms may be available for rent on a space available basis if the event does not interfere with the educational mission of the university.
3. The University Center Plaza is the designated space on campus, where access may be granted to non-affiliated individuals/entities without an associated fee. A fee may be assessed should the requesting party require additional set up, cleanup or audio visual (AV) support. All other assignable university space will have, at a minimum, a rental fee associated with the space.
4. Long term use of (more than once and less than 4 months) assignable university is subject to a review of request and

the impact of the ongoing operation of the University.

5. A contract may be required based on the nature of the requested event. Non-affiliated individuals/entities will be required to submit a deposit for the space equal to 1/2 of their total estimated costs.
6. A forfeiture of a deposit will be applied to non-affiliated individuals/entities based on the following:

Cancellation 120 days before the start of their event

100% refund

Cancellation 90-120 days before the start of their event

75% refund

Cancellation 60-90 days before the start of their event

50% refund

Cancellation 30-60 days before the start of their event

25% refund

Cancellation less than 30 days

no refund

Denial of the Use of Facilities

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

1. The property 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 property 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 policy during a previously registered use of campus property or facilities;

6. The applicant has previously violated any conditions or assurances specified in a previous registration application;
7. The facility or property 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 property requested;
9. The activity is of such nature or duration that it cannot reasonably be accommodated in the facility or area for which application is made;
10. The size and/or location of the requested use would cause substantial disruption or interference with the normal activities of the University, 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 University;
12. The activity presents a clear and present danger for physical harm, coercion, intimidation, or other invasion of lawful rights of the University's officials, faculty members, or students, the damage or destruction, or seizure and subversion, of the University'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;
13. The requested use would be contrary to local, state, or federal law, and regulation, or the University.

General Conditions for Use of Property or Facilities

Once an affiliated individual or entity or a non-affiliated individual or entity has permission to use University property or facilities, including open access 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 property.

1. Applicable building, fire codes, and safety standards applicable to a particular facilities and/or property must be met.
2. All Austin Peay rules and/or policies must be followed.
3. Sound amplification equipment may be used only when prior approval has been requested and approved by the appropriate official taking into account the University's educational mission and the nature of the facility or property requested, location, and time of day.
4. Any rental of University equipment must follow the University Facilities guidelines.
5. All persons operating motor vehicles in conjunction with an approved use/access of campus facilities and/or property shall be subject to University and rules, regulations, policies and procedures regarding traffic and parking.
6. Users of facilities or property and/or their sponsor(s) are responsible for all activities associated with the event.
7. Use of the requested facility and/or property shall be limited to the declared purpose in the application for use/access to campus facilities and/or property.
8. 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.
9. 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.

10. Austin Peay has the right to terminate the use of campus facilities or property by any group, organization or individual that violates any provision of this policy, University policy, local, state, or federal law or regulation. 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 property, and student disciplinary sanctions, if appropriate.
11. Non-affiliated entities/individuals using APSU facilities, shall indemnify the institution. In certain circumstances or events, the university reserves the right to require:
 - a. Adequate bond or other security for damage to campus property;
 - b. Personal injury and property damage insurance coverage;
 - c. A performance bond or other insurance guaranteeing or insuring performance of its obligations under the contract; and/or
 - d. Other types of insurance, if approved by APSU.
12. Insurance policies must list APSU as additionally insured and be for \$1 million. See attached link for a matrix for when additional maybe required.

**Distribution of Leaflets,
Literature, Pamphlets, Etc.
– Commercial
Use/Solicitation Prohibited**

1. Distribution of leaflets, literature, pamphlets is not permitted within:
 - a. Classroom, library or other academic buildings or facilities;
 - b. Administrative and employee offices and work areas; or,
 - c. Student residence halls, dormitories or apartment buildings.
2. No obscene literature or material, as defined by law, shall be distributed on any property owned or used by APSU.
3. Placement of flyers, leaflets, literature, etc., is not permitted on motor vehicles parked on the Austin Peay campus.
4. APSU campus property and facilities may not be used for the commercial or 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 or facilities reservation is in place specifically for such

temporary purpose.

5. The University will not establish permitting requirements that prohibit spontaneous outdoor assemblies or outdoor distribution of literature, although an institution may maintain a policy that grants members of the college or university community the right to reserve certain outdoor spaces in advance.
6. Any literature which is distributed or sold and any advertisement shall comply with all applicable laws and policies of APSU. Requests to distribute or sell literature shall be included with the underlying application to use campus facilities and/or property through the online reservation system. Literature and/or advertisements may only be sold or distributed in conjunction with an approved application for use of facilities.
7. The university has designated the University Center Post Office area and the outdoor campus bulletin boards as the posting locations for the non-affiliated individuals/entities.

Publication of the Policy

The University shall make the policies related to the free speech act available to students and faculty annually through one or more of the following methods:

1. Published annually in APSU's student handbook and faculty handbook, whether paper or electronic;
2. Make the policy available to students and faculty by way of a prominent notice on APSU's website other than through the electronic publication of the policy in the student handbook and faculty handbook;
3. Send the policy annually to students and employees to their institutionally-provided email address; or
4. Address the policy in orientation programs for new students and new faculty.

Links

Summer Camps

<http://www.apsu.edu/university-facilities/index.php>

Police Staffing Matrix

<http://www.apsu.edu/university-facilities/reservations/policematrix.php>

- APSU Policy 3:001** http://www.apsu.edu/policy/3s_student_policies/3001-student-rights-and-freedoms.php
- APSU Policy 2:052** http://www.apsu.edu/policy/2s_academic_policies/2052-academic-freedom-and-responsibility.php
- APSU Policy 6:004** http://www.apsu.edu/policy/6s_nondiscrimination_harassment_and_sexual_misconduct_policies/6004-discrimination-and-harassment-complaints-other-complaints-sexual-violence-and-stalking-compla.php

Revision Dates

APSU Policy 1:019 – Rev.: September 15, 2017
 APSU Policy 1:019 (previously 3:001) – Rev.: March 30, 2017
 APSU Policy 1:019 – Rev.: April 29, 2014
 APSU Policy 1:019 – Issued: April 26, 2006

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
	<input checked="" type="checkbox"/>				

Approved

President: signature on file