

**RULES
OF
AUSTIN PEAY STATE UNIVERSITY**

**CHAPTER 0240-05-03
USE OF UNIVERSITY PROPERTY**

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0240-05-03-.01 DEDICATION OF UNIVERSITY PROPERTY. Austin Peay State University (“APSU” or “University”) dedicates its property exclusively to the advancement of the University’s principal missions of teaching, research, and service. The University regulates its property to preserve it for the advancement of the University’s principal missions.

Authority: *T.C.A. § 49-8-203(a)(1)(D); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rules filed June 15, 2020; effective September 13, 2020.

0240-05-03-.02 DEFINITIONS.

- (1) The term “University Property” means all land, grounds, structures, facilities, and any other physical property owned, controlled, or operated by Austin Peay State University.
- (2) The term “University Unit” means any academic, administrative, or auxiliary department or division of the University or any other official entity of the University, functioning through University employees acting within the scope of their University employment.
- (3) The term “Unmanned Aircraft” means a device that is used or is intended to be used for flight in the air without an individual in or on the device (including but not limited to drone, model aircraft).
- (4) The term “Affiliated Entities” means an officially registered student, student group or student organization.
- (5) The term “Affiliated Individuals” means persons officially connected with the University including students, faculty, and staff.
- (6) The term “Non-affiliated individual or Entity” means any person who is not an “Affiliated Individual” or “Affiliated Entity” as defined in paragraph (4) or (5).
- (7) The term “Student” means a person who is currently registered for a credit course or courses, non-credit course or program at the University, including but not limited to reciprocal study abroad programs and clinical placements, including any such person during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period.
- (8) The term “University Facilities” means any structure or outdoor or indoor properties owned, controlled, or operated by Austin Peay State University.

(Rule 0240-05-03-.02, continued)

- (9) The term "University Official" means an individual employed by the institution with the authority to make decisions on behalf of the University.

Authority: *T.C.A. § 49-8-203(a)(1)(D); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64. Administrative History: Original rules filed June 15, 2020; effective September 13, 2020.*

0240-05-03-.03 ACCESS TO FACILITIES AND PRIORITIZED USERS.

- (1) Access to and use of APSU's campuses, facilities, and property are restricted to the University, the University administration for official functions, affiliated individuals/entities, and the University's invited or sponsored guests, or when part or all of a campus, its buildings or facilities are open to the general public for a designated period of time and purpose, or when access/use by Non-Affiliated Entities or Individuals has been allowed pursuant to the provisions of this rule.
- (2) Denial of a request to access/use campus facilities and/or University Property shall be based solely on factors related to reasonable regulations in light of the University's educational mission and the nature of the facility or property requested and rendered in a content/viewpoint neutral manner.
- (3) Priority for the use of University Facilities is in the following order: 1) credit and non-credit classes and programs, 2) University-sponsored activities, 3) all other requests for usage. When considering requests for use, priority shall be given to affiliated individual/entities whose proposed use is consistent with the University's educational mission, with highest priority for use of University buildings, facilities, and/or property always being reserved for administrative and educational uses. Educational and administrative uses include, but are not limited to: classes, university wide events, commencement, awards programs, and recruitment and/or registration events.
- (4) All requests for use of University Facilities must be made via APSU's website, where there is an online list of the facilities/areas available for use/rental by affiliated and/or non-affiliated entities and individuals. Applications will be evaluated and processed in the order they are received. Facilities use requests not related to class scheduling are reviewed and approved/denied in the University Facilities Office, except for the following:
 - (a) All Athletic spaces (Dunn Center and associated athletic fields) approved by the Office of Athletic Director.
 - (b) Music/Mass Communications Concert Hall approved by Office of the School of Music.
 - (c) Foy Recreation Center and Intramural Field approved by the Office of University of Recreation.
- (5) Applications to reserve facility space for priority use (administrative and educational) should be submitted prior to April 1 for the following academic year. After that date, facility space scheduling for the following academic year will be open to affiliated entities/individuals for all other uses. After the Spring Semester is concluded, scheduling will open to non-affiliated entities/individuals. However, the scheduling or the rescheduling of classes, no matter the time of the year, takes priority over all other scheduling.
- (6) Notification of approval or denial of an application to reserve University/Facilities/Space will be provided by email.

