

**RULES  
OF  
TENNESSEE TECHNOLOGICAL UNIVERSITY**

**CHAPTER 0240-09-06  
USE OF TENNESSEE TECH PROPERTY BY AFFILIATED USERS AND FOR FREE SPEECH  
ACTIVITIES**

**TABLE OF CONTENTS**

0240-09-06-.01	Purpose and Implementation	0240-09-06-.09	Indemnification and Insurance Requirements
0240-09-06-.02	Definitions	0240-09-06-.10	Distribution of Leaflets, Literature, Pamphlets, Etc.
0240-09-06-.03	General Policy	0240-09-06-.11	Commercial Use of Tennessee Tech Property
0240-09-06-.04	General Conditions for Use of Tennessee Tech Property by Affiliated and Non-affiliated Users	0240-09-06-.12	Solicitation of Funds
0240-09-06-.05	Application Requirements and Use of Tennessee Tech Property Applicable to All Users	0240-09-06-.13	Bulletin Boards and Approved Areas for Posting
0240-09-06-.06	Specific Provisions Related to Affiliated Users	0240-09-06-.14	Compliance with Contractual Obligations
0240-09-06-.07	Requirements Related to Free Speech Activities of Non-affiliated Users	0240-09-06-.15	Exceptions
0240-09-06-.08	Denial or Limitation of Application for Use of Facilities		

**0240-09-06-.01 PURPOSE AND IMPLEMENTATION.**

- (1) The purpose of this rule is to provide a uniform basis upon which Tennessee Tech can regulate and facilitate the use of Tennessee Tech Property for Affiliated Users and for Free Speech Activities.
- (2) This rule is intended to operate consistently with Tennessee Tech's educational and research purpose and mission through the implementation of constitutional time, place, and manner restrictions and reasonable content and viewpoint-neutral restrictions, as appropriate for the forum and category of the User.
- (3) This rule shall be implemented and construed so as to preserve the primacy of Tennessee Tech's educational and research purpose and mission and to protect the safety of persons and security of property, and to prevent use of Tennessee Tech Property contrary to federal and state laws, rules, regulations, and Tennessee Tech policies.

**Authority:** *TN Pub. Acts 2017, Ch. 336, § 10. Administrative History: Original rules filed April 17, 2019; effective July 16, 2019.*

**0240-09-06-.02 DEFINITIONS.**

- (1) **Affiliated Use:** The use of Tennessee Tech Property by an Affiliated User for a reason associated with the Affiliated User's status.
- (2) **Affiliated User:** Registered student organizations as defined by Tennessee Tech policy or a person officially connected with Tennessee Tech, including Students, faculty, and other employees. The mere membership of a Student, faculty, or employee in a group or organization does not convert that group or organization to an Affiliated User.
- (3) **Application for Use:** Form or process used by Tennessee Tech for Users who wish to reserve and use Tennessee Tech Property.

(Rule 0240-09-06-.02, continued)

- (4) Free Speech Activities: Speech, expression, or assemblies protected by the First Amendment of the United States Constitution or Article 1, Section 19 of the Tennessee Constitution, verbal or written, including but not limited to all forms of peaceful assembly, protests, demonstrations, rallies, vigils, marches, public speaking, distribution of printed materials, carrying signs, displays, or circulating petitions. "Free Speech Activities" do not include the promotion, sale, or distribution of any product or service.
- (5) Non-affiliated Use: The use of Tennessee Tech Property for activities other than Affiliated Use.
- (6) Non-affiliated User: Any person, group, or organization that is not an Affiliated User.
- (7) Normal Administrative Activities: For the purposes of this rule only, "Normal Educational Activities" means activities that fall within the scope of a Tennessee Tech employee's job-related duties, activities, or responsibilities.
- (8) Normal Educational Activities: Activities that occur outside of the scheduled class period to enhance and to continue student learning and project completion. These include but are not limited to the following: small group study sessions (whether organized by students, tutors, instructors or teachers), review sessions, open labs, student-teacher conferences, and students working together on class projects.
- (9) Official Tennessee Tech Purpose: Use of Tennessee Tech Property by student groups/organizations, administrative offices, and/or departments for events, programs, activities, etc. that primarily support Tennessee Tech's purpose and mission and/or are planned primarily for members of the Tennessee Tech community.
- (10) Student: A person who is currently enrolled in a Tennessee Tech credit course of study or a student organization that is comprised entirely of individuals currently enrolled in credit courses of study and registered with Tennessee Tech.
- (11) Tennessee Tech Official: An employee or agent of Tennessee Tech, including but not limited to university police, faculty members, and staff, acting in the performance of his/her duties, as well as Student employees, including but not limited to event staff, resident assistants, and graduate or teaching assistants.
- (12) Tennessee Tech Property or Property: All facilities and property owned, leased, or controlled by Tennessee Tech.
- (13) User: Both Affiliated and Non-affiliated Users.

