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Use of Campus Property

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I. INTRODUCTION

This policy (the "Use of Campus Property Policy" or "Policy") of The College of New Jersey ("the College") applies to the use of lands, buildings and facilities owned, leased or controlled by the College ("Campus Property") by students, faculty, staff, alumni, and/or members of the general public. This Policy does not apply to the College's own uses of Campus Property (*e.g.*, assigned classroom use for academic course instruction, on-going Student Affairs programming (*e.g.*, ReCreate Your Night series), or space reserved through the Department of Conference & Event Services) or regular meetings of Registered Student Organizations.

As a state educational institution of New Jersey, the College comprises a diverse community of learners, dedicated to free inquiry and open exchange, to excellence in teaching, creativity, scholarship, and citizenship, and to the transformative power of education. An overriding principle of this Policy is that Campus Property may not be used in a manner that unduly interferes with the safety and security of the campus or the mission of the College. The public character of the College does not grant to individuals or groups an unlimited license to engage in activity that limits, interferes with, or otherwise disrupts the normal activities for and to which Campus Property is intended and dedicated.

The College acknowledges the vital educational value of constitutionally protected speech. This Policy is intended to balance the College's responsibility to fulfill its mission with the interests of College Users and Non-College Users in using Campus Property for purposes of constitutionally protected speech, peaceable assembly or expression. This Policy affords Non-College Users certain prescribed rights to use Campus Property. However, those rights are more limited than those afforded to College Users. While Campus Property is not available for unlimited use by College Users, the College recognizes that students of the College should generally be accorded the opportunity to utilize Campus Property to the fullest extent practical consistent with applicable law, the mission of the College, and this and other applicable College policies.

II. DEFINITIONS

1. **College Users:** College Users are Users who are currently enrolled students, faculty, staff, and affiliated groups. Examples of affiliated groups may include, but are not limited to, student clubs, athletic teams, fraternities/sororities, academic societies, and alumni associations.
2. **Event:** Event shall refer to a single instance of a planned meeting, presentation, function, or other activity.
3. **Limited Use Areas**

   See Sections III.1 and III.4
4. **Non-Public Areas:** Campus Property that is neither a Public Use Area nor a Limited Use Area is a Non-Public Area. See Sections III.1 and III.5
5. **Non-College Users:** Non-College Users are any Users who are not identified as College Users.
6. **Public Use Areas:** See Sections III.1 and III.3
7. **Sponsor:** The Sponsor is the User responsible for the planning, organization, and facilitation of the use of Campus Property. In certain situations, both College Users and Non-College Users may simultaneously use Campus Property for the purposes of a hosted or joint event. The Sponsor is the User so identified on the application for permit and/or formal statement of permission granted by the Administrator.
8. **Users:** Users are individuals, groups or entities that use or seek to use Campus Property.

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III. POLICY

A. Campus Property Designation; Administrator; CPUC

i. Campus Property Designation

   a. The President shall designate a property administrator ("Administrator") and a Campus Property Use Committee ("CPUC"). The CPUC shall include representatives selected by the President from the faculty, staff, and student body (after consultation with the Faculty Senate, Staff Senate and Student Government Association, respectively), and from the Office of Academic Affairs, Office of Student Affairs, Office of College Advancement, Office of Facilities Management, and Campus Police Services Department. With due consideration to input from the CPUC, the Administrator shall classify all Campus Property under a uniform system of classification and designate for each such classification the use or uses which, in the Administrator's judgment consistent with this Policy, should be permitted therein. Public Use Areas must be selected with care to meet the requirements of Section III.3. A Public Use Area should be situated in an outdoor natural and traditional gathering place that affords a User an opportunity to see and hear and be seen and heard while permitting safety, security, efficient ingress and egress, and orderly operation. Any classification system adopted must recognize the right of the College to control Campus Property and afford priority to the use of such property for College activities. The Administrator shall classify all Campus Property under the following classification system:

1. Public Use Areas,
2. Limited Use Areas, or
3. Non-Public Areas.

b. The Administrator shall record the designations for all Campus Property upon a plot or map thereof and shall transmit such plot or map to the President, who shall then approve, amend or reject the designations. Thereafter, the Administrator with due consideration to input from the CPUC may, from time to time, propose amending or revising Campus Property classification designations and shall transmit to the President in writing proposed amendments or revisions to the designations. All such designations, and proposed amendments and revisions thereof, shall be in full force and effect from the time they are expressly approved by the President.

c. The Administrator shall assign to the appropriate administrative unit, department, or office the responsibility for the scheduling, management, and related activities for each designated Limited Use Area.

ii. Public Inspection of Property Designations

After approval by the President of the plots or maps required by this Policy, or of any written amendments or revisions thereof, the Administrator shall maintain a copy that shall be accessible on a College Webpage and shall also be available for public inspection and copying in the Administrator's office during normal business hours.

iii. CPUC

The CPUC will serve to facilitate effective communication between the Administrator and the College community. The CPUC will hold a minimum of one meeting per semester and may convene on an ad hoc basis as needed. The CPUC shall convey the compliments, concerns, and suggestions of the College community to the Administrator. Although the CPUC will not serve as a review board for individual cases, it will monitor the overall volume of complaints about the form and implementation of the Use of Campus Property Policy and provide guidance for suggested improvements.

B. General Restrictions

i. The Administrator, with due consideration to input from the CPUC, may establish reasonable rules and regulations for the use of Campus Property consistent with this Policy. Any such rules and regulations will be in a written document, which shall be maintained and made accessible on a College Webpage and shall also be made available for public inspection and copying in the Administrator's office during normal business hours. Such rules and regulations shall be based on a due regard for the purpose for which the Campus Property is owned, leased or controlled, or the purpose for which it is established; the safety of those using the property, of College students, faculty, staff, alumni, and of the general public; the prevention of unlawful conduct; the safety and maintenance of Campus Property; the need for and the availability of supervisory personnel; and the maximum number of people who can safely use the Campus Property at one time.

ii. Unless otherwise waived through written notice, the following rules shall apply for all uses and

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proposed uses of Campus Property, including speech, peaceable assembly or expression that might otherwise be constitutionally protected. For clarity, these rules shall be applied in accordance with the content and viewpoint neutrality provisions of Section III.6.d below. Any deviation from these rules without written authorization from the Administrator may result in the prohibition, cancellation, or termination of the use and may result in disciplinary action against College Users.

a. Documents, leaflets, brochures, and the like that are illegal (collectively, "Illegal Materials") may not be distributed. Illegal Materials include materials that are obscene or defamatory or that infringe copyright or advocate unlawful conduct.

b. Campus Property must be cleaned up and left in its original condition and may be subject to inspection by a representative of the College after use. Reasonable charges may be assessed against the College User or Non-College User for the costs of clean-up or for the repair of damaged property.

c. All fire, safety, health, sanitation and any other applicable special regulations are to be obeyed.

d. The use must not obstruct vehicular, bicycle, pedestrian or other traffic or otherwise interfere with ingress or egress to the College, or to College buildings or facilities, or to College activities or events.

e. The use must not create safety hazards or pose unreasonable safety or security risks to the User or others.

f. The use must not interfere with educational activities inside or outside any College building or otherwise prevent the College from fulfilling its mission and achieving its primary purpose of providing an education to its students.

g. The use must not unduly infringe on the rights of College students, employees or invitees. Moreover, Campus Police Services police officers shall be trained in Standard Operating Procedures [see III.6.b] to assist them in identifying undue infringement.

h. The use must be in accordance with any other applicable College policies and regulations, ordinances, policies, and laws of Ewing Township, Mercer County, the State of New Jersey, and the United States. Moreover, Campus Police Services police officers shall be trained in Standard Operating Procedures [see III.6.b] to assist them in identifying violations of such applicable policies, regulations, ordinances, and laws.

i. Any person violating this Policy is subject to an order from Campus Police to leave the College campus. Persons failing to comply with such an order to leave the College campus are subject to arrest for criminal trespass.

j. Fronting

    1. Fronting occurs when a College User reserves the use of Campus Property on behalf of a Non-College User without the expressed written understanding and permission of the Administrator. A Non-College User may not use Campus Property under the guise that such use is exclusively undertaken by a College User.