(Rule 0240-05-03-.03, continued)

- (7) All approved users of University Facilities or University Property are subject to all APSU rules, policies, and procedures and federal, state and local laws. Further, they must adhere to any conditions of facility usage as outlined in this rule or stated by the approving body.

Authority: T.C.A. § 49-8-203(a)(1)(D); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64. Administrative History: Original rules filed June 15, 2020; effective September 13, 2020.*

0240-05-03-.04 USE BY NON-AFFILIATED INDIVIDUALS/ENTITIES.

- (1) Non-affiliated Individuals/Entities may apply for use or access to designated University Property.
- (2) The University has designated the Morgan University Center as the main location on campus for use by Non-affiliated Individuals/Entities to request. Campus auditoriums and gyms may be available for rent on a space available basis if the event does not interfere with the educational mission of the University.
- (3) The University Center Plaza is the designated space on campus, where access may be granted to Non-affiliated Individuals/Entities without an associated fee. A fee may be assessed should the requesting party require fees including but not limited to additional set up, security, cleanup or audio visual (AV) support. All other assignable University space will have, at a minimum, a rental fee associated with the space.
- (4) Long term use of (more than once and less than four (4) months) assignable University Facilities and/or Property is subject to a review of request and the impact of the ongoing operations of APSU.
- (5) A contract may be required based on the nature of the requested event. Non-affiliated Individuals/Entities will be required to submit a deposit for the space equal to half (1/2) of their total estimated costs.
- (6) A forfeiture of a deposit will be applied to non-affiliated individuals/entities based on the following:
 - (a) Cancellation one hundred and twenty (120) days before the start of their event- 100% refund;
 - (b) Cancellation ninety (90) to one hundred and twenty (120) days before the start of their event- 75% refund;
 - (c) Cancellation thirty (30) to sixty (60) days before the start of their event- 25% refund; and
 - (d) Cancellation less than thirty (30) days- no refund.

Authority: T.C.A. § 49-8-203(a)(1)(D); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64. Administrative History: Original rules filed June 15, 2020; effective September 13, 2020.*

0240-05-03-.05 DENIAL OF THE USE OF FACILITIES OR PROPERTY. Denial of a request to access/use University Property and/or Facilities shall be based solely on factors related to reasonable regulations in light of the University's educational mission and the nature of the facility or property requested and rendered in a content/viewpoint neutral manner. Such reasons may include, but are not limited to, the following:

(Rule 0240-05-03-.05, continued)

- (1) The Property or Facilities have been previously reserved by another group, organization or individual with equal or higher priority;
- (2) Frequency of previous use during an academic period in comparison to that of a contemporaneous applicant;
- (3) Use of the Property or Facilities requested would be impractical due to scheduled usage prior to or following the requested use, or due to other extenuating circumstances;
- (4) The applicant or sponsor of the activity has not provided accurate or complete information required on the application for registration;
- (5) The applicant or sponsor of the activity has been responsible for violation of University policy during a previously registered use of campus Property or Facilities;
- (6) The applicant has previously violated any conditions or assurances specified in a previous registration application;
- (7) The Facility or Property requested has not been designated as available for use for the time/date;
- (8) The anticipated size or attendance for the event will exceed building/fire codes, established safety standards, and/or the physical or other limitations for the Facility or Property requested;
- (9) The activity is of such nature or duration that it cannot reasonably be accommodated in the Facility or area for which application is made;
- (10) The size and/or location of the requested use would cause substantial disruption or interference with the normal activities of the University, the educational use of other facilities or services on campus or the flow of vehicular or pedestrian traffic;
- (11) The activity conflicts with existing contractual obligations of the University;
- (12) The activity presents a clear and present danger for physical harm, coercion, intimidation, or other invasion of lawful rights of the University's officials, faculty members, or students, the damage or destruction, or seizure and subversion, of the University's or school's buildings, other property, or for other campus disorder of a violent or destructive nature. In determining the existence of a clear and present danger, the responsible official may consider all relevant factors; or
- (13) The requested use would be contrary to local, state, or federal law, and regulation, or the University's rules, policies, regulations, procedures, or mission.

Authority: T.C.A. § 49-8-203(a)(1)(D); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rules filed June 15, 2020; effective September 13, 2020.

