

Policy CO-UF-PO1

University Facilities Use Policy

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I. **Title**

University Facilities Use Policy

II. **Policy**

- A. University property, buildings, and facilities are not freely available to the public for assembly, speech, or other activities. It is the responsibility of the University of Texas at Arlington to ensure the effective and efficient use of its facilities and grounds in accordance with applicable law and UT System Regents' *Rules and Regulations*. All academic and instructional activities and other UTA and UT System activities have priority over other uses. Some exceptions may apply for the E.H. Hereford University Center, per HOP Policy 5-304 Rules and Regulations for Use of the University Center.

1. Identification of Persons on University Property

- a. Any person on any property or in any facility owned or controlled by the University must identify himself/herself when questioned by an institutional representative, in compliance with Regents' *Rule 80101, Category of Facilities and Authorized Users*. A person identifies himself or herself by 1) giving his/her name and complete address substantiated by the provision of a current driver's licenses, voter registration card, or other official document; and 2) stating truthfully whether he or she is a student or employee of the U.T. System or any of its institutions. For purposes of this policy, an "institutional representative" is:
 - i. Any member of the Board of Regents or the General Counsel to the Board;

- ii. Any executive officer or administrative officer of the U.T. System or its institutions;
 - iii. Any attorney of the U.T. System or its institutions;
 - iv. Any peace officer or security officer of the U.T. System or any of its institutions acting pursuant to the authority of Texas law; and
 - v. Faculty members for the purpose of identifying students in class or in a class laboratory.
 - vi. Any employee of the Parking and Transportation Office for the purpose of enforcing ADA parking regulations.
- b. Anyone who refuses to identify himself or herself may be convicted of a misdemeanor punishable by a fine of up to \$200.
 - c. Students, faculty, or staff who refuse to identify themselves are subject to disciplinary action.

2. Distribution of Publications

- a. No person shall distribute any petition, handbill, or other literature, post or carry any sign, banner, etc. or engage in speech or conduct on university property if the content is or can be perceived to be obscene, libelous, hateful or directed to incite or produce lawless action or is likely to produce such lawless action.
- b. Except for recognized student, faculty and staff organizations and university-sponsored or funded publications, distribution of publications by means of an unattended news rack or other similar device are limited to certain designated areas on campus.
 - i. Publishers or distributors must apply annually to the Vice President for Administration and Campus Operations for permission to use racks and other devices in designated areas on a first-come first-serve basis.
 - ii. Publishers and distributors must furnish and maintain the racks, and no publication may have more than one rack in a designated area.
 - iii. Racks that are placed on campus without authorization may be subject to removal.

3. Solicitation

- a. Solicitation means:
 - i. the sale, lease, rental or offer for sale, lease or rental of

any property, product, merchandise, publication or service, whether for immediate or future delivery;

- ii. an oral statement or the distribution of or display of printed material, merchandise or product that is designed to encourage the purchase, use or rental of any property, product merchandise, publication or service;
 - iii. the receipt of or request for any gift or contribution; or
 - iv. the request to support or oppose or to vote for or against a candidate, issue or proposition appearing on the ballot at any election held pursuant to state or federal law or local ordinances.
- b. UTA Policy 13-400, Solicitations, provides UTA's policy on the types of solicitation that are allowed or prohibited on UTA property.

4. Freedom of Speech and Assembly

- a. UTA Policies 11-100 through 11-1200 concerning Speech, Expression and Assembly contain the University's full policies on freedom of speech, expression, and assembly, response to the speech, expression, and assembly of others, and the filing of an appeal regarding an on-the-scene order or instruction from university administrators and law enforcement officials.
- i. The freedoms of speech, expression and assembly are fundamental rights of all persons and are central to the mission of the University. Students, faculty and staff have the right to assemble, speak and attempt to attract the attention of others and corresponding rights to hear the speech of others when they choose to listen and to ignore the speech of others when they choose not to listen in compliance with existing UTA policies.
 - ii. Students, faculty and staff are free to express their views, individually or in organized groups, orally or in writing or by other symbols, on any topic in all parts of the campus, subject only to rules necessary to preserve the equal rights of others and the other functions of the University. Activities conducted by external groups must not interfere with the delivery of academic instruction and research activities.
- b. Members of the University community and University organizations may respond to the speech, expression or assembly of others in ways that do not damage or deface signs or exhibits, disrupt public assemblies, block the view of participants or prevent speakers from being heard. UTA Policy 11-1100 lists means of response that are permitted.
- c. It is the responsibility of the University to protect the safety of all persons on campus and to provide police protection for speakers, public assemblies, an assembly of university-affiliated

personnel, and persons staffing or viewing exhibits and other events.

