

Facility Use

From Appalachian State University Policy Manual

Policy 104

1 Introduction

1.1 This policy is adopted for the orderly use of University facilities and property by University departments, recognized student clubs and organizations, University affiliated groups and persons, and non-University affiliated groups and organizations and persons, as well as to establish parameters and procedures governing the distribution of printed materials on property owned or controlled by Appalachian State University.

1.2 Recognizing that its support derives in large part from public funds, Appalachian State University is committed to making its facilities and property as readily available for use by groups and individuals as is consistent with its educational mission, its duties as a custodian of State resources, and its responsibility to consider the welfare of its students, faculty, staff, and visitors. Consistent with its educational mission, the University encourages the free exchange of ideas on campus, while assuring that other important University interests and activities are not infringed upon or disrupted.

1.3 Practical as well as legal considerations dictate the formulation and publication of a written policy detailing the conditions of such availability. The intent of the document which follows is to provide for access on a basis which is both clearly defined and in the best interests of each of the constituencies to whom Appalachian State University is obligated by law and tradition.

2 Scope

2.1 This policy applies to all University departments, recognized student clubs and organizations, University affiliated groups and persons, and non-University affiliated groups, organizations and persons.

3 Definitions

3.1 University

refers to Appalachian State University.

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3.2 Student Clubs and Organizations

are organizations comprised of Appalachian State University students and recognized by the University through its formal recognition procedures.

3.3 University Departments

are budgetary units of Appalachian State University.

3.4 University Affiliated Organizations

include all official University committees, special committees, groups, and task forces supported directly by the University; the Appalachian State University Foundation, Inc. and the Appalachian State University Alumni Association.

3.5 Non-University Affiliated Organizations

include all groups or organizations which are not directly supported by the University or are not recognized student organizations.

3.6 Fund Raising

includes the charging of admission, solicitation for funds, sales, or donations in any form by a recognized student club or organization, University affiliated organization, or a non-University affiliated organization.

3.7 Solicitation

is defined as any effort or attempt to: (a) importune, entreat, implore, ask, attempt to try to obtain an order or to invite business transaction for a product offered or being sold; (b) seek orders, subscriptions, political or charitable contributions, or any other kind of financial support; or (3) distribute literature, hand-bills, samples, or other printed material for the purpose of advertising products, services, or other commercial enterprises to members of the University community.

3.8 Solicitor

is defined as any person or entity who engages or attempts or seeks to engage in solicitation, as defined above.

3.9 Peaceful Assembly

is the use of university facilities for the purpose of conducting a lawful assembly, rally, or demonstration not involving conduct or the encouragement of conduct that violates or would violate the law or policies of the University.

3.10 Public Speaking

University Affiliated Organizations

- 4.6 Use of University Facilities by Not for Profit, Non-University Affiliated Organizations
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is the use of University facilities for the purpose of orally and publicly communicating, informing, educating, or conveying an idea, concept, principle, belief, etc., to one or more other persons, other than in conversation.

3.11 Public Speaker

is a person who engages in or seeks to engage in public speaking, as defined above.

3.12 Public

is defined as open to attendance by any individual or group and not limited solely to members of a recognized student club or organization, University department, or University affiliated organization.

3.13 Not for Profit Organizations

are non-University affiliated organizations for which contributions are tax deductible.

3.14 Facilities

are defined as buildings and grounds owned or controlled by the University. Excluded from this policy are properties owned or controlled by the Appalachian State University Foundation, Inc. or the Board of Trustees of the Endowment Fund of Appalachian State University unless these facilities are in use principally for support of student activities or academic programs.

3.15 Division of the University

is a group of University departments organized around a particular function. There are four divisions of the University: Academic Affairs, Business Affairs, Student Development, and University Advancement.

3.16 Unscheduled Public Speaking Areas

are areas on campus at which the University permits assemblies and gatherings of affiliated and non-affiliated persons and groups without prior approval, for noncommercial purposes, on a first-come first-served basis, unless the use of such area(s) has been previously scheduled pursuant to other provisions of this Policy. Currently, such Unscheduled Public Speaking Areas include Sanford Mall, Durham Park, and the Duck Pond Field behind Trivette Hall.

3.17 Unlawful Conduct

is conduct that is prohibited by Federal, State, or local law or regulation, or that violates one or more rights of a person or entity under the common law of North Carolina.

3.18 State Law

for purposes of this Policy is North Carolina law potentially applicable to expressive conduct, both common law (including, but not limited to, the law of defamation and infliction of emotional distress) and statutory law, including, but not limited to: N.C.G.S. § 14-190.1 (obscene literature and exhibitions); N.C.G.S. § 14-190-13 (definitions for certain offenses concerning minors); N.C.G.S. § 14-190.14 (distributing material harmful to minors); N.C.G.S. § 14-190.15 (disseminating harmful material to minors); N.C.G.S. § 14-288.4 (disorderly conduct); N.C.G.S. § 14-144 (defacing buildings); N.C.G.S. § 14-132 (disorderly conduct in and injuries to public buildings and facilities); N.C.G.S. § 14-145 (unlawful posting of advertisements); N.C.G.S. § 14-159.12 (first degree trespass); N.C.G.S. § 14-159.13 (second degree trespass); N.C.G.S. § 14-10

(prohibiting disguises in certain circumstances); N.C.G.S. § 14-394 (anonymous threatening or disgrace-causing writings); and N.C.G.S. § 14-35 (hazing).

