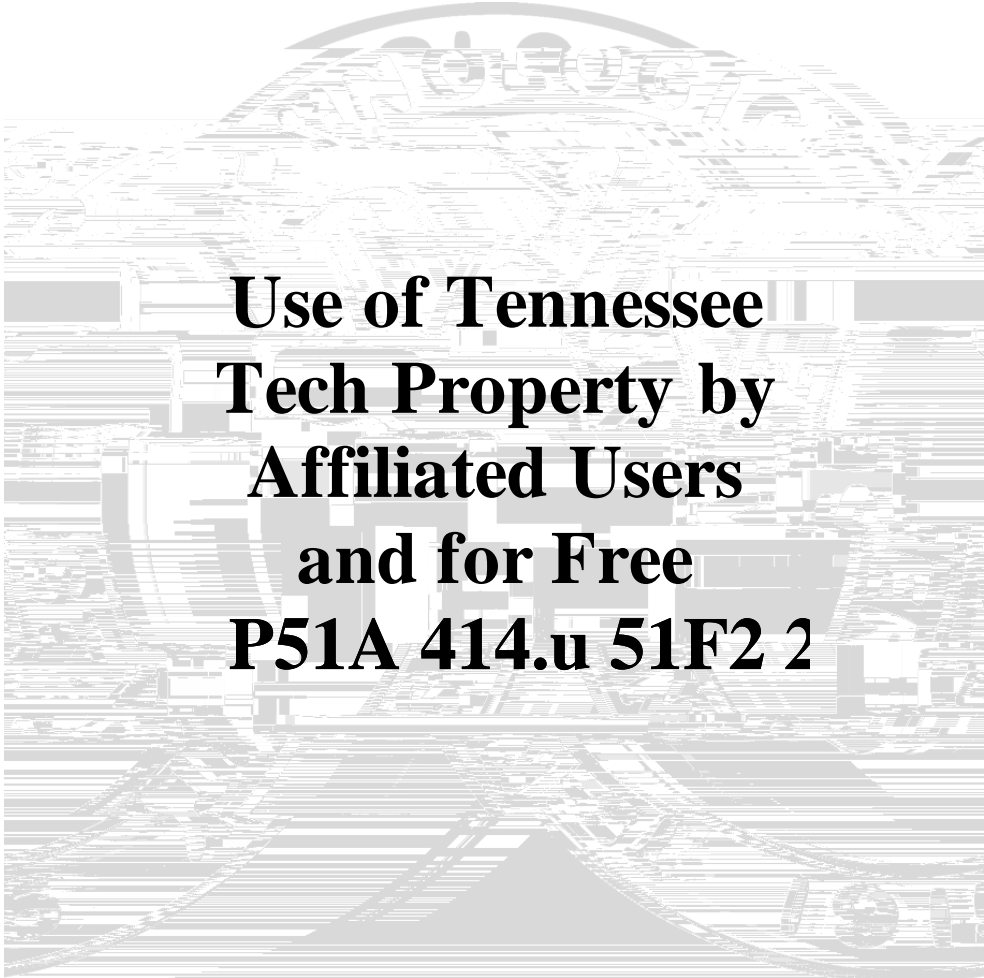


Tennessee Technological University
Policy No. 121



**Use of Tennessee
Tech Property by
Affiliated Users
and for Free
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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 - [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 T 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 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. the use of Tennessee Tech Property by an Affiliated User for a
- B. 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. - 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. - 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 distribution of any product or service.

E. - the use of Tennessee Tech Property for activities other than Affiliated Use.

F. - any person, group, or organization that is not an

G. - activities that fall within the scope of a Tennessee Tech

L. all facilities and property owned, leased, or controlled by Tennessee Tech.

M. 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 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.

F. Spaces designated for Free Speech Activities by Non-affiliated Users and the 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 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;

- 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 Tech Property;
 - f. User intends to erect any structure, platform, edifice, or similar construct; or
 - g. User intends to use sound amplification.
4. Use of Tennessee Tech equipment in connection with the use of Tennessee Tech Property is subject to the prior approval of the Tennessee Tech Official in charge of approving the Application for Use.
 5. All signs, displays, structures, etc. must be stable and safe for their intended use.
 6. Affiliated Users may obtain permission for the repeated use of a particular Tennessee Tech Property without requiring repeated application and approval for each occurrence of the activity or event if the meetings are limited to Affiliated Users.

C. Specific Provisions Related to Free Speech Activities of Non-Affiliated Users

1. Non-
than Free Speech Activities is governed by TTU Policy 122 (Rental of Tennessee Tech Property).
2. Non-affiliated Users must submit an Application for Use for Free Speech Activities and receive approval from the Dean of Students and the Vice President for Student Affairs prior to any Free Speech Activities.

3. Non-affiliated Users may not use Tennessee Tech equipment during the Free Speech Activities.
4. Provided the specific Tennessee Tech Property is available for use by Non-affiliated Users for Free Speech Activities, a Non-affiliated User may reserve Tennessee Tech Property for Free Speech Activities two (2) times per month, for a period not to exceed sixteen (16) hours monthly. Tennessee Tech may, in its sole discretion, waive this limit.
5. Children under the age of 18 are not permitted to participate in the Free Speech Activities unless accompanied and supervised by an adult.
6. A Non-affiliated User shall not:
 - a. build or erect any structure, platform, edifice, or similar construct;
 - b. place any signs, banners, posters, or other displays on or against, attach them to, or write on any structure or natural feature of 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-
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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.

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. 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, and by User, invitees, guests, or by

- 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.**

XI. Commercial Use of Tennessee Tech Property Use

XIV. Compliance with Contractual Obligations

User must comply with applicable Tennessee Tech contractual obligations, including 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 discretion, the requested exception is in furtherance of

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