- i. Students, faculty members, and staff members who violate any provision of the speech, expression and assembly policy of the University may be disciplined.
- ii. A person or organization that complies with an on-the-scene order limiting speech, expression or assembly may contest the propriety of that order by filing an appeal on or before the 5th weekday after complying with the order. Appeals are heard under procedures set out in UTA Policy 12-400, Appeals.

5. Photographs or Filming

- a. Photography or filming for a political campaign on university property is not permitted. Regents' *Rule*80107, Filming Motion Pictures or Television Productions, authorizes the President to allow the use of property or buildings owned or controlled by the University for filming motion pictures or television productions under a written agreement. It shall be within the discretion of the President, or designee, following consultation with the UTA Police Department, to determine whether or not to grant the request. The safety of the campus and the campus community as well as the subject matter of the film shall be of primary consideration in the decision to grant or deny a request.
- b. The production company must identify persons or entities with a financial interest in the company.
- c. The production company must provide insurance coverage against all liability with a minimum of comprehensive general liability, auto liability and property damage issued by a company authorized to do business in Texas and naming the Board of Regents, UT System, the University, and the officers and employees of each as additional insureds, providing coverage for injury and death of persons and damage to property that may result directly or indirectly from the negligent or intentional act or omission of or from the use or condition of any property equipment machinery or vehicle used, operated or controlled by the production company or its officers, employees, agents or subcontractors while on property owned or controlled by the UT System of the University. Coverage must be a minimum of \$2 million for injury or death of a person and \$1 million for property damage.

6. Political Activity

- a. A political organization may apply for use of a university facility for the purpose of a conference or a convention provided it can present written evidence that the organization had candidates for

either state, district or local offices listed on the ballot at the last general election.

- b. Individual political candidates and their election organizations are not permitted to reserve facilities. Such candidates may be invited as guest speakers by registered student, faculty, or staff organizations provided that the organization extending the invitation is responsible for reserving the facility and meeting all related costs with appropriate university resources and the event is in compliance with Regents' Rule 40501, Speech and Assembly, and provided that the candidate's presentation is not campaign-related.
- c. Texas Government Code Section 556.004(a) prohibits a state agency from using money under its control to finance or otherwise support a person's candidacy for political office; however, institutional facilities may be used by candidates and political organizations as authorized by Regents' Rules 40501 and 80101. Regents' Rule 80105 prohibits joint sponsorship of a political gathering.
- d. A decision to allow a candidate or officeholder to hold a press conference on the campus must be made by the President in consideration of whether the press conference will be disruptive to the educational environment. The press conference must not be campaign-related.

7. Religious Events

- a. A religious organization may apply for use of a university facility for purpose of a conference or convention provided it can submit a written evidence from the Internal Revenue Service that the organization has been granted an exemption from taxation under Section 501(c) (3) of Title 26 of the United States Internal Revenue Code.
- b. A religious organization may hold an approved conference or convention in or on university facilities not more than once per calendar year.

8. Public Safety: Each user of university facilities must conduct its activities with regard for public safety and will observe and abide by all applicable University policies and procedure and applicable laws. If an official representative of a university facility determines that a proposed event poses a potential hazard to public safety, the potentially hazardous activity shall be eliminated or the event may be canceled.

9. Weddings: Regents' Rule 80108, Use of Facilities for Weddings, provides that the President may designate areas that may be used for weddings. Use of such space for institutional activities shall have priority over weddings. A charge for the space will at least cover actual costs to the University and the user will execute an official university Facilities

Use Agreement, the form and content of which has been approved by UTA's Office of University Compliance and Legal Affairs.

