



Reservation and Use of Space

Policy Type: Administrative

Responsible Office: Division of Student Affairs, Office of the Provost and Vice President for Academic Affairs

Initial Policy Approved: 12/11/2017

Current Revision Approved: 05/29/2018

Policy Statement and Purpose

The university is committed to creating an environment that fosters the exercise of protected speech and other expressive activity on university property while maintaining an atmosphere free of disruption to the mission of the university. It recognizes that the free expression of ideas and open inquiry are essential in fulfilling its academic mission by embracing rigorous open discourse, argumentation, speaking, listening, learning and the exploration of ideas. As such, the university has established requirements for use of its property to pursue its academic mission, provide a safe environment, and preserve the functional and aesthetic integrity of the campus. Expression by individuals or groups, as described in this policy is not speech made by, on behalf of, or endorsed by VCU.

This policy applies to activity conducted on university property. The restrictions are designed to comply with the Code of Virginia sections 23.1-900.1 and 23.1-401 and are narrowly tailored to serve the university's interest in maintaining the safe and effective educational and administrative operations of the university without regard to the viewpoint of any speech or expression. In accordance with VCU's Space Use Regulation, 8 VAC 90-70-10 *et seq.*, entry upon and use of university property must be in accord with VCU policy. Any person who violates these restrictions may be excluded from university property, subject to criminal penalties for trespass, or subject to university action under applicable policy, such as the Student Code of Conduct or employee conduct policies. For the purpose of this policy, the term "person" may include an individual, group or organization based on the context.

VCU supports an environment free from retaliation. Retaliation against any employee who brings forth a good faith concern, asks a clarifying question, or participates in an investigation is prohibited.

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Who Should Know This Policy

All university personnel, students, and other parties seeking to use university property are responsible for knowing this policy and familiarizing themselves with its contents and provisions.

Definitions

Expressive Activity

For the purpose of this policy, expressive activity may include, but is not limited to, speaking, silent protest, distributing literature such as leaflets or pamphlets, displaying signs, wearing certain clothing or accessory items, dancing, meetings, performances, demonstrations, rallies, and vigils.

Member of the Public

Any person who is not a currently enrolled student or current employee of the university and includes a contractor, a participant in a university program such as continuing education, an intern, a donor, a prospective student, a friend or family member of a student or employee, a personal attendant for a student with a disability, an employee of the Health System who is not also employed by the university, and any other with an invitation to be on campus for limited purposes and with limited access.

Solicitation

Selling or promoting products, goods or services; using staff and faculty listings for the purpose of selling/promoting goods and/or services; seeking contributions or pledges, including distributing printed materials; and conducting membership drives.

University Property

Buildings, grounds, and land owned or controlled by VCU. This includes property leased, rented, or otherwise contractually reserved for VCU operations, either permanently or on a temporary basis.

Contacts

The Office of the Vice President for Student Affairs officially interprets this policy.

The Office of the Assistant Vice President for Safety and Risk Management is responsible for obtaining approval for any revisions as required by the policy *Creating and Maintaining Policies and Procedures* through the appropriate governance structures.

Please direct policy questions to the Office of the Vice President for Student Affairs.

Policy Specifics and Procedures

I. Instructions for General Use of University Property

University property, including outdoor areas, is designated primarily for use by students, faculty, and staff to advance the educational mission of the university. Any university student or employee may generally use campus spaces in accordance with university policy. However, any other person may use university property for assembly or organized expressive activity only (1) if sponsored or hosted by a member of the university community with authority under an applicable university policy or (2) by reserving a specifically designated area through the process set forth in section II(B)(3) of this policy.

The university may require any person to pay applicable rental or usage fees and comply with appropriate contractual obligations. In addition to complying with the restrictions set forth in this policy, persons desiring to use certain university spaces must comply with requirements established by the university office responsible for the specific space. Such requirements, including restrictions for reservation, scheduling, insurance, posting and other use of such space, must be consistent with this policy and other reasonable time, place and manner restrictions and not based on the content or viewpoint of the expressive activity or the persons involved. If any such restriction conflicts with this policy, this policy governs.