0240-05-03-.06 GENERAL CONDITIONS FOR USE OF PROPERTY OR FACILITIES. Once an Affiliated Individual or Entity or a Non-Affiliated Individual or Entity has permission to use University Property or Facilities, including open access areas, the requirements outlined in this section, as well as all other requirements put forth in this rule, must be met. Violation of, or failure to comply with, the requirements set forth in this rule or other University policies may result in the immediate revocation of previously granted approval for access/use of University Property or Facilities.

(Rule 0240-05-03-.06, continued)

- (1) Applicable building, fire codes, and safety standards applicable to a particular facility and/or property must be met.
- (2) All APSU rules and/or policies must be followed.
- (3) Sound amplification equipment may be used only when prior approval has been requested and approved by the appropriate official taking into account the University's educational mission and the nature of the facility or property requested, location, and time of day.
- (4) Any rental of University equipment must follow the University Facilities guidelines as defined in .02.
- (5) All persons operating motor vehicles in conjunction with an approved use/access of University Facilities and/or Property shall be subject to University rules, regulations, policies and procedures regarding traffic and parking.
- (6) Users of University Facilities or Property and/or their sponsor(s) are responsible for all activities associated with the event.
- (7) Use of the requested University Facility and/or Property shall be limited to the declared purpose in the application for use/access to University Facilities and/or Property.
- (8) Access to, or use of, University Facilities shall not be permitted overnight unless specifically requested and approved pursuant to the requirements of this rule and/or other applicable University rules and guidelines. Such use shall be limited to the specific time and location set forth in the notice of approval/registration document.
- (9) All persons on campus in conjunction with an approved application for use/access shall provide adequate identification upon request to appropriate officials and security personnel of the University. Persons or groups who refuse to provide such identification may be subject to immediate removal from campus and/or disciplinary action. In appropriate circumstances, such persons may become subject to arrest and/or prosecution.
- (10) Austin Peay State University has the right to terminate the use of University Property or Facilities by any group, organization or individual that violates any provision of this rule, University policy, local, state, or federal law or regulation. Failure to comply with the requirements set forth in this rule or other University rules. Guidelines, and policies may result in the immediate revocation of previously granted approval for access/use of University Facilities or Property, and student disciplinary sanctions, if appropriate.
- (11) Non-affiliated Entities/Individuals using APSU facilities, shall indemnify the institution. In certain circumstances or events, the University reserves the right to require:
 - (a) Adequate bond or other security for damage to University property;
 - (b) Personal injury and property damage insurance coverage;
 - (c) A performance bond or other insurance guaranteeing or insuring performance of its obligations under the contract; and/or
 - (d) Other types of insurance, if approved by APSU.
- (12) Insurance policies must list APSU as additionally insured and be for \$1 million. See APSU website for a matrix for when additional insurance may be required.

(Rule 0240-05-03-.06, continued)

Authority: T.C.A. § 49-8-203(a)(1)(D); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rules filed June 15, 2020; effective September 13, 2020.

0240-05-03-.07 DISTRIBUTION OF LEAFLETS, LITERATURE, PAMPHLETS.

- (1) Distribution of leaflets, literature, pamphlets is not permitted within:
 - (a) Classroom, library or other academic buildings or facilities;
 - (b) Administrative and employee offices and work areas; or
 - (c) Student residence halls, dormitories or apartment buildings.
- (2) No obscene literature or material, as defined by law, shall be distributed on any University Property or Facility.
- (3) Placement of flyers, leaflets, literature, etc., is not permitted on motor vehicles parked on the Austin Peay State University campus.
- (4) University Property and Facilities may not be used for commercial or profit-making activities except when engaged in a business relationship, pursuant to a contract, with the University and/or when a rental/or lease agreement or facilities reservation is in place specifically for such temporary purpose.
- (5) The University will not establish permitting requirements that prohibit spontaneous outdoor assemblies or outdoor distribution of literature, although it may maintain a policy that grants members of the University community the right to reserve certain outdoor spaces in advance.
- (6) Any literature which is distributed or sold and any advertisement shall comply with all applicable laws policies, regulations, and rules of APSU. Requests to distribute or sell literature shall be included with the underlying application to use University Facilities and/or Property through the online reservation system. Literature and/or advertisements may only be sold or distributed in conjunction with an approved application for use of Facilities.
- (7) The University has designated the University Center Post Office area and the outdoor campus bulletin boards as the posting locations for the Non-affiliated Individuals/Entities.

