

Office of Legal Counsel and Compliance

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Procedure for Facilities Use and Access Policy (1007)

Effective Date: N/A

Policy Page

Definitions

- *Academic Facilities* are classrooms, conference rooms, rehearsal and performance halls, theatres, laboratories, and other facilities regularly scheduled for instruction.
- *Affiliated Users* include those formally established or recognized by the University. For example, a University-recognized student organization, a currently enrolled student, and a current employee would be affiliated users.
- *Athletic Facilities* include Washington-Grizzly Stadium, Dornblaser Sports Complex, Tennis Courts, Athletic Department Practice Fields, Stadium Club.
- *Auxiliary Facilities* provide a service to campus and which generate income, fees, rents, charges, and revenues arising from use. This includes the University Center, Adams Event Center, James E Todd Center, Dell Brown Room in Turner Hall, and Dennison Theatre.

- *Non-Affiliated Users* include those with no formal link to the University. The Kiwanis or the Pachyderm Club, political candidates and campaigns, are examples of non-affiliated users. This also includes a private or commercial organization, or individual, that wishes to sponsor or be involved with an activity at a University facility.
- **Recreation Facilities** include the Recreation Annex, Schreiber Gym, Riverbowl West and East, and the Recreational Fields in the Dornblaser Sports Complex.
- **Natural Areas** includes the over 650 acres of undeveloped land on Mt Sentinel and Fort Missoula. These areas are managed in accordance with the University of Montana Natural Areas Management Plan.

Scheduling Spaces

- *Indoor Spaces.* Requests for use of University indoor spaces, for non-instructional purposes, are required to submit a formal request to UM Conference & Event Services. Requests to use Athletic Facilities must be submitted to UM Athletics. Requests to use the Adams Event Center must be submitted to Adams Center Booking. Contact the George & Jane Dennison Theater for scheduling that space.
- *Outdoor Spaces.* Requests for reserving use of outdoor spaces are made in accordance with the instructions at UM Conference & Event Services. Scheduling of the Library Mall, Oval, Washington Park, Mt Sentinel, M Trail, Fort Missoula, and other outdoor areas is on a first-come, first-served basis subject to reasonable time, place, and manner restrictions. Requests to use Athletic Facilities must be submitted to UM Athletics.
- *Deadline for Requests.* To ensure timely confirmation of reservations for indoor and outdoor spaces, all reservation requests should be submitted by 9:00 A.M. at least three business days before the first use of the facility or by the deadline required of the particular venue, whichever is earlier. (Some facilities require more advanced booking, such as the Adams Center).
- *Unplanned Expressive Activity.* Reservations are not needed for affiliated or non-affiliated users to use University outdoor spaces for all forms of expression that are consistent with the First Amendment to

the United States Constitution. Such activity however, is still subject to these procedures, including if a space has been reserved, to not impede on the rights of those who have reserved the space for their exclusive use. Also UM Conference & Event Services is available to offer guidance in planning and to help identify alternative space if an area is already reserved.

Acceptable Use

All use of University facilities must comply with applicable law, this policy and any other university policy pertaining to each use. Permission to use University facilities may be withdrawn if the use does not comply with applicable laws and University policies.

Auxiliary facilities have additional policies specific to their facilities, services, and programs, and users of those facilities must abide by the policies that apply to the facility being used.

Prohibited Use

University facilities and areas may not be used in ways which:

- Obstruct or disrupt teaching, research, administration, disciplinary procedures or other University activities or operations, or any other authorized activities on University premises;
- Interfere with the rights of others to enter, use or leave any University facility, service or activity;
- Expose persons or property to safety hazards or risk of injury; or
- Are illegal or unlawful.

Restrictions on Use

The University reserves the right to impose reasonable time, place, and manner restrictions, including, but not limited to the following:

1. Amplification equipment or use of public address systems will not be permitted on University property or in University facilities if it interferes with the learning environment or the individual rights of those living or working on or near University property. Generally, the use of

amplification equipment for outdoor events is not allowed during the regular instructional and business hours between 8 a.m. and 5 p.m. or after 10:00 p.m. Use of amplification equipment on the oval during the noon hour or other than regular school hours requires the submission of an Event Intake Form.

