

## **10.17 UNIVERSITY FACILITIES USE POLICY**

### **I. STATEMENT OF AUTHORITY AND PURPOSE**

This policy is promulgated by the Board of Trustees pursuant to the authority conferred upon it by Colorado Revised Statutes §23-41-104(1) for the purpose of managing the use of property and facilities owned and controlled by CSM. This policy shall supersede any previously promulgated CSM policy that is in conflict herewith. Nothing in this policy shall be construed to infringe upon the principles of academic freedom set forth in Section 5.1 of the Faculty Handbook.

### **II. GENERAL**

CSM's facilities are primarily for use by its students, faculty and staff for activities and programs that are directly related to the basic educational functions of teaching, research, the preparation of scholarly material, and professional service. University facilities may not be used in ways that would substantially disrupt or materially interfere with CSM's teaching, research, administrative and service activities. The use of University facilities shall be provided on a non-discriminatory basis that ensures equal opportunity for all members of the CSM community. This policy is intended to clarify the rights and responsibilities of CSM, its students, faculty, staff and associated members of its community (together, "CSM Community"), as well as its visitors and guests regarding the use of University facilities.

### **III. DEFINITIONS**

For the purposes of this policy, the following definitions shall apply:

#### **A. Public Speech Activities**

For the purposes of this policy, "public speech activity or activities" include artistic performances, demonstrations, picketing, distribution of leaflets or other publications, sit-ins, marches, mass gatherings, and all other similar activities that are not part of the teaching, research, or other official functions of the University, or not otherwise sponsored by the University or any of its academic or administrative departments, divisions or units.

#### **B. Literature**

"Literature" is defined as any written matter, photos and/or artwork that is not predominantly advertising or commercial in nature.

#### **C. Solicitation**

"Solicitation" is defined as a marketing, sales or business offer.

#### **D. Vending**

"Vending" is any transaction that involves campus facilities, equipment, space or furnishings and exchange of money for an item.

#### **E. Sale**

"Sale" is defined as any transaction that involves the exchange of money for an item.

### **IV. PROTECTION OF FREE SPEECH**

- A. CSM acknowledges and respects the rights of students and others to freedom of expression and peaceful assembly. CSM further recognizes its obligation to support the University's educational mission and prevent disruptions of normal University functions. Therefore, CSM establishes the following regulations to preserve its facilities primarily for use by its students, faculty and staff for activities and programs directly related to its educational mission, and to prevent disruption of the

normal conduct of University affairs, endangerment of the health and safety of persons, and damage to University property. Any approvals required under this policy shall be viewpoint neutral.

- B. Members of the CSM Community or other individuals or groups planning a public speech activity on the CSM campus must coordinate such activity through the Director of Student Life in the Student Life Office located in the Ben Parker Student Center, 1600 Maple Street, at least two business days prior to the planned event. The following information will be required: contact information for the party sponsoring the activity; nature and type of activity planned; desired date and time for the event; estimated number of people expected to participate in the activity; and the type of sound amplification devices, if any, that will be used. This coordination is required so as to prevent disruption of normal University educational activities, coordinate competing requests for the same venue, and avoid endangering the health or safety of persons and damage to property. University staff assistance is available to help plan such events, and the assistance of the University's Office of Public Safety or other security personnel may be requested to help with traffic or crowd control. In the event access to campus facilities *other than* the Student Center or areas managed by the Student Life Office is requested, the Director of Student Life will consult and coordinate with the principal academic or administrative officer or official with jurisdiction over the building or campus site to be utilized.
- C. Members of the CSM Community are subject to State and municipal law and University policies when they engage in public speech activities and violations will be addressed through University and/or appropriate law enforcement forums. Campus visitors and guests are subject to State and municipal law, and will be subject to University policies when using University facilities.
- D. Public speech activities (as defined in this policy) may not:
  - (a) Include expression that is defamatory, is intended to incite lawless action, consists of fighting words or threats of physical harm, or is unlawful speech;
  - (b) Impede the flow of pedestrian or vehicular traffic on campus;
  - (c) Be conducted inside any campus building, classroom facility, or in any manner that interferes with educational functions, scheduled activities or other operational processes of the University;
  - (d) Be conducted in any campus residential areas, including University residence halls, campus apartment complexes, and other student housing facilities; or
  - (e) Leave the areas utilized for the activity damaged or littered following the activity.
- E. Any act by an individual or group that interferes with the rights of others, disrupts the normal functioning of the University, damages property, or endangers health or safety is grounds for suspension or dismissal from the University and immediate removal from University property. In addition, such actions may be the basis for criminal charges by appropriate law enforcement authorities. Persons who refuse to vacate University premises upon request are subject to immediate suspension of activities, and arrest under applicable municipal and State laws.
- F. If a request to engage in a public speech activity on the CSM campus is denied, the requesting party will be notified in writing by the Vice President for Student Life and will be informed of the reasons for such denial. Such a decision may be immediately appealed in writing to the CSM President. A final decision will be issued in writing by the President or the President's delegate no later than three business days following receipt of the appeal.
- G. The authority to make decisions on behalf of the University regarding compliance or noncompliance with this policy rest with the Vice President for Student Life. This officer may delegate this authority as necessary, and may consult with officials in other offices or departments when making decisions regarding issues addressed in this policy. Decisions of the Vice President for Student Life under Section IV of this policy may be immediately appealed in writing to the CSM President. A final