A. General Prohibitions:

The university prohibits any person from interfering with university and authorized functions, activities, and events and from participating in unlawful conduct on university property. As such, no person may do any of the following on university property:

1. Obstruct or impede vehicular, bicycle, pedestrian, or other traffic;
2. Obstruct any entrance or exit to any building, assembly space, driveway, parking lot, vehicular path, stairway or walkway or impede entry to or exit from any such area;
3. Disrupt, disturb, or interfere with educational or administrative activities, events, or operations inside or outside any building;
4. Enter into any building or facility or occupy any university property without appropriate authorization;
5. Violate any applicable federal, state, or local law, rule, or ordinance;
6. Fail to comply with any reasonable instruction by university police or any university official acting in the performance of their duty;
7. Cause any threat to the health or safety of any passerby or member of the university community;
8. Obstruct, disrupt, or attempt by physical force to cancel or discontinue speech by any speaker, or the observation of speech by any person intending to see or hear a speaker;
9. Damage university property, including structures, grass, shrubs, trees, or other landscaping;
10. Mark university property, including any vertical or horizontal surface, other than in accordance with written requirements, such as rules for authorized chalking;

11. Use amplified sound, including bullhorns, except as approved in advance under applicable policy and within sound limits that will not disrupt university operations; or
12. Organize or lead any Major Event, as described in section II(B)(1) of this policy without written authorization as set forth in that section.

B. Unprotected Expression:

VCU prohibits expression that is not protected by law. The U.S. Constitution, its First Amendment, and the Code of Virginia do not protect certain expression, such as that expression described by the following legal terms: defamation, incitement to unlawful conduct, imminent threats of actual violence or harm, obscenity, fighting words, copyright or trademark violation, criminal or civil harassment, sexual harassment, trespass, and false advertising. Determining whether VCU can regulate any specific expression based on one of these categories requires careful analysis of applicable legal precedent as interpreted by relevant Virginia and federal courts.

II. Instructions for Specific Uses of University Property

A. Non-University Commercial Use:

Any commercial use of university space must be authorized in writing by the vice president with oversight of the administrative unit managing the space or designee authorized by that vice president. Commercial door-to-door activities and commercial solicitations are prohibited. The university does not permit the Solicitation, distribution or selling of products or services of any kind at any time on university property by university employees other than as a required job function.

B. Events:

Any person organizing an event must comply with this policy regardless of any expressive purpose of the event and whether the event is planned in advance. Advance notice and written authorization are required only for Major Events and Event Reservations, as described below. However, VCU Police request notice prior to commencement of any event or activity to promote the safety and security of all persons on campus. University officials will coordinate with the primary organizer or responsible person regarding appropriate logistical issues related to safety, time, and location.

Advance notification must include the day, time, anticipated attendance, items or equipment associated with the event, the planned location(s), and the full name and detailed contact information for the primary organizer and/or person responsible for the activity. University officials will also consider factors such as required accommodations, traffic, noise, time, relationship to nearby areas and activities, security needs, and other relevant viewpoint-neutral facts and circumstances to determine to what extent (a) a suitable location exists and (b) special precautions or arrangements are necessary.

1. Events requiring authorization (Major Events):

All Major Events require advance notice and permission from the university because they may disrupt university functions or activities, destroy property, or present insurmountable or unreasonable logistical or

security challenges. A Major Event is an event, other than an academic course, program, or curriculum approved by the provost, which involves any one of the following risk factors:

- a. Expected attendance over 150 persons unless the approved seated occupancy load of the space is greater than 150 persons, in which case any of the other factors render event a Major Event;
- b. Setting with safety concerns (including time and location) based on assessment from the VCU Police;
- c. The event is a dance or concert, regardless of how many attendees;
- d. Presence of any object or substance requiring review by the Office of Environmental Health and Safety, including but not limited to any animal, open flame, firework, pyrotechnic, or other flammable or hazardous item;
- e. Installation of any structure, such as a tent, stage, scaffold, bleacher, bounce house, or carnival-style ride;
- f. Alcohol served; or
- g. Outdoor amplified sound, including but not limited to bullhorns, Bluetooth speakers, etc.

