

**SOUTHWEST TENNESSE COMMUNITY COLLEGE****SUBJECT: Use of Campus Property and Facilities****EFFECTIVE DATE: July 1, 2000 / Revised: December 1, 2005; June 12, 2012****I. Purpose**

Southwest Tennessee Community College (Southwest or College) regulates the use of campus property and facilities in order to be consistent with the College mission and educational purpose through the implementation of reasonable, content/viewpoint neutral regulations. This policy, and all campus policies developed in compliance with the policy, shall be implemented and construed so as to ensure no undue disruption of that mission, promote an educational rather than commercial atmosphere on campus; prevent commercial exploitation of students; and prevent use of campus property and facilities contrary to federal, state or local law, regulations, or the rules and policies of the Tennessee Board of Regents (TBR), the institutions, and schools.

In establishing this policy, and the related College policies, Southwest recognizes the importance to the educational process and environment for persons affiliated with the College including officially recognized student organizations and other groups to have reasonable access to, and use of, the educational facilities on campus, to hear various views. Simultaneously, Southwest also makes clear that its facilities are not open public forums, but are instead intended solely for use consistent with the advancement and orderly administration of its educational mission for the benefit of its students, staff, and affiliated entities. As such, Southwest does not ordinarily make its building or other facilities available to outside individuals or outside groups. Exceptions may be made only if the proposed use is consistent with this policy and institutional policy and mission.

Priority for the use of college facilities is in the following order: 1) credit and non-credit classes and programs, 2) college-sponsored activities, and 3) all other requests for usage.

**Source of Policy: VP for F and A Serv****Related Policy: N/A****Responsible VP for Financial and  
Administrator: Administrative Services****TBR Policy Reference: 1:03:02:50****TBR Guideline Reference: N/A**

## **II. Definitions**

For the purposes of these regulations, the following definitions shall apply:

- A. Student – a person who is registered for credit course(s) or non-credit course(s) or program at Southwest Tennessee Community College, including any such person during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period.
- B. Affiliated Group or Organization – an officially registered student, student group or student organization.
- C. Non-Affiliated Group or Organization – any group or organization which is not an “affiliated group or organization.”
- D. Affiliated Individuals – persons officially connected with the College, including students, faculty and staff.
- E. Non-Affiliated Individuals – any person who is not an “affiliated individual.”

## **III. General Conditions for Access to Campus and Use of Property or Facilities**

- A. Access to and use of campuses, facilities, and property of Southwest Tennessee Community College is restricted to the institution, institutional administration for official functions, affiliated individuals/entities, and invited or sponsored guests of the College, except as specifically provided by this policy, or when part or all of a campus, its buildings or facilities are open to the general public for a designated time and purpose. Highest priority shall always be given to administrative and educational uses. Affiliated groups, organizations and individuals will be given priority in the use of property and facilities.
- B. All persons on the campus of Southwest Tennessee Community College, including faculty, staff, and guests, shall be subject to all rules and regulations of the College which are applicable to the conduct of students on campus, and to all applicable federal and state laws and regulations. In addition, all persons who operate motor vehicles on the campuses of Southwest Tennessee Community College agree by such operation to be subject to College and Board rules, regulations, policies, and procedures on traffic and parking.
- C. All persons on the campuses of Southwest Tennessee Community College in conjunction with an approved application for use/access shall provide adequate identification upon request to appropriate officials and security personnel. Personnel and students who refuse to provide such identification may be subject to disciplinary action. Other persons who refuse to provide such identification

shall be requested to leave the campus, and if they refuse, may be subject to lawful removal and prosecution.

- D. Use of campus property and facilities, pursuant to prior approval as hereinafter required for meetings or other activities, is subject to limitations on the number of persons who may attend in accordance with appropriate building and fire codes and safety standards applicable to the particular facility and/or property at issue.
- E. Compliance with regulations, policies and rules for the conduct of assemblies, meetings and demonstrations is a condition for use/access to campus facilities and/or property for both affiliated entities/individuals and non-affiliated entities/individuals.
- F. College equipment may be used in connection with the use of campus property and facilities only with the prior approval of the Vice President for Financial and Administrative Services or, in case of a student organization, the Vice President for Student Services and Enrollment Management. The official will take into account the College mission and the nature of the facility or property requested, location, and time of day. College equipment, including sound amplification equipment, is not permitted to be used in the unassigned areas, unless the event is college-sponsored.
- G. Individuals and/or entities using college facilities pursuant to this policy agree to indemnify the College, and the College may require:
  - (a) Adequate bond or other security for damage to the property or facilities;
  - (b) Personal injury and property damage insurance coverage;
  - (c) A performance bond or insurance guaranteeing or insuring performance of its obligations under the contract; and/or
  - (d) Other types of insurance in such amounts as are designated by the College.
- H. The College reserves the right to identify specific facilities, uses, or events for which bond, security, and/or liability insurance will be required. In setting its policy, the College may consider the nature and uses of particular facilities and/or locations on campus and the anticipated event size or attendance for any use of campus facilities and/or property. Proof of compliance with this provision may be required in advance of an event. This provision shall be applied and enforced in a content/viewpoint neutral manner.
- I. All groups, organizations and individuals, making applicant for registration of an activity and by subsequent use after approval by the College, agree to indemnify the College and hold it harmless from any and all liabilities arising out of such use by a group, organization, individual of the property and/or facilities, including, but not limited to, personal injury, property damage, court costs and attorney fees.