3.19 Graffiti

for purposes of this policy, includes all forms of writing, lettering, drawing, tagging, marking, or painting on objects, buildings, walls, or any other surfaces, whether mobile or stationary. Notwithstanding any other provision of this policy to the contrary, "Chalking" as defined in this policy shall not be considered Graffiti.

3.20 Chalking

for purposes of this policy, refers to the use of water soluble chalk that, under the following conditions, is permitted as an exception to Graffiti:

1. Permission to chalk is limited to recognized student organizations and University departments for the purpose of promoting events or programs that occur at Appalachian State University or in the Boone community with a specific date, time, and location.
2. The name of the recognized student organization or University department must appear within all chalk messages.
3. Only water soluble chalk may be used. The use of markers, paints, oil-based products, sprayable chalk, or any substance intended to preserve the chalking (e.g., hairspray) is prohibited.
4. Chalking is permitted only in open areas that can be directly washed by rain. The chalking must be on a horizontal surface not covered by an overhang.
5. Chalking is prohibited on all vertical surfaces, including but not limited to buildings, walls, signs, poles, columns, statues, monuments, objects of public art, benches, picnic tables, and any organic material (e.g., grass, soil, or vegetation).
6. Chalking that does not comply with the conditions set forth above shall be considered Graffiti, and any individual(s) or organizations(s) responsible for it will be considered in violation of this policy, other applicable University policies, and/or NCGS 14-132(a).

4 Policy and Procedure Statements

4.1 General Policy

4.1.1 Use of University facilities and grounds is governed by the laws of the State of North Carolina. Policies and guidelines have been established to ensure compliance with these laws, their consistent application, and the orderly use of these facilities within the resources and mission of the University. University facilities exist to accomplish the educational objectives and programs of the University. University departments, divisions of the University, University affiliated organizations and recognized student organizations are granted use of these facilities for educational, cultural, developmental, and social programs and activities within the guidelines of this policy. Departments and divisions of the University shall have priority in the use of University facilities. Recognized student organizations and University affiliated organizations shall have priority in use over non-University organizations and persons.

4.1.2 Appalachian State University recognizes the value of providing students, faculty, staff and others the opportunity to assemble and communicate with one another outside the classroom setting, as well as to distribute informative printed material to members of the University community. The University is committed to protecting First Amendment rights of individuals and will afford reasonable opportunity for people to distribute printed materials and to engage in other forms of expression and assembly on campus. Except with respect to commercial expression, and expression (e.g., obscenity, defamation, fighting words, harassment) which the Supreme Court has held constitutes "constitutionally proscribable content," see, e.g., *R. A. V. v. City of St. Paul*, 505 U.S. 377, 382-86, 390-92 (1992), the University will not make decisions or take actions based on the content of printed materials

distributed on campus. However, the University reserves the right to place restrictions, unrelated to the content of noncommercial expression, on the time, place and manner of the use of campus facilities, including the distribution of printed material on campus.

4.1.3 Normally no fee is charged for the use of facilities by University departments or divisions of the University, University related organizations, or recognized student clubs and organizations, except for facilities that are receipt supported. In these facilities, a user fee may be charged, (e.g., Legends).

4.1.4 Non-University affiliated groups that are educational, governmental, community, or charitable organizations may be granted permission to use University facilities to sponsor educational, governmental, community, or charitable programs on a single event basis.

4.1.5 Programs by these organizations must be co-sponsored by a University affiliated organization or department with a logical relationship to the sponsored program. In all cases, these organizations are required to reimburse the University for the costs of utilities, custodial services, and other direct and indirect costs, except where the function serves the primary purpose of recruiting new students to the University.

4.1.6 No person associated with the University in any capacity shall use for his or her own financial benefit or any other personal purposes University facilities or property, except as specifically authorized by this policy. No University facilities or property may be used by a commercial enterprise or other non-University affiliated organization for profit except as provided for in Section 4.7 of this policy. No person affiliated with the University in any capacity shall sponsor or act as an agent for any non-University affiliated commercial enterprise or individual to gain for that organization or individual benefits or access limited to University affiliated organizations, University departments, or recognized student clubs and organizations. Except as provided in Section 4.7 of this policy, University facilities are normally not made available for private use by individual or commercial enterprises.

4.1.7 Facilities utilized shall be appropriate to the requirements of the function concerning staging, anticipated audience, and similar concerns. Administrative offices responsible for the facility to be used will exercise caution in long-range advanced scheduling that may pre-empt the University's teaching, scholarship, co-curricular, or service functions. The University reserves the right to cancel reservations for prescheduled non-University affiliated organizations when they conflict with functions central to the educational mission of the University.

