# Use of University Space



**POLICY 913**

## I. Purpose

The University of North Carolina Asheville (UNC Asheville) strives to create the open exchange of ideas and places a high value on constitutionally protected freedom of speech, assembly, and petition. Therefore, UNC Asheville strives to make all practicable areas on campus open to use subject to reasonable time, place, and manner requirements that protect property; to ensure the proper functioning of the University for its primary educational, research, and service mission; and to allow activities directly furthering its mission to occur without disruption. The purpose of this policy is to articulate the University's requirements and expectations regarding the use of University space by University users, invited users, and public users. Use of University space, or invitation by University Users, does not necessarily mean that the University in any way endorses the viewpoint(s) of the space user.

## II. Scope

This policy applies to all University, invited, and Public Users who may teach, conduct business, visit, or participate in activities at the University and wish to use University space. As UNC Asheville's chief administrative officer, the chancellor possesses ultimate authority for administration of this policy, including all decisions about space use and the implementation of time, place, and manner restrictions.

# III. Definitions

A. As-Is Meeting is a planned and scheduled gathering that meets all of the following criteria:
• Attendees are University Users only;
• Anticipated attendance of 50 or fewer attendees; and
• Room setup is as-is, meaning it only requires turning lights on and unlocking the space.

B. Simple Event is a planned and scheduled gathering that meets all the following criteria:
• It is coordinated by a University User, or in collaboration with an Invited User for events involving an Invited User;
• Anticipated attendance of 50 or fewer attendees;
• The room setup is performed only by staff in the building where the event is taking place;
• It is supported only by one department;
• It is an isolated event, which is not connected to other events, or locations; and
• It is taking place indoors; and
• Registered Student Organization weekly meeting or tabling

C. Complex Event is a planned and scheduled gathering that meets any of the following criteria:
• Organized by any Public User, other than in a designated public forum;
• Anticipated attendance of 51 or more attendees;
• Occurs in any Premier Space;
• Requires setup beyond what is regularly in the space;
• Requires setup by a department other than the one hosting the event;
• Requires implementation of enhanced public safety protocols due to heightened security risks, as determined by UNC Asheville University Police;
• Is connected with other events, or locations;
• Is a covered program involving minors under the Protection of Minors on Campus

Policy; or
• Registered Student Organization event other than weekly meeting or tabling

Use of the University's designated public forums are exempted from the definition of complex events. These spaces may be used by any user with 24-hours advance notice, so long as the use aligns with all other requirements of this policy.

D. Designated Public Forums/ Locations for Public Users are:
• Reed Plaza, immediately outside Brown Hall and Highsmith Student Union; and
• The lawn areas on either side of the Ramsey Library steps, bounded by the concrete sidewalk.

E. Invitation or Invite means a relationship by which a Public User becomes an Invited User when they are invited by a University User to conduct activities in University space. In this case, the University User becomes the "host" and is substantially involved with the Public User's activities, at a minimum, in the following ways:
1. Serving as the point of contact with all relevant University departments regarding the activity and proposed space use;
2. Ensuring that the space is used for the intended purpose;
3. Attending and/or substantially participating in the event for the duration of the event or event series;
4. Otherwise identifying itself in an appropriate way as the University User host (e.g., including its name in advertisements, banners, signage, or announcements related to the activity);
5. Interface with University public safety and law enforcement as necessary during event planning and execution;
6. Assume responsibility for administrative costs associated with the event;
7. Complying with all UNC Asheville rules regarding free expression, including prohibitions against disruption and/or interference; and
8. Maintaining compliance with this and other applicable University policies and any applicable laws.
As UNC Asheville's chief administrative officer, the chancellor possesses ultimate authority regarding invitation decisions made on behalf of the university. The chancellor may delegate this authority.
Providing funding support or advocacy for an activity does not imply invitation by a University User. For co-hosted events, the performance of host responsibilities may be allocated to one or more University User co-hosts, when appropriate, based on the nature of the space use.

F. Invited User is any group or individual who receives an expressed written invitation from a University User to conduct an event or activity using the University's space (e.g., conferences, camps, invited speakers).