- a. Permission to conduct weddings and wedding receptions in approved areas shall be extended to university students, faculty, staff, alumni, and significant donors and contributors to the University:
 - b. Weddings and wedding receptions will be allowed in designated areas on Friday nights and on Saturdays.
 - c. E.H. Hereford University Center and the CAPPa Courtyard are designated areas where wedding ceremonies may be held. Requests for weddings in other areas must be approved by the President.
 - d. Requests for use of the designated spaces for wedding ceremonies must be made at least thirty days in advance.
 - e. The Vice President for Campus Operations and Administration will develop standard rates to be charged for use of the space, which will at a minimum provide for UTA to recover all costs, insurance, and any applicable taxes.
10. Units or Registered Campus Organizations: In accordance with university policy 12-200, Reservation of a Room or Space on University Property, academic and administrative units and registered student, faculty and staff organizations may reserve the use of a room or space on university property for purposes permitted by Regents' *Rules and Regulations*.
- a. University persons and organizations may use amplified sounds on campus at designated times and locations subject to the rules in UTA Policy 11-800, Amplified Sound and to general rules in UTA Policies 11-200 and 11-300. Advance permission is required.
 - b. Groups of students, faculty or staff who are not registered organizations or groups of alumni other than officially recognized alumni associations whose fundraising activities are dedicated to the benefit of UT System or its institutions may not use the University's buildings, facilities, or grounds, with the exception of a special use facility.
 - c. All organizations wishing to reserve an outdoor space, including academic and administrative units, shall apply to the Office of Student Governance and Organizations. Any registered student, faculty and staff organization and academic and administrative units wishing to reserve a general purpose classroom shall apply to the registrar.

- d. Registered student organizations must submit a Campus Event Planning Sheet (university form 27-1) with their faculty/staff advisor's signature to the Student Organizations Office.
 - e. Alumni groups, organizations, and associations who wish to use university buildings, facilities, or grounds must obtain prior approval from the Office of Development and Alumni Relations.
11. Student, faculty and staff organizations and recognized alumni associations may not reserve on behalf of or use university property for the purpose of engaging in any program or other activity with any association, organization, or corporation or with any individual or group that are not registered organizations.
 12. In compliance with reasonable and nondiscriminatory time, place, and manner regulations students, faculty, or staff, a students' association, a registered student, faculty or staff organization, may petition, post signs, distribute literature, set up exhibits, or peacefully demonstrate on university property, providing that the posting of signs and the setting up of exhibits has been authorized.
 13. Registration of a faculty, staff, or student organization does not indicate university endorsement or approval or sanction of any organization's activities. A faculty or staff organization shall not use the name of the University or UT System as part of the organization's name, neither shall it display the seal of the University or UT System in connection with its activities or any printed or digital material. A registered faculty or staff organization may state that its membership is composed of UTA staff or faculty.
 14. Additional information regarding registered organizations can be found in UTA Policy 10-300, Registration of Student Organizations, and Procedure 13-2, Registration of Faculty and Staff Organizations.

B. Joint Sponsorship

1. The use of university facilities, other than special use facilities, by associations, corporations, groups or individuals who are not students, faculty or staff, or groups that are not registered faculty, staff, or student organizations, must be jointly sponsored by UT System or the University. Jointly sponsored activities are subject to the following conditions:
 - a. The proposed activity must be at the invitation of the President or designee.
 - b. Educational implications of the proposed activity and its support of the University's mission must be obvious and the activity must not result in financial gain for the jointly sponsored entity.
 - c. The cosponsoring university department or organization will be responsible for ensuring activity is carried out in accordance with university policies and procedures, including approval of

advertising copy and news releases and receipt of an accounting of income and expenses related to the activity. Fees to be paid for use of university facilities will be negotiated and specified in a written joint sponsorship agreement. At a minimum, the fees must ensure recovery of any costs incurred by the University.

- d. University activities will have scheduling priority over jointly sponsored activities.
- e. The University will not jointly sponsor political or sectarian activities.