4.1.8 During periods when the University is not officially in session, the University's use of facilities is diminished. This reduced demand will be considered in reviewing requests for use during these periods.

4.1.9 Permitted use of facilities shall be subject to all other applicable Appalachian State University policies, including, but not limited to, policies regulating social events, fund raising by student clubs and organizations, and events at which alcoholic beverages are to be consumed.

4.1.10 University officials reserve the right immediately to terminate any use of University facilities or grounds if, in the judgment of those officials, continuation of such use will result in: (a) danger to participants or others; (b) unlawful conduct or violation of University policies by participants or others; or (c) interference with, disruption or disturbance of the University's educational mission, operations, business, or functions.

4.1.11 Except when University officials are carrying out official University business, no public address or amplifying system may be used at any time in any facility or on University grounds without written approval in advance from the appropriate administrator designated in this policy. Use of sound amplification equipment must comply with the University's and the Town of Boone's noise regulations.

4.1.12 The University will require that any group or entity that has secured approval and scheduling with respect to its proposed use of University facilities or property also secure approval from the Appalachian State University Police Department to ensure that sufficient police support is available.

4.1.13 Approved and scheduled uses of University facilities or property may occur only on the approved location, and failure to limit an approved or scheduled use to the approved location may be deemed trespassing.

4.1.14 Promotional materials or other publicity concerning any approved and scheduled use of University facilities or property must clearly disclose: (a) the nature, subject matter, and purpose of the use (e.g., event, solicitation, speech, rally, etc.); (b) the identity of the sponsoring entity; and (c) the identity of all other groups or entities involved in or benefiting from the use.

4.1.15 Distribution of literature or printed materials in connection with any approved and scheduled use of University facilities or property is subject to the applicable provisions of Section 4.8.5 below. Requests for approval to distribute literature or printed materials must be obtained from the office, identified in Section 4.12 below, to which the request to use University facilities or property must be submitted.

4.1.16 Specifically authorized under this policy, with no requirement to obtain permission, is any canvassing, selling, or soliciting (not inconsistent with any provisions of law or with the University's policies and purposes) wherein representatives of educational supply firms (including, but not limited to, publishers of academic books, manufacturers of laboratory, educational or office equipment, and suppliers of the student stores), contact members of the University faculty or staff as a routine and necessary part of the University's normal activities.

4.2 Criteria for Scheduled University Facility Usage

4.2.1 The general criteria for scheduled uses of University facilities shall include the following:

1. The function is compatible with the mission of the University.
2. The function can be adequately supported by available facilities, personnel, and resources.
3. The function is compatible with the purpose of the sponsoring group or organization.
4. The function is sponsored by or co-sponsored with a University affiliated organization with a logical relationship to the sponsored activity.

4.3 Use of University Grounds and Exterior Facilities

4.3.1 Because the use of University grounds or any exterior facilities presents the possibility of disturbance to normal University activities and damage to University property, the criteria governing the use of exterior space shall include, but not be limited to, the following:

1. No permanent or semi-permanent structure may be constructed or placed for any activity in these spaces, except upon authorization by the Vice Chancellor for Business Affairs or the Vice Chancellor for Student Development (for student groups, clubs and organizations) or their designees.
2. No activities may be held if they render a space unsatisfactory for use in its normal or primary function or conflict with any activity previously scheduled according to this policy or with normal or scheduled University activities.
3. Graffiti, as defined above, may not be affixed or applied to any University building, facility, or other property, with the sole exception of the interior walls and ceilings of the tunnels under Rivers Street. Any other application of Graffiti to any University property, including to the handrails and floors inside the tunnels under Rivers Street or on the stairs or exterior walls leading to those tunnels, will be deemed a violation of State law and/or University policy, including but not limited to N.C.G.S. § 14-132 (injuries to public buildings and facilities), N.C.G.S. § 14-144 (defacing or damaging houses or other buildings), and/or relevant sections of the Appalachian State University Code of Student Conduct, including but not limited to Section 4.21 (vandalism).
4. Users, including sponsoring organizations, are responsible for the cleanliness and order of all open spaces following their use. Users will be billed for cleanup that they do not adequately complete themselves.
5. All activities or events must be conducted in such a manner that campus pedestrian traffic and vehicular traffic are not impeded and that members of the University community who are not participating in the

activity or event may proceed with their normal activities. Individuals who engage in unlawful conduct while participating in or attending such activities or events will be subject to arrest. In addition, University employees engaging in conduct violating law or University policy will be subject to applicable disciplinary sanctions, and students engaging in such conduct will be subject to the imposition of sanctions under the Appalachian State University Code of Student Conduct.

4.4 Use of Facilities by University Departments and Divisions

4.4.1 University departments and divisions shall be given priority for the use of University facilities and property.

4.4.2 University departments and divisions may charge admission, sell goods, and collect funds consistent with state law and their mission and purposes, subject to the consent of the appropriate vice chancellor, dean, director, or designee by reporting division.