**Authority:** TN Pub. Acts 2017, Ch. 336, § 10. **Administrative History:** Original rules filed April 17, 2019; effective July 16, 2019.

#### **0240-09-06-.03 GENERAL POLICY.**

- (1) Use of Tennessee Tech Property is restricted to Affiliated Users and invited guests of Tennessee Tech, except as specifically provided by rules, laws related to free speech, or when part or all of Tennessee Tech's campus, buildings, or facilities is open to the general public for a designated time and purpose.
- (2) Use of Tennessee Tech Property shall be through a process of Application for Use, except as provided by state law related to free speech on campuses and, absent unusual circumstances, for use for Normal Educational or Administrative Activities.

(Rule 0240-09-06-.03, continued)

- (3) Except as provided by state law related to free speech on campuses, Tennessee Tech, in its sole discretion, may restrict use of Tennessee Tech Property during periods that are dedicated to Tennessee Tech activities. Such periods include but are not limited to the final week of classes, final examination periods, welcome or homecoming weeks, etc.
- (4) Tennessee Tech will publish a list of Property available for use by Affiliated Users and the office/department responsible for accepting and processing the Application for Use.
- (5) Tennessee Tech will publish a list of spaces designated for Free Speech Activities by Non-affiliated Users and the process for Application for Use.
- (6) Except as provided by state law related to free speech on campuses, Tennessee Tech Property not specifically identified as available for use is specifically unavailable for use other than for Normal Educational or Administrative Activities.

**Authority:** *TN Pub. Acts 2017, Ch. 336, § 10. Administrative History: Original rules filed April 17, 2019; effective July 16, 2019.*

**0240-09-06-.04 GENERAL CONDITIONS FOR USE OF TENNESSEE TECH PROPERTY BY AFFILIATED AND NON-AFFILIATED USERS.**

- (1) Users and use of the Property must comply with federal and state laws, rules, regulations, and Tennessee Tech policies, including but not limited to applicable fire and safety codes and policies related to the protection of minors on campus.
- (2) Tennessee Tech shall have the right to terminate immediately the use of Tennessee Tech Property by any User due to a violation or violations of any federal or state law(s), rule(s), regulation(s), or Tennessee Tech policy or policies.
- (3) Sound amplification equipment may be used only when prior approval has been requested and granted by the Tennessee Tech Official in charge of approving the Application for Use, taking into account Tennessee Tech's purpose and mission and the nature of the requested Tennessee Tech Property, location, time of day, manner, volume, etc.
- (4) A Student may not allow a Non-affiliated User to use Tennessee Tech Property in her/his/its name in order to circumvent or to avoid the requirements of Tennessee Tech's rule or policies related to rental of Tennessee Tech Property.
- (5) Consistent with state law related to free speech on campuses, a Student or a faculty member may invite a guest speaker, provided the Student or faculty is responsible for all matters related to the activity or event.
  - (a) The responsibilities of the Student or faculty member include but are not limited to the following:
    1. Submitting an Application for Use and receiving approval for the use of the requested Property;
    2. Acting as the primary contact and communicator for facility needs and campus services;
    3. Assuming responsibility for working with and resolving problems related to the activity or event, including any damages caused by the guest speaker, invitees, or guests;

(Rule 0240-09-06-.04, continued)

