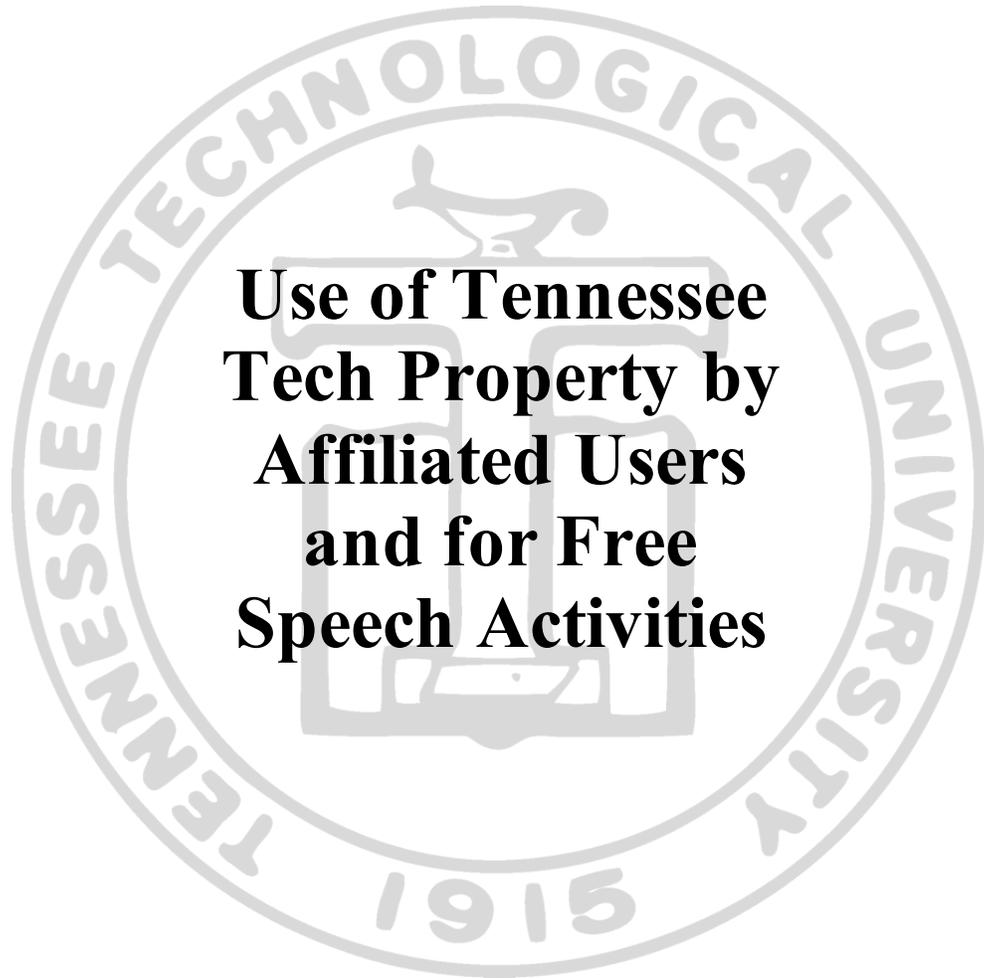


**Tennessee Technological University  
Policy No. 121**



**Use of Tennessee  
Tech Property by  
Affiliated Users  
and for Free  
Speech Activities**

Effective Date: July 23, 2019

**Policy No.: 121**

**Policy Name:** Use of Tennessee Tech Property by Affiliated Users and for Free Speech Activities

The regulation associated with this policy is Tennessee Tech Rule [0240-09-06](#) - This regulation may be accessed on the Tennessee Secretary of State’s website - [sos.tn.gov](http://sos.tn.gov)

**I. Purpose**

- A. The purpose of this policy is to provide a uniform basis upon which Tennessee Tech can regulate and facilitate the use of Tennessee Tech Property for Affiliated Users and for Free Speech Activities.
- B. This policy is intended to operate consistently with Tennessee Tech’s educational and research purpose and mission through the implementation of constitutional time, place, and manner restrictions and reasonable content and viewpoint-neutral restrictions, as appropriate for the forum and category of the User.
- C. This policy shall be implemented and construed so as to preserve the primacy of Tennessee Tech’s educational and research purpose and mission and to protect the safety of persons and security of property, and to prevent use of Tennessee Tech Property contrary to federal or state laws, rules, regulations, and Tennessee Tech policies.