2. Open burning and detonation of fireworks are not permitted within the City of Missoula and are prohibited on campus, except for certain special events that are conducted in compliance with city ordinances and properly permitted by the city, and given prior written approval from the University of Montana Police Department.
3. No person may camp on or inhabit any University facility, parking lot, natural area, or other university property that is not designated as a residence hall or graduate and family housing without prior written approval by the President or the President's designee.
4. Smoking and all other tobacco use is prohibited consistent with the Tobacco Free UM Policy.
5. The use, possession or distribution of alcoholic beverages is prohibited on University property or in its facilities, except as expressly permitted by law and the University's Alcohol/Drug Policy. The unauthorized use, possession, manufacture, distribution or sale of narcotics or dangerous drugs is prohibited on University property or in its facilities.
6. The possession or use of firearms, explosives, weapons, including knives, swords, nun chucks and other martial arts weapons, bb guns, and dangerous chemicals is prohibited except as expressly authorized by law and University policies.
7. Sidewalk chalking is prohibited to Non-Affiliated users. Affiliated Users may chalk sidewalks only with the permission of the University Vice President for Operations and Finance, who will apply content-neutral criteria for approval.
8. Placement of banners or notices on vehicles is prohibited.
9. Placement of banners on buildings is prohibited.
10. Placement of banners, or other postings is prohibited in Natural Areas.
11. A kiosk is available in the University Center, by the west side doors for posting of signs. Signs in other areas must be pre-approved by UM Conference & Event Services.

12. Commercial use of University property is permitted only in accordance with the terms and conditions of a fully executed sponsorship, rental, facilities use, or other such agreement or license.
13. The University is committed to promoting safe conditions for persons attending events. Certain venues may post and enforce specific restrictions to achieve this objective. For example, patrons may be asked to open containers, picnic baskets, bags, coats, jackets, etc. to confirm compliance with these requirements. Certain venues and events at venues, may prohibit items, such as stroller, backpacks, glass bottles, air horns, thermoses, etc. Patrons who are intoxicated, cause a disturbance or disruption, or who otherwise violate venue rules are subject to removal from the venue and/or event without refund of ticket price.
14. Affiliated and non-affiliated users will be required to complete a Major Event Assessment Form for all outdoor events, except tabling, gatherings, including but not limited to celebrations, dances, lectures, forums, performances, rallies, social gatherings, concerts, speaker presentations, foot races, and conferences on University Property at which one or more of the following criteria apply:
 1. Over 100 persons are anticipated to attend;
 2. Over 50 participants are anticipated to attend *and* alcohol is to be served;
 3. Non-affiliated user and alcohol is to be served;
 4. User has expressed security concerns;
15. Non-affiliated users for events will be required to show proof of maintenance of liability insurance to cover the user's activities on campus and in university facilities in an amount no less than One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) total coverage. Non-affiliated users will also be required to indemnify and hold the University harmless for any damages arising from the user's use of University facilities.

Filming on University Property

Filming on University property is overseen by UM Marketing, Communications, Experience & Engagement Office. Non-affiliated users must obtain permission from and obtain a Facilities Use Permit from UM Marketing, Communications, Experience & Engagement Office prior to

filming on University property. Filming includes motion pictures, videotape, audio recordings, still photography and digital imaging. This requirement does not apply to individuals taking photos or filming for only personal use. The University reserves the right to provide notice to the University community of filming activity on University property.

Food sales and Vendors

- *In General.* Any food service at a University facility requires the prior approval of the University official responsible for managing and/or scheduling the facility. UM Catering (243-4899) caters all events on campus. Events at Missoula College may only use the services of the College Culinary Arts Department for internal fundraisers; otherwise, UM Catering is to be scheduled.
- *Right of First Refusal.* UM Catering has the right of first refusal to provide all food and beverages on campus. Campus facilities include all buildings on campus, U M Dining facilities, University Center, Adams Center, UM Golf Course, and Missoula College. No off-campus caterers may be used without the prior approval of UM Catering. The consent of a University official responsible for managing a facility does not waive UM Catering's right of first refusal.
- *Bake Sales.* Only UM affiliated groups may hold bake sales on campus. All bake sales on campus require approval from the Missoula City-County Health Department, 301 West Alder, Missoula, Montana 59802 (406) 258-4755. The approved form must be brought to the UM Event Services Office before the bake sale can be scheduled. All food items for sale must be individually pre-wrapped.
- *Custodial Services.* If food or beverages will be served in any facility other than the University Center, James Todd Center, or the Adams Center, custodial services must be requested through the Work Order desk, by submitting a work order or calling (243-6091), or through UM Event Services.

Use of Residence Halls and Family Housing Facilities

Purpose of Residence Halls

The University has established residence halls (including apartment housing which houses families and single students) in an effort to provide campus living arrangements that are conducive to the academic and personal development of students. Residential areas are private and are managed by University staff to ensure protection of the rights of students to study, sleep, and function as a part of a living-learning community. This community of students is subject to policies that are in keeping with the mission of the University, including policies for reasonable limits on levels of noise, visits by guests, and commercial activities.

Use of the Residence Halls by Non-Affiliated Users

Non-affiliated groups and individuals may be authorized to use the residence halls for a fee during periods when they are not occupied by students. The terms and conditions of the use will be set forth in a written agreement authorizing the use.

