

# Facility Use

Policy 104

## 1 Introduction

1.1 The primary use of any Appalachian State University (“Appalachian”) facility shall be for purposes related to and consistent with the University’s missions. Appalachian’s mission, as it relates to the use of related facilities, is to encourage the free exchange of ideas on campus while assuring that other important University interests and activities are not infringed upon or disrupted.

1.2 Except as provided by federal and state law, University property is not a place of unrestricted public access. The instructional, research, and service needs of the University shall take precedence over any other prospective use of University facilities.

1.3 The purpose of this policy is to set forth the conditions under which Appalachian facilities may be used by persons or organizations for purposes other than their primary function. There may be additional policies specific to certain facilities or for specific events that may include more restrictive provisions than this policy. Persons or organizations seeking to use any University Facility are advised to inquire about the existence of any such additional policies at the time they reserve its use.

## 2 Scope

2.1 This policy applies to any and all Facilities owned, leased, or under the authority of Appalachian.

## 3 Definitions

### 3.1 Facilities

All buildings and structures, grounds, sidewalks, recreation areas, and streets considered to be part of the campus owned, leased or under the authority of Appalachian. Appalachian Facilities are divided into two general categories: Publicly Available Facilities and Non-Publicly Available Facilities.

### 3.2 Publicly Available Facilities

Facilities which Appalachian makes available for Use by students, faculty, staff, and officially recognized Appalachian organizations, as well individuals and groups that are not otherwise affiliated with Appalachian. A list of Publicly Available Facilities may be viewed in the following document [Publicly Available Facilities \(“Appendix A”\)](#).

### 3.3 Non-Publicly Available Facilities

Facilities of Appalachian which are not publicly available and are only available to University students, faculty, and staff and officially recognized Appalachian organizations. Facilities not listed in Appendix A are not available for Use by individuals or groups not affiliated with the University.

### 3.4 Use

An individual or group’s presence, occupancy, activity, or event, in or upon Appalachian’s Facilities. Examples of events and activities that constitute “Use” under this policy include, but are not limited to:

- meetings and activities of students and student organizations;
- solicitations, fundraising, sales, and other commercial activities;
- conducting polls, surveys, or interviews;
- display of signs, message boards, chalking or similar items;
- demonstrations, protests, rallies, vigils, and assemblies; and
- meetings, activities, conferences, speeches, performances, and other events by nonUniversity affiliated groups or individuals.

### 3.5 Unscheduled Public Speaking Area

Areas on campus at which Appalachian permits assemblies and gatherings of University affiliated and non-affiliated

persons and groups without prior approval, for noncommercial purposes, on a first-come first-served basis, unless the Use of such area(s) have been previously scheduled pursuant to other provisions of this Policy. Appalachian's Unscheduled Public Speaking Areas only include Sanford Mall and Durham Park.

### **3.6 Authorized Designee**

A University official responsible for reviewing and approving the Use of Appalachian Facilities, as referenced in Appendix A, or as otherwise identified by the University.

## **4 Policy and Procedure Statements**

### **4.1 Publicly Available Facilities**

#### **4.1.1 General**

Any individual or group, including Appalachian students, faculty and staff, may reserve and use Publicly Available Facilities for any lawful purpose, subject to the provisions of this policy.

#### **4.1.2 Reservations**

Reservation of indoor locations is required for any Use by individuals or groups whether affiliated or nonaffiliated with Appalachian. Some Publicly Available Facilities, both indoor and outdoor, may be open to ordinary pedestrian traffic. However, if those areas are used for scheduled events, reservations are required.

##### **4.1.2.1 Reservations by Non-Affiliated Organizations or Individuals**

Non-affiliated organizations or individuals may only make reservations of Publicly Available Facilities when made with a University-affiliated organization or department. In all cases, non-affiliated organizations or individuals are required to reimburse Appalachian for reservation fees (Section 4.1.2.5) and safety and security costs (Section 4.1.2.6). Non-Publicly Available Facilities are limited for Use by Appalachian faculty, students, staff and officially recognized University Organizations for activities related to the University's education, research and service missions. Appalachian faculty, students, staff and organizations may not reserve a Non-Publicly Available Facility on behalf of or for the Use of an outside organization. The Authorized Designee of Appalachian for a Non-Publicly Available Facility may deny or rescind permission to Use that Facility if it is determined that the Use is not primarily for the benefit of the faculty, student, staff or officially-recognized organization making the reservation. The faculty, student, or staff making the reservation:

- must be a current student, staff, or faculty member;
- must be making the reservation on behalf of the student-organization or other University affiliated organization or department (if made by a faculty or staff member, the employee must be making the reservation in connection to the University's mission; and if by an officially-recognized organization, the reservation must be for the benefit of the organization);
- all communications regarding event plans and preparations must be completed by the student member, faculty, or staff, as applicable; and
- the student organization or University-affiliated organization must be listed as a sponsor on all publicity.

