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## Freedom of Expression and Use of Facilities Policy

**BOARD OF GOVERNORS**  
**POLICY REGARDING FREEDOM OF EXPRESSION AND USE OF FACILITIES**  
**West Virginia University and Regional Campuses**  
**November 8, 2002**

### Section 1. General

1.1 Scope – This policy shall apply to all non-commercial speech on the campuses of West Virginia University including the Main Campus, the Regional Campuses, and other facilities. (Commercial speech is regulated by the campus solicitation policies.)

1.2 Authority – West Virginia Code § 18B-1-6, Higher Education Policy Commission Series 4.

1.3 Approval - November 8, 2002

1.4 Effective Date – November 8, 2002

### Section 2. Introduction

2.1 The primary function of higher education is to discover and disseminate knowledge by means of research, teaching and public service. To fulfill this function a free interchange of ideas is necessary within its walls and within the world beyond as well. It follows that the higher education institution must do everything it can to ensure within it the fullest degree of intellectual freedom. For these reasons, the West Virginia University Board of Governors recognizes the right of individuals to pursue their constitutional right of free speech and assembly, and welcomes open dialogue as an opportunity to expand the educational opportunities of our campus communities.

2.2 First Amendment rights must always be applied in light of the special characteristics of the higher education institutional environment. As in the case of other public facilities, a higher education institution may place reasonable restrictions on assemblies to protect safety and property, maintain normal operations, facilitate campus traffic, and the like. In order to protect the rights of participants and non-participants alike, as well as the core functions of the institution, reasonable restrictions on time, place, and manner of speech are appropriate and necessary.

**Section 3. Freedom of Expression, including speech and any other activity not inconsistent with this policy, is a campus right and subject only to time, place and manner provisions found in Section 5. The following is a non-exclusive list of Freedom of Expression activities.**

3.1 Symbolic speech, including, among other things, silent protest, wearing expressive clothing, gesturing or standing may be conducted anywhere.

3.2 Signs may be posted on bulletin boards designated for public use.

3.3 Written or printed materials may be distributed on the grounds outside of campus buildings. Only students, faculty, staff and campus recognized organizations and departments may distribute written or printed materials inside campus buildings, and such groups and individuals must obtain a reservation in accordance with campus reservation procedures.

3.4 Assemblies of persons may occur on any grounds on the campus outside of buildings. Outdoor assembly areas, as designated by each campus, may be reserved in advance for assemblies of persons with more than 50 participants 1. Students, faculty, staff and campus recognized organizations and departments that wish to assemble inside campus buildings must obtain a reservation in accordance with campus facility reservation procedures

3.4.1 Each campus shall designate outdoor assembly areas in size and configuration necessary to accommodate groups that desire to assemble.

3.4.2 The outdoor assembly areas are open to the public and do not require advance reservation for use between 7:30 a.m. and 10 p.m. However, advance reservation is strongly encouraged in order to ensure that a location is available at a specific date and time. Reservations under this section, if any, are to be made in accordance with Section 4 of this policy.

### Section 4. Reservations

4.1 An appropriate reservation procedure shall be instituted on each campus along with a list of the outdoor assembly areas and a provision allowing outdoor assembly

areas to be reserved in advance for specific times and dates, with applications processed in the order in which they are received.

### **Section 5. Time, place and manner provisions intended to protect participants and non-participants alike.**

5.1 All University policies, local ordinances, state and federal laws must be followed.

5.2 Under this policy, no person may:

5.2.1 Attempt or actually interfere with, impair or impede the institution's regularly scheduled classes, events, ceremonies or normal and essential operations.

5.2.2 Interfere with, impede or cause blockage of the flow of vehicular or pedestrian traffic.

5.2.3 Interfere with, impede or cause blockage of ingress or egress to or from any building.

5.2.4 Willfully, negligently or recklessly commit any act likely to create an imminent health or safety hazard.

5.2.5 Interfere with a University event by blocking audience view, make sufficient noise to hamper a speaker or performance from being heard or perform any other act disruptive to the event.

