

I. Purpose

The University of North Carolina at Asheville (UNC Asheville) strives to create an open marketplace of ideas and places a high value on constitutionally-protected freedom of speech, assembly and petition. Therefore, UNC Asheville strives to make all practicable areas on campus open to use, subject to reasonable time, place and manner requirements to protect property, to ensure the proper functioning of the University for its primary educational, research and service mission, and to allow activities directly incidental to its mission to occur without disruption. The purpose of this policy is to set forth the University's guidelines and expectations regarding the use of University space by University, sponsored non-University and non-University groups. Use of University space, or sponsorship by University groups, does not necessarily mean that the University in any way endorses the viewpoint(s) of the space user.

II. Scope

This policy applies to all University, sponsored non-University and non-University groups who may teach, conduct business, visit or participate in activities at the University and wish to use University space.

For the purposes of this policy, a 'University group' is defined as (a) a student organization officially recognized and sanctioned by the University, (b) a group established by the Chancellor, faculty, staff or administration, or (c) a University department or groups established by a University department. An individual or individuals with University affiliation (current faculty, staff or students, including unrecognized student groups) may be combined and/or identified, for the purpose of this policy, as a 'University Group'.

A 'sponsored non-University group' is any group, other than those identified as a 'University group', which receives an express invitation of sponsorship from a 'University group' to conduct events or activities using the University's space.

A 'non-University group' is defined as any group other than those identified as a 'University group' or 'sponsored non-University group'. An individual or individuals with no University affiliation (not identified as current faculty, staff or students) may be combined and/or identified, for the purpose of this policy, as a 'non-University Group'.

For the purpose of determining privileges for a group, a mixed group will be categorized by the predominant category of its attendees. University police are authorized to make this

determination, and the University acknowledges its officers do this in the good faith exercise of professional judgment.

III. Overriding Principles

- A. Any use of University space must not violate any federal or state law or regulation, or University policy, rules or regulations, including those addressing non-discrimination.
- B. Use of any University space must be appropriate for the size, design and purpose of the space, and must not pose an undue burden on University activities, operations or resources. Factors considered when determining whether a space use poses an undue burden include, but are not limited to:
 1. disruption (actually or potentially) caused by the use;
 2. the number of users participating or scheduled to participate;
 3. the adequacy and suitability of available accommodations supporting the used space;
 4. the impact of the space use on vehicular and pedestrian traffic;
 5. the potential health and safety risks posed to participants, observers and others; and
 6. the University resources necessary to support or host the use.
- C. University groups performing official University activities in furtherance of the University's educational, service or research mission shall have priority in the use of University space. Other uses by University groups shall have the next highest priority, followed in priority order by sponsored non-University groups and then by non-University groups (in authorized locations). Space use must be compatible with or complementary to the University's educational, research or service mission.

IV. Policy

All authorized users of the University's spaces must abide by the following time, place and manner requirements:

- A. Use of any University space, including assemblies and petitioning, may not interfere with, inhibit or substantially disrupt University operations or activities.
- B. Non-University groups are required to have a written invitation from a University group to be considered 'sponsored' by a University group. A completed space request/use form endorsed by the University group sponsor, or other documented evidence of confirmed sponsorship such as a fully-executed Facility Use Agreement, may be considered a written invitation for the purposes of this policy. While non-University groups may request sponsorship, University groups are not required to sponsor non-University groups. The use of a Facility Use Agreement is recommended when a proposed space use involves one or more of the following:
 1. significant fees, costs or obligation of University resources to support the use;
 2. multiple University departments required to support the use;
 3. significant risk of property loss, damage or injury;
 4. generating revenue or raising funds for the benefit of a sponsored non-University group or other external party;
 5. requirement by the University for the space user to maintain appropriate levels of commercial or other insurance; and
 6. when otherwise deemed appropriate.
- C. For the purposes of this policy, 'sponsor', 'to sponsor' or 'sponsorship' means a relationship where a non-University group is invited by a University group or groups to conduct activities on University space, and the University group sponsor is substantially-involved with the non University group's activities, at a minimum, in the following ways: serving as a key point of contact with all relevant University departments regarding the activity and proposed space use; ensuring that the space is used for the intended purpose; attending and/or substantially participating in the event for the duration of the event or event series; and otherwise identifying itself in an appropriate way as the University group sponsor (e.g. including its name in advertisements, banners, signage or announcements related to the activity). If the space use implicates the University's policy related to minors (individuals under 18 years of age) on campus, the University group sponsor will also ensure compliance related to required training and criminal background checks. Providing funding support for an activity, without more, does not imply sponsorship by a University group. For co-sponsored events, the performance of sponsorship responsibilities may be allocated to one or more University group co-sponsors, when appropriate, based on the nature of the space use.
- D. University space users (and/or their University group sponsor, if the user is a sponsored non University group), are responsible for the payment or reimbursement of any applicable fees or costs assessed as a result of the space use, unless waived by the University. Fees or costs may be applied to cover, among other items, the use of a specific space, University facility operations assistance (e.g. tables/chairs/tents/set-up/take-down and technical/AV support), University provided materials and supplies, breakage or cleaning requirements, and University police or private security required to support the space use. Reasonable security costs may be imposed based on the particular anticipated needs of the event to ensure the safety and security of all parties. Security cost assessments are guided by content-neutral, narrowly drawn, reasonable and definite standards, as detailed below. The university may only require security costs to be paid by the event sponsor when a proposed event presents a specific, substantial, and objectively identifiable risk to the health and safety of the sponsor, the university community, or the public. In determining whether such costs shall be imposed, the university shall objectively consider, in consultation with the event sponsor:

1. The number of anticipated participants;
 2. Maximum occupancy requirements;
 3. Whether the event is open to the entire university community or restricted to guests of the Sponsor;
 4. The facility or outdoor space to be used for the event;
 5. The time of day during which the event will occur;
 6. Whether the proposed event involves activity that poses an inherent risk of personal injury or property damage;
 7. Whether alcoholic beverages will be served; and
 8. Presence of private security for the speaker.
- E. In determining whether security costs shall be imposed, and the amount of any such costs, the university may not consider the content or viewpoint of the speech expressed or intended to be expressed by the sponsor, speakers, guests, or attendees. Costs associated with or incurred as a result of anticipated or actual reactions to the event by non-participants shall not be imposed on the sponsor. The university shall notify the sponsor of any decision to impose security costs for an event in writing. The notification must clearly state and explain the reasons that such costs have been imposed. Any decision to impose security costs may be appealed by filing an appeal in writing with the UNC Asheville officer identified with responsibility for ensuring compliance with UNC Policy 1300.8
- F. University space may be used under a "first come, first served" approach, subject to priority of space use as stated in section III.C. Groups may reserve University space for exclusive use, and some University spaces require a reservation to be used. A reserved use shall have priority over any unscheduled use, even when reserving space is not required. 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 use to accommodate the needs of groups or activities assigned a higher use priority. In the event the University moves or reschedules the use for this reason, the University will attempt to 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 user or based on reactions to the use. When a reservation for University space is required, the reservation will be confirmed if the space is available and not otherwise reserved or prioritized. 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 University space will be determined in the discretion of the Vice Chancellor or Director with responsibility and accountability for the University space.
- G. The University may disapprove, retract an invitation or cancel/postpone a space use based upon reasonable time, place and manner considerations or when extenuating circumstances demand. Should a space use be postponed, an invitation to reschedule will be extended as quickly as possible. The University will determine the appropriate venue/location for use of University space based only upon reasonable time, place and manner considerations. Only University Groups can reserve and use outdoor University space for activities during University Reading Days, Final Examinations, Commencement and other large-scale events of University wide significance.
- H. UNC Asheville has adopted the following generally applicable time, place, and manner restrictions:
1. The University reserves the right to regulate commercial speech in the form of merchandise sales, marketing of products/goods and commercial solicitation, subject to University approval. Fundraisers, and vendors desiring to sell merchandise, must be approved in advance by the Vice Chancellor or Director with responsibility and accountability over the space in which the commercial speech is to take place.
 2. Activities occurring on University space cannot disrupt the flow of vehicle traffic, pedestrians, or bicycles, nor disrupt access to department, program or individual offices. However, parades, road races, marches and similar activities occurring on University streets or roadways may occur if requested and permitted pursuant to this policy.
 3. Persons shall not engage in unlawful speech or conduct, such as true threats or harassment.
 4. Persons shall not violate the freedom of speech, choice, assembly, or movement of other individuals or organizations. Responsible disagreement or dissent carries with it sensitivity for the civil rights of others.
 5. Persons shall comply with directions of University officials acting in their official capacity. L. Persons will not deface or destroy University property.
 6. Public address systems or amplified sound is only permitted at times agreed to in advance. Permission to use public address systems or amplified sound will be based on the same factors as those considered in determining approval or denial of space use requests (see Section V below).
 7. No outdoor assemblies shall take place within 50 feet of academic buildings during class hours, or in areas directly adjacent to residence halls between 9:00 p.m. and 9:00 a.m.
 8. No permanent or semi-permanent structure, including but not limited to stakes driven in the ground, tents or trailers, etc. may be constructed or placed for any activities in an outdoor space without the approval of Facilities Management and Environmental Health and Safety.
 9. No signs or banners may be hung, attached or taped to, affixed to or suspending from any building or building exteriors unless the item is placed pursuant to a University program or business and has prior approval.
 10. No paint may be used on any University building, structure, wall, brick surface or other item of University property unless pursuant to a University program or business and has prior approval.
 11. Open burning of materials is prohibited on campus with the following exceptions: (1) fires at the Mullen Park bonfire pit, UNC Asheville's designated open burn location, if a part of a University program or event, (2) candles if a part of a University program or event, (3) smoking as allowed by UNC Asheville's smoking policy in designated smoking locations, and (4) when performed by University employees or other local, state or federal officials pursuant to their duties. Events having an open burn component at Mullen Park must follow approval procedures through Facilities Management and Environmental Health and Safety (expressed above for permanent and semi-permanent structures), which provides permits and proper open burn training.
 12. Chalking is permitted on horizontal, non-covered cement surfaces only, such as sidewalks and walkways that are openly exposed to weather. No buildings, structures, walls or brick surfaces may be chaked, including the Ramsey Library steps. All chalking must also be in accordance with the Student Code of Community Standards. Spaces cannot be reserved for a group or individual to chalk, thus it is the University's expectation that those wishing to chalk an area be respectful of any chalking which may already be present. No chalking should be removed by one group to be replaced by another unless it is for a dated event that has already occurred. Groups/individuals that do not follow the above will have the chalking removed and may face disciplinary or other action.
 13. Persons using the University's space, or attending events or activities held on University property, may be required to provide picture identification and evidence of qualification to a University official upon request. Evidence of qualification means (a) a currently issued University OneCard or (2) written documentation of an invitation from a University group and a space use permit. The group holding the event or activity will be asked to complete the space request/use form (if the group has not already done so) to ensure the University has appropriate emergency management/contact information.

V. Use of Locations

A. Locations for University groups

University groups may conduct activities/assemblies without prior approval at any University space location provided the activity/assembly aligns with the applicable requirements in sections III and IV, the space does not require reservation, and is not otherwise reserved or prioritized. However, the University encourages University groups to reserve University space in order to ensure the space is available for their use, and to support appropriate space scheduling.

B. Locations for Sponsored non-University groups

Sponsored non-University groups may conduct activities/assemblies without prior approval at:

1. Reed Plaza, immediately outside Brown Hall and Highsmith Union
2. The lawn areas on either side of the steps in front of Ramsey Library, bounded by the concrete sidewalks, immediately in front of the University Quadrangle.

With prior administrative approval (i.e. after submitting the space request/use form, in order to confirm sponsorship and after receiving a response (discussed below)), sponsored non University groups may conduct activity/assembly at any University space location, or reserve the use of University space, so long as the use aligns with the applicable requirements in sections III and IV and is not already reserved or prioritized. As with University Groups, the University encourages authorized sponsored non-University groups to reserve University space in order to ensure the space is available for their use, and to support appropriate space scheduling.

