Reservation and Use of Space - Interim

Policy Type: Administrative
Responsible Office: Division of Student Affairs, Office of the Provost
Initial Policy Approved: 12/11/2017
Current Revision Approved: 12/11/2017

Policy Statement and Purpose

Virginia Commonwealth University recognizes that the free expression of ideas and open inquiry are essential in fulfilling its academic mission by embracing rigorous open discourse, argumentation, speaking, listening, learning and the exploration of ideas. The university is committed to creating an environment which fosters the exercise of protected speech on university property while maintaining an atmosphere free of disruption to the mission of the university. As such, the university has established requirements for use of its property to pursue its academic mission, provide a safe environment, and preserve the functional and aesthetic integrity of the campus. Expressive activity under this policy is not speech made by, on behalf of, or endorsed by VCU.

This policy applies to activity conducted on university property, which is any property owned, leased, or controlled by VCU. The restrictions are also designed to comply with the Code of Virginia sections 23.1-900.1 and 23.1-401 and are narrowly tailored to serve the university’s interest in maintaining the safe and effective educational and administrative operations of the university without regard to the viewpoint of any speech or expression. In accordance with VCU’s Space Use Regulation, 8 VAC 90-70-10 et seq., entry upon and use of university property must be in accord with VCU policy. Any person1 who violates these restrictions may be excluded from university property, subject to criminal penalties for trespass, or subject to university action under applicable policy, such as the Student Code of Conduct or employee conduct policies.

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1 For the purpose of this policy, the term “person” may include a group or organization based on the context.
Who Should Know This Policy

All university personnel, students, and other parties seeking to use university property are responsible for knowing this policy and familiarizing themselves with its contents and provisions.

Definitions

Solicitation
Selling or promoting products, goods or services; using staff and faculty listings for the purpose of selling/promoting goods and/or services; seeking contributions or pledges, including distributing printed materials; and conducting membership drives.

University Property
Buildings, grounds, and land owned or controlled by VCU. This includes property leased, rented, or otherwise contractually reserved for VCU operations, either permanently or on a temporary basis.

Contacts

The Office of the Vice Provost for Student Affairs officially interprets this policy.

The Office of the Assistant Vice President for Safety and Risk Management is responsible for obtaining approval for any revisions as required by the policy Creating and Maintaining Policies and Procedures through the appropriate governance structures.

Please direct policy questions to the Office of the Vice Provost for Student Affairs.
Policy Specifics and Procedures

I. Instructions for General Use of University Property

University property, including outdoor areas, is designated primarily for use by students, faculty, and staff to advance the educational mission of the university. Any such member of the university community may generally use campus space consistent with university policy.\(^2\)

The university may require any person to pay applicable rental or usage fees and comply with appropriate contractual obligations. In addition to complying with the restrictions set forth in this policy, persons desiring to use certain university spaces must comply with requirements established by the university office responsible for the specific space. Such requirements, including restrictions for reservation, scheduling, insurance, and use of such space, must be consistent with this policy and other reasonable time, place and manner restrictions and not based on the content or viewpoint of the expressive activity or the persons involved. If any such restriction conflicts with this policy, this policy governs.\(^3\)

A. General Prohibitions:

The university prohibits any person from interfering with university and authorized functions, activities, and events and from participating in unlawful conduct on university property. As such, no person may do any of the following on university property:

1. Obstruct or impede vehicular, bicycle, pedestrian, or other traffic;
2. Obstruct any entrance or exit to any building, assembly space, driveway, parking lot, vehicular path, stairway or walkway or impede entry to or exit from any such area;
3. Disrupt, disturb, or interfere with educational or administrative activities, events, or operations inside or outside any building;
4. Enter into any building or facility or occupy any university property without appropriate authorization;
5. Violate any applicable federal, state, or local law, rule, or ordinance;
6. Fail to comply with any reasonable instruction by university police or any university official acting in the performance of their duty;
7. Cause any threat to the health or safety of any passerby or member of the university community;
8. Obstruct, disrupt, or attempt by physical force to cancel or discontinue speech by any speaker or the observation of speech by any person intending to see or hear a speaker;
9. Damage university property, including structures, grass, shrubs, trees, or other landscaping;
10. Mark university property, including any vertical or horizontal surface, other than in accordance with university requirements;

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\(^2\) Members of the public, who are not affiliated with the university, may use university property for assembly or organized expressive activity only if sponsored by a member of the university community with authority under an applicable university reservation policy or with a reservation obtained through the process set forth in section II(B)(2) of this policy.

\(^3\) For example, any conflicting requirements in the university’s Rules and Procedures, which applies solely to faculty discipline, are superseded by the requirements of this policy.
11. Use amplified sound, including bullhorns, except as approved in advance under applicable policy and within sound limits that will not disrupt university operations; or
12. Organize or lead any event implicating one or more of the risk factors set forth [either below or at the relevant link] without prior review and written authorization by the Assistant Vice President for Safety and Risk Management or designee.

B. Unprotected Expression:

VCU prohibits expression that is not protected by law. The U.S. Constitution, its First Amendment, and the Code of Virginia do not protect certain expression, such as that expression described by the following legal terms: defamation, incitement to unlawful conduct, imminent threats of actual violence or harm, obscenity, fighting words, copyright or trademark violation, criminal or civil harassment, sexual harassment, trespass, and false advertising. Determining whether VCU can regulate any specific expression based on one of these categories requires careful analysis of applicable legal precedent as interpreted by relevant Virginia and federal courts.