    2. Additionally, fronting occurs when a Non-College User is sponsored by a

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College User for the purpose of gaining advantages for the Non-College User that are typically afforded to College Users and not afforded to Non-College Users. Such advantages may include, but are not limited to, priority scheduling of Limited Use Areas, use of sound amplification devices in Public Use Areas, and waiver of fees.

3. College Users may only obtain permits for and/or reserve Campus Property for uses in which the College User is directly involved and which serve the legitimate mission and interest of the College User, consistent with the mission of the College and this Policy.
4. If a College User sponsors a Non-College User without the expressed understanding and permission of the Administrator, it will be assumed that fronting has occurred. The Administrator reserves the right to deny any permit application, cancel any Event, or otherwise prohibit the use of Campus Property if the Administrator has determined that fronting has occurred.

k. Periodic Limits
The Administrator may set limits on the number of times Campus Property may be reserved by a Non-College User per time period (*e.g.* year, semester, month, week).

C. Public Use Areas

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i. The College values freedom of speech and peaceable assembly as fundamental rights guaranteed by the U.S. Constitution and as the best means for arriving at truth and mutual understanding. In furtherance of these values, certain portions of Campus Property shall be designated as Public Use Areas to be made available to College Users and Non-College Users as a designated public forum for purposes of constitutionally protected speech, peaceable assembly, and petitioning activities. The availability of Public Use Areas may be subject to restrictions necessary to protect the safety and security of individuals and property and to avoid any interference with the orderly operation and scheduled activities of the College. The use of these areas shall be governed by the following procedures, according to the classification of a given User:

a. Users

1. **College Users**

College Users, as a part of the College community, are afforded the opportunity to utilize Public Use Areas for purposes of constitutionally protected free speech, peaceable assembly or expression without obtaining formal permission from the College. For purposes of safety and security, however, a College User utilizing a Public Use Area must provide identification when requested to do so by a College official.

2. **Non-College Users**

Non-College Users who comply with the requirements of this Policy (including, without limitation, the restrictions on time and manner and any rules and regulations adopted by the Administrator) may utilize Public Use

Areas for purposes of constitutionally protected speech, peaceable assembly, or expression. Non-College Users utilizing a Public Use Area must provide identification when requested to do so by a College official. Failure to comply with such a request shall constitute a violation of this Policy, and the Non-College User may be **subject to an order from Campus Police to leave the College campus. A Non-College User who fails to comply with such an order to leave the College campus may be subject to arrest for criminal trespass.**

b. Time Restrictions

Use of each designated Public Use Area is subject to time restrictions (i.e., duration and acceptable hours) established by the Administrator in the Administrator's reasonable discretion for the orderly conduct of the operation of the College and set forth in a written document (the "Public Use Area Time Restrictions"), which shall be maintained and made available for public inspection and copying in the Administrator's office during normal business hours.

c. Manner Restrictions

1. **Noise Levels**

Noise levels must comply with ordinances in both Ewing Township Code § 240-1 *et seq.* and N.J.A.C. Title 7, Chapter 29. With due consideration to input from the CPUC, the Administrator may establish further reasonable noise-related restrictions in a written document (the "Public Use Area Noise Restrictions"), which shall be maintained and made available for public inspection and copying in the Administrator's office during normal business hours. In no event will noise be permitted at a level that disrupts or disturbs the normal use of classrooms, offices or laboratories or any previously scheduled College event or activity or the orderly conduct of the operation of the College.

2. **Sound Amplification**

Sound amplification devices may not be used by Non-College Users. College Users may use amplification devices only with written permission from the Administrator.

3. **Dissemination of Written Materials**

Users may distribute without registration or advance approval, written materials that are not Illegal Materials on the condition that such materials are designed for informational and not for commercial purposes and that promptly upon exiting the Public Use Area, the Users remove any discarded or excess materials from Campus Property. Written materials may include, but are not limited to flyers, handbills, brochures, and pamphlets.

