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Trustee Document T90-079

# Regulations for Use of Property University of Massachusetts Amherst Time, Place and Manner

## I. DEFINITIONS

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

Authorized Representatives: Those persons who are designated as authorized representatives of a student organization or University Unit.

Employee Organization: An independent organization which exists for the purpose, in whole or in part, of dealing with UMass/Amherst management concerning grievances, labor disputes, wages, hours and other terms and conditions of employment as defined by Massachusetts General Laws, Chapter 150E.

Official University Functions: Scheduled academic classes, research and activities; normal daily operations of the UMass/Amherst units; and programs or activities sponsored by UMass/Amherst units in the course of fulfilling their missions.

Student: Anyone who is currently enrolled at the University of Massachusetts Amherst. The definition shall also include anyone who has completed the immediately preceding term and is eligible for re-enrollment.

University Personnel: Individuals employed as faculty or staff by an academic or non-academic department or division or other official UMass Amherst entity without regard to type of monetary compensation.

University Properties: All property used, operated, occupied, or maintained by the University, or owned by the Commonwealth for the use of the University, including but not limited to all UMass/Amherst grounds and structures.

University Unit: Any academic or non-academic department or division or any other official UMass/Amherst entity.

## II. AUTHORITY

A. To the extent provided by Massachusetts General Laws Chapter 75, as amended, the Board of Trustees is authorized to make regulations for the administration of the campus. The Chancellor is the chief administrative officer of the campus at Amherst.

B. The general authority and responsibility for the administration of these regulations lies with the Chancellor and is delegated to the Vice Chancellor for Student Affairs. The Vice Chancellor may re-delegate certain authority and responsibility to other University units.

C. The Vice Chancellor for Student Affairs is authorized to adopt guidelines and procedures to implement these regulations.

D. To ensure the orderly operation of University affairs, decisions of the Vice Chancellor for Student Affairs, Student Affairs staff and other University Units applying or enforcing these regulations shall be complied with pending any appeal under Section V.

E. The Student Affairs and University Life Council of the Faculty Senate may advise the Chancellor regarding modifications and application of these regulations. Any member of the campus community may present proposals for revision, with supporting arguments, to the Council through the Faculty Senate Office or the Office of the Vice Chancellor for Student Affairs. Any modification or amendment of these regulations requires the approval of the Board of Trustees.

### **III. USE OF UNIVERSITY PROPERTIES**

#### **A. Programs and Activities**

1. Any use of University properties for programs, activities, and events must not interfere with official University functions, or disrupt the peace and quiet of the campus and the community adjacent to the campus.
2. University Units and student organizations are authorized to use University properties for organized programs, activities, and events, subject to the provisions of these regulations and campus guidelines and procedures administered by authorized University personnel.
3. Non-University organizations may be allowed use of University properties at the discretion of the University only in accordance with campus guidelines and procedures governing such use, as administered by the authorized University Unit, provided, however, that official University functions shall have first priority. Arrangements by non-University organizations should be made through Conference Services or other appropriate University Units.
4. Many University properties may be reserved on a first-come, first-served basis by student organizations and University Units for activities, programs, or events. Such use must be for activities, programs or events which are directly related to the purposes of the sponsoring entity. Undergraduate groups may reserve Non-Residence Hall space for events and programs through the Student Activities Office, all others through the University Unit which administers the desired space. Such use is also subject to the specific restraints and scheduling procedures of the facilities involved. Permission to use facilities is not to be construed as endorsement by the University of the activities of the sponsoring organization or unit, but only as permission granted to use University property.
5. In order to finalize reservations, requests by undergraduate student organizations must have been approved as to time, place, and manner by the Student Activities Office. If Residence Hall space is to be utilized, Housing Services must also approve such usage. Requests by others must be approved by the appropriate University Unit.
6. Users requiring special facility arrangements, equipment or staffing may be assessed charges in accordance with rate tables published by the administrative bodies involved. In such

cases, deposits or purchase orders and financial accountability may be required.