- J. Affiliated groups, organizations and individuals may be assessed the cost of providing maintenance and/or security required as a result of their use of campus property or facilities. All costs and fees shall be assessed to all similar uses on a content/viewpoint neutral basis.
- K. Applications for the use of campus property and facilities during the week of registration or the week of finals for fall, spring and summer terms will not be accepted. In addition, access to, or use of, campus facilities and/or property shall not be permitted overnight unless specifically requested and approved. Such use shall be limited to the specific time and location set forth in the notice of approval/registration document.

#### **IV. Access to Campus and Use of Property/Facilities**

##### **A. Use of Facilities by Affiliated Entities and Individuals**

I. Groups affiliated with Southwest must submit application through EventU or a Facility Request form (<http://www.southwest.tn.edu/facilities/edit-facility-request.pdf>) at least five (5) business days (excluding weekends and holidays) prior to the event or activity. Where an application for an event involving an outside speaker involves payment of a total fee and/or expenses in excess of \$2,500.00 from institutional funds, the request must be submitted at least twenty (20) working days prior to the date of the proposed speaking engagement. The Vice President for Financial and Administrative Services, or his/her designee, may approve requests to use facilities filed less than five (5) business days, twenty (20) days in the case of a speaker paid from institutional funds, before the event if it is determined that the use of the property requested can be accommodated reasonably and that adequate cause exists for late filing of the Facility Request Form. Approval of late requests shall be within the sole discretion of the Vice President or designee and that decision shall be final. Application for the use of campus property and facilities by affiliated groups, organizations and individuals will not be accepted more than twelve (12) months in advance. Any request for an event exceeding seven (7) days duration will require the specific approval of the Vice President for Financial and Administrative Services. If the request is submitted fourteen (14) days or more, the application should be delivered to Physical Plant. If the request is submitted less than fourteen (14) days from the event or activity, the application should be submitted to the Vice President of Financial and Administrative Services.

2. Affiliated entities should contact Physical Plant for a schedule of the available campus facilities.

- a. Written permission may be in the form of an email message. Written disapproval of a request will include a statement regarding the basis for disapproval. Written approval or disapproval of a request will be provided

to the applicant within a reasonable time, usually within five (5) business days or a reasonable time. Notices of approval/disapproval will be made available at the Physical Plant office. It shall be the responsibility of the applicant to obtain notice of the approval or denial of any application submitted pursuant to this policy. Denial of a request to access/use campus facilities and/or property shall be based solely on factors related to reasonable regulations in light of the institution's mission and the nature of the facility or property requested and rendered in a content/viewpoint neutral manner.

- b. Use of facilities is limited to one time only events, short term, intermittent, and/or repeat use of campus facilities where access/use of facilities/property are permitted without an associated rental/lease of fee. Such uses shall be limited to circumstances where the College does not actually, or effectively, cede occupancy or control of any College property. The Vice President of Financial and Administrative Services or designee, may, at his/her discretion, give permission to affiliated entities in cases where the meetings are limited to members of the organization, for the repeated use of facilities. Approval for repeated or intermittent use of any facility or property pursuant to this policy may not exceed four (4) months in length and may only be renewed or repeated after review to determine that such use does not conflict with an institutional need or another request for access/use of the facility/space by another eligible person/entity.
- c. Faculty may invite uncompensated, unaffiliated guest speakers for regular class sessions and/or meetings without prior application or approval where attendance at the class session or meeting will be limited to members of the class and where no fee or compensation from state funds will be paid to the speaker.
- d. The affiliated individual(s) or affiliated entity or entities sponsoring a guest speaker or event will be responsible for the conduct of both the speaker and the non-affiliated guests at the event as well as compliance with all laws, TBR and Southwest rules and/or policies while present on campus or using campus facilities or property.