decision will be issued in writing by the President or the President's delegate no later than three business days following receipt of the appeal.

## **V. DISTRIBUTION OF LITERATURE**

### **A. Distribution of Free Literature (Not Posting)**

Distribution of free literature is permitted outside buildings, provided that such distribution does not disrupt or interfere with normal or previously scheduled activities of a particular place or building, and does not impede ingress and egress to and from campus buildings and pedestrian or vehicular traffic on campus walkways, sidewalks, and streets. Unless otherwise provided in this policy, distribution of free literature that is not part of the teaching, research, or other official functions of the University or not otherwise sponsored by the University or any of its academic or administrative departments, divisions or units is not permitted inside any campus building or any enclosed or special purpose area (such as the stadium), or in any campus residential areas, including University residence halls, campus apartment complexes, and other student housing facilities. The publisher, editor, author or distributor of any literature distributed on campus must be clearly identified on the material distributed. All distributors of free literature must comply with the provisions of Section IV of this policy. No use of vending machines for distribution of free literature on campus is permitted without the prior, written approval of the Director of Student Life.

### **B. Sale of Literature**

Sales of literature sponsored by the University or its academic or administrative departments, divisions or units or recognized student organizations may be permitted from time to time in particular campus buildings or areas of the campus, provided that such activity does not disrupt or interfere with normal or previously scheduled activities of a particular campus site or building, does not violate Section VII of this policy regarding on-campus solicitations, and does not impede ingress and egress to and from campus buildings and pedestrian or vehicular traffic on campus walkways, sidewalks, and streets. Sale of literature is not permitted inside any campus residential areas, including University residence halls, campus apartment complexes, and other student housing facilities. Any sale of literature on campus must have the prior, written approval of the Director of Student Life, who will consult and coordinate with the principal academic or administrative officer or official responsible for the pertinent campus site or facilities to be utilized for this sales activity. Any approved sales activity must comply with the time, manner and location requirements specified by the Director of Student Life, and any relevant rules and requirements established by the principal academic or administrative officer or official responsible for the pertinent campus facilities. The publisher, editor, author or distributor of any literature sold on campus must be clearly identified on the material solicited. No vending machines for the sale of literature on campus may be installed on campus without the prior, written approval of the Director of Student Life.

## **VI. ADVERTISING AND CAMPUS POSTINGS**

- A. Distribution of information which is predominantly advertising or commercial in nature is not permitted on campus, except by members of the CSM Community and in compliance with the terms of this policy. Such information may be posted only in a manner and in locations approved by the Office of Student Activities, unless otherwise provided in this policy.
- B. With the exception of postings in residence halls or other campus student housing and internal postings by CSM academic or administrative departments, divisions or units, all posters to be posted on campus must be no larger than 8 ½" X 11" and must be approved in advance of posting

by the Office of Student Activities in Room 172, Ben Parker Student Center, 1600 Maple Street. The material must have an official Student Activities "Approved for Posting" stamp prior to being posted and may only be displayed on designated bulletin boards. Posters advertising events or activities that are not sponsored by the University or any of its academic or administrative departments, divisions or units must display the following disclaimer: "The Colorado School of Mines does not necessarily endorse or support the event advertised or information contained in this poster." All material to be posted in residence halls or other campus student housing must have the advance authorization of the Director of Residence Life in Room 218, Ben Parker Student Center, 1600 Maple Street, and will be posted by staff members in appropriate locations approved by the Director of Residence Life. Internal postings by academic or administrative offices or staff members in campus facilities must comply with any relevant rules and requirements established by the principal academic or administrative officer or official responsible for the pertinent facilities.