**II. Scope**

This policy, in coordination with TTU Policy 007 (Free Speech on Campus), governs the use of Tennessee Tech Property by Affiliated Users for Official Tennessee Tech Purposes and for Free Speech Activities. TTU Policy 122 (Rental of Tennessee Tech Property) governs use of Tennessee Tech Property for any other reason.

**III. Review**

This policy will be reviewed every two years or whenever circumstances require review, whichever is earlier, by the Vice President of Student Affairs or designee, in consultation with the Vice President for Planning and Finance or designee, with recommendations presented to the Administrative Council, University Assembly, and Board of Trustees.

**IV. Definitions**

- A. “Affiliated Use” – the use of Tennessee Tech Property by an Affiliated User for a reason associated with the Affiliated User’s status.
- B. “Affiliated User” – registered student organizations as defined by TTU Policy 315 (Student Organizations) or a person officially connected with Tennessee Tech, including Students, faculty, and other employees. The mere membership of a Student, faculty, or employee in a group or organization does not convert that

group or organization to an Affiliated User.

- C. “Application for Use”—form or process used by Tennessee Tech for Users who wish to reserve and use Tennessee Tech Property. An Application for Use may require administrative review and approval.
- D. “Free Speech Activities”—speech, expression, or assemblies protected by the First Amendment of the United States Constitution or Article 1, Section 19 of the Tennessee Constitution, verbal or written, including, but not limited to, all forms of peaceful assembly, protests, demonstrations, rallies, vigils, marches, public speaking, distribution of printed materials, carrying signs, displays, or circulating petitions. “Free Speech Activities” do not include the promotion, sale, or distribution of any product or service.
- E. “Non-affiliated Use”—the use of Tennessee Tech Property for activities other than Affiliated Use.
- F. “Non-affiliated User” – any person, group, or organization that is not an “Affiliated User.”
- G. “Normal Administrative Activities” – activities that fall within the scope of a Tennessee Tech employee’s job-related duties, activities, or responsibilities.
- H. “Normal Educational Activities” – activities that occur outside of the scheduled class period to enhance and to continue student learning and project completion. These include, but are not limited to, the following: small group study sessions (whether organized by students, tutors, instructors or teachers), review sessions, open labs, student-teacher conferences, and students working together on class projects.
- I. “Official Tennessee Tech Purpose”—use of Tennessee Tech Property by student groups/organizations, administrative offices, and/or departments for events, programs, activities, etc. that primarily support Tennessee Tech’s purpose and mission and/or are planned primarily for members of the Tennessee Tech community.
- J. “Student” – a person who is currently enrolled in a Tennessee Tech credit course of study or a student organization that is comprised entirely of individuals currently enrolled in credit courses of study and registered with Tennessee Tech.
- K. “Tennessee Tech Official” – an employee or agent of Tennessee Tech, including, but not limited to, university police, faculty members, and staff, acting in the performance of his/her duties, as well as Student employees (e.g., event staff, resident assistants, graduate or teaching assistants, etc.).
- L. “Tennessee Tech Property” or “Property”—all facilities and property owned, leased, or controlled by Tennessee Tech.

**M.** “User”—both Affiliated and Non-affiliated Users.

**V. General Policy**

**A.** Use of Tennessee Tech Property is restricted to Affiliated Users and invited guests of Tennessee Tech, except as specifically provided by this policy, TTU Policy 007 (Free Speech on Campus), and TTU Policy 122 (Rental of Tennessee Tech Property), or when part or all of the Tennessee Tech’s campus, buildings, or facilities is open to the general public for a designated time and purpose.

