

**Effective:** 12-13-2018

**Last Revised:** 11-18-2018

**Responsible University Administrator:**

Vice Chancellor for Business, Finance, and Business Development; Vice Chancellor for Student Success

**Responsible University Office:**

Business & Finance and Student Success

**Policy Contact:**

Phil Covington, Assistant Vice Chancellor for Student Success • [pcovington@unomaha.edu](mailto:pcovington@unomaha.edu)

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## Regulations on the Use of University Facilities and Grounds

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### Scope

This policy provides guidance for the scheduling and conduct of events and activities at the University of Nebraska at Omaha (UNO) which are not regularly scheduled courses under the aegis of the University Registrar.

This policy applies to all UNO buildings, facilities, grounds, and spaces owned or controlled by the University and extends to members of the academic community, including guests of the University, and members of the general public lawfully present on University premises.

### Policy Statement

In accordance with Board of Regents policy 6.4.10 and in order to optimize the use of University facilities and grounds by students, faculty, staff, and community members, the University reserves the right to regulate the use of its own property. Nothing in this policy is intended to infringe upon the First Amendment rights of students, faculty, staff, or community members.

## Reason for Policy

It is the intent of the University to fulfill its mission of teaching, research, and community engagement. In order to avoid disruption of the normal activities needed to carry out its mission, the University shall control access to University land and buildings.

## Procedures

While UNO property is not open to unrestricted public access, many spaces are available for use by faculty and staff, students, student groups, and members of the public, with appropriate approval and when scheduled in advance. It is the policy of UNO that spaces in its facilities offer a positive, safe environment for faculty, staff, students and visitors. The primary purpose of these facilities is to conduct the business of UNO's education, research and public service missions.

UNO endeavors to provide reasonable and equitable access for responsible individuals, groups, and organizations when, in the judgment of the University, such use:

- (a) will not interfere with the academic mission of the University;
- (b) will not pose undue risk to students, personnel, visitors or property; and
- (c) may be reasonably accommodated on/in University property and within capabilities of institutional personnel and resources.

### **1. REQUESTING APPROVAL TO USE UNIVERSITY PROPERTY CLASSIFIED AS A DESIGNATED PUBLIC FORUM AREA OR FACILITY**

Designated Public Forums have been designated as open for expressive applications to the campus community and the community at large.

All individuals or groups, including UNO students, faculty, staff, and University Groups, wishing to use University facilities classified as a Designated Public Forum Area or Facility (see Definitions) will submit a completed Application for Facility Use form to the appropriate scheduling authority sufficiently in advance, with a recommendation of 30 or more business days before the activity, and provide all information required for administrative review of the proposed activity.

Individuals or groups wishing to use an outdoor facility or area otherwise classified as a Non-Public Forum Area, may request the space be temporarily noted as a Designated Public Forum Area or Facility and treated as such. Such a request must be made with the appropriate scheduling authority sufficiently in advance, with a recommendation of 30 or more business days before the activity, and provide all information required for administrative review of the proposed activity. The request will be reviewed to identify any likelihood for disruption of the normal activities of the University. The authority to grant the temporary designation rests with the Vice Chancellor for Business, Finance and Business Development or their designee.

The 30 or more business day reservation recommendation may be adjusted for activities that could not reasonably be planned that far in advance at the discretion of the Vice Chancellor for Business, Finance and Business Development or their designee.

A Facilities License Agreement (the "Agreement") between a Third Party and the University is required for Third Parties wishing to use University facilities classified as a Designated Public Forum Area or Facility. An executed copy of the Agreement, signed by authorized representatives from the Third Party and the University, should be returned to the University a minimum of 10 business days before the activity.

At the discretion of the Vice Chancellor for Business, Finance and Business Development or their designee, students, faculty, staff, and University groups who wish to use a Designated Public Forum Area or Facility may be asked to complete a Facilities License Agreement.