7. No publicity for any program, activity or event may be released before the request for space has been approved and reservations for facility use have been finalized. When media coverage is solicited by the sponsoring entity, that entity must first inform the News Bureau.
8. Designated areas and administrative units:
  - a. Campus Center/Student Union Campus Center Scheduling;
  - b. Academic Space Academic Scheduling Office;
  - c. Fine Arts Center Space (including the Fine Arts Center, Bowker Auditorium, Hampden Theater, and Augusta Savage Gallery) Fine Arts Center;
  - d. Athletic Space (stadium, gymnasiums, field) Athletic Department;
  - e. Residence Hall Space and Surrounding Areas Housing Services;
  - f. All other outdoor space, including the pond area Physical Plant.
9. Provisions for Outdoor Spaces not in Residential Areas
  - a. The use of amplified sound must be specifically approved by the Student Activities Office. Sound level is to be maintained at low volume due to the close proximity of classrooms and offices, and sound emission beyond the perimeters of the reserved area shall be at a reasonable level. Amplified music will not normally be permitted during class hours.
  - b. Outdoor speeches and rallies during class hours may be held only on the west side (main entrance) of the Student Union Building, and shall be limited to one (a) hour in length, from noon to 1:00 P.M. Such events must not obstruct the free flow of traffic in and out of the building.
10. If admission will be charged or a donation will be required or requested as a condition of admission to a program, event, or activity, the initial request and all publicity must include that fact.

## B. Speech and Advocacy

1. Student organizations and University Units may reserve University properties for meetings, programs, and events for purposes of speech and advocacy in accordance with the provisions of these regulations.
2. Employee Organizations may use University properties only in accordance with Massachusetts General Laws and current collective bargaining agreements.
3. Meetings, programs, and events for the purposes of speech and advocacy must not interrupt or interfere with individuals who are engaged in the daily conduct of University business (e.g., students in labs, classrooms, or libraries and University personnel while engaged in their employment).
4. Individual students, student groups or student organizations shall not interfere with or disrupt scheduled meetings, programs, and events. Any student who intentionally and substantially interferes with the freedom of expression of another person on University property shall be subject to sanctions under the Code of Student Conduct,

UMass/Amherst (Doc. T86-030B, as may be amended).

### C. Distribution of Literature

Literature may be distributed on University properties subject to the following provisions:

1. On University grounds, individuals, University Units and student organizations may distribute literature provided that:
  - a. The free flow of traffic at any point is not obstructed;
  - b. Literature is not forced upon others;
  - c. Literature is not placed on vehicles parked on campus;
  - d. Tables or displays used to facilitate distribution do not block the walkways or entrances to buildings so as to impede the free flow of traffic. Tables or displays must be attended at all times by the individuals or groups sponsoring the distribution;
  - e. All individuals and/or organizations ensure that their literature does not litter the area; and
  - f. The distribution of literature does not interrupt or interfere with individuals who are engaged in the daily conduct of University business (e.g., students in labs, classrooms, or libraries and University personnel while engaged in their employment).
2. University Units, student organizations, and Employee Organizations may distribute literature in campus buildings only in accordance with the following provisions:
  - a. Compliance with the restrictions for University grounds stated in Section C. 1 (above);
  - b. Literature may be distributed within rooms or areas reserved for meetings, programs, and events by the group which has reserved the room or area. Other groups distributing literature must assure their non-interference with the group which has reserved the room or area by remaining 25 feet away from the room or area in question.
  - c. Distribution of literature within the residence halls, family housing, food services, and University Health Services must be in accord with the guidelines and procedures applicable to these areas.

### D. Posting of Literature, Signs and Banners

1. Individual students, faculty or staff may post personal announcements on the boards designated for this purpose in compliance with the guidelines and procedures for the building in question. Exceptions to the posting of personal announcements may be granted by individual departmental offices for their departmental bulletin boards.
2. All materials posted including signs and banners shall clearly indicate the name of the sponsoring University unit, student organization, or Employee Organization. Posted material shall be dated. Posted material written in a language other than English must provide sufficient information in English to identify the sponsoring group.
3. Posting of literature within University Housing (residence halls and family housing), University Health Services, and Food Services must be in accord with specific guidelines

and procedures applicable to these areas.

