

Policy 8-9 Rev 3
Date October 26, 1999

**Subject: UNIVERSITY REGULATIONS - Chapter IX
UNIVERSITY SPEECH POLICIES**

PREAMBLE AND STATEMENT OF POLICY

These regulations shall be interpreted in accord with the requirements of the free speech and assembly rights guaranteed by the United States Constitution and the Utah Constitution, and in accord with generally accepted concepts of academic freedom as followed nationally and at the University of Utah. It is the purpose of these regulations to protect and enhance the free exchange of ideas in the university and on the university campus. The primary function of a university is to discover and disseminate knowledge by means of research and teaching. To fulfill these functions a free interchange of ideas is necessary. It follows that the university must insure within it the fullest degree of intellectual freedom and protect the opportunity of all members of the university community and their guests to exercise their intellectual freedom and protect their right to communicate with others in the university community.

Academic freedom, the free flow of ideas, the right to speak and the right to hear must be protected not only from censorship but also from those committed to interference with a speaker's presentation through acts of disruption. It is the responsibility of all members of the academic community to refrain from such conduct and the university shall apply appropriate sanctions under proper procedural safeguards to those who violate this obligation.

All persons on the campus of the University of Utah, whether administrators, faculty, students, employees or guests, are subject to the law and the regulations of the university. Those who violate the law or the university's regulations while on the campus do so at the risk of prosecution in the courts by appropriate government officials or proceedings authorized by university regulations. By virtue of regulating the exercise of free speech on the campus, the university does not sponsor or sanction the messages being stated or the methods of speech being used unless expressly stated otherwise.

Title I

DEFINITIONS

I. ACADEMIC FREEDOM AND TENURE COMMITTEE

The Academic Freedom and Tenure Committee is the elected committee provided for in Chapter VII, No. 8-7, Section 2 of the University Regulations.

II. COMMITTEE ON STUDENT AFFAIRS

The Committee on Student Affairs is a committee of students and faculty with the responsibility of developing and implementing policies pertaining to student life in relationship to the university as provided for in Chapter XI, Section 4 of the University Regulations.

III. STUDENT CODE

The Student Code is the Code governing student rights and responsibilities found in Chapter X of the University Regulations.

IV. FACULTY CODE

The Faculty Code is the Code governing faculty rights and responsibilities found in Chapter XII of the University Regulations.

V. MEMBER OF THE UNIVERSITY COMMUNITY

Members of the university community shall include all students, members of the university faculty and teaching staff, all employees holding administrative or staff positions and all personnel associated with the university.

VI. DEPARTMENTS AND COLLEGES

For the purpose of these regulations, the terms "department" and "college" shall mean those academic units of the University of Utah that are from time to time authorized and established by the Board of Trustees of the University of Utah or the State Board of Regents.

VII. DEPARTMENT OR COLLEGE STUDENT ORGANIZATIONS

For the purpose of these regulations, the terms "department student organizations" or "college student organizations" mean those organizations of students authorized and established by the faculty or College Council of any department or college of the university, that are responsible to the faculty, college council or administrative head of that department or college and in which students in the department or college are eligible for membership.

VIII. SYMBOLIC SPEECH

"Symbolic speech" shall include structures, actions and any other thing or activity for the purpose of expressing views or opinions that is not otherwise included in the concepts of oral or written speech, signs, handbills, posters or other methods of communication.

IX. COMMERCIAL SPEECH

For the purpose of these regulations, "commercial speech" includes all spoken, written and symbolic speech intended in whole or in part for the personal profit of the person, organization or institution engaged in the speech.

X. SCHEDULING OFFICE

For the purpose of these regulations, the Scheduling Office shall be the person so designated by the University Administration and charged with scheduling the use of university classrooms, auditoria, and other indoor and outdoor space with the exception of such university facilities as shall be designated by written rules published by the Scheduling Office as outside the jurisdiction of the Scheduling Office or where administrative directives have vested scheduling authority for facilities in the administration of a college or other subdivision of the university.

TITLE II

GENERAL POLICIES

I. FREEDOM OF SPEECH AND ASSEMBLY

Members of the university community shall have the right to freedom of speech and assembly without prior restraint or censorship, subject only to clearly stated, reasonable, and nondiscriminatory rules and regulations regarding time, place, and manner.

II. ACADEMIC FREEDOM

Academic freedom in the pursuit and dissemination of knowledge through all media shall be maintained at the University of Utah. Academic freedom shall be recognized as a right of all members of the faculty, whether with or without tenure or continuing appointment, of all administrative officers, and of all students. The University of Utah endorses and hereby incorporates in these regulations the following statements of the American Association of University Professors related to defining academic freedom: "The 1940 Statement of Principles on Academic Freedom and Tenure" and the "1970 Interpretive Comments" thereon; the "1970 Statement on Professors and Political Activity"; the "1970 Statement of the Association's Council: Freedom and Responsibility"; and, the "1967 Joint Statement on Rights and Freedoms of Students".

III. FREEDOM OF THE PRESS

Members of the university community in their publications or broadcasts are entitled to the full protection of the constitutional right of freedom of the press. Reasonable and nondiscriminatory rules and regulations, consistent with these regulations, may be adopted regarding the operations of student and faculty publications, posting of signs and notices, the distribution of commercial advertising materials, and the solicitation of funds.

IV. DUE PROCESS

Due process of law is recognized as essential to the proper enforcement of university rules, and accordingly no disciplinary sanction may be imposed on a member of the university community or an organization by or in the name of the university except in accordance with the written regulations, policies or procedures of the university and the Constitution of the State of Utah and the Constitution of the United States.