4. **Limited Use Areas**

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A number of Campus Property areas have College-prescribed purposes and may be used from time to time by both College and (subject to additional requirements and restrictions) Non-College Users. That is, a venue (*e.g.* Mayo Concert Hall) is often utilized by College Users for academic and College uses; however, Non-College Users who comply with the requirements of this Policy may be afforded the use of these areas pursuant to the priorities below and the procedures described in this Policy.

Use of any Limited Use Area by a Non-College User and certain Administrator-designated Limited Use Areas by a College User must be scheduled with the Administrator or a designee prior to such use. The Administrator shall establish and make available appropriate procedures for the scheduling of Limited Use Areas consistent with this Policy.

a. Priority

Absent any changes or exemptions set forth in writing by the Administrator, the scheduling of Limited Use Areas shall follow certain priorities when a specific Limited Use Area is requested by more than one User for the same time and a scheduling conflict arises. The following order of scheduling priority will be used in order to resolve this conflict:

1. The College's own uses of Campus Property (e.g. assigned classroom use for academic course instruction) shall have priority over other uses. For the limited purpose of determining priority under this section, the use of Campus Property which the College is obligated to provide pursuant to a contract[1] can be considered the College's own use of Campus Property.
2. College Users shall have priority over Non-College Users.
3. College Users who are officially sanctioned or funded by the College shall have priority over College Users who are not officially sanctioned or funded by the College.
4. Earlier requests shall receive priority over later requests.

Notwithstanding the foregoing scheduling priority criteria, the Administrator may, after considering the scheduling priority criteria as well as the expressed needs and desires of the requesting Users and the suitability of the requested Limited Use Area and other available Limited Use Areas, resolve conflicts by assigning a User the requested Limited Use Area at a date or

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time other than that requested or by assigning a Limited Use Area other than that requested.

b. Time Restrictions

Use of each designated Limited Use Area is subject to time restrictions (i.e., duration and acceptable hours) established by the Administrator in the Administrator's reasonable discretion for the orderly conduct of the operation of the College and set forth in a written document (the "Limited Use Area Time Restrictions"), which shall be maintained and made available for public inspection and copying in the Administrator's office during normal business hours. The Administrator may impose additional time restrictions on a specific Event.

c. Manner Restrictions

1. Noise

Noise levels must comply with ordinances in both Ewing Township Code § 240-1 *et seq.* and N.J.A.C. Title 7, Chapter 29. With due consideration to input from the CPUC, the Administrator may establish further reasonable noise-related restrictions in a written document (the "Noise Restrictions"), which shall be maintained and made available for public inspection and copying in the Administrator's office during normal business hours. In no event will noise be permitted at a level that disrupts or disturbs the normal use of classrooms, offices or laboratories or any previously scheduled College event or activity or the orderly conduct of the operation of the College.

2. Sound Amplification

The Administrator may establish rules for the use of sound amplification devices in the separate Limited Use Areas, which shall be maintained and made available for public inspection and copying in the Administrator's office during normal business hours.

3. Dissemination of Written Material

Users may distribute, without registration or advance approval, written materials that are not illegal (illegal materials would include materials that are obscene or defamatory or that infringe copyright) on the condition that such materials are designed for informational and not for commercial purposes and that promptly upon exiting the Public Use Area the Users remove any

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discarded or excess materials from Campus Property. Written materials may include, but are not limited to flyers, handbills, brochures, and pamphlets.

d. Permit Requirements; Applications; Processing of Applications

The Administrator shall identify areas for which permits are required for the use of Campus Property and the activities for which a permit shall be required. The Administrator shall determine whether equipment, license, rental, service, use or other fees shall be required for applications and use; and may require insurance, indemnification agreements, and security deposits as a condition for approval of applications. The Administrator shall promulgate written permit application forms, and establish reasonable rules for processing permit applications. The Administrator may by rule accord priority for Public Use or Limited Use Areas where permits are not otherwise required to persons who have submitted a permit application and received approval for use.

No Event for which a permit is required shall take place without a fully executed, written agreement signed by the User that establishes the time, place, purpose, and all other necessary items pertaining to the Event and has been approved by the Administrator.