#### **B. Use of Facilities by Non-Affiliated Entities and Individuals**

1. All non-affiliated entities must contact the Physical Plant office or submit a Facility Request form (<http://www.southwest.tn.edu/facilities/edit-facility-request.pdf>). A list of available facilities and the related charges can be found at <http://www.southwest.tn.edu/facilities/>. All applications must be filed with the Physical Plant office.
2. All application forms must be submitted to the appropriate office at least five (5) business days prior to the day of the event or activity. Applications for the use of campus property and facilities by non-affiliated

- groups, organizations or individuals will not be accepted for activities scheduled more than three (3) months in advance.
3. Only public service groups, government agencies, and community oriented non-profit organizations will be considered for facility fee rental waiver or reduction. The following types of non-affiliated entities will be considered:
    - a. Statewide, regional or local meetings of the Tennessee educational organizations;
    - b. Statewide, regional or local programs sponsored by a person or group with a specific public service function and/or is not for profit (i.e., a non-profit organization);
    - c. Statewide, regional or educational programs of other groups or associations of an in-service or educational nature; and
    - d. Non-regularly scheduled meetings, banquets, and programs sponsored by groups and/or organizations that routinely contribute financially or in-kind to the advancement of the college.
    - e. Any alumni association of Southwest.
  4. In utilizing campus property or facilities, non-affiliated groups, organizations and individuals shall provide:
    - a. adequate bond or other security for damage to the property or facilities during the period of the use;
    - b. personal injury and property damage insurance coverage.
    - c. a performance bond or insurance guaranteeing or insuring performance of its obligations under the contract; and,
    - d. other types of insurance in such amounts as are designated by the institution or school.
  5. All public service groups, government agencies, and community oriented non-profit organizations are subject to user fees related to overhead, depreciation, maintenance, equipment, and security expenses.
  6. All costs will be calculated based on internal guidelines at the time the request is submitted.
  7. There will be no charges for College-related activities or activities that are being hosted or sponsored by the college.
  8. Meeting the needs of internal constituencies will take priority over external requests.
  9. The President must approve any exceptions to this policy. The decision of the President will be final.

## **V. Denial of the Use of Facilities**

Denial of a request to access/use campus facilities and/or property shall be based solely on factors related to reasonable regulations in light of the institution's mission and the nature of the facility or property requested and rendered in a content/viewpoint neutral manner. Southwest may deny affiliated entities or affiliated individuals or non-affiliated

entities or non-affiliated individuals the use of college facilities, including unassigned areas. Such reasons may include, but are not limited to, the following:

1. A determination by the Vice President for Financial and Administrative Services is made that the requested use would cause substantial disruption or interference with the normal activities conducted in the course of its educational mission, processes and functions.
2. A determination is made that the requested use would be contrary to federal, state, or local law or regulation, or policies or regulations of the Board of Regents or the College.
3. The applicant or sponsor of the activity has not fully provided accurate or complete information required on the application for registration.
4. The applicant or sponsor of the activity has been responsible for violation of this policy during a previously registered use of campus property or facilities, or has violated any conditions or assurances specified in a previous registration application and the College has reasonable cause to believe such violation will reoccur.
5. Approval for use of the property or facilities has previously been given to another group, organization, or individual with higher priority for the time(s) and location(s) requested.
6. Use of the property or facilities requested would be impractical due to set up time and/or take-down time required for other previously scheduled activities at the requested location immediately before and/or after the requested use, or due to other extenuating circumstances.
7. The activity is of such nature or duration that it cannot reasonably be accommodated in the particular area for which application is made, provided that in such event, an alternative on-campus site, if available for the activity, shall be proposed by the College.
8. The activity creates or would create a danger or dangerous condition impacting on the health, safety and welfare of others.
9. Such use conflicts or would conflict with existing contractual obligations.
10. Frequency of previous use during an academic period in comparison to that of a contemporaneous applicant.
11. The facility or property requested has not been designated as available for use for the date/time requested.
12. The activity presents a clear and present danger for physical harm, coercion, intimidation, or other invasion of lawful rights of the institution's officials, faculty members, or students, the damage or destruction, or seizure and subversion, of the institution's or school's buildings, other property, or for other campus disorder of a violent or destructive nature. In determining the existence of a clear and present danger, the responsible official may consider all relevant factors

Any group, organization or individual whose timely application for registration for use of property or facilities is denied for reasons cited in subparagraphs (1), (2), (4), (7), (8) or

(9) listed above shall have the right to appeal that denial to the Vice President for Financial and Administrative Services. Notice of appeal shall be made in writing during normal business hours no later than five (5) days (excluding weekends and holidays) prior to the time of the proposed event. The decision of the Vice President for Financial and Administrative Services shall be made within a reasonable time and is final.