4. Ensuring the invitees and guests follow Tennessee Tech rules, policies, regulations, guidelines, and procedures; and
  5. Ensuring all financial obligations for the activity or event are met.
- (b) The Student or faculty member must be present at the activity or event for the duration of the event.
- (6) An affiliated entity may sponsor an activity or event that would ordinarily be deemed a Non-affiliated Use if the activity or event is directly related to the purpose and mission of the affiliated entity and Tennessee Tech.
  - (a) In order to sponsor such an activity or event, the affiliated entity must be responsible for all matters related to the activity or event. The affiliated entity's responsibilities include but are not limited to the following:
    1. Submitting an Application for Use and receiving approval for the activity or event;
    2. Seeking and obtaining all necessary campus approvals and authorizations for the activity or event;
    3. Ensuring the affiliated entity's name is associated with the activity or event;
    4. Acting as the primary contact and communicator for facility needs and campus services;
    5. Assuming responsibility for working with and resolving problems related to the activity or event, including any damages caused by the activity or event;
    6. Ensuring the invitees and guests follow Tennessee Tech policies, regulations, guidelines, and procedures; and
    7. Ensuring all financial obligations for the activity or event are met.
  - (b) An affiliated entity must ensure that its members, including at least one (1) officer of the affiliated entity, are present at the activity or event for the duration of the activity or event.
- (7) Users of Tennessee Tech Property are responsible for all aspects of the activity or event, including but not limited to the conduct of the invitees and guests, set up, break down, clean up, etc.
- (8) User must return Tennessee Tech Property in the same condition it was in when made available to the User. User will be responsible for all expenses incurred by Tennessee Tech to remedy the condition of damaged Tennessee Tech Property.
- (9) Use of Tennessee Tech Property shall be limited to the declared purpose in the Application for Use.
- (10) Tennessee Tech will not permit overnight use of Tennessee Tech Property unless specifically requested and approved in writing by the Tennessee Tech Official in charge of approving the Application for Use.
- (11) All persons on Tennessee Tech Property in conjunction with an activity or event shall provide adequate identification upon request to Tennessee Tech Officials and security personnel.

(Rule 0240-09-06-.04, continued)

Persons or groups who refuse to provide such identification may be subject to immediate removal from Tennessee Tech Property, to campus disciplinary action, and/or to arrest, as appropriate.

- (12) Users are restricted to the area of Tennessee Tech Property approved for their use.
- (13) The use and/or possession of alcoholic beverages on Tennessee Tech Property is prohibited unless approved pursuant to Tennessee Tech policies related to alcohol on Tennessee Tech Property.
- (14) Users shall not:
  - (a) Block or substantially impede vehicular, bicycle, pedestrian, or other traffic;
  - (b) Block or substantially impede entrances or exits to Tennessee Tech Property;
  - (c) Substantially disrupt or interfere with Tennessee Tech operations, activities, or events;
  - (d) Substantially disrupt or interfere with the ability of a Student to sleep or study in a Tennessee Tech residence hall during the hours designated by Tennessee Tech as quiet hours, or the ability of a Student to study in the Tennessee Tech library or in a designated study area;
  - (e) Engage in speech that is obscene; is defamatory; consists of fighting words; communicates an objectively serious expression of intent to commit an act of unlawful violence to a particular individual or group; or is directed to inciting or producing imminent lawless action and is likely to incite or produce such action;
  - (f) Unreasonably threaten the health or safety of another person; or
  - (g) Damage or deface Tennessee Tech Property, including but not limited to grass, shrubs, trees, or other landscaping.
- (15) Except as provided by state law related to free speech on campuses, User may be required to pay certain fees or costs, including but not limited to maintenance, custodial, utilities, set-up, and/or security, related to the nature of the activity or event and the use of particular Tennessee Tech Property. The fees and costs schedule will be applied to all similar uses on a content- and viewpoint-neutral basis. Payment of such fees and costs may be required in advance of an activity or event, at the sole discretion of Tennessee Tech.

**Authority:** *TN Pub. Acts 2017, Ch. 336, § 10. Administrative History:* Original rules filed April 17, 2019; effective July 16, 2019.

**0240-09-06-.05 APPLICATION REQUIREMENTS AND USE OF TENNESSEE TECH PROPERTY APPLICABLE TO ALL USERS.**

- (1) Affiliated Users' requests to use Tennessee Tech Property have priority over requests by Non-affiliated Users.
- (2) Users may reserve Tennessee Tech Property by following the procedures published by Tennessee Tech.
- (3) The Tennessee Tech Official responsible for approving the Application for Use may approve an application filed late according to the required time period specified in procedures, if it is determined that the use of the requested Tennessee Tech Property can be reasonably

(Rule 0240-09-06-.05, continued)

accommodated. Approval of late applications shall be within the sole discretion of the Tennessee Tech Official, whose decision will be final.