G. Premier Spaces are designated by University Events, and include:
- Blue Ridge Room and Lobby
- Sherrill Center
- Kimmel Arena
- Lipinsky Auditorium and Lobby
- Justice Center
- Student Recreation Center
- Mullen James Lecture Hall
- Outdoor Sports Complex (track, soccer, baseball, and tennis facilities)
- All other outdoor spaces, except the designated public forums list in Section VI.C

H. Public User is defined as any group or individual other than those identified as a "University User" or "Invited User."

I. University User is defined as:

- A student organization officially recognized and sanctioned by the University;
- A University division or department; or
- An entity established by or at the direction of the UNC Board of Governors, UNC President, UNC Asheville Board of Trustees, UNC Asheville Chancellor, or a UNC Asheville Vice Chancellor.

J. "Camping" is defined as any of the following:

1. The establishment of, or attempt to establish, temporary or permanent living quarters at any location on University Property other than residence halls, apartment, or other university managed housing;
2. Sleeping outdoors on University Property with or without bedding, tent, hammock, tarp, or similar device, protection, or equipment overnight (between sunset and sunrise);
3. Sleeping in, on top of, or under any parked vehicle on University Property;
4. Establishing or maintaining outdoors, or in or under any structure not designated for human occupancy, at any time during the day or night, a temporary or permanent place for University Property for cooking, storing of personal belongings, or sleeping by setting up any bedding, sleeping bag, mattress, tent, hammock, or other sleeping equipment, or by setting up any cooking equipment that has not been approved by the appropriate University health and/or safety officer.

# IV. Principles of Space Use

A. Compliance with Law. Any use of University space must not violate any federal or state law or regulation, or University policy, rules, or regulations, including those addressing non-discrimination.

B. Appropriate Use Criteria. Use of any University space must be appropriate for the size, design, and purpose of the space, and must not pose an undue burden on University activities, operations, or resources. Factors considered when determining whether a space use poses an undue burden include, but are not limited to:

1. Disruption (actual or potential) caused by the nature of the intended use;
2. The number of individuals participating or expected to participate;
3. The adequacy and suitability of available accommodations supporting the used space;
4. The impact of the space use on vehicular and pedestrian traffic;
5. Time of day/night of the use;
6. Duration of the use;
7. The potential health and safety risks posed to participants, observers, and others; and
8. The University resources necessary to support or host the use.

C. Space Prioritization. University Users performing official University activities in furtherance of the University's educational, service, or research mission shall have priority in the use of University space. Other uses by University Users shall have the next highest priority, followed in priority order by Invited Users and then by Public Users (in authorized locations). Space use must be compatible with or complementary to the University's educational, research, or service mission.

University space may be used under a "first-come, first-served" approach, subject to priority of space use as stated in Section VII. Groups may apply for a permit for the use of University space for exclusive use, and most University spaces require a permit to be used. A permitted use shall have priority over any unscheduled use, even when permitting for the space is not required. Once the Space Permit has been issued, the use will generally not be rescheduled or moved. However, the University reserves the right to move any group or individual to another space or reschedule that use to accommodate the needs of groups or activities assigned a higher use priority. In the event the University moves or reschedules the use for this reason, the University will attempt to provide a reasonably similar location or time for that activity and will provide notification and explanation of the reason for the change. The University will not move or reschedule a use based on the content or viewpoint of the user or based on reactions to the use.

In addition, the use of the space may be subject to reasonable time, place, or manner limits listed in this policy. The number of groups and individuals that may be scheduled for use of University space will be determined by the Vice Chancellor or Director with responsibility and accountability for the University space.

D. Interference with University Operations. Use of any University space, including assemblies and petitioning, may not materially interfere with, inhibit, or substantially disrupt University operations or activities. This includes, but is not limited to, interfering with or disrupting the classroom environment, University meetings, laboratory or research environments. Such actions include protests and demonstrations that materially infringe upon the rights of others to engage in and listen to expressive activity. When evaluating potential material interference, the University will consider the degree to which the disruptive activity impedes access to or from any scheduled institutional events or the degree to which the activity impedes an audience's ability to see and hear the expressive activity.