II. Instructions for Specific Uses of University Property

A. Non-University Commercial Use:

Because university property is for the educational and administrative functions of the university, any commercial use of university space other than by the university must be authorized in writing by the vice president with oversight of the unit managing the space or an authorized designee. Commercial door-to-door activities and commercial solicitations are prohibited.

The university does not permit the solicitation, distribution or selling of products or services of any kind at any time on university property by university employees other than as a required job function, which includes selling or promoting products, goods or services; using staff and faculty listings for the purpose of selling/promoting goods and/or services; seeking contributions or pledges, including distributing printed materials; and conducting membership drives.

B. Events:

All event organizers must comply with this policy regardless of any expressive purpose of the event and whether the event is planned in advance. Advance notice and written authorization are required only for Major Events and Event Reservations, as described below. However, organizers of all events are encouraged to provide advance notice to VCU Police prior to commencement of an event or activity to promote the safety and security of all persons on campus. University officials will coordinate with the primary organizer or responsible person regarding appropriate logistical issues related to safety, time, and location.

To be useful, advance notification must include the day, time, estimated size of group and items associated with the event, and the location where the event is expected to begin and be carried out as well as the full

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4 Based on the U.S. Supreme Court’s decisions in *Cohen v. California* (1971) and *Chaplinsky v. New Hampshire* (1942), “fighting words” describes direct personal insults which by their very utterance inflict injury or tend to incite an immediate breach of the peace.
name and detailed contact information for the primary organizer and/or person responsible for the activity. University officials will consider factors such as the anticipated size, required accommodations, traffic, noise, time, relationship to nearby areas and activities, security needs, and other relevant facts and circumstances to determine to what extent (a) a suitable location exists and (b) special precautions or arrangements are necessary.

1. **Events Requiring Authorization (Major Events):**

All major events require advance notice and permission from the university because they may disrupt university functions or activities, destroy property, or present insurmountable or unreasonable logistical or security challenges. A major event is an event, other than an academic course, program, or curriculum approved by the Provost or designee, which involves any one of the following risk factors:

   a. Expected attendance over 150 persons;\(^5\)
   b. Setting with safety concerns (including time and location) based on assessment from the VCU Police;
   c. The event is a dance or concert, regardless of how many attendees;
   d. Presence of any object or substance requiring review by the Office of Environmental Health and Safety, including any animal, open flame, firework, pyrotechnic, or other flammable or hazardous item;
   e. Installation of any structure, such as a tent, scaffold, bounce house, or carnival-style ride;
   f. Alcohol served; or
   g. Outdoor amplified sound.

Procedures for providing advance notice and seeking appropriate authorization set forth by the Assistant Vice President for Safety and Risk Management are available in the Guidelines for Event Safety for Non-Instructional Use of Space.

2. **Event Reservations by members of the university community:**

Certain areas of campus may be reserved. Persons who desire to reserve campus facilities for any reason, including to conduct expressive activities, must submit their requests to the appropriate administrator with sufficient notice to allow for logistical support and to otherwise comply with the applicable facility requirements. Information regarding reservations is available at the following link: [http://scheduling.vcu.edu/services/](http://scheduling.vcu.edu/services/).

3. **Certain limited reservations available to members of the public:**

To facilitate the engagement of the university community in the marketplace of ideas, the university designates certain outdoor areas for use such as expressive activity by any person, including members of the general public who are not associated with the university, by reservation up to five days in advance of a planned event. Reservations will be granted on a space-available basis and denied only if sufficient space

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\(^5\) University public assembly spaces designed for a seated occupancy load of greater than 150 people would require one other item to be considered a major event. Due to the nature of their design and purpose, venues such as the Singleton Center, Grace Street Theater, and Depot are considered in this category.
is not available. This open reservation process applies only to an event that does not qualify as a major event, which requires authorization as described above. To prioritize access to members of the university community, however, university departments, registered student organizations, students, and staff may be able to reserve these areas under other applicable procedures prior to the five-day open reservation period described above.

In addition to the open reservation process above, a member of the university community may host or sponsor an event in cooperation with members of the public as invited guests. The sponsor or host may reserve university space for such sponsored or hosted events according to applicable reservation policy and may be held accountable under applicable university conduct policies for use under the reservation, including for any such use by an invited guest. In such cases, invited guests may use the reserved space consistent with restrictions applicable to the sponsor or host. The university may rescind the invitation of such a guest to use university space for failure to comply with such a restriction.

Unsponsored public speaking, distribution of literature, or other expressive activity by members of the public is prohibited on campus away from the open reservation areas.

4. Event Fees and Charges:

All persons are responsible for costs of damage, repair and clean up arising from their use of university facilities. Examples of such costs include the cost of providing tents, platforms, special fixtures and equipment, [other useful examples], or the assignment of maintenance or security personnel.

The university will determine any fee for security based on viewpoint-neutral standards used to assess risk, such as the number of expected attendees as determined by the university, the location of the event, the time of day, and presence of alcohol or special equipment. Consistent with lawful protection of expressive activity, VCU will not charge security-related fees based on the content of the expressive activity, the likelihood of disruption caused by others than event attendees, or the actions of those who may protest the expressive activity.

Forms

There are no forms associated with this policy and procedures.

Related Documents

1. VCU’s Space Use Regulation, 8 VAC 90-70-10 et seq. (https://law.lis.virginia.gov/admincodeexpand/title8/agency90/chapter70 and in VCU Policy Library)
Revision History

None – New Policy

FAQ

There are no FAQ associated with this policy and procedures.