- (4) The Tennessee Tech Official responsible for approving the Application for Use will provide written notice of approval or disapproval of the Application for Use to the applicant within a reasonable time from the date the application is submitted. Such notices may be made electronically.
- (5) Notices of disapproval shall include a statement of the basis for disapproval, which shall be based solely on content- and viewpoint-neutral factors.
- (6) An applicant must receive written approval of an Application for Use prior to the commencement of the activity or event.

**Authority:** *TN Pub. Acts 2017, Ch. 336, § 10. Administrative History: Original rules filed April 17, 2019; effective July 16, 2019.*

**0240-09-06-.06 SPECIFIC PROVISIONS RELATED TO AFFILIATED USERS.**

- (1) Except as provided by state law related to free speech on campuses, Tennessee Tech may limit use or availability of Tennessee Tech Property.
- (2) Affiliated Users are required to submit an Application for Use for open-air (open space) activities and events if any of the following apply:
  - (a) The Affiliated User wants to be assured that the Property will be available for use at the preferred time;
  - (b) The activity or event will involve more than twenty-five (25) participants, including expected invitees or guests;
  - (c) User intends to serve, provide, or distribute food that exceeds the limits described in Tennessee Tech policies related to food purchases;
  - (d) User intends to use equipment including but not limited to tables and stages or utilities, including but not limited to water or electricity;
  - (e) The activity or event includes the use of signs, banners, posters, and/or other displays causing ground penetration or attached to Tennessee Tech Property;
  - (f) User intends to erect any structure, platform, edifice, or similar construct; or
  - (g) User intends to use sound amplification.
- (3) Use of Tennessee Tech equipment in connection with the use of Tennessee Tech Property is subject to the prior approval of the Tennessee Tech Official in charge of approving the Application for Use.
- (4) All signs, displays, structures, etc. must be stable and safe for their intended use.
- (5) Affiliated Users may obtain permission for the repeated use of a particular Tennessee Tech Property without requiring repeated application and approval for each occurrence of the activity or event if the meetings are limited to Affiliated Users.

(Rule 0240-09-06-.06, continued)

**Authority:** *TN Pub. Acts 2017, Ch. 336, § 10. Administrative History: Original rules filed April 17, 2019; effective July 16, 2019.*

**0240-09-06-.07 REQUIREMENTS RELATED TO FREE SPEECH ACTIVITIES OF NON-AFFILIATED USERS.**

- (1) Non-affiliated Users' use of Tennessee Tech Property for any purpose other than Free Speech Activities is governed by Tennessee Tech's rule and policies related to rental of Tennessee Tech Property.
- (2) Non-affiliated Users must submit an Application for Use for Free Speech Activities and receive approval from the Dean of Students and the Vice President for Student Affairs prior to any Free Speech Activities.
- (3) Non-affiliated Users may not use Tennessee Tech equipment during the Free Speech Activities.
- (4) Provided the specific Tennessee Tech Property is available for use by Non-affiliated Users for Free Speech Activities, a Non-affiliated User may reserve Tennessee Tech Property for Free Speech Activities two (2) times per month, for a period not to exceed sixteen (16) hours monthly. Tennessee Tech may, in its sole discretion, waive this limit.
- (5) Children under the age of eighteen (18) are not permitted to participate in the Free Speech Activities unless accompanied and supervised by an adult.
- (6) A Non-affiliated User shall not:
  - (a) Build or erect any structure, platform, edifice or similar construct;
  - (b) Place any signs, banners, posters, or other displays on or against, attach them to, or write on any structure or natural feature of Tennessee Tech Property, including but not limited to doors, buildings, windows, walls, the surface of walkways or roads, fountains, utility poles, lampposts, waste receptacles, trees, street signs, benches, bus stops, Tennessee Tech-owned signage, emergency phones, railings, newsstands, and utility boxes; or
  - (c) Use any chalk, paint, or permanent markings on Tennessee Tech Property, including natural features.
- (7) Tennessee Tech is not responsible for Non-affiliated User's or invitees' and guests' loss, damage, or harm to persons, equipment, or property.