V. CONDUCT OF CLASSES

Discussion and expression of all views relevant to the subject matter of a class are recognized as necessary to the educational process, but students have no right to impinge on the freedom of instructors to teach or the right of other students to learn. If a student persists in behaving disruptively in class after the instructor has explained the unacceptability of such conduct, the instructor may dismiss the student from the class and may refer the matter to the university's Student Behavior Committee. Upon dismissing a student from class, the instructor shall immediately notify the Dean of Students of the action so the student may be informed of the student's right to appeal the dismissal.

VI. NONDISCLOSURE OF STUDENT VIEWS

Information about individual student views, beliefs, and political associations acquired by instructors, counselors, or administrators in the course of their work is confidential and is not to be disclosed to others

without the prior written consent of the student involved or under legal compulsion.

VII. ACADEMIC RIGHTS OF FACULTY MEMBERS

A. A faculty member has the legal rights and privileges of a citizen. He or she may not be subject to punishment or reprisal for the exercise of such rights and privileges. He or she may be subject to sanctions for breach of the rules and responsibilities enumerated in the Code of Faculty Responsibility, University Regulations, Chap. XII.

1. Every faculty member has the right to academic freedom and the right to examine and communicate ideas by any lawful means even where such activities generate hostility or pressures against the faculty member or the university.
2. A faculty member's exercise of freedom of communication, association, or assembly, or his or her participation in political activities, does not constitute a violation of duty to the university, to his or her profession, or to students, except in situations specified in the rules of the Code of Faculty Responsibility.

B. Where his or her rank and status are appropriate, a faculty member has the right to vote on faculty appointments, promotions, and tenure and to vote for representatives to department, college and university legislative bodies.

C. In any disciplinary matter, a faculty member has a right to adequate notice, to be heard, and to decision and review by impartial persons or bodies. In disciplinary proceedings involving a possibility of substantial sanctions, a faculty member has a right to full due process and peer judgment.

D. Faculty members are entitled to support and assistance from the university in maintaining a climate suitable for the exercise of rights of academic freedom, scholarship, research, and effective teaching and learning. A faculty member is entitled to a classroom free from violence or systematic disruption. The university shall strive to assist the faculty member in improving his or her skills and developing his or her talents as teacher and scholar.

VIII. RIGHT TO FORM STUDENT ORGANIZATIONS

Student organizations may be established for any lawful purpose. Affiliation of any student organization with lawful off-campus groups shall not, in itself, disqualify that organization from enjoying the benefits and privileges which the university affords to student organizations.

Organizations shall have the right to keep membership lists confidential and solely for their own use. The names and addresses of officers or representatives may be required by the university as a condition for registration or access to university funds or enjoyment of university privileges.

IX. REGISTRATION PROCEDURE FOR STUDENT ORGANIZATIONS

A. Registration

Any qualified organization may be added to the university register upon:

1. the filing of a completed university registration form, as provided for in subsection B of this section, with the Executive Secretary of the Committee on Student Affairs, and
2. the recording of the completed form with the Committee on Student Affairs by the Executive Secretary of the Committee.

B. Registration Form

A completed registration form shall include the following:

1. name of organization;
2. address;
3. official representative(s);
4. constitution, charter, or official statement of the organization that:
 - a. sets forth the purposes and organization of the group;
 - b. defines the qualifications for membership;
 - c. provides for a method of choosing the representatives of the

organization, all of whom shall be students, faculty, or employees of the University of Utah;

5. a signed statement of intent to be listed on the university register.

X. MAINTENANCE OF REGISTRATION FOR STUDENT ORGANIZATIONS

Registered student organizations shall maintain their position on the university register upon filing annually with the Executive Secretary of the Committee on Student Affairs a statement of intent to maintain their listing on the register. This statement shall include any changes in the official statement since its latest filing and shall list the current recognized official representatives of the group.

XI. REMOVAL FROM REGISTER

The Committee on Student Affairs or the ASUU Supreme Court may remove an organization from the university register for failure by the group to abide by university rules and regulations or state law.

XII. STUDENT PUBLICATIONS

Student publications supported by university funds or student fees, other than those publications sponsored by a college or department, may be regulated by the Publications Council pursuant to rules and regulations, consistent with these regulations, of the Publications Council. In the case of student publications sponsored by a college or department, the publication shall be regulated, in accordance with the policies consistent with these regulations, by regulations adopted by the college or department.

XIII. STUDENT ELECTIONS

Student elections for ASUU shall be regulated pursuant to written regulations, consistent with the policies of these regulations, adopted by ASUU and published as part of ASUU bylaws. Elections for student organizations sponsored by colleges or departments shall be regulated by the college or department sponsoring the student organization pursuant to regulations consistent with the policies of these regulations.

XIV. SPEAKER POLICY

- A. Members of the university community and their organizations shall have the right to invite speakers to address audiences on campus (at the expense of the organization and members), subject only to reasonable and nondiscriminatory regulations governing the use of university

facilities. The rights of speakers to freedom of expression under the Constitution of the United States and the Constitution of the State of Utah shall be protected. The rights of speakers to speak and audiences to hear free from undue disruption and interference shall also be protected.

B. Members of the university community and their organizations who invite speakers to address audiences on or off the campus, except university organizations designated by the university or any college or department as an official organization of the university, may not use the name of the university to imply official university sponsorship of the speaker in advertising or publicizing the event, except to identify the location of the event.

XV. FREE SPEECH FACILITIES

A. The university shall provide reasonably appropriate facilities in the area of the Union Plaza and adjoining lawns on the southwest side of the Union Building (bounded by the University Bookstore and Orson Spencer Hall) to enable speakers to address those wishing to listen. These facilities shall be available to any person, but members of the university community and their organizations shall have preference in the use of the facilities. Use of the facilities may be reserved through the Office of the Dean of Students or the Dean's designate for up to two hours for purposes of speaking. Members of the university community or their organizations reserving use of the facilities shall have preference in its use in the order of their application and over those seeking to use the facilities without reservation. Persons using the facilities may make use of tables and other temporary means for displaying or distributing information while the person or organization representing them is making use of the facilities. The tables or other temporary means for displaying or distributing information shall be removed upon the expiration of the time during which the facilities are being used by the person or organization.