Authority: T.C.A. § 49-8-203(a)(1)(D); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rules filed June 15, 2020; effective September 13, 2020.

0240-05-03-.08 NO-TRESPASS NOTICES.

- (1) A No-Trespass Notice ("Notice") is a written directive requiring a Non-affiliated Individual to leave and/or not enter all or part of University Property or Facilities.
- (2) A sworn law enforcement officer employed by the University may issue a Notice to a Non-affiliated Individual:
 - (a) Who is not authorized to use University Property as defined in Section .03(1), and who has refused to leave University Property, or a specified part of University Property, within a reasonable time after the person has received an oral request to leave by a University official;

(Rule 0240-05-03-.08, continued)

- (b) Who has engaged in a use of University Property that is prohibited by Section .03(2), and who has refused to cease the prohibited conduct within a reasonable time after receiving an oral request to do so from a University official;
 - (c) Who, in the good faith judgment of the law enforcement officer issuing the Notice, poses an unreasonable threat to the health, safety, or welfare of a person(s) affiliated with the University while on University property; or
 - (d) Who, in the good faith judgment of the law enforcement officer issuing the Notice, has engaged in conduct that substantially disrupts or interferes with University operations, events, or activities, or is likely to cause such a disruption or interference.
- (3) A Notice must specify: the reason for the Notice; the geographical scope of the restriction; the duration of the restriction, which may be for an indefinite period; the potential consequences of a violation of the Notice; and the process for appealing the issuance of the Notice. The scope and duration of the restriction imposed must be proportional to the underlying misconduct. In appropriate circumstances, with respect to conduct on University Property, a Notice also may prohibit a non-affiliated person from contacting or being within a certain distance from a person affiliated with the University.
- (4) Appeals.
 - (a) A Non-affiliated Individual to whom a Notice has been issued may appeal the decision to the chief of police for the University.
 - (b) A Non-affiliated Individual must submit the appeal in writing. The written appeal must be received by the Chief of Police within twenty (20) calendar days of the date on which the Notice was provided to the Non-affiliated Individual. Any Notice mailed (or e-mailed) to a Non-affiliated Individual shall be deemed to have been provided on the date on which it was mailed (or e-mailed). The written appeal should include the Non-affiliated Individual's reason for being on University property, the Non-affiliated Individual's future need to be on University Property, and any other information the Non-affiliated Individual wishes the University official who issued the Notice to consider.
 - (c) Upon receipt of a written appeal, the chief of police will consult as needed with other University officials to verify the Non-affiliated Individual's need for access to University property, to gather additional information or advice, or to review the impact that granting the appeal may have on persons affiliated with the University.
 - (d) Within twenty (20) calendar days of the receipt of an appeal submitted in accordance with this Chapter, the Chief of Police will sustain, rescind or modify the Notice in a written decision that will be mailed to the address provided by the Non-affiliated Individual. The decision of the Chief of Police is final and not appealable within the University.
 - (e) The restrictions set forth in the Notice will remain in effect while an appeal of the Notice is pending.
 - (f) If the Chief of Police issued the Notice, then the Non-affiliated Individual may appeal to the supervisor of the Chief of Police.
- (5) The law enforcement officer who issued the Notice (or, if the Notice is appealed, the Chief of Police or the Chief of Police's Supervisor), with the approval of the Chief of Police or his/her supervisor, may rescind or modify the Notice at any time. Notification of any such rescission or modification shall be provided to the Non-affiliated Individual to whom the Notice was issued.

(Rule 0240-05-03-.08, continued)

- (6) Failure to comply with a Notice may result in issuance of a citation or an arrest for trespassing pursuant to applicable state criminal trespass statutes or local ordinances. Nothing in this section shall limit or be construed to limit the exercise of the statutory authority of sworn law enforcement officers of the University's police department to arrest in accordance with the laws of this state or local ordinances. Nor shall anything in this rule limit or be construed to limit the authority of sworn law enforcement officers of the University's police department to issue an oral request instructing a person to leave and/or not enter all or part of University Property.

Authority: T.C.A. § 49-8-203(a)(1)(D); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rules filed June 15, 2020; effective September 13, 2020.