C. Special Use Facilities

1. In compliance with Regents' *Rule* 80106, Special Use Facilities, the President has designated certain facilities as special use facilities and has caused to be published in the University's Handbook of Operating Policies the regulations and rules for the reservation and use of those facilities. For details about these and other spaces and facilities and contact information for their use, refer to University Procedure 13-2, Registration of Faculty and Staff Organizations.
 - a. E.H. Hereford University Center: See UTA Policy 5-304, Rules and Regulations for Use of the University Center. Facilities Use Agreements will define the rooms and premises that may be used.
 - b. Maverick Activities Center (MAC)
 - c. PE Building Aquatics Center
 - d. Texas Hall: See UTA Policy 5-301, Rules and Regulations for use of Texas Hall
 - e. Maverick Stadium
 - f. College Park Center
 - g. The Green at College Park
 - h. West Lawn, the MAC
 - i. Doug Russell Park
 - j. Intramural Fields Complex
2. A Facility Use Agreements is required for use of a special use facility. These agreements are compliant with UT System requirements and are approved by the Office of University Compliance and Legal Affairs.
3. Designation as a special use facility does not constitute the facility as a public facility or forum that is open to use by individuals, groups, associations, or corporations on a first-come, first-serve basis.

4. Priority in the reservation and use of special use facilities shall be given to programs and activities of the University that are in furtherance of and related to the educational, cultural, recreational, and athletic programs of UT System or the University.

D. Appealing a Denial of a Student Organization Request to use University Facilities

1. Per UTA Policy 12-400, Appeal, a student organization denied access to university property for a proposed activity may file an appeal in writing to the Director for Student Activities and Organizations on or before the fifth weekday after the day the decision is announced.
 - a. The appeal must contain the date of the decision being appealed, the organization's name and mailing address, a concise description of the decision, and the organization's reasons for disagreeing with the decision.
 - b. The director will forward a copy of the appeal to the Vice President for Student Affairs with a written response, and the Vice President for Student Affairs will provide the organization an opportunity for a hearing. The organization will be notified of the date of hearing at least one workday before the scheduled date.
2. The director or the requesting organization may petition in writing through the Vice President for Student Affairs to the President for a review of the decision being appealed. The President may, at his/her discretion, establish an *ad hoc* committee to review the appeal and make a recommendation.

III. **Definitions**

Academic or Administrative Unit: any budgeted office or department of the University.

Registered Student, Faculty, or Staff Organization: Per Regents' *Rule* 40201, each institution adopts procedures for the registration of organizations for one academic year, with a requirement to apply for renewal at the end of each year.

Joint Sponsored Event: any event, activity, camp, conference, meeting or program that takes place the UTA campus and that occurs only after UTA expends an invitation and is co-hosted by a UTA or internal host and an invited external host unaffiliated with UTA.

IV. **Relevant Federal and State Statutes**

Texas Education Code Chapters 65 and 51.209

Texas Government Code 556.004(a)

United States Internal Revenue Code Title 26, Section 501(c)(3)

V. Relevant UT System Policies, Procedures and Forms

UT System Regents' *Rules and Regulations, Rule 80101, Category of Facilities and Authorized Users*

UTA Handbook of Operating Policies 11-1100 Identification, Speech, Expression and Assembly

UTA Handbook of Operating Policies 11-800 Amplified Sound

UT System Regents' *Rules and Regulations, Rule 80107, Filming Motion Pictures or Television Productions*

UT System Regents' *Rules and Regulations, Rule 40501, Speech and Assembly*

UT System Regents' *Rules and Regulations, Rule 10-300, Registration of Student Organizations*

UT System Regents' *Rules and Regulations, Rule 80106, Special Use Facilities*

UTA Handbook of Operating Policies 13-400, Solicitations

UTA Handbook of Operating Policies 12-400 Appeal

UTA Handbook of Operating Policies 12-200, Reservation of a Room or Space on University Property

UTA Handbook of Operating Policies 5-304, Rules and Regulations for Use of the University Center

UTA Handbook of Operating Policies 5-301, Rules and Regulations for Use of Texas Hall

UTA Form 27-1, Campus Event Planning Sheet

UTA Procedure 13-2, Registration of Faculty and Staff Organizations

VI. Who Should Know

Any registered staff, faculty or student organization, budgeted university department, or off-campus entity who wishes to use facilities in or on property controlled by the University of Texas at Arlington.

VII. UT Arlington Office(s) Responsible for Policy

Vice President for Administration and Campus Operations

VIII. Dates Approved or Amended

July 28, 2017

IX. Contact Information

All questions concerning this policy should be directed to the Office of the Vice President for Administration and Campus Operations. 817-272-2102