

Policies, Regulations & Rules

REG 11.55.02 – Use of University Space

Authority: Executive Vice Chancellor and Provost, and Vice Chancellor for Finance and Administration

History: First Issued: October 1, 2002. Last Revised: June 28, 2022.

Related Policies:

NCSU REG07.25.12 – Solicitation

NCSU REG11.55.01 – Production, Service, and Sale of Food

NCSU REG11.55.04 – Painting, Sidewalk Chalking and Use of Posters

NCSU POL 07.60.01 -Parking and Transportation Ordinances

NCSU POL 04.25.01 -Freedom of Speech and Expression

NCSU REG 04.20.01 -Alcohol Regulation

NCSU RUL 06.21.10-Meeting Space Use Criteria (McKimmon Conference and Training Center)

Additional References:

Student Involvement

Student Involvement Registered Student Groups

Reservation Requests

Contact Info: Emergency Management and Mission Continuity (919-515-9657)

1. INTRODUCTION

This regulation applies to the short-term use of all space owned, leased, operated, or controlled by North Carolina State University ("NC State"). Free speech is central to NC State's academic mission. The university encourages and supports open, vigorous, and civil debate across the full spectrum of society's issues as they present themselves to this community. At the same time, limitations on activities on University property are necessary so that the university may fulfill its primary missions of teaching, research, and extension. The use of a location or designated space on campus does not represent an endorsement or support by the university of the content or viewpoints expressed by the individual or group.

This regulation does not control long-term uses of University space, in which the user has continuous, exclusive use and may secure or restrict its use or access by others including the University. Any such proposed use that lasts longer than one (1) week should be referred to the University Real Estate and Development Office.

This regulation also does not apply to scheduling of "general use academic space" (primarily classrooms) for NC State academic purposes. That function is handled by the office of Registration and Records and has priority over all other uses.

2. DEFINITIONS

2.1 "Non-University Group(s)" means a group of individuals, other than Student Groups, that are legally separate entities from the University, even though some of the members or participants may be University personnel, alumni, or students.

2.2 "Commercial Solicitation" means any proposal to sell, seeking or asking of an offer to buy, dissemination of information for the purpose of facilitating the sale of goods or services, any activity which attempts to raise funds, whether through sale of goods and services or donations, for any entity that is not a charitable organization, or the dissemination or collection of surveys for a commercial purpose.

2.3 "Fundraising" means any activity which involves the solicitation or collection of money through donations, sales, and/or event programming intended to benefit a charitable organization or a registered student organization.

2.4 "Non-Commercial Written Information" means any hand distribution of leaflets, brochures flyers, pamphlets, petitions, voter registrations, or other written materials designed for informational and not commercial purposes. This definition does not include the

dissemination of information for purposes of the University's administrative, academic, research, or extension activities.

2.5 "Responsible Administrator" means the dean or vice chancellor with administrative responsibility and specific accountability for the use of the University space, or their designee, under this regulation.

2.6 "Student(s)" means any person from the time they accept admission to NC State up through the date of graduation. This includes new students at orientation and any other person currently enrolled in a credit earning course offered by NC State.

2.7 "Student Group" means a number of students who are associated with each other or a group of students who have satisfied the university's procedures and requirements for registration or recognition.

2.8 "University Unit" means an administrative or academic or non-academic department, unit, center or institute within the University.

2.9 "University space" means any room, building, structure, or outdoor space that is owned, leased, operated, or controlled by NC State.

2.10 "Major Event" means an event at which two or more of the following conditions apply:

- a. Over 150 persons are anticipated to attend, and the attendees will include visitors and other non-university affiliated individuals;
- b. The Responsible Administrator determines that the complexity of the event requires the involvement of more than one University administrative unit;
- c. The Responsible Administrator determines that the event is likely to significantly affect campus safety and security (based on assessment from University Police) or significantly affects campus services;
- d. The Responsible Administrator determines that the event has a substantial likelihood of interfering with other University-sponsored events, activities, or essential University processes;
- e. The event features an elected official or candidate at the federal, state, or local government level.
- f. The event is a dance or concert; regardless of how many attendees;
- g. The event extends the normal operating hours for the space;

- h. Alcohol is intended to be served; or
- i. Outdoor amplified sound is requested.

3. PRIORITY FOR USE

3.1 The use of University space shall be reserved according to the following priorities:

3.1.1 Consistent with the University's mission, academic classes, research, and extension activities will have the highest priority for the use of University space. The University Unit that is primarily assigned to the space has priority over other University Units and activities. However, University Units funded from sources other than state appropriations may set their own priorities for non-classroom space.

3.1.2 University Unit uses for activities other than academic classes, research and extension activities, will have next highest priority in the use of University space.