4.5 Use of Facilities by Recognized Student Clubs, and Organizations and University Affiliated Organizations

4.5.1 Costs and damages incidental to the use of a facility under this policy shall be borne by the organization using the facility. As a condition of use, the user organization may be required to provide satisfactory assurance of financial responsibility to the University.

4.5.2 When no admission is charged and there is no type of fund or commercial or charitable solicitation of any kind from those in attendance, approval may be granted to recognized student clubs and organizations and University affiliated organizations for the sponsorship of programs of an educational, cultural, entertainment, social, co-curricular, athletic, or developmental purpose.

4.5.3 Recognized student clubs and organizations may conduct fund-raising events involving the sale of goods, services, subscriptions, tickets, and the like only with the written approval of the Director of the Center for Student Involvement and Leadership or the Director's designee. University affiliated organizations may conduct the same type of fund raising events with the approval of the appropriate vice chancellor. Approval shall be granted by the appropriate vice chancellor or designate only if all of the requirements of this policy are met and provided that the affiliated group agrees to all of the following special conditions:

1. The primary purpose of such fund raising shall be to raise money for the benefit of the club, organization, or affiliated group, the University community, or for the benefit of a charitable group sponsored by the affiliated group.
2. All fund raising activity for such events shall be conducted by members of the club, organization, or affiliated group.
3. The fund raising promotional materials used by the affiliated group may acknowledge the assistance or contribution of a non-University affiliated group, but no promotional material or activity shall be conducted in such a manner as to extend to a non-University affiliated group the benefits established for University affiliated groups.
4. In multi-group fund raising, each participating group shall be required to comply fully with this policy.
5. When fund raising events are held, the sponsoring organization may be required to reimburse the University for custodial services and other direct costs. Such reimbursement may be in the form of a user fee. The director or dean responsible for the facility to be used shall make this judgment, subject to review by the appropriate vice chancellor or director.
6. The University reserves the right to audit all proceeds from any fund raising events conducted on campus by recognized student clubs and organizations or University affiliated organizations.

4.5.4 No student club or organization, nor University affiliated organization, will enter into a contract with an individual or commercial enterprise for use of University facilities.

4.5.5 The following policies and procedures apply to events by recognized student clubs and organizations conducting fund raising events on or off campus:

1. Except with respect to solicitation permitted under Section 4.6.3, Section 4.7.1, and Section 4.9, only recognized student clubs and organizations can solicit from students on the Appalachian State University campus.
2. The sponsoring club or organization is responsible for compliance with all University rules, local ordinances and State laws governing solicitation.
3. All solicitation by recognized student clubs and organizations must be registered with and be approved by the Center for Student Involvement and Leadership one week (five working days) in advance. A fund raising form (available in the Center for Student Involvement and Leadership) must be completed and approved to register any fund raising event. Upon approval, the Center for Student Involvement and Leadership will issue a solicitation permit to the President or Treasurer of the requesting club or organization.
4. Solicitation for funds by recognized student clubs and organizations may take place on campus with approval. Examples of locations where such solicitation may be approved include: Student Union, academic buildings, residence hall lobbies, cafeteria lobby, Varsity Gym lobby, Brewer Stadium (outside entrance gates) and Sanford Mall.
5. The Center for Student Involvement and Leadership will not approve any request that includes door-to-door solicitation in the residence halls.
6. Solicitation in classroom building lobbies is prohibited unless it is approved by the Vice Chancellor for Academic Affairs or designee or the appropriate academic dean responsible for the facility.
7. No individual student will be allowed to solicit for profit except through the use of the Student Union Information Board. Students may use this space to advertise the sale of used personal items.
8. Any recognized student club or organization that violates this solicitation and fund raising policy will be subject to disciplinary action by the Club Council. Any individual who violates this policy will be subject to disciplinary action under applicable rules and regulations.
9. The Center for Student Involvement and Leadership will provide operating procedures and other information regarding the fund raising and soliciting by recognized student clubs and organizations.
10. Because of the necessity for the Appalachian Popular Programming Society (A.P.P.S.) to collect and solicit funds from students on a regular basis, this organization shall function under University policy within the guidelines established for the Plemmons Student Union.
11. Nothing in this section shall be construed to prohibit the governing body of a residence hall or Appalachian Popular Programming Society from authorizing and conducting the sale of refreshments in connection with residence hall or A.P.P.S. program activities, such as a special social or athletic event, for the purpose of providing refreshments at cost.

4.6 Use of University Facilities by Not for Profit, Non-University Affiliated Organizations

4.6.1 Costs and damages incidental to the use of a facility under this policy, whether or not caused by a member or members of the organization, shall be borne by the organization using the facility. As a condition of use, the user organization may be required to provide satisfactory assurance of financial responsibility to the University and enter into a written facilities use agreement.