C. Locations for non-University groups

Non-University groups who have not sought or obtained sponsorship by a University group may conduct activities/assemblies without prior approval at:

1. Reed Plaza, immediately outside Brown Hall and Highsmith Union
2. The lawn areas on either side of the steps in front of Ramsey Library, bounded by the concrete sidewalks, immediately in front of the University Quadrangle.

The use of these spaces is open to non-University groups provided the assembly/activity aligns with the applicable requirements in sections III and IV and is not currently reserved, in use by another group, or there is another adjacent area reserved which would require the space to remain open for programmatic or preparation reasons.

When planning to use one of the designated spaces listed above, non-University groups are required to complete a space request/use form, preferably in advance, for the purpose of collecting emergency management/contact information and supporting appropriate space scheduling. If the form is not completed or submitted prior to the event, the space administrator will ask the group to complete or submit the space request/use form when they arrive at the appropriate space.

Non-University groups may reserve and use certain other University space locations with prior administrative approval, so long as the use aligns with the applicable requirements in sections III and IV

D. Public Speaking, Petitioning and Distribution of Written Materials

Notwithstanding any contrary part of this policy, University groups or sponsored non-University groups may engage in public speaking, petitioning or distribution of written, non-commercial materials in any University space also suitable for assemblies without the need to seek approval or specifically reserve space, so long as such assemblies/activities align with the applicable requirements in sections III and IV.

Non-university groups may conduct these activities at the spaces referenced in the 'Locations for Non-University Groups' section above, so long as such assemblies/activities align with the applicable requirements of sections III and IV.

All restrictions regarding assemblies apply to petitioning.

VI. University Space Scheduling and Management

In order to assure that needed University space and other resources will be available to support the University's educational, research and service mission, and to allow the orderly allocation of those resources for other uses, it is important that buildings, classrooms, lecture halls, conference rooms and outdoor/exterior spaces be properly scheduled. To reserve or to request administrative approval to conduct activities on University space, the space request/use form may be submitted electronically to the University's master space scheduling system or in-person to a designated space/use coordinator.

As a general matter, any University group or University-affiliated individual may use the publicly available outdoor areas of the campus for expressive activities without prior reservations, so long as it does not attract more than 100 attendees or cause a material and substantial disruption to university functions or activities. Regardless of whether a space requires reservation, members of the University community are encouraged make reservations for the use of space through the appropriate area/space coordinator.

If necessary, the requesting space user (or University group sponsor if the user is not affiliated with the University) will be responsible for making any necessary advance arrangements with the Director of Facilities Management, the Events and Conferences Office and other University departments. University resources necessary to support the space use will be a factor in determining fees and costs charged to the space user (or University group sponsor).

A. Requesting Administrative Approval to Conduct Events; Reserving University Space

1. In order to confirm sponsorship by a University group, sponsored non-University groups must generally obtain administrative approval before conducting events or activities using University space (see 'Public Speaking, Petitioning and Distribution of Written Material' and 'Locations for Sponsored non-University Groups' for exceptions to this requirement). Requests for administrative approval may be submitted electronically or in-person using the space request/use form. While non-University groups may request sponsorship, University groups are not required to sponsor non-University groups. The Laurel Forum is only available for University groups use per original agreement.
2. Some university space locations require reservation and/or approval prior to their use.
3. Considerations for approving a space use request may include the following:
 - a. Suitability for the requested use.
 - b. Purpose of the space.
 - c. Anticipated event size, including the number of attendees.
 - d. Noise likely to be generated.
 - e. Impact on University educational activities or other essential University processes.
 - f. Impact on vehicular and pedestrian traffic.
 - g. Adequacy and suitability of accommodations provided in the requested location.
 - h. Compliance with applicable laws and University policies, regulations, and rules.
 - i. Potential risk to the health or safety of participants, observers, or others.
 - j. University resources necessary to host or support the use.
 - k. Requester's history of prior property damage, unlawful activities, personal injury, material misrepresentation or disruption of University operations or activities.
4. An approval or denial decision will be made by the Vice Chancellor or Director (or designee) with responsibility and accountability for the University space, after the space request/use form and any required fees and costs (unless waived by the University) are submitted for consideration. An approved request will yield a space use permit which the space user will receive and be expected to maintain with the group for the duration of the event.
5. Requests for administrative approval and requests to schedule University space may be denied if:
6. The space/use request form has not been fully completed, or contains material misrepresentations.
7. A non-University group is not sponsored in writing by a University group. However, a non University group may still use one of the outdoor areas listed in 'Locations for Non-University Groups'.
8. Prior approval has been granted to another group for the same time and place.
9. The activity would interfere with previously planned events or University programs, or which do not align with the requirements with sections III and IV.
10. The activity would pose an unreasonable danger to the health or safety of the requester, members of the University community or the public, or is otherwise considered unsuitable for the requested space after considering the factors listed above.
11. Adequate resources are not available to the host the event (e.g. parking, catering staff, security, available and suitable indoor or outdoor space, etc).
12. The Chancellor possesses ultimate authority for University space use approval or denial decisions, which has been delegated to relevant University Vice Chancellors or directors. Therefore, any decision regarding University space use, including space reservations; space use approval; or prioritization of space use, may be altered or overturned by the Chancellor in consultation with Senior Staff.

