



**PRESIDENTS MEETING  
TUESDAY, AUGUST 16, 2011 – 9:00 A.M. (CT)  
TBR Board Room**

1. 2012-13 Capital Budget (Vice Chancellor Gregory)
2. Formula Review Committee Discussion (Vice Chancellor Sims)
3. Update on Salary Proposal Process (Vice Chancellor Sims)
4. Edison System–Employees Self Service Implementation (Vice Chancellor Sims)
5. Proposed Revisions to Guideline B-060 – Fees, Charges, Refunds and Fee Adjustments (Vice Chancellor Sims) – *Attachment*
6. Proposed Revisions to Guideline B-061 – Educational Assistance for State Employees and Dependents of State Employees and Public School Teachers (Vice Chancellor Sims) – *Attachment*
7. Approval of Renaming and Revision of TBR Student Policy No. 3:02:02:00 - Use of Campus Property and Facilities to TBR General Policy 1:03:02:50 – Use of Campus Property and Facilities; Proposed Repeal of TBR System-wide APA Rule No. 1240-01-01 – Use of Campus Property and Facilities and TBR Policy No. 3:01:10:00 – Off Campus Speakers (Chris Modisher, General Counsel) – *Attachment*

## **Presidents Meeting, August 16, 2011**

### **Page Two**

8. Institutional Student Discipline, Traffic, and Parking Policies (Chris Modisher, General Counsel)
9. RFP Process Regarding Electronic Transcripts (Chancellor Morgan/Two Year Presidents)
10. NCAA Proposal for Two-year College Transfers to Have a 2.5 GPA (Chancellor Morgan/Two Year Presidents)
11. Update on Presidential Searches (Chancellor Morgan)
12. Planning for Completion Academy (Chancellor Morgan/University Presidents)
13. September 22 – 23 Governor's Conference in Nashville (Registration information at [www.tn.gov/ecd/](http://www.tn.gov/ecd/)) (Chancellor Morgan)

**PRESIDENTS QUARTERLY MEETING  
DIRECTORS QUARTERLY MEETING  
August 2011**

DATE: Presidents Meeting (August 16, 2011)  
Directors Meeting (August 17, 2011)

AGENDA ITEM: Suggested Revisions to Guideline B-060 – Fees, Charges, Refunds and Fee Adjustments

ACTION: Requires Vote

PRESENTER: Vice Chancellor Dale Sims

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**BACKGROUND INFORMATION:**

During the fee approval process for the 2011 school year, community colleges requested that the graduation fee no longer be assessed effective July 1, 2011. The suggested revision amends the guideline to reflect this change.

## Guideline B-060

### X. Incidental Fees and Charges

#### A. Uniform Rates and Policies

##### Institutions

The following fees will be uniformly charged (or, if applicable, to the extent that they remain within the set range) at all institutions both as to the amount and condition of assessment. Charges are subject to approval by the Tennessee Board of Regents.

1. Application Fee: Undergraduate - Not less than \$5.00 nor more than \$25.00. Graduate - Not less than \$5.00 nor more than \$35.00. ETSU College of Medicine and College of Pharmacy – Not less than \$50 or more than \$100. This is a non-refundable fee paid by an individual who applies for admission to the institution. A student is required to pay this fee when he/she applies for admission as a graduate student even if the student attended a TBR institution as an undergraduate student. Additionally, the student is required to pay this fee when he/she applies for admission to a doctoral-level program after receiving a masters-level degree from the institution.

2. Graduation Fee: This fee shall be assessed according to degree level as follows and shall include the cost of the diploma and rental of academic regalia:

Associate Degree	\$25.00
Baccalaureate	30.00
Master and Specialist	35.00
Doctor and Juris Doctor	45.00

The fee is refundable only if the institution has incurred no costs on the student's behalf. Other items may be included in the fee, as determined by the institution. Additional fees may be charged for optional graduation-related activities or services. **Effective July 1, 2011, community colleges will no longer assess a graduation fee.**

**PRESIDENTS QUARTERLY MEETING  
DIRECTORS QUARTERLY MEETING  
August 2011**

DATE: Presidents Meeting (August 16, 2011)  
Directors Meeting (August 17, 2011)

AGENDA ITEM: Suggested Revisions to Guideline B-061 – Educational Assistance  
for State Employees and Dependents of State Employees and  
Public School Teachers

ACTION: Requires Vote

PRESENTER: Vice Chancellor Dale Sims

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**BACKGROUND INFORMATION:**

Guideline B-061 requires a revision to be in compliance with the promulgated rules governing the public higher education fee discounts for children of licensed public school teachers and state employees (1540-1-5). The proposed revision includes deleting the phrase “and technology fees” from the definition of tuition on page three (see sentence highlighted in yellow in the attached).

