

Use of Campus Facilities for Non - University Purposes Policy

Title: Use of Campus Facilities for Non-University Purposes Policy

Effective Date: August 28, 2020

Responsible Office: Office of Student Unions and Engagement

I. Scope

This policy applies to William & Mary as a whole university, including the Virginia Institute of Marine Science.

II. Purpose

William & Mary is a community in which the ideals of freedom of inquiry, thought, and expression are respected and sustained. The university is committed to supporting the exercise of constitutionally protected expression in university-controlled facilities and property while maintaining a safe atmosphere free from disruption.

The university has established requirements for use of its facilities and property in order to: (1) focus on its mission; (2) provide a safe environment; and (3) support academic, student life, and administrative functions.

III. Definitions

Affiliated Persons means either (1) Students who are registered or enrolled for credit-bearing coursework and who are seeking a degree or (2) university employees, consisting of faculty and staff.

Public Speaking means speech or expressive activity directed to a general audience or non-specific persons.

Recognized Student Organizations means student groups officially recognized by the university through the Office of Student Leadership Development.

Unaffiliated Persons means any person or party who is not an affiliated person (e.g., businesses, non-profit organizations, independent contractors).

University Department means any recognized unit or component of the university, including but not limited to academic and administrative offices, divisions, and departments.

University Facility means any defined space of the university, including but not limited to a room, lab, building, or controlled outdoor area.

University Property means the land or buildings that the university owns or leases and that is under the control of the Board of Visitors. University property also includes premises the university uses for activities of its offices, departments, personnel, or students.

IV. Policy

A. Use of University Facilities.

The use of University facilities and property must: (1) not impede student education, academic activities, research, scheduled events, university functions, residences, or the faculty/staff work environment; (2) be safe for participants and not generate security issues; and (3) preserve the integrity and aesthetics of the university's property.

B. Exclusions

Subsections 1, 2, 4, 5, and 6 of this Section IV.B do not apply to: (1) use of university facilities and property for activities and official events endorsed by a university department or a university-related foundation; (2) use of university facilities and property by its employees acting within the course and scope of their employment; or (3) use of university facilities and property by vendors and other unaffiliated persons that have a contractual relationship with the university, in the course of the performance of the contract.

Public speaking and distribution of literature under this policy is not considered speech made by, on behalf of, or endorsed by William & Mary.

1. General Access to University Facilities.

Subject to university uses and reasonable, time, place and manner restrictions, university facilities may be made available, on a first come, first serve basis in the following order of priority: recognized student organizations, employees, and unaffiliated persons. Access shall be granted without regard to the content or viewpoint of speakers or their sponsors.

To prevent disruption of the educational, research, and work environment, public speaking and verbal protests/demonstrations may occur only on outdoor property subject to the provisions of this policy.

- **Access by Recognized Student Organizations:** Recognized student organizations have priority in the use of university facilities designated for student activities. Other university facilities, including available academic spaces, also may be reserved for extracurricular activity by student groups or organizations. Information regarding this process can be found in *The Use of Campus Facilities for University Purposes*
- **Access by Unaffiliated Persons:** Unaffiliated persons may be an invited guest of a recognized student organization or a university department in order to use university

facilities. Unaffiliated persons may also contract with Conference Services. Events must be conducted in a manner that does not hinder or impede the university's mission.

2. General Access to Outdoor University Property.

- **Access by Affiliated Persons:** Affiliated persons and student groups/organizations may utilize outdoor university property for public speaking or distribution of literature, so long as they do not impede normal operations or obstruct pedestrian or vehicular traffic. Affiliated persons are encouraged to coordinate, when possible, with the Office of Student Unions & Engagement in order to minimize the potential for disruption.
- **Access by Unaffiliated Persons:** Unaffiliated persons wishing to engage in public speaking or distribution of literature on outdoor university property may do so in designated locations. The Wren Yard is not a designated location that unaffiliated persons may use. Unaffiliated persons wishing to utilize the spaces designated for public speaking or distribution of literature may do so by contacting the Office of Student Unions & Engagement at least seven (7) days in advance of the desired speaking date. Reservations are allocated on a space-available basis with priority given to recognized student organizations and affiliated persons. Reservations are for two-hour blocks, with a maximum of one (1) two-hour block per speaker per week. Use of spaces designated for public speaking or distribution of literature must conform to university regulations and policies and must not block pedestrian or vehicular traffic or impede normal university operations.