4. Posting of literature and materials within the areas of individual departmental offices or on departmental bulletin boards must be in accordance with the guidelines and procedures applicable to these areas and boards. Information regarding the specific procedures may be obtained from the individual departments. Such guidelines and procedures shall ensure that all materials conform to these regulations regarding distribution and posting.
5. Posters, signs, banners, and other materials and literature may be placed on campus in compliance with specific guidelines and procedures for the location in question. The use of wall space or other surfaces within or on the outside of campus buildings is prohibited. Permitted locations include:
  - a. Campus Center and Student Union bulletin boards and kiosks items posted must be consistent with Campus Center policy;
  - b. Kiosks;
  - c. Fourth floor of Student Union;
  - d. Parking Garage and PVRTA bus stops the posting of materials in these locations must be consistent with guidelines and procedures administered by the Director of Transportation and Parking.

#### E. Fund Raising

1. Student organizations may raise funds to support their activities in accordance with the following provision:
  - a. Funds may be collected and materials related to the purpose of the organization may be sold:
    - 1) at their own meetings and programs formally approved under these guidelines; and
    - 2) in compliance with approved guidelines and procedures.
  - b. Initiation fees and membership dues may be collected at their own business and membership meetings.
  - c. All student fund raising activities must have the prior authorization of the sponsoring University Unit which is responsible for the accounting and proper expenditure of such funds. In addition, undergraduate student fund raising activities, other than the collection of initiation fees and membership dues, must be specifically approved by the Student Activities Office. Written guidelines and procedures pertaining to the fund raising activities by undergraduate student organizations may be obtained from the Student Activities Office.
2. Other University groups may raise funds with the permission of the Chancellor or his/her designee.
3. Commercial activity on the Campus Center concourse is only permitted in compliance with approved guidelines and procedures.

F. To the extent that approved guidelines and procedures regarding the distribution of promotional commercial materials (i.e., materials which offer services or goods in return for money or other consideration) may apply to Housing Services, the Campus Center, Student

Union, University Health Services, and other University Units, such guidelines and procedures must be followed.

#### G. Construction

No structure shall be erected on the campus without the specific approval of the Vice Chancellor for Administration and Finance

## **IV. LIMITATION OR DENIAL OF USE OF UNIVERSITY PROPERTY**

Approval of the time, place and manner of an activity, program, or event by the Student Activities Office or other appropriate University Unit may require a change in location, schedule or security plans. In some cases, the request may be denied altogether. Further standards for restriction, modification or denial of a request are outlined below.

A. The use of University properties may be limited or denied to authorized users if the proposed activity:

1. is contrary to express University policies, these regulations or other campus guidelines and procedures concerning the general use of properties or use of specific properties; or to the statutes, rules or regulations of the Commonwealth; or
2. constitutes a clear and present danger to the safety or welfare of persons or property; or
3. would involve an off-campus audience under circumstances not permitted by these regulations or not permitted by the statutes, rules or regulations of the Commonwealth.

B. Security arrangements must be approved by the Department of Public Safety prior to any final approval of an activity, program, or event by the Student Activities Office or other appropriate University Unit. Cost and availability of funding for security arrangements will be a factor considered in the final approval process.

C. The office denying or limiting the use request shall notify the applicant in writing of the denial or limitations, the reasons therefor, the right to appeal and appeal procedures.

D. Activities, programs or events must not interfere with official University functions. If any activity interferes with an official University function or any other scheduled activity, it may be discontinued either at the direction of the administrator (or his/her designee) of the University Unit administratively responsible for the space in which the activity, program, or event is occurring or at the direction of the Department of Public Safety.

## **V. APPEALS**

A. Written notice of appeal from the denial or limitation of the use of University properties must be received in writing in the Office of the Vice Chancellor for Student Affairs within ten (10) days of the receipt of notice of the denial or limitation. Failure to file a timely notice of appeal may be waived by the Vice Chancellor upon a showing of good cause.

B. The notice of appeal must include the name and address of the authorized representative of the student organization or University Unit responsible for the appeal, and the nature of the action being appealed.

C. The Vice Chancellor or his/her designee shall review the appeal. The review shall consist of

an examination of: 1) the request for use of University property; 2) the written denial or limitation of the request by the Student Activities Office or other appropriate University Unit; 3) the written notice of appeal; and 4) any other evidence he/she deems necessary. The decision of the Vice chancellor or designee will be based on whether good cause existed for the limitation of denial of the space request, which decision shall be final.

D. Any program, activity, or event related to an appeal shall not be held pending a decision on appeal.



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This page last updated September 6, 2001