## **Guideline B-061**

### **Subject: Educational Assistance for State Employees and Dependents of State Employees and Public School Teachers**

#### **B-061 - Support for Educational Assistance**

The Tennessee Board of Regents is committed to the need for the continued professional growth and development of employees. Support for educational assistance of personnel and their dependents is an important vehicle for addressing that need. The programs for TBR employees and dependents are available subject to funds being budgeted and available within the institution/technology center/Central Office. The Office of Human Resources is responsible for the administration of the various programs with the exception of the program for dependents of veterans (B-062) and two programs offered to general state employees and the dependents of licensed teachers and State employees (B-061). Exceptions to the provisions of the programs for TBR employees can be made upon recommendation of the president/director and approval by the Chancellor.

#### **Types of Support for Educational Assistance**

The guidelines for Educational Assistance (P-130, P-131, B-061, B-062) contain a total of eleven (11) programs. The Programs in P-130 provide benefits to personnel at TBR institutions, Tennessee Technology Centers and the Central Office to further their formal education. The Program in P-131 provides benefits for dependents of TBR employees. The programs in B-061 provide assistance to state employees and dependents of public school teachers. The programs in B-062 provide assistance to dependents of veterans and to state employees 65 years of age and older. The programs are:

#### **P-130 – Educational Assistance for TBR Employees**

- I. Faculty or Administrative/Professional Staff Grant-in-Aid Program
- II. Faculty or Administrative/Professional Staff Tuition or Maintenance Fee Reimbursement Program
- III. Employee Audit/Non-credit Program
- IV. Clerical and Support Staff Maintenance Fee Payment Program
- V. Fee Waiver for TBR/UT System Employees Program (PC 191)

#### **P-131 – Educational Assistance for Spouse and Dependents of TBR Employees**

- I. Fee Discount for Spouse and/or Dependent Children Program

#### **B-061 – Educational Assistance for State Employees and Dependents of State Employees or Public School Teachers**

- I. Public Higher Education Fee Waiver for State Employees Program
- II. Fee Discount for Dependent Children of Licensed Public School Teachers or State Employees Program

***B-062 – Other Educational Assistance Programs***

- I. Veterans' Dependents' Post-Secondary Education Program
- II. Age 65 or Above Program

Complete eligibility information is contained within each Guideline.

***Taxation of Educational Assistance Programs***

Undergraduate and graduate course tuition, up to \$5250 per year, paid by the Tennessee Board of Regents institutions and the University of Tennessee System for their employees is eligible for exclusion from the employees' gross annual income, in accordance with Internal Revenue code (IRC) Section 127.

**I. Public Higher Education Fee Waiver for State Employees Program**

(This fee waiver program is for general state employees exclusive of TBR and UT system employees.)

These rules implement the provisions of the T.C.A. § 8-50-1. The Code enables full-time employees of the State of Tennessee to be eligible for enrollment in one course per term at any State supported college or university or Tennessee technology center without paying tuition charges, maintenance fees, debt service fees, student activity fees, technology access fees, RODP on-line course fee, or registration fees.

Employees are responsible for special course fees, books and supplies, application fees, applied music fees, lab fees, off-campus facilities fees, parking fees and traffic fines.

Pursuant to T.C.A. § 10-5-101 et seq., employees of the State's regional library system became employees of the Department of State, effective July 1, 1999. As such, they became eligible to participate in the State's educational assistance programs. In addition, effective September 8, 1999, the Tennessee Higher Education Commission determined that Human Resource Agency employees are not State employees as that term is defined in the Commission's rules governing these programs and thus are not eligible for fee waivers.

