

## **Policy on Use of Outside Areas by Non-University Groups and Individuals**

Murray State University has the duty and responsibility to maintain a safe and orderly environment conducive to its principal mission of education. Accordingly, the University adopts this policy for the purpose of establishing reasonable time, place, and manner regulations regarding use of outside areas on its property by non-University groups and individuals.

### **A. Use of outside areas on MSU property by non-University groups and individuals**

#### **1. Sponsorship.**

a. Need for sponsorship. Except as provided below, any non-University group or individual wishing to use an outside area on Murray State University property for an organized event, public speaking, demonstrating, performing, distributing literature or materials, engaging in activities which propose “commercial transactions” (such as offering to buy, sell, or rent any goods or services including the distribution of related information), or any similar activity must be sponsored by a registered MSU student organization, University academic department, or University administrative office.

#### **b. Exceptions to Sponsorship Requirement.**

i. The grassy area immediately to the south of the Curris Center, to the north of Carr Health, and to the east of the main sidewalk (the “Free Speech Zone”) may be used without sponsorship.

aa. No “commercial transactions” will be allowed in the Free Speech Zone.

bb. The Free Speech Zone will be available for use 10:00 a.m. - 7 p.m. seven days a week while University classes are in session.

ii. Any non-University group or individual who has contracted to use any University facility (e.g., the Expo Center, Racer Arena, a Curris Center meeting room) may distribute materials advertising such a “contracted event” in an outside area without sponsorship. The area to be used must be reserved pursuant to this Policy.

## 2. Special Events.

- a. Non-University groups or individuals occasionally request use of outside areas for events which raise considerations beyond those addressed here. These types of “special events” include events which may be promoted and attract a large crowd including individuals from outside the University; that have special needs regarding set up; or that involve activities that raise issues relating to risk of personal injury or property damage that go beyond those which arise simply from the presence of a non-University group or individual on campus.
- b. For “special events,” and in addition to the sponsorship and reservation requirements of this Policy, the non-University group or individual may be required to contract with Murray State University and/or provide assurances regarding matters such as insurance, indemnity, and specific allocations of risks and responsibilities.
- c. The University may not allow a “special event” due to reasonable concerns over issues, unrelated to the content of any speech, posed by the planned activity such as risk of injury or damage to person or property. Any such decision will be final.

## B. Reservation process

1. Need for Reservation. Use of any outdoor area under this policy requires reservation at least three business days in advance of the proposed use.
2. With whom reservation requests are made.
  - a. Except as otherwise provided, reservation requests for use of an outside area by a non-University group or individual will be submitted to the following:
    - i. Use of areas around residential colleges or College Courts requires reservation with the Director of Housing.
    - ii. Use of areas around the Curris Center, use of the Free Speech Zone, or use of an area in connection with a “contracted event” requires reservation with the Director of the Curris Center.
    - iii. Use of areas around athletic events requires reservation with the MSU Director of Athletics.

iv. Use of areas south of the Curris Center, or of areas not addressed here, requires reservation with the Special Projects Coordinator in the Office of the President.

b. Requests for use of an area in connection with a "special event" must be made to the Vice President for Finance and Administrative Services.

### 3. Content of Reservation Requests

a. The sponsoring group, or the non-University group or individual if the request is for the Free Speech Zone or is in connection with a "contracted event", will complete a reservation form which includes:

i. the area requested;

ii. the date(s) for which the request is made;

iii. the nature of the use;

iv. the estimated attendance;

v. the name, address (including e-mail address) and telephone number (including cell phone) of a representative of the sponsor;

vi. the name, address (including e-mail address) and telephone number (including cell phone) of the person or a representative of the group wishing to reserve an area;

vii. equipment to be utilized (such as chairs, tables, and platforms) and set-up and clean-up procedures. Use of equipment must be coordinated with Facilities Management.

b. A request for reservation of a particular area may be made for no more than two days at a time. Any part of a calendar day will be considered a day for purposes of determining the two day period. Each non-University group or individual may engage in "commercial transactions" under this policy for a total of three days per semester.