**B.** Use of Tennessee Tech Property shall be through a process of Application for Use, except as provided in TTU Policy 007 (Free Speech on Campus) and, absent unusual circumstances, for use for Normal Educational or Administrative Activities.

**C.** Priority for the use of Tennessee Tech Property shall be as follows:

**1.** Athletics facilities:

- a.** Intercollegiate athletic competition or practice;
- b.** Approved camps;
- c.** Credit and non-credit classes and programs;
- d.** Tennessee Tech-sponsored activities;
- e.** Use by Students; then
- f.** All other requests for use.

**2.** All other Property:

- a.** Credit and non-credit classes and programs;
- b.** Tennessee Tech-sponsored activities;
- c.** Use by Students; then
- d.** All other requests for use.

**D.** Except as provided in TTU Policy 007 (Free Speech on Campus), Tennessee Tech, in its sole discretion, may restrict use of Tennessee Tech Property during periods that are dedicated to Tennessee Tech activities such as the final week of classes, final examination periods, welcome or homecoming weeks, etc.

**E.** A list of Tennessee Tech Property available for use by Affiliated Users and the office/department responsible for accepting and processing the Application for Use is available on Tennessee Tech’s Student Activities webpage and elsewhere.

**F.** Spaces designated for Free Speech Activities by Non-affiliated Users and the process for Application for Use is available on Tennessee Tech’s Student Activities webpage and elsewhere.

- G. Except as provided in TTU Policy 007 (Free Speech on Campus) and TTU Policy 122 (Rental of Tennessee Tech Property), Tennessee Tech Property not specifically identified as available for use is specifically unavailable for use other than for Normal Educational or Administrative Activities.

**VI. General Conditions for Use of Tennessee Tech Property by Affiliated and Non-affiliated Users**

- A. Users and the use of the Property must comply with federal and state laws, rules, regulations, and Tennessee Tech policies, including but not limited to applicable fire and safety codes and TTU Policy 120 (Minors on Campus).
- B. Tennessee Tech shall have the right to terminate immediately the use of Tennessee Tech Property by any User due to a violation or violations of any federal or state law(s), rule(s) regulation(s), or Tennessee Tech policy or policies.
- C. Sound amplification equipment may be used only when prior approval has been requested and granted by the Tennessee Tech Official in charge of approving the Application for Use, taking into account Tennessee Tech's purpose and mission and the nature of the requested Tennessee Tech Property, location, time of day, manner, volume, etc.
- D. A Student may not allow a Non-affiliated User to use Tennessee Tech Property in her/his/its name in order to circumvent or to avoid the requirements of TTU Policy 122 (Rental of Tennessee Tech Property).
- E. Consistent with TTU Policy 007 (Free Speech on Campus), a Student or a faculty member may invite a guest speaker, provided the Student or faculty is responsible for all matters related to the activity or event.
  - 1. The responsibilities of the Student or faculty include, but are not limited to, the following:
    - a. Submitting an Application for Use and receiving approval for the use of the requested Property;
    - b. Acting as the primary contact and communicator for facility needs and campus services;
    - c. Assuming responsibility for working with and resolving problems related to the activity or event, including any damages caused by the guest speaker, invitees, or guests;
    - d. Ensuring the invitees and guests follow Tennessee Tech policies, regulations, guidelines, and procedures; and

- e. Ensuring all financial obligations for the activity or event are met.
    - 2. The Student or faculty member must be present at the activity or event for the duration of the event.
  - F. An affiliated entity may sponsor an activity or event that would ordinarily be deemed a Non-affiliated Use if the activity or event is directly related to the purpose and mission of the affiliated entity and Tennessee Tech.
    - 1. In order to sponsor such an activity or event, the affiliated entity must be responsible for all matters related to the activity or event. The affiliated entity's responsibilities include, but are not limited to, the following:
      - a. Submitting an Application for Use and receiving approval for the activity or event;
      - b. Seeking and obtaining all necessary campus approvals and authorizations for the activity or event;
      - c. Ensuring the affiliated entity's name is associated with the activity or event;
      - d. Acting as the primary contact and communicator for facility needs and campus services;
      - e. Assuming responsibility for working with and resolving problems related to the activity or event, including any damages caused by the activity or event;
      - f. Ensuring the invitees and guests follow Tennessee Tech policies, regulations, guidelines, and procedures; and
      - g. Ensuring all financial obligations for the activity or event are met.
    - 2. An affiliated entity must ensure that its members, including at least one officer of the affiliated entity, are present at the activity or event for the duration of the activity or event.
  - H. Users of Tennessee Tech Property are responsible for all aspects of the activity or event, including but not limited to, the conduct of the invitees and guests, set up, break down, clean up, etc.
  - I. User must return Tennessee Tech Property in the same condition it was in when made available to the User. User will be responsible for all expenses incurred by Tennessee Tech to remedy the condition of damaged Tennessee Tech Property.
  - J. Use of Tennessee Tech Property shall be limited to the declared purpose in the Application for Use.