**Authority:** *TN Pub. Acts 2017, Ch. 336, § 10. Administrative History: Original rules filed April 17, 2019; effective July 16, 2019.*

**0240-09-06-.08 DENIAL OR LIMITATION OF APPLICATION FOR USE OF FACILITIES.**

- (1) Any denial or limitation of a request to use Tennessee Tech Property shall be consistent with the requirements of state law related to free speech on campuses.
- (2) Tennessee Tech's reasons for denying a request may include but are not limited to the following:
  - (a) The requested Tennessee Tech Property has been previously reserved by another User with equal or higher priority;



(Rule 0240-09-06-.08, continued)

- (b) The applicant's frequency of previous use exceeds a contemporaneous applicant's use of the same Tennessee Tech Property or exceeds limits on use by Non-affiliated Users;
- (c) Use of the requested Tennessee Tech Property would be impractical due to scheduled usage prior to or following the requested use;
- (d) The applicant or sponsor of the activity or event has knowingly provided inaccurate or false information on the Application for Use;
- (e) The User or User's invitees and guests violated federal or state law(s), rule(s), regulation(s), or Tennessee Tech policy or policies during a previous use;
- (f) The requested Tennessee Tech Property has not been designated as available for use;
- (g) The requested Tennessee Tech Property is not available for use during the requested time;
- (h) The anticipated size or attendance for the activity or event will exceed building/fire codes, established safety standards, and/or the physical or other limitations of the requested Tennessee Tech Property;
- (i) The anticipated nature or duration of the activity or event cannot reasonably be accommodated in the requested Tennessee Tech Property;
- (j) The anticipated size and/or location of the activity or event would cause substantial disruption or interference with Normal Educational or Administrative Activities, the educational use of other Property or services, or the flow of vehicular or pedestrian traffic;
- (k) The activity or event conflicts with existing Tennessee Tech contractual obligations;
- (l) The activity or event would constitute an immediate and actual danger to Tennessee Tech Students and/or employees, or to the peace and security of Tennessee Tech that available law enforcement officials could not control with reasonable effort;
- (m) The activity or event would be contrary to federal or state laws, rules, regulations or Tennessee Tech policies;
- (n) Tennessee Tech does not have sufficient institutional resources available for the activity or event, as determined by the appropriate Tennessee Tech Official(s); or
- (o) Other extenuating circumstances exist that, in the sole discretion of Tennessee Tech, prevent or limit the use of Tennessee Tech Property.

**Authority:** TN Pub. Acts 2017, Ch. 336, § 10. **Administrative History:** Original rules filed April 17, 2019; effective July 16, 2019.

#### **0240-09-06-.09 INDEMNIFICATION AND INSURANCE REQUIREMENTS.**

- (1) Users of Tennessee Tech Property shall indemnify Tennessee Tech and hold it harmless from any and all liabilities arising out of the use of Tennessee Tech Property, including but not limited to personal injury, property damage, court costs, attorney's fees, and any other



(Rule 0240-09-06-.09, continued)

damage, whether caused by User, invitees, guests, or by User's employees, agents, or contractors.

- (2) Users must provide, upon request, proof of insurance, with types and coverage appropriate for the intended use, as determined by the Tennessee Tech Official in charge of approving the Application for Use in consultation with the Office for Planning and Finance.
- (3) Tennessee Tech may, in its sole discretion, require User to include the State of Tennessee, the Tennessee Tech Board of Trustees and/or Tennessee Tech as additionally insured entities on User's insurance policy.