B. Nothing in this section shall be interpreted as limiting the right of free speech elsewhere on the campus as provided by these regulations. The Office of the Dean of Students shall provide general notice of the existence of free speech facilities provided for in this section and the procedures for reserving use of the facilities.

XVI. SOUND AMPLIFICATION EQUIPMENT

A. Where sound amplification equipment is used to exercise rights defined or protected by these regulations, the persons or organizations exercising such rights must first obtain permission from the Scheduling Office. Sound equipment shall only be used at sound levels which do not disrupt or disturb teaching, research or other duly authorized meetings or activities. Violations of this restriction shall constitute grounds for revocation of the permission to use the sound amplification equipment.

B. Where permission is denied or revoked by the Scheduling Office, review of the decisions

made will take place before the Committee on Student Affairs. The decision and any remedies order by the Committee on Student Affairs shall be final except as to claims of violation of the Utah or United States Constitution, which claims shall be heard by appeal to the Academic Freedom and Tenure Committee in accord with the rules and regulations of that Committee. The recommendation of the Academic Freedom and Tenure Committee shall be transmitted to the Academic Senate and the president. In cases where the president concurs with the Committee recommendation, the president shall notify all involved parties of the decision and the Board of Trustees at its next regularly scheduled meeting. In cases where the president disagrees with the Committee's recommendation, the president shall transmit the Committee recommendation with his or her recommendations to the Board of Trustees at its next regularly scheduled meeting for a final decision.

XVII. DEFAMATORY OR OBSCENE SPEECH

Nothing in these regulations shall be construed as authorizing or condoning unlawful defamatory or obscene exercises of the speech rights defined under these regulations. Any person engaging in such conduct or using university facilities or grounds to do so shall be subject to the laws governing defamatory or obscene speech, including the authority of the university to remove signs, posters, handbills, structures or other unlawful expressions of defamatory or obscene speech or publications.

TITLE III

REGULATIONS GOVERNING THE USE OF UNIVERSITY FACILITIES

I. GENERAL POLICY

The regulations contained in this title establish procedures for the authorized use of university facilities for meetings, activities or other events. The purpose of the regulations contained in this title is to facilitate the effective and orderly use and enjoyment of the university's facilities without interfering with university instructional, research and other functions. These regulations apply to members of the university community and their organizations and to others from outside the university community who desire to use university facilities for meetings, activities or other events on campus. These regulations do not apply to the University Administration or duly authorized college, department or other administrators in scheduling university facilities for classes, research or other uses associated with the teaching and research functions of the university.

II. SCHEDULING RESPONSIBILITIES

A. The Scheduling Office of the university, as provided for in Title I, section 10, shall maintain and provide for inspection by any person:

1. A list of the facilities which may be scheduled for use by members of the university community and their organizations. The list shall indicate those facilities over which the Scheduling Office has authority and the persons responsible for scheduling facilities not within the authority of the Scheduling Office;
2. A list of facilities not available for scheduling for use by members of the university community and their organizations; and
3. A schedule of any fees for use of university facilities or equipment.

B. The Scheduling Office, in consultation with the University Administration, may adopt a schedule of fees for use of university facilities. The fee schedule may distinguish between the classes of users provided for in Section 3 and Section 4 of this title in whether to impose a fee for the uses described and in the amount of the fee imposed. Any fee schedule shall be administered without unjust discrimination among the members of the same class of users.

III. SCHEDULING PROCEDURES AND STANDARDS

A. Any member or organization of the university community may obtain the use of university facilities for non-commercial and university-related use by filing a request form with the office of the Scheduling Office. For the purpose of this regulation, a university-related use shall be interpreted liberally to include extracurricular activities normally associated with a university or activities reasonably related to a member of the university community's membership in the university community. The request form shall include the following information:

1. The name of the requesting organization or the name and identification number of the requesting member;
2. A brief description of the intended use, including the name of any speaker or speakers and the general topic of an address, if applicable;
3. The anticipated number of persons who will attend;
4. Whether an admission fee will be charged and, if so, the amount and purpose of such fee;

5. Any special facilities or equipment required for the use of the facility; and

6. Any preference for specific facilities.

B. The request form may also contain a statement to be signed by the member or by a member on behalf of an organization in which the requesting party agrees to be liable for any fees, legitimate out-of-pocket expenses or damages because of the applicant's conduct in use of the facility. Any rental fee charged for the use of the facility under this section shall only be made in accord with a uniformly administered schedule of fees adopted under section 2 of this title.

C. As soon as practicable, the Scheduling Office shall assign an appropriate room or space to the requesting member or organization meeting the requirements of this section and shall assist in arranging for any special equipment that might be required.

IV. COMMERCIAL AND NON-UNIVERSITY RELATED USES

The Scheduling Office shall publish rules and regulations governing the use of university facilities for commercial and non-university related purposes. The regulations may include a schedule of rental fees for university facilities. The regulations shall be available for inspection in the Scheduling Office and a written record of actions taken under the regulations shall be maintained and be open for public inspection.