E. Facility Use Agreement. Public Users are required to have a written invitation from a University User to be considered invited by a University User. While Public Users may request an invitation, University Users are not required to invite Public Users. A fully executed Facility Use Agreement may be required for use of University spaces. The use of a Facility Use Agreement is required when a proposed space use involves one or more of the following:

1. Use by an Invited User;
2. Significant fees, costs, or obligation of University resources to support the use;
3. Expected attendance of 51 or more people;
4. Multiple University departments required to support the use;
5. Programs or activities involving minors;
6. Significant risk of property loss, damage, or injury;
7. Generating revenue or raising funds for the benefit of a Public or Invited User or other external party;
8. Requirement by the University for the space user to maintain appropriate levels of commercial or other insurance; or
9. When otherwise deemed appropriate by the Director of University Events.

F. Protection of Minors. If a space use is a covered program under the University's Policy on the Protection of Minors on Campus, the user host must ensure full compliance with the University's requirements for covered programs. This includes program registration and approval, background screenings, training, and adherence to all other policy requirements.

G. Costs and Fees. Users are responsible for the payment or reimbursement of any applicable fees or costs assessed as a result of the space use, unless waived by the University in writing. Fees or costs may be applied to cover, among other items, the use of a specific space; University facility operations assistance (e.g., labor, tables, chairs, tents, and technical/AV support); University-provided materials and supplies; breakage or cleaning requirements; and University police or private security required to support the space use. Fees may be assessed after the event if the Space User did not abide by the expectation communicated to the University in the Permit Application or the Facility Use Agreement.

H. Security Costs. Reasonable security costs, including but not limited to personnel costs, may be imposed based on the particular anticipated needs of the event to ensure the safety and security of all parties.
Security cost assessments are guided by content-neutral, narrowly drawn, reasonable, and definite standards, as detailed below. The University may only require security costs to be paid by the User when a proposed event presents a specific, substantial, and objectively identifiable risk to the health, safety, or operations of the User, Host, the University community, or the general public. In determining whether such costs shall be imposed, the University shall objectively consider, in consultation with the event host:

1. The number of anticipated participants;
2. Maximum occupancy requirements;
3. Whether the event is open to the entire University community or restricted to guests of the User;
4. The facility or outdoor space to be used for the event;
5. The time of day during which the event will occur;
6. Whether the proposed event involves activity that poses an inherent risk of personal injury or property damage;
7. Whether alcoholic beverages will be served; and
8. Presence of private security for the speaker.

In determining whether security costs shall be imposed, and the amount of any such costs, the University may not consider the content or viewpoint of the speech expressed or intended to be expressed by the User, speakers, guests, or attendees. Costs associated with or incurred as a result of anticipated or actual reactions to the content or viewpoint expressed by the User or speaker by non-participants shall not be imposed on the User. The University shall notify the User in writing of any decision to impose security costs for an event. The notification must clearly state and explain the reasons that such costs have been imposed. Any decision to impose security costs may

be appealed by filing an appeal in writing with the UNC Asheville officer identified with responsibility for ensuring compliance with UNC Policy 1300.8.

I. Cancellation and Postponement. The University may disapprove, retract an invitation, or cancel/postpone a space use based upon reasonable time, place, and manner considerations or when extenuating circumstances demand. Should a space use be postponed, an invitation to reschedule will be extended as quickly as possible. The University will determine the appropriate venue/location for use of University space based only upon reasonable time, place, and manner considerations.

V. Time, Place, and Manner Restrictions

UNC Asheville has adopted the following generally applicable time, place, and manner restrictions:

A. Commercial Speech. The University reserves the right to regulate commercial speech in the form of merchandise sales, marketing of products/goods, and commercial solicitation, subject to University approval. Fundraisers and vendors desiring to sell merchandise must be approved in advance by the Vice Chancellor or Director with responsibility and accountability over the space in which the commercial speech is to take place.