##### **4.1.2.2 Fronting for Non-Affiliated Individuals and Groups**

Appalachian faculty, students, staff and organizations also may not reserve Publicly Available Facilities on behalf of or for the Use of an outside organization so the outside organization can use the Facility at a reduced rate. This conduct constitutes "Fronting" and is prohibited. The Authorized Designee of Appalachian for a Publicly Available Facility may apply the public rate for Use of the Facility if it is determined that the Use is not primarily for the benefit of the faculty, student, staff or officially recognized organization making the reservation.

##### **4.1.2.3 Fronting for Faculty, Staff or University Departments**

A student organization may not place a reservation for faculty, staff or University department in order to receive free or reduced fees. A faculty or staff member or University department may not use the name of a student/student organization to place a reservation in order to receive free or reduced fees.

##### **4.1.2.4 Limitation of Liability**

Appalachian shall not be liable or responsible for financial or other damages incurred by an individual or organization whose permission to Use a Facility is denied, rescinded or modified (including a rate change), pursuant to Fronting.

#### **4.1.2.5 Reservation Fees**

There may be fees associated with the reservation and use of any Publicly Available Facility (fees may differ for affiliated and non-affiliated individuals and groups), which shall be objectively determined based on content-neutral criteria including, but not limited to, the anticipated attendance, security, maintenance, staffing, cleaning and equipment requirements.

#### **4.1.2.6 Safety & Security**

Any affiliated or non-affiliated group that requires security, emergency management services, or other safety staffing for its registered event, is responsible for paying reasonable costs for those services. Information regarding fees and reservations for these Facilities can be obtained by contacting the Authorized Designee. Please note that many of these Facilities have specific restrictions as to occupancy, hours of use, and other requirements, and may not be available or suitable for every requested use. Use of alcohol at any event at a Publicly Available Facility is subject to Appalachian Policy 106.1 – Alcohol at University Events.

### **4.2 Non-Publicly Available Facilities**

#### **4.2.1 General**

Use of Non-Publicly Available Facilities shall be restricted to activities related to the education, research and service missions of the University.

#### **4.2.2 Types of Non-Publicly Available Facilities**

Unless otherwise specified, the following are Non-Publicly Available Facilities:

- all Facilities not identified in Appendix A;
- all private offices and laboratories; and
- the Dining Hall Bridge (because this space is limited to the public as a walkway).

### **4.3 Camping**

Camping or over-night stays in temporary structures are not permitted without prior approval.

### **4.4 Requests for the Use of Publicly Available Facilities**

#### **4.4.1 General**

Requests for the Use of Appalachian Facilities must be submitted to the Authorized Designee for that Facility.

#### **4.4.2 Requests Must be in Writing**

All requests should be in writing. Certain Facilities have additional registration or Use requirements. Please check with the Authorized Designee when making reservations for a specific Facility to ensure all requirements are met.

#### **4.4.3 Submission of Written Requests**

The written request should be submitted in accordance with the time frames set by the particular Facility. If no time frame is set for the Facility, Appalachian requests submission of the written request to the Authorized Designee at least seven (7) days prior to the anticipated Use to allow sufficient time to review and respond to the request. Submissions that are made within six (6) days of the anticipated Use will be considered, but there is no guarantee that Use of the Facilities requested will be accommodated if the time, place, or manner of the requested Use is not compatible with the Facility. This holds true for all requests. Also, any competing requests for Use of a Facility will be resolved on a “first come, first served” basis, with preference given to individuals or groups affiliated with the University.

#### **4.4.4 Initial Determination of Facility Use**

When reserving space for events or activities, assuming that no scheduling conflicts with another event, the Authorized Designee in consultation with the appropriate University official(s) will consider:

- whether the requested location is suitable for the event or activity;
- whether the event or activity is compatible with the mission of the University;
- whether the event meets the appropriate University time, manner, and place restrictions; and
- whether health and safety concerns require special precautions or arrangements for this location.

#### **4.4.5 Facility Use Considerations**

In making these considerations, the following factors shall also be considered, in addition to any other content-neutral factors that may be relevant to a particular Facility:

- the anticipated size of the proposed event or activity;
- noise likely to be generated by the proposed event or activity, and the impact, if any, on academic activities or other University activities in the vicinity;
- impact of the proposed event or activity on traffic;
- whether the accommodations provided in the requested location are suitable and adequate for the proposed event or activity;
- whether the proposed event or activity complies with applicable laws, rules, regulations, and policies;
- whether the proposed event or activity poses any risk to the health or safety of participants, observers, or others in the vicinity of the event or activity; and
- whether the proposed event or activity conflicts with any pending exclusive rights contracts of the University.