Designated Public Forum Areas and Facilities are subject to reasonable [time, place, and manner restrictions](#) on exercise of the right of free expression as a means of preserving the safe and orderly operation of the campus. All Designated Public Forum Areas and Facilities shall be made available on a uniform, non-discriminatory basis.

## **2. REQUESTING APPROVAL TO USE UNIVERSITY PROPERTY CLASSIFIED AS A LIMITED PUBLIC FORUM AREA OR FACILITY**

Limited Public Forums may be designated by the University for use by particular groups or limited to particular types of speech, as long as the limitations are reasonable and viewpoint-neutral.

All individuals or groups, including UNO students, faculty, staff, and University Groups, wishing to use University facilities classified as a Limited Public Forum Area or Facility (see Definitions) will submit a completed Application for Facility Use form to the appropriate scheduling authority sufficiently in advance, with a recommendation of 30 or more business days before the activity, and provide all information required for administrative review of the proposed activity. The 30 or more business day reservation recommendation may be adjusted for activities that could not reasonably be planned that far in advance at the discretion of the Vice Chancellor for Business, Finance and Business Development or their designee.

A Facilities License Agreement (the "Agreement") between a Third Party and the University is required for Third Parties wishing to use University facilities classified as a Limited Public Forum Area or Facility. An executed copy of the Agreement, signed by authorized representatives from the Third Party and the University, should be returned to the University a minimum of 10 business days before the activity.

At the discretion of the Vice Chancellor for Business, Finance and Business Development or their designee, students, faculty, staff, and University groups who wish to use a Limited Public Forum Area or Facility may be asked to complete a Facilities License Agreement.

## **3. MINIMUM REQUIREMENTS FOR USE OF UNIVERSITY PROPERTY**

All parties wishing to use University facilities and grounds agree to comply with the following conditions; failure to agree to these conditions will result in a denial of permission to use the facilities:

1. The event will not disrupt the normal flow of pedestrian and/or motorized traffic unless written approval has been granted by the University.
2. The Requester will ensure that the event remains non-disruptive to the public peace and order of the University and understands that the University may take action deemed appropriate to preserve the public order and protect University property.
3. The Requester acknowledges that they are responsible for any damages that occur as a result of their use of University property.
4. The Requester will pay all applicable facility fees and/or other charges incurred by the University in opening an area to the Requester.
5. The Requester will be responsible for paying charges for adequate security at any event; the degree of security needed shall be determined in good faith by UNO Public Safety and shall be arranged by the University.
6. The Requester has read and will comply with the Regulations on the Use of University Facilities and Grounds policy, including all appendices.
7. The Requester shall not use or display any University logo, trademark, servicemark ("Mark" and collectively the "Marks") and/or other indicia designated by the University as a source identifier,

unless expressly authorized in writing by the University. Any use of a University Mark by the Requester shall be subject to the applicable provisions contained in the University's Board of Regents Policies and the standards established by the [University's Identity Standards](#) and [UNO Brand Standards](#). Any unauthorized use of University Marks is expressly prohibited. Requester shall not advertise or announce an event held on University property in any manner that would suggest that the event is endorsed or sponsored by the University unless expressly authorized in writing by UNO.

#### **4. NOTICE OF DENIAL**

Notice of denial to utilize University property shall clearly set forth in writing the grounds upon which the request was denied and, where feasible, shall contain a proposal by the University for measures by which the Requester may remedy any problems or otherwise obtain permission to use University property. Where a Requester has been denied because a reservation for the same time and place has been received, and/or a reservation has been or will be granted to the prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular area, the University may propose an alternative location, if available for the same time, or an alternate time, if available for the same location. Requests to utilize University property may be denied by the Vice Chancellor for Business, Finance and Business Development or their designee on any of the following grounds:

1. The Agreement is not fully completed and executed;
2. The Requester has not timely tendered an application fee, user fee, indemnification agreement, security deposit, or satisfied any other condition reasonably required by the University;
3. The Agreement contains a material falsehood or misrepresentation;
4. The Requester is legally incompetent to contract (e.g., under nineteen years of age) or is not a legally recognized entity (e.g., out of state corporation not licensed to do business in Nebraska); (Note: Students enrolled at the University who are under nineteen years of age shall not be prohibited from submitting an Application for Facility Use.);
5. The Requester or the person on whose behalf the request was made has on prior occasions damaged University owned or leased property and has not paid in full for such damage, or has other outstanding and unpaid debts to the University resulting from prior use of University property;
6. A reservation for the same time and place has been received, and/or a reservation has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular property or part hereof;
7. The use or activity intended by the Requester would conflict with planned programs organized and conducted by the University and scheduled for the same time and/or place;
8. The proposed use or activity is prohibited by or inconsistent with the classifications and uses of University owned or leased property or part thereof designated pursuant to this policy;
9. The use or activity intended by the Requester would present an unreasonable danger to the health or safety of the Requester, other users of the property, University students or employees, or of the public;
10. The Requester has not complied or cannot comply with applicable licensure requirements, rules or regulations concerning the sale or offering for sale of any goods or services;
11. The use or activity intended by the Requester is prohibited by applicable rules or laws;
12. The Requester has not secured the requisite insurance;
13. The Requester or the person on whose behalf the reservation was made has on prior occasions made material misrepresentations regarding the nature or scope of the event or activity previously permitted or has violated the terms of prior authorized use by the Requester;
14. The proposed use or activity would interfere with pedestrian and/or vehicular traffic;

15. The proposed use or activity intended by the Requester would present an unreasonable risk of substantial damage to property of the University and/or of persons lawfully present on University property.
16. The proposed use or activity violates University policy.

## **5. WAIVER OF REQUIREMENT(S)**

Any requirement for use, fees, deposits, proof of insurance or premium for insurance may be waived per the written approval of Vice Chancellor for Business, Finance and Business Development or their designee. Application for a waiver shall be made on a form prescribed by the University.

The University may waive any time requirements for the submission or processing of applications in order to grant approval or facilitate the expeditious review of a denial of use.

University Groups wishing to utilize an agreement that differs from the document provided in the Forms section of this policy may do so upon the written approval of the Vice Chancellor of Business, Finance, and Business Development or their designee.

## **6. EXCLUSIONS**

This policy excludes the Thompson Alumni Center and the Scott Properties on UNO's Scott Campus.

## **7. COMMITMENT TO FREE EXPRESSION**

Pursuant to University of Nebraska Board of Regents Policy 6.4.10, "freedom of speech" and "freedom of expression" refer to one's Constitutional right to articulate and express ideas and opinions, through any means, i.e. speaking, writing, or artistic expression, without fear of government retaliation, censorship, or other sanction. The University of Nebraska is a public institution of higher education, which holds dear this right, a right that is indispensable to its ability to transmit knowledge and fundamental to the University community's pursuit to discover, explore, interpret, and question knowledge and opinions. The University greatly values the creation and maintenance of an inclusive climate in which all members of its community are welcomed and are encouraged to participate in the free expression of ideas.

Inasmuch as the search for new truths often comes forth only after bringing together differing opinions, the University aims to foster and uphold the capacity of the University community to engage in discourse and deliberation in an effective, responsible and respectful manner. This is critical to the University's mission. As a corollary to the University's commitment to protect and promote free expression, members of the University community are expected and required to act in conformity with the underlying principles of free expression. Although members of the University community are free to comment on, criticize and contest views that others express, they must do so at a time and place, and in a manner that does not prevent, impede, or obstruct the freedom of others to also exercise their rights to express themselves. With this policy, the University is not only promoting a lively and fearless freedom of debate and deliberation, but also protecting that freedom when others attempt to restrict it. It is a careful, deliberative and nuanced balance of interests that the University must strike in order to protect this important right.