The Administrator may, if conditions warrant, waive or reduce time requirements for the submission or processing of applications in order to consider approval for or facilitate the expeditious review of a denial of use.

e. Grounds for Denial of Application or Revocation of Permit for Use of Property

Notice of denial of an application for permit shall clearly set forth in writing the grounds upon which the permit was denied and, where feasible, shall contain a proposal by the College for measures by which the applicant may cure any defects in the application for permit or otherwise procure a permit. Any denial of an application for permit shall be made without consideration of the content or viewpoint of the applicant's constitutionally protected speech, peaceable assembly or expression. An application for permit may be denied and an issued permit may be revoked on any of the following grounds:

1. the application for permit is not fully completed and executed;
2. the applicant has not, in a timely way, tendered an application fee, user fee, indemnification agreement,

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security deposit, or satisfied any other condition reasonably required by the Administrator;

3. the application for permit contains a material falsehood or misrepresentation;
4. the applicant is legally incompetent to contract (e.g., under eighteen (18) years of age, provided that such age restriction shall not apply to College students);
5. the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged Campus Property and has not paid in full for such damage, or has other outstanding and unpaid debts to the College;
6. an application for the same time and place has been received, and in accordance with the priority established in this Policy a permit has been or will be granted to that other applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular property or part thereof, in which case the College may propose an alternate place, if available for the same time, or an alternate time, if available for the same place;
7. the use or activity intended by the applicant would conflict with planned programs organized and conducted by the College and scheduled for the same time and/or place;
8. the proposed use or activity is prohibited by or inconsistent with the classifications and uses of Campus Property or part thereof designated pursuant to Section III.1.a;
9. the use or activity intended by the applicant would present an unreasonable risk to the health or safety of the applicant, College students or employees or other Users;
10. the use or activity is not appropriate for the requested location of the Campus Property based on considerations such as size, time, and the intended purpose of that location;
11. the use or activity presents an unreasonable risk of substantial damage to the Campus Property;
12. the use or activity intended is prohibited by applicable rules or laws;
13. the applicant has not secured the requisite insurance; the User or Sponsor has on prior occasions made

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material misrepresentations regarding the nature or scope of the Event or activity previously permitted or has violated the terms of prior permits issued to the applicant;

14. the proposed use or activity would interfere with pedestrian and/or vehicular traffic; the proposed use would unduly infringe on the rights of College students, employees or invitees; or
15. the proposed use would not be in accordance with applicable College policies and regulations, ordinances, policies and laws of Ewing Township, Mercer County, the State of New Jersey and the United States.

f. Procedures for Review of Denial or Revocation of Permit or Assessment of Damages

1. Review by Administrator or designee

i. Any applicant who is denied a permit or whose permit is revoked or any permittee who is assessed damages pursuant to this Policy may, within five business days of the service of notice of such determination, file a written appeal of such determination with the Administrator, or in the case of appeals from a determination by the Administrator, with the person designated by the President to hear such appeals (the "Appellate Official").

ii. The Appellate Official shall have five business days from the date on which the appeal was filed in which to notify the applicant that he/she has affirmed, modified or reversed the applicable denial, revocation or assessment.

iii. Such notice shall be deemed served upon the applicant or permittee when it is personally delivered or when it is sent by e-mail or United States mail (with proper postage prepaid) or nationally recognized overnight courier service to the name and address set forth on the application for permit.

2. Form of Appeals

Any appeals filed pursuant to this Policy shall state

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succinctly the grounds upon which it is asserted that the denial, revocation or assessment should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the property supervisor and/or the Administrator, and any other papers material to the determination.

g. Waiver of Requirements

1. Waiver of Permit Requirement or Limitations

Any requirements for or limitation upon a permit or the requirement of a permit may be waived by the President or other designated College officer for Campus Property under the jurisdiction of the officer granting the waiver. Requirements for or limitations on a permit may only be waived in cases where the applicant or the sponsor is a College organizational unit, a recognized employee or student organization, the United States of America, the State of New Jersey, The College of New Jersey Foundation, The College of New Jersey Alumni Association, Trenton State College Corporation, New Jersey Educational Facilities Authority, Mercer County, Ewing Township, or other local governmental unit.