V. APPEAL RIGHTS

If a member of the university community or organization objects to the denial of a scheduling request, the assignment of a particular facility or the assessment of fees or out-of-pocket expenses, the requesting member or organization shall have a right to appeal the denial, assignment or assessment to the Committee on Student Affairs, which shall hear the appeal and render a decision as soon as practicable but in any event no later than five (5) calendar days after the date of the appeal. The decision of the Committee on Student Affairs shall be final, except as to claims that the action of the Scheduling Office or the Committee on Student Affairs violates academic freedom or rights guaranteed by the United States or Utah constitution which shall be heard by appeal to the Academic Freedom and Tenure Committee under the rules and regulations established by that Committee. The recommendation of the Academic Freedom and Tenure Committee shall be transmitted to the Academic Senate and the president. In cases where the president concurs with the Committee recommendation, the president shall notify all involved parties of the decision and the Board of Trustees at its next regularly scheduled meeting. In cases where the president disagrees with the Committee's recommendation, the president shall transmit the Committee recommendation with his or her recommendations to the Board of Trustees at its next regularly scheduled meeting for a final decision.

TITLE IV

SIGNS, LITERATURE AND STRUCTURES

I. POSTING OF SIGNS, NOTICES AND POSTERS BY MEMBERS OF THE UNIVERSITY COMMUNITY

A. General Policy

The university shall provide reasonable space indoors and outdoors for the posting of signs, notices and posters by members of the university community and their organizations. Such signs, notices and posters may deal with any subject matter including, but not limited to, notices of meetings or events and expressions of positions and ideas on social or political topics, and must clearly identify the author or sponsor of the materials.

B. Time, Place and Manner Restrictions

Members of the university community and their organizations may post signs, notices and posters on bulletin boards and kiosks maintained by the university and located on the campus. Signs, notices and posters shall not be attached to trees, buildings, walls or other university structures unless otherwise expressly authorized by the Scheduling Office. Messages or slogans of any kind shall not be painted or otherwise written on trees, buildings, sidewalks, grounds fountains, walls or other university structures or surfaces, or on the personal property of others.

C. Members of the university community and their organizations may also post signs, notices and posters on designated bulletin boards and kiosks maintained by the academic and administrative departments of the university subject to the approval and reasonable limitations of the appropriate departments. Colleges and departments may adopt reasonable time regulations limiting the time for display of signs, notices and posters on bulletin boards maintained by colleges and departments to maximize everyone's opportunity to use designated areas for signs, notices and posters and may prohibit attaching signs, notices or posters to walls and other surfaces in order to prevent damage to walls and other surfaces.

D. Any sign, notice or poster posted on campus must contain a visible expiration date, a date after which the sign, notice or poster may be removed, not to exceed fifteen (15) calendar days from the date of posting. For purposes of this regulation, a visible expiration date shall be either a stamped expiration date by the Office of the Dean of Students or official of the college or department responsible for the area where the sign, notice or poster is posted or a legible date

placed in the lower right hand corner of the sign, notice or poster by the person or organization posting the sign, notice or poster. University maintenance personnel or other university officials may remove any signs, notices and posters which do not contain a visible expiration date as defined by this section.

E. The Dean of Students may grant permission to post signs, notices and posters for a period longer than fifteen (15) calendar days where it is shown that there is good reason for the signs, notices or posters to remain in place for a longer period; but in no case shall the signs, notices or posters be allowed to remain posted beyond the end of the academic semester or fifteen (15) calendar days from the date of posting whichever comes later.

F. Commercial and Non-University Community Signs, Notices and Posters

The Dean of Students shall publish rules and regulations governing the posting or distribution of signs, notices, posters, and other materials for commercial purposes or by non-members of the university community. The regulations may include a schedule of fees and limitations upon the areas in which such commercial or non-member of the university community activity may take place. The regulations shall be available for inspection in the office of the Dean of Students and a written record of actions taken under the regulations shall be maintained and be open for public inspection.

G. Responsibility for Content of Signs, Notices or Posters

Any person or organization shall be personally responsible for the content of any signs, notices or posters they sponsor or post on campus. By posting the sign, notice or poster on campus, the person or organization agrees to hold the university harmless for any assessed damages or liabilities incurred as a result of the sign, notice or poster.

II. DISTRIBUTION OF HANDBILLS, PETITIONS AND OTHER WRITTEN MATERIAL

A. General Policy

Any person may hand out and distribute non-commercial handbills, petitions or other written material on campus without prior approval, so long as such distributed materials clearly identify the author or sponsor of the materials.

B. Time, Place and Manner Restrictions

1. Distribution outside of university buildings is permissible but must not interfere with the entrances to the university buildings or the normal flow of pedestrian or vehicular traffic.
2. Distribution inside buildings is permissible so long as those distributing handbills or other written materials do not disrupt the functioning of the university or interfere with the rights of other members of the university community.
3. Handbills or other written material may not be attached or affixed to private property without the owner's permission.

C. Distribution of Commercial Handbills

The Scheduling Office shall publish rules and regulations governing the distribution of commercial handbills. The regulations may include a schedule of fees and limitations upon the areas in which such commercial activity may take place. The regulations shall be available for inspection in the Scheduling Office and a written record of actions taken under the regulations shall be maintained and be open for public inspection.

D. Responsibility for Handbills

Any person distributing handbills or other written material shall be personally responsible for the content of the material and hold the university harmless for any assessed damage or liability incurred as a result of the distribution of the material.

III. STRUCTURES ERECTED BY MEMBERS OF THE UNIVERSITY COMMUNITY

A. General Policy

1. Members of the university community and their organizations may erect structures on campus to express their view or opinions. Such structures may deal with any subject matter including, but not limited to, expressions of positions and ideas on social or political topics.
2. A "structure" is any object (other than objects such as handbills, signs, notices and posters, arm bands or personal attire) used in the process of expressing views or opinions including, but not limited to, lawn signs, tables (and other structures used to display materials), booths, buildings, billboards, banners, and similar

displays.