Course enrollment will be permitted on a "space available" first-come-first served basis. State employees may register no earlier than four (4) weeks prior to the first day of classes. No tuition paying student shall be denied enrollment in a course because of state employee enrollments pursuant to this section.

State employees must receive credit for the course in which they are enrolled. In addition, changes may not be made from credit to audit during the course of the term. Other guidelines and procedures for administration of this program are printed on the reverse side of the Request for Public Higher Education

Fee Waiver for Employees of the State of Tennessee form. These forms are available from the Tennessee Higher Education Commission.

## **II. Fee Discount for Dependents of Licensed Public School Teachers or State Employees Program**

These rules implement the provisions of T.C.A. § 49-7-101 et seq. and § 8-50-101 et seq. The Codes enable children under the age of twenty-four (24) to receive a twenty-five percent (25%) discount on tuition at any state operated institution of higher learning if their parent: (1) is employed as a full-time licensed teacher in any public school in Tennessee or as a full-time employee of the state of Tennessee, (2) is a retired employee of the state of Tennessee who retired after a minimum of twenty-five (25) years of full-time creditable service, (3) was killed in the line of duty while a full-time employee of the state of Tennessee, or (4) died while a full-time employee, though not "in the line of duty."

Tuition includes undergraduate maintenance fees, **and technology center program fees, and technology access fees**; it does not include application for admission fees, student activity fees, debt service fees, lab fees, applied music fees, books and supplies, dormitory charges or meal plans.

Other guidelines and procedures for administration of this program are printed on the reverse side of the Request for Public Higher Education Fee Discount for Dependents of Certified Public School Teachers form. These forms are available from the Tennessee Higher Education Commission.

Source: Presidents Meeting, February 7, 2006; Presidents Meeting, November 6, 2006; President Meeting, May 15, 2007; Presidents Meeting November 6, 2007.



**PRESIDENTS QUARTERLY MEETING  
DIRECTORS QUARTERLY MEETING  
August 2011**

DATE: Presidents Meeting (August 16, 2011)  
Directors Meeting (August 17, 2011)

AGENDA ITEM: Approval of renaming and revision of TBR Student Policy No. 3:02:02:00  
Use of Campus Property & Facilities to TBR General Policy 1:03:02:50  
Use of Campus Property & Facilities; Proposed Repeal of TBR System-  
Wide APA Rule No. 1240-01-01 - Use of Campus Property & Facilities  
and TBR policy No. 3:01:10:00 – Off Campus Speakers

ACTION: Requires Approval

PRESENTER: Christine Modisher

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**BACKGROUND INFORMATION:**

This proposed revision of the policy on Use of Campus Property and Facilities would replace the current TBR Student Policy No. 3:02:02:00 on Use of Campus Property and Facilities. It also includes repeal of the existing TBR APA Rule 0240-01-01 and Policy 3:01:10:00 on Off Campus Speakers. The proposed changes reflect evolution in case law over the last 20 years, enhance institutional control and flexibility, and place the policy along with others of general application.

**Features**

- Provides clear statement that TBR facilities/property are not open for access/use by the general public unless specifically designated for such use/access and where same will not disrupt primary educational function of the institution.
- Permits Institutions to identify at least one (1) external space/facility on campus where outside entities may request access/use.

- Directs TBR institutions to implement viewpoint neutral policies consistent with TBR requirement and subject to TBR approval.
- Improves consistency in response to requests for access across the TBR system
- Addresses recent access issues raised by itinerant preachers, UCW, and others.
- Modifies definition of “Affiliated Group or Organization”, includes only officially recognized student groups. Excludes reference to “faculty groups” or “employee groups” because no TBR institution has a process for recognizing such groups.
- Gives faculty, staff, and individual student’s ability to apply for use/access as “affiliated individuals”.
- Provides access for outside groups if sponsored by affiliated entities, including faculty/staff/students, or where renting or leasing space at market rates.