3.1.3 Student Groups, students, and sponsored Non-University Groups and individuals will have the next highest priority.

3.1.4 Un-sponsored Non-University Groups and individuals will have the lowest priority.

3.2 A reserved use shall have priority over any unscheduled use, even when reserving space is not required by this regulation.

3.3 Once reserved, the use will generally not be rescheduled or moved. However, the university reserves the right to move any group or individual to another space or reschedule that activity to accommodate the needs of groups assigned a higher use priority by this regulation. In the event the university moves or reschedules the use, the university will provide a reasonably similar location or time for that activity and will provide notification and explanation of the reason for the change. The university will not move or reschedule a use based on the content or viewpoint of the use or based on reactions to the use.

4. USE OF UNIVERSITY SPACE

4.1 General Provisions

4.1.1 The university allows the use of University space by University Units, Student Groups, students, University employees, and Non-University Groups and individuals subject to the provisions of this section and sections 3 and 5.

4.1.2 When a reservation for space at a University space is required, the reservation will be confirmed if the space is available and not otherwise reserved or scheduled. In addition, the use of the space may be subject to reasonable time, place, or manner limits listed in this section. The number of groups and individuals that may be scheduled for use of the space shall be controlled by space availability as determined in the discretion of the Responsible Administrator, giving due consideration to the provisions of sections 4.2 and 4.5 below. The University does not deny the use of the space because of the content or viewpoint of the speech or the possible reaction to that speech. In addition, the university does not assume any obligation or responsibility for the content of materials distributed by Students, Student Groups, or Non-University Groups or individuals.

4.1.3 The University does not condone behavior that violates the freedom of speech, choice, assembly, or movement of other individuals or organizations. Responsible dissent carries with it sensitivity for the civil rights of others. The University will take steps to protect the freedom of speech, assembly, or movement of any individual or group.

4.1.4 Unless sponsored by the University, the use of University space generally will not be allowed in areas that have not been designated for public speech.

4.1.5 Camping is not allowed on University space without prior approval.

4.2 Consideration for Use of Space

Consideration for approving the use of the space will include whether the requested space is suitable for the use, and any health and safety concerns that require special precautions or arrangements. Several factors will be considered for the proposed use including, but not limited to:

- a. the purpose of the space;
- b. the anticipated size, including the number of attendees;
- c. noise likely to be generated;
- d. the impact on University educational activities or other essential University processes;
- e. the impact on vehicular and pedestrian traffic;
- f. adequacy and suitability of accommodations provided in the requested location;
- g. compliance with applicable laws and University policies, regulations, and rules;
- h. potential risk to the health or safety of participants, observers, or others; and
- i. any other factors identified in section 4.5.

4.3 Distribution of Non-Commercial Written Information

4.3.1 Subject to the provisions below, University Units, Student Groups, Students, and Non-University Groups and individuals may distribute non-commercial written information without reserving space in any outdoor area of campus and the common areas of the Talley Student Union and the Witherspoon Student Center, the use of which is not otherwise restricted, reserved, or scheduled. Un-sponsored Non-University Groups of less than ten (10) individuals may distribute non-commercial written materials without reserving space. Un-sponsored Non-University Groups of ten (10) or more individuals must reserve space before conducting these activities in accordance with Section 5.

4.3.2 Although not required, to further the effectiveness of the use, these groups and individuals are encouraged to reserve space to distribute non-commercial written information. Advance reservation enables the university to help ensure that the activity does not conflict with a reserved or scheduled use, takes place in a constructive and effective manner, and to assist the groups and individuals in seeing that the activity does not disrupt the university's educational activities and essential processes.

4.3.3 All groups and non-residents desiring to distribute non-commercial written information in University Housing facilities must reserve space in the desired facility. Residents do not have to reserve space to distribute for the University Housing facility in which they reside. Further guidelines for conducting these activities within University Housing facilities can be found at: Sections 5.3, 6.3 and 7.6 (**NCSU REG 07.25.12 – Solicitation**)

4.3.5 All groups or individuals using tables, carts, booths, or similar structures in association with the distribution of non-commercial written information will be required to reserve space under the provisions of Section 5.

4.4 Commercial Solicitation and Fundraising

4.4.1 Except for University-approved vendors, groups may not conduct commercial solicitation or fundraising at University-sponsored or hosted events held at Carter-Finley Stadium, Murphy Football Center, Vaughn Towers, PNC Arena and/or the parking lots surrounding these facilities.

4.4.2 Student Groups, and Students may conduct commercial solicitation and fundraising on University premises. Non-University Groups and individuals are prohibited from engaging in commercial solicitation and fundraising unless sponsored by a University Unit, Student Group, or Student. University Units may contract with Non-University Groups to conduct commercial solicitation and fundraising on University premises, so long as the contract is signed by a University employee with proper signatory authority.