### 4. Processing of Reservation Requests.

a. Reservation requests for an area will be processed on a first come/first served basis. The review and notification under subparts a and b are to be

completed in a timely manner so as not to interfere with the scheduled date of the proposed event.

- b. Upon receipt of a properly completed request form, the individual identified in Section B(2) will send notice of the request to the Associate Vice President for Facilities Management/Chief Facilities Officer, the Director of Public Safety, the General Counsel, and any person (e.g., building coordinator) who may have interest in the area requested. They will review the request only for purposes of ensuring that it is consistent with this Policy. No review will be made of the content of any speech. They will respond to the individual identified in Section B(2) who forwarded the request and who will give final approval or disapproval.
- c. The individual identified in Section B(2) approving the reservation request will provide a copy of the approved request to the requesting group or individual and to Public Safety for informational purposes only.
- d. In the event a request is denied, the person or group submitting the request will be promptly notified and given a reason. The requesting person or group may seek review of the denial by submitting a written statement in support of the request to the Vice President for Student Affairs within two business days of the denial. The Vice President for Student Affairs will promptly decide the matter and that decision will be final.
- e. Anything herein to the contrary notwithstanding and in all instances and in all outside areas, members of the Murray State University community, including academic departments, administrative offices, students, faculty, and staff, will be given use priority over non-University groups and individuals.

C. Principles applicable to any use of outside areas

1. No use may substantially disrupt or materially or significantly interfere with the educational, administrative, or operational activities of the University.
2. The University will not restrict the content of any speech under this Policy. However, the University may terminate speech in instances where restriction is consistent with the United States Constitution such as use of abusive language which when addressed to the ordinary listener is as a matter of common knowledge inherently likely to provoke a violent reaction; advocacy of the use of force or law violation directed to inciting or producing imminent lawless action and which is likely to produce such action; statements meant to communicate a serious expression of an intent to commit an act of unlawful

- violence to a particular individual or group of individuals; or matters which are obscene under current law. In addition, commercial speech must concern lawful activity and not be misleading.
3. Uses in violation of local, state or federal law or published policies of the University are prohibited.
  4. There will be no use of outside areas under this policy by non-University individuals or groups during Great Beginnings or Summer Orientation. All use by non-University groups or individuals may be prohibited during other recognized University events (such as Commencement) upon notice from the Office of the President if such use would significantly interfere with the educational, administrative, or operational activities of the University.
  5. No group or individual may provide free merchandise, such as caps or t-shirts, in connection with "commercial transactions".
  6. General rules regarding care of the area used.
    - a. Vehicles are not allowed on sidewalks, in fire lanes, or on grassy areas except with prior permission.
    - b. Sidewalks should be kept clear to ensure accessibility.
    - c. The use of any stakes or tents should be coordinated with Facilities Management so as to avoid any underground utilities.
    - d. The area used is to be cleaned of any debris after the event.
    - e. The use of any tables, chairs, tents, or trash containers must be coordinated with Facilities Management.
    - f. No cooking equipment will be used except with prior permission.
    - g. No signs, placards, banners, or other items may be attached to, and no writing, chalking, or marking of any type will be allowed on, trees, bushes, benches, any portion of any building, sidewalks, fixtures, light poles, or signs.
    - h. Additional or different considerations may apply depending upon the nature of the proposed event.

7. The failure of a non-University group or individual to abide by this Policy may result in revocation of the reservation request and removal from campus

D. Administration

1. The President of the University is authorized to supplement this Policy with additional consistent provisions. For instance, experience gathered through implementation may reveal the need to make changes in the individuals identified in sections B(2) or B(4)(b). Any such changes will be presented to the Board of Regents as an informational item at the next regular meeting prior to implementation.
2. This policy replaces any current policy which addresses use of outdoor areas on University property by non-University groups or individuals.