4.6.2 The following provisions apply when no admission is charged and there is no type of fund solicitation of any kind from those in attendance:

1. Permission may be granted for the sponsorship of educational or charitable programs for the benefit of the general student body of the University or the larger community.
2. The University shall be reimbursed for the cost of utilities, janitorial services and other direct and indirect costs incurred in connection with the program. Such reimbursement may be in the form of a user fee.
3. The University department responsible for the facility to be used will be responsible for coordinating and making provisions for control of traffic, parking, crowd management, janitorial services and other services related to the use of the facility. Any special charges or fees associated with this arrangement will be included in the user fee.

4. An outline of crowd management procedures shall be submitted by the user when deemed appropriate by University departments responsible for the facility to be used.

4.6.3 When admission is charged or solicitation for funds in any form is made from those in attendance, the University shall be reimbursed for the fair market value of the facility for the period of its use and any additional period during which it is reserved for use, or the cost of utilities, custodial services and other expenses incurred in connection with the program, whichever is greater. Such reimbursement may take the form of a user fee.

4.6.4 When net proceeds of fund raising exceed expenditures, the University, through the department responsible for the facility, reserves the right to share in a negotiated percentage of these proceeds.

4.6.5 The University department responsible for the facility to be used will be responsible for coordinating and making provisions through University police for control of traffic, parking, crowd management, janitorial services and other services related to the use of the facility. Any special charges or fees associated with these arrangements will be included in the user fee.

4.6.6 An outline of crowd management procedures shall be submitted by the user when deemed appropriate by the University department responsible for the facility to be used.

4.6.7 The University reserves the right to audit the proceeds from any fund raising event to ensure compliance with applicable University and State policies.

4.6.8 Except as herein provided, non-University affiliated individuals and organizations are prohibited from canvassing, selling, offering for sale, soliciting, or promoting the sale of any goods or services in University facilities or on University property except under the conditions specified in Section 4.7, below.

4.7 Use of Selected University Facilities by Non-University Affiliated Organizations, University Departments and Divisions, and University Affiliated Organizations

4.7.1 The following special policies are to apply to the use of athletic facilities and other special properties described herein:

1. When the University is in session, use of athletic facilities by non-University affiliated organizations, University departments and divisions, University affiliated organizations, and recognized student clubs and organizations may be permitted, with the approval of the Athletic Department. The Athletic Department and the Office of Student Programs will coordinate in scheduling programs or entertainment events that may conflict.
2. When the University is not in session, use of athletic facilities may be permitted to these same groups in accordance with restrictions that will ensure the best interests of the University.
3. Administrators responsible for the Student Union, University Bookstore, Camp Broadstone, The Schaefer Center for the Performing Arts, the New York Loft, the Appalachian House, Rosen Concert Hall, the George C. Holmes Convocation Center, Quinn Center, Legends, the Broome-Kirk and Varsity Gymnasia, Valborg Theatre, I.G. Greer Arena Theatre, and Owens Field House shall establish policies and procedures for the use of these facilities consistent with this policy and the purposes and intent of these programs and facilities. These procedures and policies shall be subject to the approval of the appropriate vice chancellor or director in the division to which the facility or program reports.
4. These facilities shall be used principally to advance the educational, cultural, developmental, physical, and social program objectives of the University.
5. These facilities may be used by University departments and divisions, recognized student clubs and organizations, University affiliated organizations, and University affiliated individuals; and, on a limited, single event basis, by non-University affiliated organizations, individuals, and commercial enterprises.
6. A written facilities use agreement shall be used when facilities are made available to non-University affiliated organizations, individuals, or commercial enterprises. The person or group using the facility must

- pay all direct and indirect costs associated with use. This charge may be in the form of a user fee.
7. When admission is charged, goods are sold, or solicitation for funds in any form is made in these facilities by an individual, commercial enterprise, or non-University affiliated organization, the University shall charge user fees, and shall receive at least 15% of the net proceeds from admission charges or other solicitation.
 8. The University reserves the right to audit the proceeds from any event to ensure compliance with applicable University and State policies.

4.8 Distribution of Printed Materials

4.8.1 The University distinguishes between noncommercial 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 material that is intended to solicit the purchase of or investment in goods, services, real property, or other commercial materials.

4.8.2 Any individual or group, whether affiliated with the University or not, may distribute at any open, exterior campus space, the use of which is not otherwise restricted or scheduled under this Policy, without registration or advance approval, any written materials on the condition that such materials are informational and not for commercial purposes. Any group or organization that distributes written materials pursuant to this section is encouraged to include the name of the group or organization on the materials.

4.8.3 Publications of University-affiliated groups may be distributed or sold at any open, exterior campus space, the use of which is not otherwise restricted or scheduled under this Policy, without registration or advance approval.

4.8.4 Like any other use of University facilities governed by this Policy, the distribution of printed materials, including printed material distributed pursuant to Section 4.8.5, is subject to the provisions of Section 4.3.