4.4.3 A member of the Student Group or the student sponsoring the Non-University Group or individuals must be present at all times with these participants while conducting such activities.

4.4.4 All groups and individuals must reserve space to conduct commercial solicitation.

4.5 Conduct for Use of Space

All uses of space must be conducted under the following conditions:

4.5.1 All activities are conducted so that campus pedestrian, bicycle, and automobile traffic are unimpeded and members of the university community not participating in the event may proceed with their normal activities.

4.5.2 The activity does not block or otherwise interfere with ingress and egress into, within, and out of University buildings.

4.5.3 The activity does not obstruct, disrupt, interrupt, or attempt to force the cancellation of any University-sponsored event or activity, or by users authorized to use University space.

4.5.4 The activity is conducted in an orderly and peaceful manner, and groups and individuals participating in the activity shall not engage in harassing, physically abusive, threatening or intimidating conduct toward any person.

4.5.5 The activity does not disrupt or interfere with classes, meetings, ceremonies, scheduled activities, educational activities, and other essential University processes.

4.5.6 The activity does not interfere with or preclude a scheduled speaker from being heard.

4.5.7 All activities must be conducted without sound amplification equipment unless permission for amplification is obtained from the Responsible Administrator or their designees.

4.5.8 Banners, signs, or other materials may only be posted in designated areas.

4.5.9 Groups must not leave materials unattended on a surface or vehicle to be picked up, as that is considered littering.

4.5.10 The safety of members of the campus community, collectively and individually, must be protected at all times.

4.5.11 The activity shall not damage University property or its grounds, including building interior and exteriors, lawns, shrubs, or trees.

4.5.12 Groups and individuals participating in the activity must comply with all applicable University policies, regulations, and rules, and with applicable laws.

4.5.13 Groups and individuals participating in the activity must comply with the directions of University officials when enforcing these provisions.

4.5.14 Groups and individuals, including sponsoring organizations, are responsible and accountable for the cleanliness and order of all spaces following their use, including the proper disposal of trash and recycling and the arrangement of additional services as needed. Groups and individuals are expected to refrain from littering. The groups and/or individuals will be billed for cleanup that they do not adequately complete themselves, including cleanup of littered materials.

4.6 Reading Days and Final Examinations

Only University Units can reserve and use outdoor University space for activities during University Reading Days and Final Examinations. All other groups or individuals are not allowed to reserve or use outdoor space for activities on these days.

4.7 Accountability

Groups and individuals participating in the activities, whether sponsored or not, are accountable for compliance with the provisions of this regulation. Violations of this regulation may be grounds for disciplinary action. Individuals or groups who invite non-university participants may be held accountable for such participant's compliance with this regulation. In addition, since non-university individuals or groups are not subject to the University's disciplinary procedures, their failure to comply with these provisions may result in appropriate action under State or Federal law, included but not limited to trespassing an individual or group consistent with REG 04.05.01 (Trespassing on University Property).

5. PROCEDURE FOR UNIVERSITY SPACE USE

5.1 Advance Notice

Groups and individuals must reserve the use of space for their activity before the proposed time and date of the event (the "notice requirement"). The university may waive the notice requirement for good cause shown.

5.1.1 For outdoor uses of University space, the notice requirement is at least two (2) university business days.

5.1.2 For use of other University space (including indoor space), the notice requirement shall be set by the Responsible Administrator. The notice requirement for such use is typically thirty (30) calendar days.

5.2 Reserving Space

5.2.1 When reserving space is required, groups and individuals should contact specific University units to request the use of the space. Requests to reserve space are to be submitted electronically to the Responsible Administrator. Student Centers Events and Student Leadership and Engagement will maintain a listing of the University spaces that can be reserved, including the Responsible Administrators responsible for the spaces and their contact information. The Responsible Administrators will coordinate the reservation process.

5.2.2 The Responsible Administrator will confer and coordinate with University Police and other relevant University Units when appropriate, and the reservation may be issued for a later time and date if extra time is needed to plan the activity, the use constitutes a "Major Event" as defined in section 2.10, or because the proposed time conflicts with use by another group.

5.3 Use Fee

5.3.1 A fee for use of the University space may be charged, where allowed by State law and where there is a written use agreement. Written use agreements are required if the university is imposing a fee for use of the space, if the proposed use of the space involves charges, fees, or sales to participants, if the proposed use creates a potential for damage to the space or risk of injury to participants, or if the proposed use constitutes a Major Event.

5.3.2 At the discretion of the Responsible Administrator, groups and individuals may be required to provide evidence of financial responsibility and insurance where functions appear to carry some risk of damage to property, injury to persons, substantial costs, or constitute a Major Event. The Office of Insurance and Risk Management should be consulted to assist in this assessment.