- K.** Tennessee Tech does not permit overnight use of Tennessee Tech Property unless specifically requested and approved in writing by the Tennessee Tech Official in charge of approving the Application for Use.
- L.** All persons on Tennessee Tech Property in conjunction with an activity or event shall provide adequate identification upon request to Tennessee Tech Officials and security personnel. Persons or groups who refuse to provide such identification may be subject to immediate removal from Tennessee Tech Property, to campus disciplinary action, and/or to arrest, as appropriate.
- M.** Users are restricted to the area of Tennessee Tech Property approved for their use.
- N.** The use and/or possession of alcoholic beverages on Tennessee Tech Property is prohibited unless approved pursuant to TTU Policy 172 (Alcohol and Drugs).
- O.** Users shall not:
1. Block or substantially impede vehicular, bicycle, pedestrian, or other traffic;
  2. Block or substantially impede entrances or exits to Tennessee Tech Property;
  3. Substantially disrupt or interfere with Tennessee Tech operations, activities, or events;
  4. Substantially disrupt or interfere with the ability of a Student to sleep or study in a Tennessee Tech residence hall during the hours designated by Residential Life as quiet hours, or the ability of a Student to study in the Tennessee Tech library or in a designated study area;
  5. Engage in speech that is obscene; is defamatory; consists of fighting words; communicates an objectively serious expression of intent to commit an act of unlawful violence to a particular individual or group; or is directed to inciting or producing imminent lawless action and is likely to incite or produce such action;
  6. Unreasonably threaten the health or safety of another person; or
  7. Damage or deface Tennessee Tech Property, including, but not limited to, grass, shrubs, trees, or other landscaping.
- P.** Subject to the requirements of Policy 007 (Free Speech on Campus), User may be required to pay certain fees or costs (e.g., maintenance, custodial, utilities, set-up, and/or security) related to the nature of the activity or event and the use of particular Tennessee Tech Property. The fees and costs schedule will be applied to all similar uses on a content- and viewpoint-neutral basis. Payment of such fees and costs may be required in advance of an activity or event, at the sole discretion of Tennessee Tech.

## **VII. Application Requirements and Use of Tennessee Tech Property**

### **A. General Procedures Related to All Users**

1. Affiliated Users' requests to use Tennessee Tech Property have priority over requests by Non-affiliated Users.
2. Users may reserve Tennessee Tech Property by following the procedures found on Tennessee Tech's Student Activities webpage and elsewhere.
3. The Tennessee Tech Official responsible for approving the Application for Use may approve an application filed late according to the required time period specified in procedures, if it is determined that the use of the requested Tennessee Tech Property can be reasonably accommodated. Approval of late applications shall be within the sole discretion of the Tennessee Tech Official, whose decision will be final.
4. The Tennessee Tech Official responsible for approving an Application for Use will provide written notice of approval or disapproval of the Application for Use to the applicant within a reasonable time from the date the application is submitted. Such notices may be made electronically.
5. Notices of disapproval shall include a statement of the basis for disapproval, which shall be based solely on content- and viewpoint-neutral factors.
6. An applicant must receive written approval of an Application for Use prior to the commencement of the activity or event.