5.2.6 Leave an area littered.

5.2.7 Use voice or amplification systems resulting in noise levels that interfere with regularly scheduled classes, campus events or operations or interfere with sleep between 10 p.m. and 7:30 a.m. at the residence halls.

5.2.8 Willfully, negligently or recklessly engage in destruction of property or physical harm to others.

5.2.9 Within 75 feet of the entrance to any campus health care facility, knowingly approach within 8 feet of another person in order to pass a leaflet or handbill, display a sign, or engage in oral protest, education, symbolic speech or counseling with that person, without that person's consent.

5.3 The institution reserves the right to deny, cancel or postpone a reservation, or immediately terminate any ongoing activity that represents a violation of the time, place and manner provisions included in this section.

5.4 Individuals may face civil and/or criminal sanctions for violations of state, local or federal law.

5.5 Students and student organizations may be sanctioned in accordance with institutional policies covering violations.

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## **Outdoor Assembly Areas**

Mountainlair -- concrete stage area in front of the Mountainlair (adjacent to bookstore) and the plaza (behind the Mountainlair).

Student Recreation Center -- red bricked area in front of the East (Evansdale Residential Complex) entrance and grassy area by the West Entrance between the building and the Short Term Parking Area 5.

Law School -- plaza area across from parking Area 76 and the flagpole.

Health Sciences Center -- plaza area by pylons in front of the Health Sciences North entrance.

Creative Arts Center -- cement-landing area to the left of the front entrances (facing Monongahela Boulevard) between the two sets of stairs.

Coliseum -- red apron area between the Gold and Green Gate entrances.

Evansdale Library -- grassy area to the left of the entrance to the Evansdale Library, between the Library and the Agricultural Sciences Building.

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## **Facility reservation procedure**

### **Section 1. Introduction**

1.1 This procedure covers all reservations for indoor and outdoor facilities by students, faculty, staff, University Departments and University recognized organizations. This procedure also applies to individuals and organizations outside the University seeking to reserve an outdoor assembly area.

**Section 2. Contact Information**

2.1 Recognized Student Organizations must contact the Student Organization Services Office at 304-293-8201.

2.2 Applicant(s) other than recognized student organizations must contact either the Conference Services and Events Office (CSES) at 304-293-3250, or the reservationist for the specific facility/ area desired. (A list of names is attached to this document.) CSES can assist Applicant(s) in ascertaining the appropriate location for the type of event planned.

**Section 3. Applicant Information**

3.1 Applicant(s) wishing to reserve a facility/ area must provide the following information: Name of individual or organization placing reservation, contact name (for organization), address, telephone number, electronic mail address, facility/area requested, date/time requested, expected number of attendants and any special requests including, but not limited to: set-up, equipment, catering needs and/or security. Recognized student organizations must also provide the name of the organization and the name, campus address, telephone number and electronic mail address for its faculty or staff adviser.

**Section 4. Fees and Proof of Insurance**

4.1 At the time of the request, the reservationist will notify the Applicant(s) placing the reservation of any associated fees. Fees may be assessed for items such as, but not limited to: equipment rental, furniture rental, catering, set-up, clean up, after-hours building access and security.

4.2 Applicants may be required to have proof of insurance consistent with all applicable University policies and procedures.

**Section 5. Application Process**

5.1 The reservationist, in consultation with the designated building manager(s), shall grant all reasonable reservation requests or deny them within two full business days of receiving a complete application. No denial shall be premised on the speech content of the proposed activity or on the viewpoint of the Applicant(s).

5.2 Upon approval of an application, the Applicant(s) will be given a written reservation confirmation which must be available at the event.

5.3 If the application is denied, the reservationist shall inform the Applicant(s) in writing of the reason(s). Decisions to grant or deny a reservation shall not be premised on speech content or on the viewpoint of the Applicant(s). Denials may be based on one or more of the following:

5.3.1 The requested location is unavailable due to a prior reservation.

5.3.2 The application is incomplete.

5.3.3 The Applicant has an outstanding debt to the University for past facility use.

5.3.4 The requested location is unsuitable for the proposed event due to health, safety and fire code restrictions.

5.3.5 The Applicant has, on prior occasions, made material misrepresentations regarding the nature or scope of an event for which an application was previously granted.