- C. With the exception of internal postings by CSM academic or administrative departments, divisions or units, and unless otherwise provided in this policy, all methods and locations of advertising on campus, including, but not limited to, chalk advertisements on campus sidewalks, banners, and table tents, must be approved by the Office of Student Activities. Chalked advertisements are limited to concrete, horizontal surfaces outside, and must be a minimum of 10 feet from any building entrances. A maximum of 15 advertisements may be displayed in an area of 4' X 6' or smaller.
- D. All posted materials must clearly identify the sponsoring organization or group.
- E. Obscenity and libelous material will not be approved for campus posting.
- F. With the exception of internal postings by CSM academic or administrative departments, divisions or units, no materials may be posted on campus more than two weeks, unless the Office of Student Activities expressly permits an extension of this posting period.
- G. Failure to meet these requirements, or those imposed by the Office of Student Activities as a condition to approving a campus posting or advertisement, will result in immediate removal of the posted material and may subject the sponsoring organization or group to disciplinary action and, if appropriate, sanctions under the Student Code of Conduct.
- H. Decisions of the Student Activities Office and Director of Residence Life under Section VI of this policy may be immediately appealed in writing to the CSM Vice President for Student Life. This officer may consult with officials in other offices or departments when making decisions regarding issues addressed in this policy. Upon receipt of an appeal, a final decision will be issued in writing by the Vice President for Student Life or the Vice President's delegate no later than three business days following receipt of the appeal.

## **VII. ON-CAMPUS SOLICITATIONS**

### **A. General**

No solicitations, vending or sales are allowed on the Colorado School of Mines campus, except as permitted in Section B below.

### **B. Exceptions**

Approval for solicitation, vending or sales may be granted in the following circumstances:

1. The sale of literature may be approved pursuant to the terms and conditions outlined in Section V of this policy.
2. Representatives of the business community who have been invited or approved by the Office of Human Resources for the purpose of promoting an employee benefits plan or employee services may do so on campus in a manner and location, and at a time specified by the Office of Human Resources.
3. Solicitations may be made on behalf of the Colorado Combined Campaign or any other programs or entities authorized by the Colorado Department of Personnel and Administration, Division of Human Resources, or other state governmental agency as required by rule or law.
4. Solicitations may be made on behalf of the Colorado School of Mines and/or its affiliated foundation and associations.
5. Services contracted by CSM for specific services such as food service, beverage/snack vending machines, bookstore sales, telephone services, etc., may conduct solicitation, sales and vending activities as approved by the appropriate CSM office and Purchasing Director.
6. Limited solicitation, vending and sales are allowed in the Ben Parker Student Center with appropriate approval by the Director of Student Life. Organizations granted such approval must adhere to the conditions and requirements specified by the Director of Student Life.

### **C. Prohibited Activities**

The following solicitation, sales and vending activities are prohibited on campus:

1. Any activity that competes with an existing campus business (such as the bookstore) or businesses with which CSM has entered into an exclusive contract (such as food service and beverage/snack vending services); and
2. The solicitation, sale or vending of credit cards, illegal drugs and drug paraphernalia, cigarettes or other tobacco products, and any item, product or service prohibited by state or federal law.

### **D. Appeals**

Decisions under Section VII of this policy may be appealed in writing to the CSM Senior Vice President for Finance and Administration. The Senior Vice President for Finance and Administration will issue a final decision no later than three business days following receipt of an appeal.

## **VIII. USE OF CAMPUS SPACE, EQUIPMENT OR RESOURCES BY OUTSIDE ENTITIES AND INDIVIDUALS**

- A. Any organization or individual wishing to utilize campus facilities, including but not limited to office and scientific equipment, and office, laboratory, or parking space, with the exception of the Student Center and special use facilities such as athletic facilities and the Green Center, for activities not sponsored by or directly benefiting CSM, must obtain the advance approval of the Senior Vice President for Finance and Administration, who will consult with the principal academic or administrative officer or official responsible for the pertinent facilities prior to granting such approval. Any such parties requesting the use of or access to university facilities will be required to enter into a Facilities Use Agreement with CSM that will specify the terms and conditions under which the requested campus resources may be utilized. All use of campus facilities is subject to applicable federal, state and municipal law.

B. Organizations or individuals wishing to utilize space or resources in the Student Center or other special use facilities such as athletic facilities or the Green Center, must obtain the advance approval of the principal academic or administrative officer or director responsible for the pertinent facilities. Use of such space or resources will be subject to the terms and conditions specified by this officer or director. Use of any of these campus facilities is subject to applicable federal, state and municipal law.

Promulgated by the CSM Board of Trustees on March 31, 2006.

Amended by the CSM Board of Trustees on April 28, 2006.