B. Traffic. Activities occurring on University space cannot disrupt the flow of vehicle traffic, pedestrians, or bicycles, nor disrupt access to department, program, or individual offices. However, parades, road races, marches, and similar activities occurring on University streets or roadways may occur if requested and permitted pursuant to this policy.

C. Unprotected Speech. Persons shall not engage in unlawful speech or conduct not protected by the First Amendment, such as true threats or harassment.

D. Respect for Others. Persons shall not violate the freedom of speech, choice, assembly, or movement of other individuals or organizations.

E. Official Directives. Persons shall comply with directives of University officials acting in their official capacity.

F. Protection of University Property. Persons will not deface or destroy University property.

G. Amplified Sound. Public address systems or amplified sound is only permitted at times agreed to in advance. Permission to use public address systems or amplified sound will be based on the same factors as those considered in determining approval or denial of space use requests.

H. Outdoor Assemblies. No outdoor assemblies shall take place within 50 feet of academic buildings during class hours. No outdoor event, assembly, or other space use is permitted on campus between 10 p.m. and 8 a.m. without prior administrative approval and permit. This content-neutral time restriction applies to all University Users, Invited Users, and Public Users.

I. Blackout Dates. Only University Users can apply for a Space Use Permit and use outdoor University space for activities during University Reading Days, Final Examinations, Commencement, and other large-scale events of University-wide significance.

J. Duration Restriction for Designated Public Forums. Public Users may conduct activities/assemblies with 24-hours prior notice at Designated Public Forums. The maximum duration of any Public User activity, assembly, or demonstration at a Designated Public Forum is two (2) hours.

K. Tents and Other Structures. No permanent or semi-permanent structure, including but not limited to stakes driven in the ground, tents, pop-up canopies, or trailers, etc. may be constructed or placed for any activities in an outdoor space without the approval of Facilities Management and Environmental Health and Safety. Additionally, use of university structures and property for purposes other than their intended use is prohibited without prior approval.

L. Signs and Banners. No signs or banners may be placed, hung, driven or staked into, attached or taped to, affixed to, or suspended from any University property, including building, furniture, trees, indoor or outdoor spaces, or building exteriors unless the item is placed pursuant to a University program or business and has prior approval. This prohibition does not apply to signs and fliers placed on approved, limited forums such as departmental or University bulletin boards. Light projections may not be displayed on any University building or structure without the advance written approval.

M. Paint. No paint may be used on any University building, structure, wall, brick surface, or other item of University property unless pursuant to a University program or business and has prior approval.

N. Open Flames. Open burning of materials is prohibited on campus with the following exceptions:

1. Fires at Mullen Park, UNC Asheville’s designated open burn location, if a part of a University program or event. Events having an open burn component must follow approval procedures through Facilities Management and Environmental Health and Safety, which provides permits and proper open burn training.
2. Candles if a part of a University program or event;

3. Smoking as allowed by UNC Asheville's smoking policy; and
4. When performed by University employees or other local, state, or federal officials pursuant to their duties.

N. Chalking. Chalking is permitted on horizontal, non-covered cement surfaces only, such as sidewalks and walkways that are openly exposed to weather. No buildings, structures, walls, or brick surfaces may be chalked, including the Ramsey Library steps. Spaces cannot be issued a permit for a group or individual to chalk, thus it is the University's expectation that those wishing to chalk an area be respectful of any chalking which may already be present. No chalking should be removed by one group to be replaced by another unless it is for a dated event that has already occurred. Groups/Individuals that do not follow the above will have the chalking removed and may face disciplinary or other action.

O. Identification. Persons using the University's space, or attending events or activities held on University property, may be required to provide picture identification and evidence of qualification to a University official upon request. Evidence of qualification means (a) a currently issued RockyCard (University ID) or (b) written documentation of an invitation from a University User and a space use permit. The group holding the event or activity will be asked to complete the Space Use Permit Form (if the group has not already done so) to ensure the University has appropriate emergency management/contact information.

P. Camping. Camping on University Property without prior written approval from the Office of University Events is prohibited.