B. Time, Place and Manner Restrictions

1. Members of the university community and their organizations may erect structures in areas where free speech facilities are required as defined in Title II, Section 15. Members of the university community and their organizations may erect structures outside of the area where free speech facilities are required where it is shown that the message is intended for an audience elsewhere on the campus.
2. Prior to the erection of any structure, a person or organization must obtain a permit from the Scheduling Office for each proposed structure. The application for a permit shall include the identity of the member or members of the university community responsible for the structure, the proposed location and design of the structure, the length of time up to thirty (30) calendar days for which the permit shall be in effect, an agreement to remove the structure upon expiration of the permit and pay for any damage the structure may cause to the site upon which it is erected, and an agreement to hold the university harmless for any assessed damages or liabilities caused by the structure itself. In the case of structures defined in subsection 3 A of this section, other than structures that are lawn signs, billboards, banners and similar self- explanatory structures, the Scheduling Office shall require that the structure be regularly staffed during daytime school hours as a condition of issuing the permit and renewing the permit.
3. The Scheduling Office shall issue the permit: 1) if the intended structure and uses made of it will not constitute an unreasonable safety hazard and will not impede the normal functions of the university; 2) the structure does not block or impede entry to any building or interfere with normal pedestrian or vehicular traffic; and, 3) the proposed location of the structure does not inflict unreasonable damage upon landscaping like flower gardens and shrubs.
4. A permit shall be issued for up to thirty (30) calendar days. At the end of the time period for which a permit conditioned upon staffing the structure was issued and where there has been reasonable compliance with the staffing requirement, such a permit shall be renewed upon application for the same time period subject to the requirements applicable to the issuance of the original permit. A permit conditioned on staffing the structure shall be renewed as often as requested, but in no case shall a renewal period extend beyond the end of the academic semester.

C. Appeal Rights

Any person denied a permit to erect a structure or who objects to restrictions placed upon a permit may appeal the action of the Scheduling Office to the Committee on Student Affairs. The action of the Committee on Student Affairs may be appealed to the Academic Freedom and Tenure Committee on the ground that the action constitutes a violation of academic freedom or rights guaranteed by the United State Constitution or the Utah Constitution. The recommendation of the Academic Freedom and Tenure Committee shall be transmitted to the Senate and the president. In cases where the president concurs with the Committee recommendation, the president shall notify all involved parties of the decision and the Board of Trustees at its next regularly scheduled meeting. In cases where the president disagrees with the Committee's recommendation, the president shall transmit the Committee recommendation with his or her recommendations to the Board of Trustees at its next regularly scheduled meeting for a final decision.

D. Responsibility for Content and Safety of Structures

Members of the university community shall be personally responsible for the content and use they make of the structures they erect on campus. By erecting any structure on campus, the member or members of the university community agrees to hold the university harmless for any assessed damages or liabilities caused by the structure itself or caused by libel or slander in the message it conveys.

E. Structures Erected by Non-Members of the University Community or for Commercial Purposes

The Scheduling Office shall provide rules and regulations governing the creation and use of structures for commercial purposes or by non-members of the university community. The regulations may include a schedule of fees and limitations upon the areas in which such commercial or non-member of the university community activity may take place. The regulations shall be available for inspection in the Scheduling Office and a written record of actions taken under the regulations shall be maintained and be open for public inspection.

TITLE V

DEMONSTRATIONS

I. DEMONSTRATIONS AND PICKETING

A. General Policy

1. Demonstrations and picketing on campus are legitimate means of expression. Anyone who wishes to engage in demonstrations and picketing shall be permitted to do so freely, as long as their conduct is not violent and does not unduly disrupt the functioning of the university or interfere with the rights of other members of the university community or damage university or private property.

2. The term "demonstration" as used herein means any rally, gathering, protest, parade or procession.

B. Time, Place and Manner Restrictions

1. Picketing or demonstrating must be orderly at all times and must not jeopardize public order or safety.

2. Picketing or demonstrating must not interfere with the entrances to buildings or the normal flow of pedestrian or vehicular traffic.

3. Picketing or demonstrating must not interfere with organized meetings or other assemblies in such a way as to invade the rights of others to assemble and the rights of speakers to free expression.

4. Picketing or demonstrating must not interfere with classes and teaching, the use of offices or research facilities, the privacy of university housing, or the special needs of the hospital, Health Service, and other university activities related to teaching or research.

II. RESPONSIBILITY FOR DEMONSTRATIONS OR PICKETING

A. Persons violating the time, place and manner regulations in subsection B of this regulation may be subject to arrest or other action authorized by law after notice is given of the regulations being violated and the persons refuse to cease and desist in their conduct violating the regulations.

B. Picketers or demonstrators shall be financially responsible for any damages, including cleanup of litter, caused by their picketing or demonstrating. Damages or litter caused by third parties not part of the picketing or demonstrations shall be assessed against such third parties.

III. APPEAL RIGHTS

Any person assessed damages caused by picketing or demonstrating shall have a right to appeal the assessment of damages to the Committee on Student Affairs. The decision of the Committee on Student Affairs shall be final.

Approved: Academic Senate 5/3/99

Approved: Board of Trustees 5/17/99

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Rev 2

University of Utah
Scheduling Office
May 23, 1988

REGULATION A

GOVERNING THE USE OF UNIVERSITY FACILITIES BY THE UNIVERSITY COMMUNITY

I. REFERENCE

University Regulations, Policy and Procedures Manual, "University Speech Policies," Number 8-9.

II. GENERAL POLICY

These regulations establish procedures for the use of university facilities by members of the university community and their organizations, as defined by reference listed above, apply only to the areas and/or facilities which fall under the scheduling jurisdiction of the Scheduling Office and apply to all events in or on the campus facilities/areas covered by these regulations. Unauthorized use of facilities, i.e., nonscheduled, or nonconforming, to these regulations will not be permitted.