5.4 Sponsorship of Non-University Groups or Individuals

Other than distributing non-commercial written information, a Non-University Group or individual's use of space must be sponsored by a University Unit, Student Group, or Student. A contractual agreement for use of University space is considered a form of University Unit sponsorship under this regulation. University Units are not required to sponsor all requested uses of space for commercial activities. A University official or a student liaison from the sponsoring group may be required to be present for the Non-University Group or individual's use from start to finish. The official or liaison may be required to make periodic checks with University Police prior to and during the use and must provide a mobile phone number in case they need to be contacted during the use.

5.5 Major Events Assessment

5.5.1 Major Events anywhere on University space will be subject to an assessment by NC State's University Police (as further described below), Emergency Management and Mission Continuity, Insurance and Risk Management, Fire and Life Safety, Student Centers Events, or other University Units related to security, free speech, access, and other issues related to health, safety, or campus operations (the "Major Event Assessment" herein). The Responsible Administrator is responsible for notifying Emergency Management and Mission Continuity of the Major Event and requesting a Major Event Assessment. Any determination by the Responsible Administrator that an event constitutes a Major Event shall be based on the Responsible Administrator's assessment of information, and not based on the content or

viewpoints anticipated to be expressed during the event. The University reserves the right to classify any proposed event a Major Event subject to this regulation, consistent with the factors set forth in section 2.10.

5.5.2 In order to provide a safe and secure environment for the campus community and visitors, additional security will be provided for Major Events as necessary based on a security assessment by University Police. The security assessment will consider objective criteria including: the number of anticipated attendees, whether the proposed event involves an activity or structure that poses a risk of personal injury or damage to University property; the location where the event is to be held, time of day when the event will be held, number of entry and exit points, traffic control, whether the group intends to charge admission to the event, any prior incidents of injury or property damage during similar events at the University or other institutions, and the type of event.

5.5.3 If University Police determines that additional security is required for the Major Event the University Unit, Student Group, Non-University Group, or individual shall be responsible for paying all costs for the additional security personnel and for other security measures related to the Major Event. Additional security for the Major Event could include extra law enforcement personnel, barricades, parking control, and other measures as specified by the University Police based on the security assessment.

5.5.4 Groups sponsoring a Major Event must adhere to any requirements established as a result of the Major Event Assessment to minimize risks to health and safety, protect free expression rights, and to lessen the impact to university operations. These requirements will be created without regard to the content or viewpoint anticipated to be expressed at the event.

5.6 Compliance with Other University Policies and Regulations

All materials promoting the use of the University space must also comply with **NCSU REG11.55.04 – Painting, Sidewalk Chalking, Use of Posters, and Temporary Signage**. In addition, food offered for sale or given away in connection with the use of the space must comply with all applicable health code standards, as well as **NCSU REG11.55.01 – Production, Service, and Sale of Food**. Usage of unmanned aircraft systems in University spaces is governed by **NCSU REG 10.10.09, Operation of Unmanned Aircraft Systems**.

5.7 Additional Requirements

Responsible Administrators may issue other rules for the use of University space under their administrative control. Such rules must be consistent in all respects with this regulation.

5.8 Unscheduled Outdoor Uses

5.8.1 Occasionally, events occur which may result in immediate and spontaneous speech or gatherings (“unscheduled use”). It is not the intent of the university to limit students’ and University employees’ right to assemble or protest when such events occur. Unscheduled uses may occur by Student Groups, Students, and University employees provided that the activity does not interfere with university activities as described in this Regulation or any events or functions for which the occupied space has been reserved in advance.

5.8.2 Although not required, to further the effectiveness of the unscheduled use, University Units, Student Groups, students, and University employees are encouraged to contact Student Leadership and Engagement and provide advance notice about the activity. Advance notification enables the University to help ensure that the activity does not conflict with a reserved or scheduled use, takes place in a constructive manner, the event is effective, to safeguard the participants’ safety, and to assist organizers in seeing that the activity does not disrupt the University’s educational activities and essential processes.

5.9 Small Gatherings

Gatherings involving twenty-five (25) or fewer students and/or University employees may occur at any outdoor campus area without reserving space, provided that the space is not already reserved or scheduled. However, such gatherings are still subject to all applicable university Policies, Regulations and Rules, including the conditions of section 4 above.

Accordingly, the University encourages all groups or individuals planning an activity involving the use of outdoor space to contact Student Centers Events to discuss how these provisions might apply to the activity.

6. TERMINATION OF USE

6.1 The University reserves the right to terminate any use of space that fails to comply with this regulation.

6.2 If a decision is made to terminate the use of space, the group, or sponsoring organization or individual, utilizing the space is responsible for making sure that any amplification stops, an announcement is made asking the crowd to disperse, or other action is taken to end the

event.

Audience: Students.

Category: Student Organizations.

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