2. Criteria for Waiver

Any consideration of a waiver under this section shall be made in the best interests of the College and without regard to the content or viewpoint of the User (including the applicant or Sponsor).

h. The College may charge reasonable deposits and/or fees to the Sponsor and/or User for the utilization of a Limited Use Area. Fees may include, but are not limited to, administrative fees, damage fees, rental fees, and support service fees.

i. The College of New Jersey takes pride in being a place where different points of view can be expressed and heard. In an Event held in a Limited Use Area in which a member of the College community or an invited speaker or performer (the "Event Presenter") is addressing or performing for an assembled audience, attendees must not unduly interfere with the Event or communication between the Event Presenter and members of the audience. Those seeking to protest such an Event or Event Presenter must do so in a way that respects free speech and allows the Event Presenter to be heard and observed. This prohibition against undue interference does not include all

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expressions of protest, such as quietly leaving the Event in an orderly manner or displaying signs (without sticks or poles), provided such activities are consistent with the continuation of the Event and the oral and visual communication of its content to the audience.

5. **Non-Public Areas**

   Certain parts of Campus Property are prescribed specific uses which support the College's mission as an institution of higher education and therefore are necessarily unavailable to Non-College Users. These Non-Public Areas include, but are not limited to, all administrative offices, maintenance facilities, residences, and other areas intended primarily to support ongoing College operations.

6. **Miscellaneous**

   a. Academic Freedom

      The College, as an institution of higher education, has recognized the principle of academic freedom for College faculty members in connection with their College teaching and research. Nothing in this Policy is intended to limit or circumscribe in any way the rights of academic freedom otherwise accorded to the College's faculty.

   b. Campus Police

      The Campus Police Services Department shall, after consultation with the Administrator and CPUC, develop Standard Operating Procedures for its police officers and security officers charged with enforcement of this Policy. The Campus Police Services Department shall provide to those officers training on this Policy and the Standard Operating Procedures.

   c. Severability

      If any provision of this Policy or the application thereof to any person or circumstance is held invalid, the remainder of this Policy and the application of such provision to other persons or circumstances shall not be affected thereby. The College reserves the power to amend or repeal this Policy at any time; and all rights, privileges and immunities conferred by this Policy or by acts done pursuant hereto shall exist subject to such power.

   d. Content and Viewpoint Neutrality

      All decisions made, requirements established, or other action taken by the Administrator or other designated College officer in the application of this Policy shall be made without

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consideration of the content or viewpoint of the Sponsor or User's constitutionally protected speech, peaceable assembly or expression. No such decision, requirement or action should be interpreted as an endorsement or rejection by the College of such positions or the holders of such positions. No User shall claim or misleadingly imply such an endorsement by the College.

e. Designees

Whenever an action may be or is required to be taken under this policy by the Administrator or President, the action may be taken respectively by the Administrator's designee or President's designee.

IV. Related Documents:

- Rules and Regulations for the use of Campus Property
- Use of Campus Property Map
- Application Form

History:

Version	Date	Notes
1.2	August 11, 2020	Revisions Approved by Board of Trustees Resolution
1.1	April 12, 2018	Edited
1.0	April 17, 2012	New policy; Initial release; Board of Trustees Policy

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[1] The contractual obligation could arise by a lease, license or other form of contract between the College and a User. For example, someone might enter into a license agreement with the College for the use of a College tennis court for a specific date and time period. A use of this type (that was already approved in the form of the signed license agreement) would receive scheduling priority over use that had not yet been approved. Such a license agreement would normally be approved by the Athletics Department or Conference and Event Services Department or successor department in consultation with the Administrator or designee only if the Campus Property (the tennis court in this example) had not already been scheduled.

Approval Signatures

Step Description	Approver	Date

Compliance Officer Review	Aminah Massenburg: Dir, Compliance & Priv Officer	1/16/2024
Cabinet Member	John Donohue: Vice President of Advancement and President of TSC	1/16/2024

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