III. RESPONSIBILITIES

The Scheduling Office has primary responsibility for scheduling facilities of the university. These facilities include outdoor campus areas, auditoriums, classrooms, physical education facilities, plazas and other outdoor areas, and generally all other areas except specific facilities assigned to and controlled by academic colleges, departments or other campus agencies. These latter facilities consist primarily of offices, conference rooms, laboratories, seminar rooms, computer facilities, libraries and study rooms.

IV. SCHEDULING PRIORITIES AND STANDARDS

A. Requests for use of university facilities are considered in the following priority:

1. Regularly scheduled university academic, research, and public service programs and activities, scheduled classes, scheduled collegiate contests, commencement, and other academic conferences, institutes or public ceremonies.
2. Nonscheduled functions and activities of the university or individual building occupants or departments.
3. Functions of student, faculty and staff organizations.
4. Meetings and conferences of national and regional societies, and academic and professional organizations with established university relationships or associations.
5. Nonprofit public service or charitable activities or programs (See paragraph B7, below for statement of appropriate charges).
6. Meetings of community groups, including but not limited to political parties, civic and service organizations, fraternal groups, and others, such as, Utah Symphony, Ballet West, Utah Opera Company, etc.

B. Requests are considered based on the following criteria:

1. The use must be appropriate to the nature and purpose of the facility.
2. The use must not interrupt or interfere with regularly scheduled university programs or functions.

3. The use must not preempt other uses of higher priority.
4. The use must not place facilities, property, participants, or spectators above an acceptable level of risk of harm, damage, or injury as evaluated and determined by the Scheduling Office and the Director of Public Safety. The University Risk Manager shall be consulted periodically to insure that appropriate concerns are addressed.
5. The use must not violate any applicable law or regulation.
6. The use may not be allowed for the personal or private gain of individuals.
7. All out-of-pocket costs for maintenance, security, special custodial and other support services must be paid by the user.
8. Mistreatment of persons or property, or violation of university regulations and policies, as pertains to use of university facilities, may constitute justification for denial of future requests from the same individual, organization or group.

C. University Police Support

1. The need for university police officer support, in conjunction with any use of facilities or areas, shall be determined by the Scheduling Office, in coordination with the Director of Public Safety, and shall be arranged by the Scheduling Office. Users shall be required to reimburse the university for any costs arising from police officer support.
2. University police are authorized to immediately cancel any event if in their judgement an unacceptable risk level to university facilities, property, participants, or spectators has been reached.

D. Parking Requirements and Restrictions

1. Parking regulations are enforced all year, including periods when classes are not in session. Members of the university community, plus visitors to the campus, must comply with parking regulations as published by the Division of Parking Services.

2. For special events permission may be given by Plant Operations for a limited number of vehicles to traverse or park on campus sidewalks, plazas, etc., for purposes of unloading or loading materials, such as musical instruments, speaker systems, election campaign supplies, food supplies, etc. Vehicles so authorized must display approved parking signs in the vehicle windshield area. Signs will be obtained from Plant Operations at the time of making the reservation.

3. Any vehicle not displaying approved signs, or otherwise parked illegally, will be subject to ticketing and/or removal to impound facilities at the owner's expense.

E. Outdoor Concerts, Dances, Activities

1. Requests from members of the university community to hold a dance, a concert or other activities on outdoor facilities such as Marriott Library Plaza, Big Rocks area, Tanner Fountain area, etc., will be considered individually and on their own merit under the following criteria:

- a. Size of participating group.
- b. Requested facility.
- c. Adequacy of night time lighting that is available (additional lighting may be specified as a requirement).
- d. Availability of electrical power sources.
- e. Other planned or scheduled events on campus at the same time.
- f. Anticipated police officer support requirements.

2. Normal ending times of dances, activities and other events on campus will be midnight. However, the university expressly reserves the right to require that any event end at an earlier time, given considerations of safety, crowd control, weather, noise and community interaction. This determination will be made at the time of finalizing a reservation/contract at which time all parties shall be made aware of any special ending time requirement.

F. Sound Amplification

1. Levels of sound from big band speaker systems, or other amplification

equipment, shall not exceed noise levels indicated below, as specified by Noise Control Regulations of the Salt Lake City/County Health Department. Measurements may be taken at any university boundary or at any point within the property (facility) affected by the noise:

- a. 10:00 p.m., to 7:00 a.m. - 50 decibels
 - b. 7:00 a.m., to 10:00 p.m. - 55 decibels
2. Instances wherein sound levels exceed the levels described above will be treated in accordance with policies stated in the reference listed in paragraph I above.
3. Sound amplification equipment used for dances, concerts, election campaigns, promotional activities and other similar events on Marriott Library Plaza or by the Big Rocks, etc., will not be used prior to 12:00 noon on regular class or exam days. In all instances, and for all events, the time of day and location of amplification equipment will be carefully evaluated given the potential disruption of teaching, studying, research and administrative activities.

G. Food Distribution

1. University, state and local health department regulations require that any food sales, or food items that are distributed free of charge, be approved through issuance of a temporary permit. This will include baked goods sales, canned food drives, MayFest food sales, box lunches, distribution of Coca Cola, Pepsi Cola, etc. (Regulations covering food handling by groups are available at the Scheduling Office.)
2. Distribution and consumption of food is not allowed in auditoriums, classrooms, gymnasiums, natatoriums and other university facilities covered by these regulations without the express permission of the facility manager or the Scheduling Office. Departments or other operating organizations of the university will not distribute refreshments or food items where facility carpeting may be ruined or discolored from spillage. If it becomes necessary to either clean or replace a carpet in such instances, the department, group, or organization will be assessed the cleaning and/or repair costs.