To request authorization for a Major Event, students and employees may contact Event Services at uscaevent@vcu.edu or visit their [website](#). The process to request an event reservation is described below.

2. *Event reservations by students and employees:*

Students and employees may reserve certain campus facilities or areas by submitting requests to the administrator responsible for the area with sufficient notice to allow for logistical support and to otherwise comply with the applicable facility requirements. The Division of Student Affairs provides information regarding reservations on its website. See the Related Documents section of this policy.

3. *Certain limited reservations available to members of the public:*

The university has designated the Park Plaza Amphitheater for use by any person, including members of the general public, by reservation. Reservations will be granted on a space-available basis and denied only if sufficient space is not available. The university may specifically designate other outdoor areas for such use through written authorization. Any Major Event, as described in section II(B)(1) of this policy, is ineligible for this reservation process. Please see [Reservation and Use of Space FAQ for further information](#).

In addition, a student or employee may host or sponsor an event in cooperation with members of the public as invited guests. The sponsor or host may reserve university space for such sponsored or hosted events according to applicable reservation requirements and may be held accountable under applicable university conduct policies for use under the reservation, including for use by an invited guest. In such cases, invited guests may use the reserved space consistent with restrictions applicable to the sponsor or host. The university may rescind the invitation of a guest for failure to comply with applicable restriction.

Un-sponsored public speaking, distribution of literature, or other expressive activity by members of the public is prohibited on campus other than by reservation under this section.

4. *Event Fees and Charges:*

All persons and event organizers are responsible for costs of damage, repair and clean up arising from their use of university facilities. Examples of such costs related to event reservations include the cost of providing tents, platforms, special fixtures and equipment, or the assignment of maintenance or security personnel. The university will determine any fee for security based on viewpoint-neutral standards used to assess risk, such as the number of expected attendees as determined by the university, the location of the event, the time of day, and presence of alcohol or special equipment. Consistent with lawful protection of expressive activity, VCU will not charge security-related fees based on the content of the expressive activity, the likelihood of disruption caused by others than event attendees, or the actions of those who may protest the expressive activity.

Forms

There are no forms associated with this policy and procedures.

Related Documents

1. Dean of Students Information about Reservations
<https://students.vcu.edu/find-resources/dean-of-students/resources/ram-voice/>
2. VCU's Space Use Regulation, 8 VAC 90-70-10 *et seq.*
(<https://law.lis.virginia.gov/admincodeexpand/title8/agency90/chapter70> and in [Policy Library](#))
3. Virginia law governing speech on campus, Va. Code § 23.1-900.1
(<https://law.lis.virginia.gov/vacode/23.1-900.1/>)
4. Virginia law governing restrictions on student speech; limitations, Va. Code § 23.1-401
(<https://law.lis.virginia.gov/vacode/23.1-401/>)

Revision History

This policy supersedes the following archived policies:

Approval/Revision Date	Title
December 11, 2017	<i>Reservation and Use of Space – Interim</i>
September 11, 2018	<i>Reservation and Use of Space</i> [minor revision to repair typographical error]
February 28, 2019	<i>Reservation and Use of Space</i> [added definition for “Member of the Public”]

FAQ

1. How does this policy affect the university's Rules and Procedures?

Any conflicting requirements in the University's Rules and Procedures, which applies solely to faculty discipline, are superseded by the requirements of this policy.

2. Where can I find more information about reserving space at VCU?

Information regarding reservations is available at the following link: <https://students.vcu.edu/find-resources/dean-of-students/resources/ram-voice/>