4.8.5 Distribution of printed material, other than material distributed pursuant to sections 4.8.2 and 4.8.3, above, is subject to the procedures set out below. Approval to distribute printed materials on campus pursuant to these procedures shall be given for a specific period of time at specific location(s) and such written approval shall specify the means by which the information will be distributed. Any group or organization that distributes written materials pursuant to this section is encouraged to include the name of the group or organization on the materials.

4.8.6 Businesses and other commercial enterprises wishing to distribute literature on campus should contact the Office of Business Affairs.

4.8.7 Students, student organizations, and other University-affiliated groups wishing to post or distribute noncommercial printed material in the University residence halls should contact the Office of Residence Life. Distribution of commercial materials and materials from non-University affiliated groups or individuals is not permitted in University residence halls.

4.8.8 The Appalachian State University Post Office has established its own procedure for the distribution of printed material to students in Appalachian State University mail boxes. Groups, entities, or individuals seeking distribution to students through the University Post Office should contact that office.

4.8.9 A group or an individual may request a contact table, a designated place to hand information to people on campus, or approval to place printed materials in a specific location on campus in a rack or other container.

4.8.10 A written request for approval to distribute printed materials pursuant to these procedures must be submitted to the appropriate office. The request must include proposed distribution points, time of distribution, and the manner in which the material will be distributed.

4.8.11 The appropriate office for seeking approval to distribute printed materials in connection with an intended use of University facilities or property for which approval must be obtained shall be the office identified in this Policy as the office from which to seek approval for the use of the University facility or facilities.

4.8.12 All printed materials to be left in the open for distribution pursuant to Section 4.8.9 must be placed in racks or display cases that are: (1) designed specifically for the purpose of distributing such materials; and (2) approved by appropriate University officials. It is the responsibility of the individual or group granted approval for such distribution to maintain these racks, including updating the materials regularly and disposing of materials properly. Approval to place material in racks will be given for a specific time period.

4.8.13 The supervisor of each building or area where the publisher wishes to display materials will have the authority to designate where racks may be placed and additional expectations for upkeep. It is understood that publications cannot be excluded by facility managers because the content may be objectionable to that individual. As stated above, the University generally will not seek to exercise control over the content of printed materials or other communication. See, e.g., *Rosenberger v. Rectors and Visitors of the University of Virginia*, 515 U.S. 819 (1995). Exceptions will be made in the case of expression (e.g., obscenity, defamation, fighting words, harassment) which the Supreme Court has held constitutes "constitutionally proscribable content". See, e.g., *R. A. V. v. City of St. Paul*, 505 U.S. 377, 382-86, 390-92 (1992).

4.8.14 The University reserves the right to withdraw approval for distribution any time for reasons including, but not limited to, publishers not fulfilling expectations, changing facility needs, and policy changes.

4.9 Solicitation and Solicitors

4.9.1 Persons or entities seeking or obtaining permission to engage in solicitation in University facilities or in property owned or controlled by the University must comply with the following:

1. The solicitor must qualify under the provisions of Sections 4.5, 4.6, or 4.7, above, must obtain co-sponsorship if non-University affiliated, and must seek and obtain authorization and scheduling from the specified University office or officer pursuant to Section 4.12, below.
2. The solicitor seeking permission to solicit must contact, and provide all requested documentation and information to, the appropriate University office or officer, as specified in Section 4.12, at least five (5) working days prior to the proposed activity.
3. The solicitor must accept and acknowledge understanding the University policies governing use of University facilities including but not limited to:
 - a. Solicitation must occur only at the approved location.
 - b. Solicitors may not call out to or ask individuals in the vicinity of the solicitation to participate or respond to the solicitation.
 - c. Solicitors who have been approved and properly scheduled space for solicitation must prominently display their solicitation permit.
 - d. At the outset of any contact with the University community, solicitors must clearly disclose, describe, or identify: (a) themselves by name; (b) the purpose and intended beneficiary of their solicitation; and (c) any affiliated persons or entities for or with which they engage in solicitation.

4.10 Unscheduled Public Speaking Areas and Peaceful Assembly

4.10.1 The University encourages the free exchange of ideas on campus and is committed to making space available for such exchanges and communicative activities, while maintaining a balance with the University's legitimate interests in assuring that such exchanges and activities do not: (a) render a space unsatisfactory for its normal or primary use; (b) conflict with previously scheduled uses of the space; (c) impede campus pedestrian or vehicular traffic; or (d) prevent individuals who are not participating in such activities from proceeding with their normal activities. See Section 4.3.1 above, and Sections 4.10.9, 4.10.10, 4.10.11, and 4.10.12, below. Accordingly,

consistent with these and the other provisions of this Policy, while the University reserves the right to control time, place, and manner in which its facilities are used, the University permits individuals, groups, or entities to engage in public speaking, peaceful assembly, or similar exchanges of ideas at the **Unscheduled Public Speaking Areas**.