H. Rental fees for use of university facilities by members of the university community are not required under normal use circumstances. However, when an admission fee is charged, or special custodial services, or equipment and support services are provided, a rental/facility use fee shall be assessed in accordance with the fee structure maintained by the Scheduling Office.

I. Members of the university community, in their use of university facilities, whenever there may be potentially unacceptable or unreasonable risk to either property, participants and/or spectators, shall be required to provide evidence of liability insurance, unless expressly waived by Scheduling Office, and shall agree to hold the university harmless from any and all liability arising from the user's use of university facilities.

J. No alcoholic beverages of any type shall be in possession of or consumed by individuals in any university facility or outdoor areas scheduled under the provisions of these regulations.

K. The university reserves the right to inquire into the nature of films to be shown in campus facilities to insure that film content is in compliance with laws of the State of Utah.

L. The university further reserves the right to inquire into the intended disposition of funds obtained by members of the university community from the use of campus facilities for fund raising purposes.

M. The university will neither grant nor deny permission to use university facilities for any reason that is in violation of constitutional standards or discriminates on the basis of race, color, ethnic origin, sex, sexual preference, religion, disabled status, age, political belief, or other impermissible basis.

V. SCHEDULING PROCEDURES

A. Members of the university community and campus organizations may obtain the use of university facilities by submitting a request to the Scheduling Office. Presentation of university ID may be necessary to satisfy requirements of university community membership. The request shall include the following information:

1. The name of the organization or the name and identification number of the requesting member.
2. A brief description of the intended use, including the name of any speaker or speakers, and the general topic of an address, if applicable.
3. The anticipated number of persons who will attend.

4. Whether an admission fee will be charged and, if so, the amount and purpose of such fee.

5. Any special facilities or equipment required for the use of the facility.

6. Any preference for specific facilities.

B. Users of campus facilities shall be required to sign a statement in which the requestor agrees to be liable for any fees, assessed out-of-pocket expenses or damages resulting from the applicant's use of the facility.

C. The Scheduling Office may provide assistance by indicating which other agencies on campus are able to provide extra chairs and tables, additional sound or audio visual equipment, or other support services. Campus organizations which have campus order capability may wish to complete their own arrangements and make separate payment for services and support rendered. The Scheduling Office will provide billing and payment services to members of the university community who do not have campus order capability, yet who may be authorized use of facilities for events which require additional support, and for which payment must be rendered.

D. If the facility reservation is not completed at the time of receiving a request the Scheduling Office will reply as soon as practicable.

E. If a member of the university community or organization objects to the denial of a scheduling request, the assignment of a particular facility or the assessment of fees or out-of-pocket expenses, the requesting member or organization shall have a right to appeal the denial, assignment or assessment to the Committee on Student Affairs, which shall hear the appeal and render a decision as soon as practicable but in any event not later than five (5) calendar days after the date of the appeal. The decision of the Committee on Student Affairs shall be final, except as to claims that the action of the Scheduling Office or the Committee on Student Affairs violates academic freedom or rights guaranteed by the United States or Utah constitutions which shall be heard by appeal to the Academic Freedom and Tenure Committee under the rules and regulations established by that committee. The recommendation of the Academic Freedom and Tenure Committee shall be transmitted to the Academic Senate and the president. In cases where the president concurs with the committee recommendation, the president shall notify all involved parties of the decision and the Board of Trustees at its next regularly scheduled meeting. In cases where the president disagrees with the committee's recommendation, the president shall transmit the committee recommendation, with his or her recommendations to the Board of Trustees at its next regularly scheduled meeting for a final decision.

University of Utah
Scheduling Office
May 23, 1988

REGULATION B

GOVERNING THE USE OF UNIVERSITY FACILITIES BY THE NON-UNIVERSITY COMMUNITY

I. REFERENCE

- A. "Guidelines for Developing Institutional Policies Relating to Use of Institutional Facilities and Services by Off-Campus Users," dated April 29, 1982, Utah State Board of Regents, Commissioner of Higher Education.
- B. University Regulations, Policy and Procedures Manual, "University Speech Policies," Number 8-9, dated May 15, 1987.
- C. State Board of Regents' Policy and Procedures Manual, "Providing Facilities, Goods and Services in Competition with Private Enterprise," Number R555, dated November 14, 1986.

II. GENERAL POLICY

These regulations establish policies procedures for the use of university facilities by non-members of the university community, and apply to all events held in or scheduled for areas and/or facilities which fall under the scheduling jurisdiction of the Scheduling Office. Unauthorized use of the facilities involved, i.e., nonscheduled, or nonconforming, to these regulations shall not be permitted.

III. RESPONSIBILITIES

The Scheduling Office has primary responsibility for scheduling facilities of the university. Facilities covered under this responsibility include outdoor campus areas, auditoriums, lecture halls, classrooms, physical education facilities and generally all other areas except specific facilities under the control of administrative offices and academic departments, including laboratories, seminar and conference rooms, offices and computer facilities. The Scheduling Office may, as needed, consult with the Vice President for University Relations if there is some question as to whether off campus groups or organizations, who apply for permission to use university facilities, meet eligibility standards.

IV. ELIGIBILITY STANDARDS

- A. University facilities (including buildings, grounds, real and personal property) are established and maintained primarily for the use of the university in accomplishing its academic purposes and generally do not constitute a public forum available for general use by persons or organizations.
- B. Permission to use university facilities may be extended to non-university community members and to members of the university community for non-university uses, if the user pays applicable use fees and charges and (1) the use has relevance to the mission of the university or has special significance or value to the university; (2) will not place the university's facilities in unfair competition with private facilities or services elsewhere in the community; and (3) the activity is approved by an official operating unit of the University of Utah.
- C. The university will not advertise for or solicit the use of its facilities by the non-university community for non-university related activities. This restriction shall not preclude certain operating elements of the university, such as Conferences & Institutes of the Division of Continuing Education (DCE), from participating within the functional limitations of their operating charters in sponsoring conferences, institutes, seminars, concerts, and other events consistent with the eligibility standards herein defined. Nor does this restriction preclude the same operating elements from disseminating pertinent information as to programs, functions, or activities involving the use of facilities and services.
- D. The university will neither grant nor deny permission to use university facilities for any reason that is in violation of constitutional standards or discriminates on the basis of race, color, ethnic origin, sex, sexual preference, religion, handicapped status, age, political belief or other impermissible basis.