5.3.6 The Applicant is a recognized student organization that is prohibited from using facilities due to disciplinary action by Student Affairs.

5.3.7 The reservation would substantially interfere with maintaining an orderly program and operating the institution in a manner conducive to learning.

**Section 6. Appeals Process**

6.1 Denial of an application may be appealed. However, all appeals must be in writing, accompanied by a copy of the disapproved application and delivered to the appropriate party within one business day of the denial. Student Applicant(s) must submit appeal documentation to the Office of the Vice President of Student Affairs. All other Applicant(s) shall submit appeal documents directly to the Office of the Vice President for Finance, Administration and Human Resources. All appeal decisions will be rendered within one business day of receipt wherever practicable. The decision by the relevant Vice President or designee shall be final.

6.2 Under the appeals process, the appropriate remedy for wrongful denial shall be a reservation for the requested location or for a comparable location.

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**Reservation Contact List**

For use of the following facilities, the designated office should be contacted and the

appropriate procedures provided by that office should be followed.

- Academic classrooms - Barbara Bennett at 293-2124 ext. 1523
- Athletic facilities - April Stimeling at 293-3056
- Creative Arts Center - Mark Oreskovich 293-4841 ext. 3214
- E. Moore Hall - Virginia Pailles at 293-5611
- Health Sciences Center - Elaine M Sedley-Wolfe at 293-4951 or visit the following web address: <http://education.hsc.wvu.edu/wythenet/etru/index.html>
- Jerry West Lounge - Judy Cress at 293-2101 ext. 5510
- College of Law - Mary West at 293-7357
- Mountainlair - Conference Services at 293-2790
- NRCCE - Tracy Novak at 293-2867 ext. 5421 or visit the following web address: [www.nrcce.wvu.edu/meetinamain.htm](http://www.nrcce.wvu.edu/meetinamain.htm)
- Residence Halls - Conference Services at 293-2790
- Stansbury Gym - Tom Pinto at 293-5051
- Student Recreation Center - Sherri Restauri at 293-5053
- Woodburn Hall - Chris Tarabrella at 293-7405 ext. 5218

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## Uniform Reservation Application

*(Please note that formatting and scale may not be accurate in this HTML version. The form has been placed here to show information/content only.)*

### Front of Application:

#### Contact Information:

Name: \_\_\_\_\_  
 Campus Address: \_\_\_\_\_  
 Campus Phone: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

#### Student Organization Information for Advisor:

Org Name: \_\_\_\_\_  
 Advisor Name: \_\_\_\_\_  
 Campus Name: \_\_\_\_\_  
 Campus Phone: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

Date/Time of Event: \_\_\_\_\_ / am pm

Expected # of attendants \_\_\_\_\_ **Circle:** Less than 50 More than 50

Venue, circle one: Indoor Outdoor \_\_\_\_\_

Special requests: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

#### Signatures

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Advisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### This area for official use only.

Accepted by: \_\_\_\_\_  
 Date received: \_\_\_\_\_ Granted Denied  
 Date decided: \_\_\_\_\_  
 Event Date/Time/Venue \_\_\_\_\_

**Back of Application:**

**This area for official use only.**

**Indicate below the reason(s) for denying reservation request:**

- \_\_\_\_\_ 1. The requested location is unavailable due to a prior reservation.
- \_\_\_\_\_ 2. The application is incomplete
- \_\_\_\_\_ 3. The Applicant has an outstanding debt to the University for past facility use.
- \_\_\_\_\_ 4. The requested location is unavailable due to health, safety, or fire code restrictions.  
The Applicant has on a prior occasion made material
- \_\_\_\_\_ 5. misrepresentations regarding the nature or scope of an event for which an application was previously granted.
- \_\_\_\_\_ 6. The Applicant is a recognized student organization that is prohibited from using campus facilities due to disciplinary action by Student Affairs.
- \_\_\_\_\_ 7. The reservation would substantially interfere with maintaining an orderly program and operating the institution in a manner conducive to learning.

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