Use of Common Rooms in Residence Halls

- Common rooms in residence halls, including community rooms, lounges and recreation rooms are available primarily for hall-sponsored activities and informal use by individual students. The UM Housing Director or designee may authorize the occasional private use of common rooms by hall residents for small gatherings such as showers and parties.
- Common rooms of Residence Halls may not be used by non-affiliated groups when the Residence Halls are occupied by students, excluding lobby area spaces. Use of lobby spaces must have authorization by the UM Housing Director or designee and may have a charge for usage.

Fund-Raising Activities in Residence Halls

Affiliated groups may conduct fund-raising activities for their group in the residence halls under the following conditions:

1. Written permission must be obtained from the UM Housing Office.
1. The activity may be conducted only within the lobby, lounges, or other common areas of the residential facilities designated by the Director of

UM Housing, and only during those times designated by the Director. No door to door solicitation is allowed.

1. Any such activity must comply fully with all applicable laws, regulations, ordinances and University policies.
1. The group must agree to be responsible for any damage to University property resulting from the fund-raising activity, and for cleanup of the facility at the conclusion of the event.

Sales, Sales Promotion and Commercial Activity in University Housing

1. No individual or group, affiliated or non-affiliated, may make door-to-door commercial solicitations in the residence halls (including apartments and suite-type facilities).
2. Commercial transactions, commercial presentations, and the making of sales agreements that are legal and otherwise comply with all applicable laws, may take place in a student's private room or apartment under the following conditions:
3. Sales persons and any other guests must be invited to the room for a commercial transaction in advance by the student occupant of the room. All roommates must consent to such an invitation.
4. Students may use their private rooms for infrequent commercial transactions, but they may not schedule such transactions on a regular or continuous basis. University policy prohibits an individual student from operating a continuing business from his or her private room.
5. A student inviting non-resident guests to his or her room for a commercial transaction assumes responsibility for the actions of his or her guests while they are present in the residence hall.
6. The number of guests in a student's room for a commercial transaction may not exceed maximum room occupancy limits. Students may not use the common areas of the residence halls for such commercial transactions.
7. No door-to-door solicitation, either to obtain guests for a commercial solicitation being held in a student's room or to consummate sales following the solicitation, is allowed.

Restricting Access to Campus Property

Authority

The University may prohibit, limit or otherwise restrict access to or use of its buildings, facilities or other property as may be necessary to provide for the orderly conduct of the University's educational, research and service programs and the safety and security of the campus property, students, employees, guests and other visitors.

Restriction of Access to University Property

1. A building supervisor, College dean, Community Standards Officer, Human Resources official, University administrator, or University police officer or any university official designated by them, may restrict or deny any person's access to a building or a portion thereof, by issuing a Restriction of Access Directive, if the person engages (or threatens to engage) in conduct which:
 1. interferes with the orderly operation of the University programs, buildings or other facilities;
 2. violates the university regulations pertaining to the use of facilities;
 3. creates reasonable apprehension of harm or injury to persons or property; and/or
 4. is proscribed by law.
2. A Restriction of Access Directive may be communicated orally or in writing and should identify:
 1. the property from which access is restricted;
 2. the basis for restricting access; and
 3. the duration of the restriction of access.
3. An issuing official should maintain a record of all Restriction of Access Directives issued, to be housed in the department or unit from which they were issued; a copy of the Restriction of Access Directive should also be forwarded to the University Police Department.

Trespass Order

The University of Montana Police Department (UMPD) Chief, or authorized UMPD designee, may restrict or deny any person's access to the entire campus, including all University owned property, if the person engages in conduct outlined above. The UMPD Chief or designee may communicate a

trespass order (orally or in writing) to the offending person, however, a written copy of the trespass order should be provided to the offending person, if possible, whether by email, U.S. Mail, or in person.

In communicating a trespass order, UMPD Chief or UMPD designee should: (1) identify themselves; (2) advise the person that they are on University property and that permission to be on University property is revoked; and (3) inform them that if they do not leave immediately or if they return, they will be arrested and prosecuted for criminal trespass to the full extent of the law. A trespass order may be issued to students or non-students and may apply to an individual's vehicle as well.

A written trespass order should identify:

1. The person subjected to the order;
2. The basis for the order;
3. The geographic scope of the order;
4. The date the order was issued and its intended duration; and
5. The process for appeal, as described below.

All trespass orders shall be housed in UMPD. They may be provided to others as appropriate for enforcement and safety.

Appeal of Denial of Access

1. Students denied access to campus or any portion thereof may appeal the decision to the Vice Provost for Student Success or their designee.
1. Non-students denied access to campus or any portion thereof may appeal the decision to the Vice President for Operations and Finance or their designee.
1. Persons issued a trespass order may petition to reinstate the right to return to campus upon a showing that: (1) they will abide by the law and university policies, and (2) they have a legitimate purpose for being on campus.

Petitions should be in writing. Students, prospective students, or former students should submit their petition to the Vice Provost for Student

Success. Others should submit their petition to the Vice President for Operations and Finance.