V. FACILITY SCHEDULING AND RESTRICTIONS

Any use of university facilities by the non-university community shall be subject to the following restrictions and conditions.

A. Appropriateness of use.

1. The use must be appropriate to the nature and purpose of the facility.
2. The use must not interfere with university programs or functions.
3. The use must not place facilities, property, participants, equipment, or spectators above an acceptable level of risk of harm, damage, or injury as evaluated and determined by the Scheduling Office and the Director of Public Safety. The University Risk Manager shall be consulted periodically to insure that appropriate concerns are addressed. University police are authorized to immediately cancel any campus event if in their judgement an unacceptable level of risk of harm, damage, or injury to any facilities, property, participants, or spectators has been reached.
4. The use must not violate any applicable law or regulation.

B. Facility Rental Fees

Rental fees are required for the uses of university facilities granted under these regulations. The Scheduling Office provides a detailed breakdown of the fees charged. The university reserves the right to waive or revise the rental fee schedule as may be deemed necessary.

C. University Police Support

The need for university police officer support in conjunction with any use of facilities, shall be determined by the Scheduling Office, in coordination with the Director of Public Safety, and shall be arranged by the Scheduling Office. Users shall be required to reimburse the university for any costs arising from police officer support.

D. Parking Requirements and Restrictions

1. Parking regulations are enforced all year, including periods when classes are not

in session. Visitor to the campus, including those who have been granted the privilege to use university facilities, must comply with parking regulations as published by the Divisions of Parking Services.

2. For special events permission may be given by Plant Operations for a limited number of vehicles to traverse or park on campus sidewalks, plazas, etc., for purposes of unloading or loading materials, such as musical instruments, speaker systems, food supplies, etc. Vehicles so authorized must display approved parking signs in the vehicle windshield area. Signs will be obtained from Plant Operations at the time of making the reservation.

3. Any vehicle not displaying approved signs, or otherwise parked illegally, will be subject to ticketing and/or removal to impound facilities at the owner's expense.

E. Event Ending Times

Normal ending times of events on campus will be midnight, unless otherwise approved by the Scheduling Office. The university expressly reserves the right to require that any event end at an earlier time, given considerations of safety, crowd control, weather, noise and potential disruption of favorable community relationships. This determination will be made at the time of finalizing a reservation/contract at which time all parties shall be made aware of any special ending time requirement.

F. Sound Amplification

1. Levels of sound from amplification equipment shall not exceed noise levels specified by Noise Control Regulations of the Salt Lake City/County Health Department. Measurements may be taken at any university boundary or at any point within the property (facility) affected by the noise:

- a. 10:00 p.m., to 7:00 a.m. - 50 decibels
- b. 7:00 a.m., to 10:00 p.m. - 55 decibels

2. Responsible officials of the university have the right to require that amplification systems be turned down, or off entirely, whenever it is determined that sound levels exceed the levels described above, or whenever it is determined that the event is disturbing or disruptive to surrounding university neighbors, or to other activities that may be taking place elsewhere on campus.

G. Food Distribution, Consumption

Distribution and consumption of food is not allowed in auditoriums, classrooms, gymnasiums, natatoriums, plazas, open areas, and other university facilities covered by these regulations without the express permission of the facility manager and/or the Scheduling Office. Whenever permission, as described above, is granted it shall be required that the facility/area user obtain a temporary food permit. Regulations related to food handling are available at the Scheduling Office.

H. Liability Insurance Requirements

Whenever, in the judgment of the Scheduling Office, there may be potentially unacceptable or unreasonable risk to either property, participants or spectators, users shall be required to provide evidence of liability insurance, unless expressly waived by the Scheduling Office. Users shall also agree to hold the university harmless from any and all liability arising from the user's use of university facilities.

I. Alcoholic Beverages

No alcoholic beverages of any type shall be in possession of or consumed by individuals in any university facility or outdoor areas scheduled under the provisions of these regulations.

J. Solicitation Sales

Solicitation door to door, office to office, for sale of goods and/or food items is not allowed in or on any campus facility or area covered by these regulations without express permission. This restriction shall apply also to the sale (scalping) of tickets to any and all events held in all areas of the campus.

VI. SCHEDULING PROCEDURES

A. The Scheduling Office will enter into appropriate contractual agreement with users of university facilities. The agreement will serve to confirm reservation of the facility, to outline all rental fees, charges for campus support services, and to constitute an agreement by the user to comply with provisions of these regulations, plus provisions of terms contained on both sides of the reservation/contract form.

B. A due date for payment of all charges will be established and included on the reservation

form. Failure to pay all assessed costs or rental fees, or mistreatment of persons or property, or violation of university regulations and policies, may constitute justification for denial of future requests from the same organization, group, or individual(s).

C. Charges from campus agencies who provide support to off campus users will be transmitted to the Scheduling Office, which will in turn bill the user for payment. The Scheduling Office will reimburse the campus agencies through the use of campus orders.

D. If the requested use of a facility is denied, or if the potential user objects to the facility assigned, the Vice President for University Relations may be consulted on appeal. The appeal shall be informal and expedited as reasonably required. The Vice President for University Relations will communicate the decision to the Scheduling Office who will proceed as directed.