4.10.2 The following areas are designated as **Unscheduled Public Speaking areas**: (a) Sanford Mall; (b) Durham Park; and (c) the Duck Pond Field behind Trivette Hall are designated as the **Unscheduled Public Speaking Areas** on the University campus. These areas are available on a first-come first-served basis for noncommercial speech or assembly unless otherwise scheduled. Any use of the **Unscheduled Public Speaking Areas** scheduled pursuant to this Policy shall have priority over any unscheduled use. Therefore, person(s) or organization(s) interested in using any of these areas should check with the Information Desk in the Plemmons Student Union to determine its availability and to avoid possible conflicts. All uses of the **Unscheduled Public Speaking Areas** are subject to the requirements of this policy governing the use of exterior space on campus, including but not limited to, Sections 4.3.1, 4.10.9, 4.10.11, 4.10.12, and 4.10.13.

4.10.3 Except as otherwise specified in this policy, any individual, group, or entity seeking to use University facilities for the purpose of public speaking or peaceful assembly must qualify under the provisions of Sections 4.5, 4.6 or 4.7, above, must obtain co-sponsorship as required by Section 4.1.5 if non-University affiliated, and must seek and obtain authorization and scheduling from the specified University office or officer pursuant to Section 4.12, below.

4.10.4 Notwithstanding the foregoing Section 4.10.3, persons who wish to engage in noncommercial speech at the **Unscheduled Public Speaking Areas** need not obtain co-sponsorship or authorization.

4.10.5 Nothing in this policy shall be interpreted to prevent or require University faculty, departments or University-affiliated organizations from fulfilling their responsibilities and purposes as they relate to promoting speakers on campus. Further, University faculty, University departments, and University affiliated organizations are not required to seek approval for a public speaker provided that the speaker is part of its program and associated with its educational mission or purpose and all applicable University policies are followed.

4.10.6 Requests for use of facilities for public speaking or peaceful assembly are granted for one-day only, with a maximum of no more than two days per semester. Requests for use of University facilities for public speaking or peaceful assembly must be made at least 24 hours in advance of the time period requested, unless allowed by special permission of the Vice Chancellor for Student Development. All requests must be made to the Vice Chancellor for Student Development or the Dean of Students.

4.10.7 Groups seeking approval to hold a peaceful assembly on campus must complete and submit all necessary and requested documentation and information at least 24 hours prior to the proposed assembly.

4.10.8 If public speaking or a peaceful assembly will involve solicitation as defined above in Section 3.7, the provisions of Section 4.9 above will apply and supersede the provisions of this Section 4.10.

4.10.9 Use of sound amplification equipment is governed by Section 4.3.1 above. No sound amplification of any kind is permitted in the **Unscheduled Public Speaking Areas**, unless written approval has been obtained pursuant to Section 4.3.1.

4.10.10 Public speakers and those involved in peaceful assemblies must comply with all applicable laws and all applicable University policies. As stated in Section 4.3.1 above, individuals who engage in unlawful conduct while participating in or attending such activities or events will be subject to arrest.

4.10.11 Public speakers and participants in peaceful assemblies may not infringe upon the rights of others to engage in peaceful assembly or the free exchange of ideas, to use or enjoy University facilities, or to attend University functions. Actions such as the following are unacceptable:

1. Blocking, obstructing, or impeding the passage of a person or vehicle.
2. Causing bodily harm to a person.
3. Erecting or placing obstructions that result in depriving others of their rights.
4. Directly or indirectly preventing a speaker from speaking, even for a brief period of time; or seizing control of an unscheduled public speaking area for one's own purposes.
5. Actions that constitute harassment as defined by Appalachian Policy 110.

4.10.12 All activities or events must be conducted in such a manner that campus pedestrian traffic and automobile traffic are not unreasonably impeded and that members of the University community who are not participating in the activity or event may proceed with their normal activities.

4.11 List of User Charges Maintained at Business Affairs Office

4.11.1 The Business Affairs Office maintains for inspection a current list of user charges approved by the Chancellor for the use of indoor and outdoor space by non-University affiliated organizations. These rates are designed to cover the entire costs of providing the facility (for example, materials, labor, utilities and any added security charges incurred). Particular uses may require the assessment of additional charges, depending on special needs associated with the use.

4.12 Scheduling of University Facilities

4.12.1 The University maintains in the Business Affairs Office a master schedule of reservations. Requests for the use of space other than those specified in this policy should be directed to this office at 262-2030 and should be made at least 24 hours in advance. During the summer term, this function is transferred to Academic Affairs. The following divisions are responsible for scheduling the designated facilities.

4.12.2 Business Affairs. Requests for scheduling space in facilities not specifically addressed otherwise are made to Business Affairs. Scheduled specifically by this office are the following:

1. academic classrooms (for meetings and activities when not in use for regular academic instructional use)
2. University grounds other than those specifically designated in this policy as the scheduling or coordinating responsibility of another University division or office
3. Holmes Convocation Center
4. other campus buildings not addressed below.