# VI. Use of Spaces

A. Locations for University Users
University Users may use any available University space location provided the use aligns with the applicable requirements in sections IV and V, the user abides by all permit requirements, and the space is not otherwise permitted to another group or prioritized. The University requires University Users to obtain a Space Use Permit for most University space in order to ensure the space is available for their use and to support appropriate space scheduling.

B. Locations for Invited Users
Invited Users may conduct activities/assemblies without prior approval at:

1. Reed Plaza, immediately outside Brown Hall and Highsmith Student Union; and
2. The lawn areas on either side of the Ramsey Library steps bounded by the concrete sidewalk.

With prior administrative approval, Invited Users may apply for a Space Use Permit, so long as the use aligns with the applicable requirements in sections IV and V and is not already permitted to another group or prioritized. As with University Users, the University requires authorized Invited Users to obtain a Space Use Permit in order to ensure the space is available for their use and to support appropriate space scheduling.

C. Locations for Public Users/ Designated Public Forums
Public Users who have not obtained invitation by a University User may conduct activities/assemblies with 24-hours prior notice at:

1. Reed Plaza, immediately outside Brown Hall and Highsmith Student Union; and
2. The lawn areas on either side of the Ramsey Library steps bounded by the concrete sidewalk.

The use of these spaces is open to Public Users provided the assembly/activity aligns with the applicable requirements in sections IV and V and is not currently permitted to another group, the space is not in use by another group, or there is not another adjacent area permitted to another group that would require the space to remain open for programmatic or preparation reasons. The maximum duration of any Public User activity, assembly, or demonstration at a Designated Public Forum is two (2) hours.

When planning to use one of the designated spaces listed above, Public Users may be required to complete a space request/use form, preferably in advance, for the purpose of collecting emergency management/contact information and supporting appropriate space scheduling. If the form is not completed or submitted prior to the event, the space administrator or University Police may ask the group to complete or submit the space request/use form when they arrive at the appropriate space.

Public Users may obtain a Permit and use certain other University space locations with prior administrative approval, so long as the use aligns with the applicable requirements in sections IV and V and pay any applicable costs

# VII. Space Scheduling and Management

In order to assure that needed University space and other resources will be available to support the University's educational, research, and service mission, and to allow the

orderly allocation of those resources for other uses, it is important that buildings, classrooms, lecture halls, conference rooms, and outdoor/exterior spaces be properly scheduled.

For simple events, a space permit request may be submitted electronically to the University's master space scheduling system. Regardless of whether a space requires a permit, members of the University community are encouraged to apply for permits for the use of space.

A. Unscheduled Space Use
Unscheduled space uses may occur by University users or Invited users, provided that the activity aligns with the requirements of sections IV and V, the use is not classified as a Complex Event, and the University space (i) does not require a permit or prior approval and (ii) is not otherwise scheduled or prioritized for use.
Although not required, space users are encouraged to contact a designated space coordinator and provide notification about the activity. Advance notice enables the University to help ensure that the activity does not conflict with a scheduled or prioritized use, takes place in a constructive manner, the event is effective, and to assist organizers in seeing that the activity does not disrupt the University's operations or other programs.

B. Space Permit and Administrative Approval

1. Most University space locations require a permit prior to their use.
2. Complex Events require administrative approval. Requests for administrative approval may be submitted electronically or in-person using the University Event Request Form.
3. Considerations for approving a Complex Event request may include the following:
    1. Space suitability for the requested use;
    2. Purpose of the space;
    3. Anticipated event size, including the number of attendees;
    4. Noise likely to be generated;
    5. Time of day/night of the use;
    6. Duration of the use;
    7. Impact on University educational activities or other essential University processes;
    8. How the proposed use advances the University's mission;
    9. Impact on vehicular and pedestrian traffic;
    10. Adequacy and suitability of accommodations provided in the requested location;
    11. Compliance with applicable laws and University policies, regulations, and rules;
    12. Potential risk to the health or safety of participants, observers, or others;
    13. University resources necessary to host or support the use;