**Authority:** *TN Pub. Acts 2017, Ch. 336, § 10. Administrative History: Original rules filed April 17, 2019; effective July 16, 2019.*

#### **0240-09-06-.10 DISTRIBUTION OF LEAFLETS, LITERATURE, PAMPHLETS, ETC.**

- (1) Except as provided by state law related to free speech on campuses, Tennessee Tech may limit locations where the sale or distribution of literature associated with an activity or event will be allowed.
- (2) Except as provided by state law related to free speech on campuses, a User must request to distribute or sell literature and/or advertisements prior to undertaking such activity or event.
- (3) Non-affiliated Users are not allowed to sell or to distribute literature within any Tennessee Tech building unless the distribution or sale is pursuant to a contract for rental pursuant to Tennessee Tech rule and policies.
- (4) No User is allowed to place literature and/or advertisements on vehicles parked on Tennessee Tech Property.
- (5) Any literature that is distributed or sold and any advertisement must comply with all applicable federal and state laws, rules, regulations, and Tennessee Tech policies.
- (6) No obscene literature or material, as defined by law, shall be distributed on any Tennessee Tech Property.
- (7) Users permitted to distribute printed materials pursuant to this rule or Tennessee Tech policy shall refrain from littering and may be held responsible for costs incurred as a result of littering.

**Authority:** *TN Pub. Acts 2017, Ch. 336, § 10. Administrative History: Original rules filed April 17, 2019; effective July 16, 2019.*

#### **0240-09-06-.11 COMMERCIAL USE OF TENNESSEE TECH PROPERTY.**

- (1) Tennessee Tech Property may not be used by any User to conduct profit-making activities except when engaged in a contractual business relationship with Tennessee Tech or as allowed by a User's contract for rental pursuant to Tennessee Tech rule and policies.

**Authority:** *TN Pub. Acts 2017, Ch. 336, § 10. Administrative History: Original rules filed April 17, 2019; effective July 16, 2019.*

**0240-09-06-.12 SOLICITATION OF FUNDS.**

- (1) Users who engage in gift solicitation, proposals for gift solicitation, or fundraising events conducted for the benefit of Tennessee Tech, any Tennessee Tech foundation, or part of Tennessee Tech must receive the prior approval of the Vice President for University Advancement or designee.
- (2) Solicitation does not include Affiliated Users' activities or events for the purpose of raising funds to meet expenses of an affiliated entity or entities or for a charitable cause. The funds raised by such activities or events must be used for the benefit of the affiliated entity or for charity. No funds shall be distributed to the officers, members, or any individual for personal profit or use.

**Authority:** *TN Pub. Acts 2017, Ch. 336, § 10. Administrative History: Original rules filed April 17, 2019; effective July 16, 2019.*

**0240-09-06-.13 BULLETIN BOARDS AND APPROVED AREAS FOR POSTING.**

- (1) A Tennessee Tech Official authorized to approve use of a bulletin board or area for posting may specify or limit the authorized uses and/or entities for such boards/areas as well as the types of material that may be posted, the maximum size and duration of any notice, and any other conditions.
- (2) The use of a bulletin board or an area for posting may be subject to the prior approval of the Tennessee Tech Official authorized to approve use of the board or area. Use of a board or an area may be denied on the basis of one or more of the following:
  - (a) The person or group is not authorized to use the board or area in question;
  - (b) The material is not the type authorized for the board or area in question or fails to meet any required conditions;
  - (c) The material is obscene or otherwise violates a federal or state law, rule, regulation, or Tennessee Tech policy; or
  - (d) There is insufficient space available for the material on the board or in the area due to the previous posting of other material.
- (3) Areas not specifically identified and/or authorized for posting are not available for such purpose for any individual or entity, whether Affiliated or Non-affiliated.

**Authority:** *TN Pub. Acts 2017, Ch. 336, § 10. Administrative History: Original rules filed April 17, 2019; effective July 16, 2019.*

**0240-09-06-.14 COMPLIANCE WITH CONTRACTUAL OBLIGATIONS.**

- (1) Users must comply with applicable Tennessee Tech contractual obligations, including but not limited to use of Tennessee Tech's contracted dining service vendor, beverage pouring rights exclusivity, etc.

**Authority:** *TN Pub. Acts 2017, Ch. 336, § 10. Administrative History: Original rules filed April 17, 2019; effective July 16, 2019.*

**0240-09-06-.15 EXCEPTIONS.**

- (1) The President or his/her designee may grant exceptions when, in the President's or designee's sole discretion, the requested exception is in furtherance of Tennessee Tech's educational and research purpose and mission.

**Authority:** *TN Pub. Acts 2017, Ch. 336, § 10.* **Administrative History:** *Original rules filed April 17, 2019; effective July 16, 2019.*