The First Amendment provides no guarantee of civility. However, as a community of educators and learners, the University places a high value on civil discourse and respect for one another. The University has an obligation to protect the dignity and security of all members of its community from those who would seek to use speech primarily to deprive others of their freedom to learn, their freedom to contribute and their freedom to participate fully in the University's mission. Therefore, the University encourages all within its community--its Board, administration, faculty and staff, students,

alumni, and all who act as its ambassadors--to serve as models reflecting behavior consistent with the tenets of civil discourse. Civility defines Nebraska and our University of Nebraska community.

As important as are the rights to debate and discuss competing ideas, the First Amendment does not protect all expression. The University will not facilitate expression in violation of the law or that poses an unreasonable threat to the safety of the University community or to the University's ability to fulfill its mission of teaching, research, and public service. Certain kinds of expression (among others), such as: speech that incites violence, fighting words, speech that defames or defrauds, speech that constitutes a genuine threat, or unlawfully discriminates, or speech that unlawfully invades privacy, is not protected speech. Acts or conduct, which threaten the safety of persons or property are not protected by the Constitution or the University.

Individuals, once provided the requisite due process, found in violation of the provisions contained herein shall be subject to review and potential discipline in accordance with the Bylaws and Policies of the Board of Regents of the University of Nebraska, corresponding to such individuals' relationship to the University community (e.g. student, faculty and staff).

Finally, while the principles of Academic Freedom are unique ideals possessed by the teaching profession, separate from an individual's First Amendment Rights, the University of Nebraska is clear in its commitment and faithful to the preservation of Academic Freedom. This policy is not intended to interfere with or encumber those principles. For example, according to the *American Association of University Professors 1940 Statement on Academic Freedom and Tenure*, teachers are entitled to freely discuss topics in the classroom, but they should be careful not to introduce controversial matters, which have no relation to the subject being taught.

## Definitions

**Designated Public Forum Areas or Facilities** are identified as the Pep Bowl and the outdoor plaza located south of the Milo Bail Student Center on the Dodge Campus, the PKI Plaza, Mammel Hall plaza on the Scott Campus, and certain outdoor areas near Baxter Arena. See Appendix A for a campus map which identifies each Designated Public Forum Area or Facility.

**Limited Public Forum Areas or Facilities** include reservable indoor and outdoor space not identified as a Designated Public Forum Area or Facility (e.g. Milo Bail Student Center, Community Engagement Center, Caniglia Field, Sapp Fieldhouse, Strauss Performing Arts Center, H&K, Mammel Hall, Indoor Dome, campus parking lots, and available classrooms and auditoriums).

**Non-public Forum Areas or Facilities** means all areas not defined as Designated Public Forum Areas or Facilities or Limited Public Forum Areas or Facilities (e.g. labs, offices).

**University Group** means any of the following: (1) recognized student organizations, (2) recognized faculty/staff organizations, and (3) other groups officially recognized by the University administration as part of the University community.

**Individual/Group (Third Party)** means any individual or group, other than those defined as a University Group, that wishes to use University facilities for the purposes outlined in this policy.

**Requester** means individual or individuals requesting permission to use University facilities.

## Additional Contacts

Subject	Contact	Phone	Email
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Primary point of contact for reserving space at UNO	UNO Reservations	402.554.3301	unoreservations@unomaha.edu
Secondary contact for policy questions	Drew Nielsen, Compliance Officer	402.554.2621	drewnielsen@unomaha.edu

**Forms**

- Application for Facility Use
- Facilities License Agreement
- Application for Waiver of Requirement(s)

**Related Information**

- [Appendix A – Classification of Property and Campus Maps](#)
- [University of Nebraska Commitment to Free Expression; Guide to Facilities Use; and Education Policy 6.4.10](#)
- [University of Nebraska Trespass Policy 6.4.7](#)
- [University of Nebraska Campus Disorders and Administrative Response Policy 2.1.2](#)

**History**

This policy replaces the University of Nebraska at Omaha Regulations on the Use of University Facilities by Third Parties policy, which was last revised on February 1, 2006.

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The University of Nebraska does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status, and/or political affiliation in its programs, activities, or employment.