14. Requester's history of prior property damage, payment of any associated fees, unlawful activities, personal injury, material misrepresentation, or disruption of University operations or activities;

4. The Chancellor holds ultimate authority for University space use, including Complex Event approval. The Chancellor's authority may be delegated to relevant University Vice Chancellors, senior leaders, or Directors. Therefore, any decision regarding space use, including complex event approval, may be altered or overturned by the Chancellor.
5. A Complex Event approval or denial decision will be made after the Permit Application, any other applicable forms, and any required fees and costs (unless waived by the University) are submitted for consideration.
6. University Users, Invited Users, and Public Users who violate this policy may face a variety of penalties, including but not limited to cancellation of the activity/assembly, removal from campus, disciplinary action, assessment of charges for damages or repair costs incurred, or referral to other avenues of collection. Law enforcement reserves the right to respond accordingly depending upon the nature of the policy violation.

# VIII. Additional Provisions

A. Political Meetings

The University is a publicly owned institution and its space and resources are open to persons and groups involved in the political process. Consistent with this policy, University space is available to authorized space users involved in the political process without political preference.

B. Animals

Animals are generally not permitted inside any University building. Service animals, emotional support animals or in-residence pets (if approved to be maintained only in University housing), and laboratory animals are exceptions to this rule.

C. Fundraising

Fundraising activities by student groups must be approved by the Vice Chancellor for Student Affairs or designee. Fundraising activities by University divisions, departments, or employees must be approved by the relevant Vice Chancellor or designee. No fundraising by or for Public Users will be permitted without University approval.

D. Mail Distribution

Non-University Users and Invited Users may not use the campus mail system or the

University bulk mail stamp. University Users wishing to distribute items in student mailboxes must contact the Director of Highsmith Student Union for approval. The University is not responsible for placing flyers in student mailboxes.

E. Posting Materials

No notice, advertisement, or document of any kind may be attached to any wall, glass, or other such surface, or on any car or other vehicle parked on University property except pursuant to official University business. Bulletin boards are provided for such purposes. Improper posted or attached notices will be removed. Damage resulting from violation of this policy will require the responsible party to repair the damage and may subject the responsible party to other applicable penalties.

F. Food Service

The University's dining services Contractor will have the exclusive right to provide on-campus dining service needs for the University with the exception of Chancellor events; Corporate Sponsored Athletic events where food products and services are donated to the University; and for student groups for small items such as pizzas, cookies, doughnuts, etc. that will be agreed upon between the University and the Contractor. For all non-donated Athletic and University Enterprises events, the Contractor will have the right to bid along with the University's top two (2) Corporate Sponsors and will have the exclusive right to match a lower bid.

Requests for services from the University's exclusive Contractor or for the Contractor's written waiver must be made as far in advance of any event as reasonably possible.

G. Alcohol Consumption

The consumption of alcoholic beverages on University property is regulated pursuant to the University's Alcoholic Beverage Policy (UNC Asheville Policy 503).

H. Bookstore Vendor Rights

The University's bookstore contractor holds the exclusive right to buy, sell, rent, and distribute merchandise and services traditionally offered in college and university bookstores, including but not limited to: all required course materials (print and digital); class and alumni rings and jewelry; clothing, school supplies, desk and dorm accessories, gifts, and souvenirs; graduation regalia (sale and rental) and announcements; course-adopted software and paper and electronic custom anthologies; and textbook buybacks. This vendor right does not prohibit occasional sales by student groups or student government organizations that do not materially impact Store sales, or modest materials or trade sales associated with student life activities.

I. Wearing of Masks on Public Property

The University reserves the right to enforce prohibitions, codified in North Carolina law

(ex: NCGS § 14-12.8), regarding the wearing of any mask, hood or device whereby the person, face or voice is disguised so as to conceal the identity of the wearer upon or within public property.

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Contact Us

FACULTY & STAFF DIRECTORY

WORK AT UNC ASHEVILLE

ACADEMIC CALENDAR

COURSE CATALOG

CLASS SCHEDULES

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