### **B. Specific Provisions Related to Affiliated Users**

1. Except as provided in TTU Policy 007 (Free Speech on Campus), Tennessee Tech may limit use or availability of Tennessee Tech Property.
2. Affiliated Users are required to submit an Application for Use for open-air (open space) activities and events if any of the following apply:
  - a. The Affiliated User wants to be assured that the Property will be available for use at the preferred time;
  - b. The activity or event will involve more than twenty-five (25) participants, including expected invitees or guests;
  - c. User intends to serve, provide, or distribute food that exceeds the limits described in TTU Policy 508 (Food Purchase Policy).
  - d. User intends to use equipment (e.g. tables, stages, etc.) or utilities (e.g., water, electricity, etc.);
  - e. The activity or event includes the use of signs, banners, posters, and/or other displays causing ground penetration or attached to Tennessee



Tennessee Tech Property, including, but not limited to, doors, buildings, windows, walls, the surface of walkways or roads, fountains, utility poles, lampposts, waste receptacles, trees, street signs, benches, bus stops, Tennessee Tech-owned signage, emergency phones, railings, newsstands, and utility boxes; or

c. use any chalk, paint, or permanent markings on Tennessee Tech Property, including natural features.

7. Tennessee Tech is not responsible for Non-affiliated User's or invitees' and guests' loss, damage, or harm to persons, equipment, or property.

### **VIII. Denial or Limitation of Application for Use of Facilities**

A. Any denial or limitation of a request to use Tennessee Tech Property shall be consistent with the requirements of TTU Policy 007 (Free Speech on Campus).

B. Reasons for denying or limiting a request include, but are not limited, to the following:

1. The requested Tennessee Tech Property has been previously reserved by another User with equal or higher priority;
2. The applicant's frequency of previous use exceeds a contemporaneous applicant's use of the same Tennessee Tech Property or exceeds limits on use by Non-affiliated Users;
3. Use of the requested Tennessee Tech Property would be impractical due to scheduled usage prior to or following the requested use;
4. The applicant or sponsor of the activity or event has knowingly provided inaccurate or false information on the Application for Use;
5. The User or User's invitees and guests violated federal or state law(s), rule(s), regulation(s), or Tennessee Tech policy or policies during a previous use;
6. The requested Tennessee Tech Property has not been designated as available for use;
7. The requested Tennessee Tech Property is not available for use during the requested time;
8. The anticipated size or attendance for the activity or event exceeds building/fire codes, established safety standards, and/or the physical or other limitations of the requested Tennessee Tech Property;
9. The anticipated nature or duration of the activity or event cannot reasonably be accommodated in the requested Tennessee Tech Property;

10. The anticipated size and/or location of the activity or event would cause substantial disruption or interference with Normal Educational or Administrative Activities, the educational use of other Property or services, or the flow of vehicular or pedestrian traffic;
11. The activity or event conflicts with existing Tennessee Tech contractual obligations;
12. The activity or event would constitute an immediate and actual danger to Tennessee Tech Students and/or employees, or to the peace and security of Tennessee Tech that available law enforcement officials could not control with reasonable effort;
13. The activity or event would be contrary to federal or state laws, rules, regulations, or Tennessee Tech policies;
14. Tennessee Tech does not have sufficient institutional resources available for the activity or event, as determined by the appropriate Tennessee Tech Official(s).
15. Other extenuating circumstances exist that, in the sole discretion of Tennessee Tech, prevent or limit the use of Tennessee Tech Property.

## **IX. Indemnification and Insurance Requirements**

- A. Users of Tennessee Tech Property shall indemnify Tennessee Tech and hold it harmless from any and all liabilities arising out of the use of Tennessee Tech Property, including, but not limited to, personal injury, property damage, court costs, attorney's fees, and any other damage, whether caused by User, invitees, guests, or by User's employees, agents, or contractors.
- B. User must provide, upon request, proof of insurance of the types and coverages appropriate for the intended use, as determined by the Tennessee Tech Official in charge of approving the Application of Use in consultation with the Office for Planning and Finance.
- C. Tennessee Tech may, in its sole discretion, require the User to include the State of Tennessee, the Tennessee Tech Board of Trustees and/or Tennessee Tech as additionally insured entities on User's insurance policy.