3. Peaceful Demonstration and Protest on Outdoor University Property.

In addition to the opportunities for speech by unaffiliated persons outlined in this subsection, events that are held in indoor university facilities and are open to the public or to select unaffiliated persons create a right to peaceful demonstration and protest on outdoor university property in specific relation to such events in a manner that (1) does not impede normal operations or obstruct pedestrian or vehicular traffic, (2) is consistent with university policies, and (3) complies with any event-specific security requirements.

4. Duties Toward Speakers.

No person may disrupt an invited or permitted speaker or hinder the ability of other attendees to see or hear a speaker. (See the Section V of this policy for the process to report any incident of disruption of public speaking or other constitutionally protected speech.)

5. Limits on Advertising, Sales, and Solicitation.

Direct advertising, sales, and commercial solicitation by affiliated and unaffiliated persons are not permitted on university property or in university facilities, including university housing. Recognized student organizations may, however, engage in promotional and fundraising activity if such activity does not disrupt university business, generate security issues, duplicate services or goods provided at the university, block sidewalks or roads, impair the aesthetics and integrity of university property, or generate personal profit for individuals.

6. Persons Lawfully in Charge.

In addition to university personnel responsible for the management or supervision of university property and activities, university law-enforcement officers are lawfully in charge of university property for purposes of forbidding entry upon or within or prohibiting remaining upon or within university property in violation of this policy.

7. Compliance with Policy,

Failure to comply with the requirements of this policy may result in disciplinary action up to and including termination and expulsion in accordance with relevant university policies.

Entry onto or occupation of university property or any university facility in violation of this policy is prohibited. Any person who violates this policy may be removed and/or prosecuted for trespass, disorderly conduct, or other offenses under state law.

Individuals or groups not in compliance with this policy may have their event cancelled, suspended, or terminated.

Questions about the application of this policy should be directed to the Office of Student Unions & Engagement.

V. Procedures

A. Report an Incident of Disruption of Constitutionally Protected Speech

To report an incident of disruption of public speaking, distribution of literature, or other constitutionally protected speech contact W&M Police at [757.221.4596](tel:757.221.4596).

B. Reservation Procedures for Unaffiliated Persons

1. Persons wishing to engage in public speaking or to distribute literature are required to reserve space by registering in advance with the Office of Student Unions and Engagement. Reservations are allocated on a space-available basis with priority given to recognized student groups and affiliated persons.
2. Reservations are for two-hour blocks between 9 a.m. and 6 p.m., Monday through Friday. A specific individual or group may reserve up to one (1) two-hour speaking block

per week. Reservations are valid only for the date authorized on the Unaffiliated Persons Registration Form.

3. Reservations may be made for the following designated locations:

- Sun Dial in front of Swem Library
- Sunken Garden Head (top of the steps on the side closest to the Wren Building)
- Sadler Center Entrance (in front of steps)
- Campus Center Entrance (in front of steps)
- Exterior Front of Commons Dining Facility

4. A group making a reservation must designate one contact person for the group, and the contact person is permitted to reserve up to one two-hour block per week. The contact person is responsible for identifying the persons in the group. Additional reservations made for the same group/unaffiliated person under a different name are not permitted.

5. Only one of the designated locations shall be available for reservation at a given time on a first-reserved basis. As soon as one location is reserved for a two-hour block, all the other locations will become unavailable to unaffiliated persons during that two-hour block.

6. There shall be a thirty-minute period between each reservation to allow for a peaceful and orderly transition.

7. A copy of the Unaffiliated Persons Registration Form must be available for inspection upon request by university officials.

C. Prohibitions on Weapons

In accordance with Chapters 20 and 40 of Title 8, Agency 115 of the Virginia Administrative Code persons who engage in public speaking or distributing literature in the designated locations are prohibited from carrying weapons, including guns, knives, or instruments for cutting, stabbing, or bludgeoning and from using open flames.

1. Unaffiliated persons wishing to speak publicly or to distribute literature must comply with these rules and with university policy, including the *Amplified Sound Policy* and the *Prohibition on the Sale or Promotion of Commercial Goods or Services*. Unaffiliated speakers are prohibited from:

- blocking pedestrian or vehicular traffic, and

- impeding normal university operations.

2. Failure to adhere to the above described university procedures will result in revocation of an approved reservation, other appropriate administrative action, and/or prosecution for trespass or other offenses under state law.

VI. Approval and Amendment

This policy was approved by the President, who has authorized the Assistant Vice President for Student Engagement & Leadership or a designee to make minor, technical amendments to this policy, such as to update contact information.

Related Policies

The Use of Campus Facilities for University Purposes

Amplified Sound Policy

Prohibition on the Sale or Promotion of Commercial Goods or Services