#### **4.4.6 Denial of a Facility Use Request**

The Authorized Designee may deny a request to reserve space for an event or activity if:

- the applicant has not submitted a written request as expressed under this policy;
- the request to reserve space contains a material misrepresentation or materially false statement;
- the request is not submitted within the time frames identified in Section 4.3.3;
- the applicant has been notified of damage to University Facilities or grounds from Use in the past in violation of University rules, regulations, or policies, and has not paid for repairs;
- the applicant has an outstanding balance for previous reservations or services with the University;
- the request to Use Facilities or grounds is scheduled at a time that conflicts with the time of another preexisting scheduled reservation; or
- the Use or activity would present an unreasonable health or safety danger.

### **4.5 Insurance**

All nonaffiliated individuals or groups requesting space for any reason at Appalachian will be required to obtain and provide proof of liability insurance based on the insurance requirements set by the University's Risk Manager

### **4.6 Scheduling Priorities**

#### **4.6.1 General**

Generally, Facilities will be reserved on a first come, first serve basis. However, official activities of Appalachian itself have precedence over all extracurricular events and all activities of other users.

#### **4.6.2 Scheduling Priority**

Activities of recognized student organizations and groups have scheduling priority over those of other users except the University. Occasions may arise when, in order to accommodate official University activities and functions, an official University activity takes precedence for Use of an already scheduled space. In the event rescheduling is necessary, the Vice Chancellor for Student Affairs (or his or her designee) will work with the sponsors or organizers of the displaced activity to find suitable alternative locations and times, and otherwise to provide all assistance that is reasonable under the circumstances.

#### **4.6.3 Scheduling Conflicts**

In the event of conflict with multiple or competing individuals or groups desiring to Use the same space at the same time, the University reserves the right to resolve the conflict in a peaceable and orderly manner. While reasonable effort will be made to allow each individual or group to Use the space at their desired time, if the space cannot reasonably accommodate such Use, then the University reserves the right to require one or more individuals or groups to Use a different permissible space or to Use the space at a different time. If multiple individuals or entities register to use the same space at the same time, priority will be granted in the order of registration.

### **4.7 Policy Implementation and Compliance**

#### **4.7.1 General**

All individuals or groups, as well as all events and activities, using Appalachian Facilities are responsible for complying with

all applicable laws, regulations, and Appalachian policies. Failure to adhere to these requirements is a basis for revoking permission to use Facilities and space and may result in disciplinary action.

#### **4.7.2 Destruction of Property**

If any activity or event, in or upon a University Facility, is causing damage or destruction of property, or is imminently threatening to cause such damage or destruction, the University may require the activity or event to be relocated to an alternative space at the University. If it is not possible or appropriate to relocate the activity or event, the Vice Chancellor for Student Affairs (or his or her designee) or a member of the Appalachian Police Department may require the activity or event to cease immediately, and the individual(s) or group(s) participating in the activity or event may seek to reschedule it as long as the activity or event complies with all applicable laws and University policies.

#### **4.7.3 Refusing to Leave University Facilities During Hours When They Are Regularly Closed**

Any person who continues to occupy any Appalachian Facility without prior permission of the Authorized Designee during hours when that Facility is regularly closed to the public may be subject to all civil and criminal penalties under North Carolina law.

#### **4.7.4 Termination of Use of University Facility**

The University reserves the right to immediately terminate any Use of University Facilities or grounds if continuation of such Use will result in: (a) danger to participants or others; (b) unlawful conduct or violation of University policies by participants or others; or (c) interference with, disruption or disturbance of the University's educational mission, operations, business, or functions.

#### **4.7.5 Use of Amplifying System Prohibited**

No public address or amplifying system may be used at any time in any Facility, or on University grounds, without written approval in advance from the appropriate Authorized Designee. Use of sound amplification equipment must comply with the University's and the Town of Boone's noise regulations.

#### **4.7.6 Authority and Oversight**

The Chancellor has delegated authority and oversight for the administration and implementation of this policy to the Vice Chancellor for Student Affairs, which shall include updating and revising Appendix A as needed.

## **5 Additional References**

[Publicly Available Facilities \("Appendix A"\)](#)  
[Leon Levine Hall Room Reservation Policies](#)  
[Plemmons Student Union Reservations](#)  
[UNC System Campus Free Speech and Free Expression](#)  
[Appalachian Policy 106.1 – Alcohol at University Events](#)  
[Appalachian Policy 505 – Campus Dining](#)

## **6 Authority**

UNC System Policy - Chapter 1300.8

## **7 Contact Information**

Office of Student Affairs 828.262.2060  
Office of Academic Affairs 828.262.2070  
Appalachian Department of Public Safety 828.262.2150

## **8 Original Effective Date**

September 22, 2004

## **9 Revision Dates**

January 22, 2015  
September 23, 2016

June 21, 2017  
August 18, 2017  
September 30, 2020  
October 26, 2022  
October 10, 2023  
May 1, 2024