## **X. Distribution of Leaflets, Literature, Pamphlets, Etc.**

- A. Subject to the requirements of TTU Policy 007 (Free Speech on Campus), Tennessee Tech limits locations where the sale or distribution of literature associated with an activity or event will be allowed.

- B. Subject to the requirements of TTU Policy 007 (Free Speech on Campus), a User must request to distribute or sell literature and/or advertisements prior to undertaking such activity or event.
- C. Non-affiliated Users cannot sell or distribute literature within any Tennessee Tech building unless the distribution or sale is pursuant to a contract for rental of Tennessee Tech Property as described in TTU Policy 122 (Rental of Tennessee Tech Property).
- D. No User is allowed to place literature and/or advertisements on vehicles parked on Tennessee Tech Property.
- E. Any literature that is distributed or sold and any advertisement must comply with all applicable federal or state laws, rules, regulations, and Tennessee Tech policies.
- F. No obscene literature or material, as defined by law, shall be distributed on any Tennessee Tech Property.
- G. Users permitted to distribute printed materials under this policy shall refrain from littering and may be held responsible for costs incurred as a result of littering.

#### **XI. Commercial Use of Tennessee Tech Property**

Tennessee Tech Property may not be used by any User to conduct profit-making activities except when engaged in a contractual business relationship with Tennessee Tech or pursuant to TTU Policy 122 (Rental of Tennessee Tech Property).

#### **XII. Solicitation of Funds**

- A. Users who engage in gift solicitation, proposals for gift solicitation, or fundraising events conducted for the benefit of Tennessee Tech, any Tennessee Tech foundation, or part of Tennessee Tech must receive the prior approval of the Vice President for University Advancement or designee.
- B. Solicitation does not include Affiliated Users' activities or events for the purpose of raising funds to meet expenses of an affiliated entity or entities or for a charitable cause. The funds raised by such activities or events must be used for the benefit of the affiliated entity or for charity. No funds shall be distributed to the officers, members, or any individual for personal profit or use.

#### **XIII. Bulletin Boards and Approved Areas for Posting**

- A. A Tennessee Tech Official authorized to approve use of a bulletin board or area for posting may specify or limit the authorized uses and/or entities for such boards/areas

as well as the types of material that may be posted, the maximum size and duration of any notice, and any other conditions.

- B.** The use of a bulletin board or an area for posting may be subject to the prior approval of the Tennessee Tech Official authorized to approve use of the board or area. Use of a board or an area may be denied on the basis of one or more of the following:
  - 1. The person or group is not authorized to use the board or area in question;
  - 2. The material is not the type authorized for the board or area in question or fails to meet any required conditions;
  - 3. The material is obscene or otherwise violates a federal or state law, rule, regulation, or Tennessee Tech policy; or
  - 4. There is insufficient space available for the material on the board or in the area due to the previous posting of other material.
  
- C.** Areas not specifically identified and/or authorized for posting are not available for such purpose for any individual or entity, whether Affiliated or Non-affiliated.

#### **XIV. Compliance with Contractual Obligations**

User must comply with applicable Tennessee Tech contractual obligations, including but not limited to use of Tennessee Tech’s dining services vendor, beverage pouring rights exclusivity, etc.

#### **XV. Exceptions**

The President or his/her designee may grant exceptions to this policy when, in the President’s or designee’s sole discretion, the requested exception is in furtherance of Tennessee Tech’s educational and research purpose and mission.

#### **XVI. Interpretation**

The Vice President for Student Affairs or designee, and, if appropriate, in consultation with the Vice President for Planning and Finance or designee, has the final authority to interpret the terms of this policy.

#### **XVII. Citation of Authority**

Tennessee Tech Rule 0240-09-06; T.C.A. § 49-8-203(a)(1)(E); T.C.A. § 49-7-2405

**Approved by:**

Administrative Council: February 20, 2019

University Assembly: April 17, 2019

Board of Trustees: March 21, 2019