13. University groups, sponsored non-University groups and non-University groups that violate this policy may face a variety of penalties, including but not limited to, cancellation of the activity/assembly, removal from campus, disciplinary action, assessment of charges for damages or repair costs incurred, or referral to other avenues of collection. Law enforcement reserves the right to respond accordingly depending upon the nature of the policy violation.

B. Unscheduled Space Use

Unscheduled space uses may occur by authorized space users, provided that the activity aligns with the requirements of sections III and IV, and the University space (i) does not require reservation or prior approval, and (ii) is not otherwise scheduled or prioritized for use.

Although not required, authorized space users are encouraged to contact a designated space/use coordinator and provide notification about the activity. Advance notice enables the University to help ensure that the activity does not conflict with a scheduled or prioritized use, takes place in a constructive manner, the event is effective, and to assist organizers in seeing that the activity does not disrupt the University's operations or other programs.

C. Master Space Scheduling System

All space scheduled for use will be uploaded into a master space scheduling system.

VII. Additional Provisions

A. Political Meetings

The University is a publicly owned institution and its space and resources are open to persons and groups involved in the political process. Consistent with this policy, University space is available to authorized space users involved in the political process without political preference.

B. Animals

Animals are not permitted inside any University building. Service assistance dogs, emotional support animals (if approved to be maintained only in University housing) and laboratory animals are exceptions to this rule.

C. Fundraising

Fundraising activities by student groups must be approved by the Vice Chancellor for Student Affairs or designee. Fundraising activities by faculty and staff must be approved by the Vice Chancellor for Academic Affairs or Advancement, or designee.

The University has traditionally designated State Employees Combined Campaign as the sole fundraising activity on the campus for general community purposes. No fundraising by or for non-University groups will be permitted without University approval.

D. Mail Distribution

Non-University groups may not use the campus mail system or the University bulk mail stamp. University groups wishing to distribute items in student mailboxes must contact the Director of University Housing for approval. The University Housing Office is not responsible for placing flyers in student mailboxes.

E. Posting Materials

No notice, advertisement or document of any kind may be attached to any wall, glass or other such surface, or on any car or other vehicle parked on University property except pursuant to official University business. Bulletin boards are provided for such purposes. Items attached to walls, glass, vehicles or other such surfaces will be removed. Damage resulting from violation of this policy will require the responsible party to repair the damage, and may subject the responsible party to other applicable penalties.

F. Food Service

The University's dining services contractor will have the exclusive right to provide on-campus dining service needs for the University with the exception of Chancellor events, Corporate Sponsored Athletic events where food products and services are donated to the University and

for student groups for small items such as pizzas, cookies, doughnuts etc. that will be agreed upon between the University and the Contractor. For all non-donated Athletic and University Enterprises events, the Contractor will have the right to bid along with the University's top two (2) Corporate Sponsors, and will have the exclusive right to match a lower bid.

Requests for services from the University's exclusive Contractor or for the Contractor's written waiver must be made as far in advance of any event as reasonably possible.

G. Alcohol Consumption

The consumption of alcoholic beverages on University property is regulated pursuant to the University's Alcoholic Beverage Policy (UNC Asheville Policy 5200).

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