4.12.3 Academic Affairs. Academic Affairs develops class schedules and makes classroom and office assignments within academic buildings. Areas scheduled by departments in this division are the following:

1. Academic buildings (for regular academic classrooms)
2. Dark Sky Observatory (contact directly)
3. Camp Broadstone (contact directly)
4. The Schaefer Center for the Performing Arts(contact Director, Office of Cultural Affairs)
5. Rosen Concert Hall (contact Dean, School of Music)
6. Valborg Theatre (contact Dept. of Theatre and Dance)
7. I. G. Greer Arena Theatre (contact Dept. of Theatre and Dance)
8. John E. Thomas Hall: Meeting Room 159 (contact Admissions-Academic Affairs)
9. John E. Thomas Hall: Meeting Room 245 (contact Summer Sessions-Academic Affairs)

4.12.4 Student Development

1. Student Development, or the Center for Student Involvement and Leadership, approves requests from recognized student clubs and organizations to conduct activities. This office assists student groups with cultural, co-curricular, and campus recreation and intramural activities. These programs include theater,

music, films, lectures, symposia, workshops, rallies, protests, speeches, fund raising projects, and similar events. Note, however, that peaceful assembly and public speaker requests, other than for use of the Unscheduled Public Speaking Areas are made through the Office of Student Development.

2. Specifically scheduled by departments in this division are the following facilities:

- a. Legends (contact Student Union)
- b. Unscheduled Public Speaking Areas (contact Student Union Scheduling Office, ext. 3032)
- c. Plemmons Student Union (contact directly)
- d. Quinn Center (contact directly)
- e. Residence halls and adjacent space during the academic year and for student housing (contact University Housing)
- f. Intramurals fields at State Farm (contact Recreational Sports)
- g. John E. Thomas Hall: Meeting Room 357 (contact University Housing)
- h. John E. Thomas Hall: Meeting Room 387 (contact Career Services)

4.12.5 Athletics. The Athletics Department schedules events in the following facilities and on athletic fields and courts during the academic year. During the summer term this function is handled through Continuing Education:

1. Varsity Gymnasium
2. Broome-Kirk Gymnasium
3. Kidd Brewer Stadium
4. Lackey Field
5. Owens Field House

4.12.6 Alumni Affairs. The Alumni Affairs Department schedules events in the following facility:

1. McKinney Alumni Center

4.12.7 Steps to Scheduling a University Facility Recognized student clubs and organizations:

1. Students should first secure the necessary scheduling form from the Center for Student Involvement and Leadership before contacting the scheduling office. If a facility is scheduled directly by another University department (e.g., Plemmons Student Union, Legends, Quinn Center), students should contact that facility director. If the recognized student club or organization wishes to conduct a fund raising event, approval must first be obtained from the Center for Student Involvement and Leadership.
2. If a request for space is to be for an area of the University scheduled by Business Affairs, the recognized student club or organization should first contact Business Affairs to see if the space they would be requesting will be available. A temporary (24-hour) hold will be placed on the space if not previously scheduled.
3. The student club or organization must then seek approval through the Center for Student Involvement and Leadership for the event in question. Once the event is approved, the club or organization will take the approval form to Business Affairs and the space will be reserved.

University departments and University affiliated organizations other than student clubs and organizations:

1. The University department or University affiliated organization will contact directly the University department responsible for the facility. Arrangements will be made directly with the director of the facility for use under University guidelines.

University departments and affiliated organizations that wish to use space not specifically controlled under this policy should contact Business Affairs. Business Affairs will directly schedule space with the department or organization with the approval of the appropriate vice chancellor, director, or designee. Scheduling of University facilities by non-University affiliated groups:

1. Any organization, individual, or company not affiliated with the University and wishing to use University facilities -- except as provided for in previous sections of this policy -- should contact Business Affairs.

Business Affairs will have responsibility for securing authorization from other University departments as needed, approving, and scheduling these events.

Requests for use of University facilities and grounds: The following information should be provided when requesting approval for use of University facilities and grounds:

1. an outline of crowd management procedures where appropriate;
2. utility requirements for equipment to be used;
3. special arrangements of the facility;
4. items to be supplied by the University which are not standard facility equipment and other information as required by departmental forms;
5. copies of any contracts or letters of agreement between a non-University sponsor and a University sponsor outlining responsibility of each in promoting and staging an event, the proposed sharing of profits or losses, as well as copies of all contracts entered into with booking agencies, promoters, performers, and all other non-University groups involved in the promotion and staging of an event.

4.13 Authority to Enter into Contracts

4.13.1 Only the Chancellor, or his or her designee, is authorized to enter into contracts on behalf of the University. The University, through its officers, reserves the right to interpret this policy and to apply it in the best educational interests of the University. The Chancellor reserves the right to change, alter, or grant exceptions to this policy to best fulfill the mission, purpose, and processes of the University.

5 Additional References

N.C.G.S. § 14-132 (injuries to public buildings and facilities)

N.C.G.S. § 14-144 (defacing or damaging houses or other buildings)

6 Authority

The UNC Policy Manual 100.1, Section 502

7 Contact Information

Office of Business Affairs [828.262.2030](tel:828.262.2030)

Office of Student Development [828.262.2060](tel:828.262.2060)

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