## **VI. Unassigned Areas**

Any affiliated entity or affiliated individual or non-affiliated entity or individual wishing to assemble, demonstrate, distribute literature or engage in similar public activity on one of the Southwest campuses must complete a request form at least five (5) business days in advance of the desired date of the activity. The Vice President for Student Services and Enrollment Management, or designee, will review the requests that relate to or will take place on a Southwest campus. Approval or denial of the request will be in writing and may take the form of an email message. Disapproval of the request to use the unassigned areas will include a statement regarding the basis for the disapproval.

Upon written approval, the requesting individual or entity must adhere to the following guidelines in addition to the applicable conditions listed in this policy:

1. The activity must be held in the following unassigned areas, unless otherwise specified:
  - a. Union Campus – under flag near Southwest sign
  - b. Macon Cove Campus – space adjacent to Academic Recourse Center
  - c. Gill Center – grassy area between main building and gym
  - d. Maxine A. Smith Center – sidewalk near front handicap parking
  - e. Whitehaven Center – no unassigned area as not property of Southwest
2. Participants in the activity must remain in the unassigned area.
3. The activity may not take place in a classroom, library, or other academic building or facility.
4. The activity may not take place in an administrative area, employee office or work area.
5. The activity may not block the flow of pedestrian or vehicular traffic.
6. Participants may not make physical contact with others.
7. Participants must leave the area free of debris and litter.
8. Sound amplification is prohibited in the unassigned area unless used in conjunction with a College-sponsored event.
9. No Southwest equipment shall be used during the activity.
10. The activity must not interfere with scheduled College-sponsored activities.
11. All Southwest and TBR policies and procedures and local, state and federal laws must be obeyed.
12. Activities may not take place during final exam week or registration week in any semester.



13. Activities may not take place before 8:00 a.m. or after 6:00 p.m. Activities may not take place on Saturdays, Sundays or when the College is closed.
14. Activities are limited to a total of four per month for any individual or entity requesting usage. The College will consider additional requests for activities.
15. Children under the age of 18 are not permitted to participate in the activity without being accompanied by an adult.
16. Southwest is not responsible for equipment used by the participants in the activity.

## **VII. Literature Distribution or Sale**

- A. Any proposed distribution or sale of literature by an affiliated or non-affiliated group, organization or individual is subject to the specified registration requirements and procedures.
- B. Any literature which is, or which is proposed to be, distributed or sold shall comply with all applicable federal, state and local laws and regulations, and with the regulations and policies and the Tennessee Board of Regents. No obscene literature or material, as defined by law, shall be distributed on any property owned or used by the College.
- C. No literature, material or other printed matter shall be sold or distributed within: 1) classrooms, libraries or other academic buildings or facilities; or 2) administrative and employee offices and work areas. However, the College may permit such sale or distribution in designated locations within the lobbies or other general use areas of the above-noted buildings or other campus facilities designated for placement of literature for distribution or sale. Further, this shall not restrict a faculty member from distributing within the classroom non-commercial material related to the particular course or subject matter.
- D. In addition to those areas designated in subparagraph (3) above, the College prohibits the use of areas where such would: 1) cause injury or damage to campus resources; 2) unreasonably impair the academic atmosphere of the campus; 3) unreasonably interfere with the academic program and other activities, or with the administrative functions; or 4) substantially impair the use of facilities or services on the campus, or the flow of vehicular or pedestrian traffic.
- E. No person, whether distributor or recipient of literature, shall cause any litter to occur on the campus, and literature shall only be discarded in trash receptacles on campus.
- F. Persons engaged in the sale or distribution of printed matter shall not obstruct or impede pedestrians or vehicles, harass other persons with physical contact or persistent demands, misrepresent the purposes or affiliations of those engaged in the sale or distribution, or misrepresent whether the printed matter is available without cost or donation.

- G. Persons engaged in the sale or distribution of printed matter shall not obstruct or impede pedestrians or vehicles, harass other persons with physical contact or persistent demands, misrepresent the purposes or affiliations of those engaged in the sale or distribution, or misrepresent whether the printed matter is available without cost or donation.
- H. Southwest reserves the right to terminate the distribution or sale of literature by any group, organization or individual which violates the provisions of this policy.

### **VIII. Miscellaneous**

The Office of Physical Plant is responsible for receiving and processing applications and registrations pursuant to this policy and shall maintain a copy of the policy for inspection by groups, organizations and individuals interested in the use of campus property and/or facilities and shall provide a copy of such policy upon request and payment of a reasonable charge.