## **NEW**

### **Policy 1:03:02:50**

#### **Subject: Policy on Access to and Use of Campus Property and Facilities**

##### **I. PURPOSE**

The purpose of this policy is to provide a uniform basis upon which the Universities, Community Colleges, and Technology Centers governed by the Tennessee Board of Regents ("TBR" or "the Board") can regulate and facilitate the use of campus property and facilities. It is intended to operate consistent with each institution's educational purpose and mission, through the implementation of reasonable, content/viewpoint neutral regulations. This policy, and all campus policies developed in compliance with the policy, shall be implemented and construed so as to ensure no undue disruption of that mission, promote an educational atmosphere on campus; prevent commercial exploitation of students; preserve residential tranquility; and prevent use of campus property and facilities contrary to federal, state or local law, regulation, or the rules and policies of the TBR, the institutions, and schools.

In establishing this policy, and the related institutional policies, the TBR recognizes the importance to the educational process and environment for persons affiliated with the respective institutions including officially recognized student organizations and other groups to have reasonable access to, and use of, the educational facilities on their respective campuses, to hear various views. Simultaneously, the TBR also makes clear that its facilities and that of its constituent institutions are not open public forums, but are instead intended solely for use consistent with the advancement and orderly administration of its educational mission for the benefit of its students, staff, and affiliated entities. As such, TBR Institutions do not ordinarily make its buildings or other facilities available to outside individuals or outside groups. Exceptions may be made only if the proposed use is consistent with this policy and institutional policy and mission.

All TBR Institutions shall implement policies governing access to and/or use of their specific property and facilities consistent with the provisions of the policy set forth here, and below, subject to prior review and approval by the TBR.

##### **II. DEFINITIONS**

For the purposes of these regulations, the following definitions shall apply:

- (1) "Affiliated Entities" - an officially registered student, student group or student organization.
- (2) "Affiliated Individuals" - persons officially connected with the institution including students, faculty, and staff.
- (3) "Non-affiliated Entities" - any person, group, or organization which is not an "affiliated entity or individual."
- (4) "Non-affiliated Individual" - Any person who is not an "affiliated individual".
- (5) "Student" - a person who is currently registered for a credit course or courses, non-credit course or program at the institution, 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.

### III. ACCESS TO CAMPUSES & USE OF PROPERTY/FACILITIES

#### A. Access to Facilities & Prioritized Users

1. Access to and use of campuses, facilities, and property of TBR institutions and schools is restricted to the institution, institutional administration for official functions, affiliated individuals/entities, and invited or sponsored guests of the institutions or schools except as specifically provided by this policy, institutional policy, or when part or all of a campus, its buildings or facilities are open to the general public for a designated time and purpose.
2. Institutional policies shall set forth the process, and requirements, pursuant to which designated campus properties and/or facilities may be accessed for other than official institutional use. Such policies shall be consistent with the requirements set forth in this policy and will be subject to prior review and approval by the TBR.
3. Institutions may designate certain facilities as available for rent to the general public at market rates, where the length/frequency of occupancy/use of campus facilities, or the nature of a particular building, facility or property or a particular purpose makes such agreements appropriate. Such lease/rental agreements are not covered by this policy and will be executed subject to appropriate TBR policies and guidelines governing the lease of TBR or institutional property, including, but not limited to, TBR Policy No. 1:03:02:10 and TBR Guideline B-026.
4. Access/Use of campus property or facilities, other than for those scheduled for official institutional, administrative and/or normal educational purposes, shall be through a process of application, review, and administrative approval as established by institutional policy consistent with this policy.
5. Institutional policies shall identify a person(s) and/or office(s) where application for use of campus facilities or property may be filed.
6. Institutional policies shall set forth the priority to be applied to individuals or groups applying to use campus facilities and/or property, consistent with institutional mission(s). Such provisions shall address, at minimum, the relative priority of applications made by affiliated entities/individuals as well as unaffiliated entities/persons (where permitted). Highest priority shall always be given to administrative and educational uses.
7. Institutional policies may permit affiliated entities to obtain permission for the repeated use of a particular campus facility or space to conduct regular meetings using campus facilities or property without requiring repeated application and approval for each occurrence of the event if the meetings are limited to members of the organization.
8. Institutional policies may authorize faculty and/or affiliated entities to extend invitations to uncompensated, unaffiliated guest speakers for regular class sessions and/or meetings, without prior application as set forth in this policy where attendance at the class session or meeting will be limited to members of the class or affiliated entity and where no fee or compensation from state funds will be paid to the speaker.
9. Institutional policies shall require that access to or use of campus facilities or property by affiliated entities and affiliated individuals for an event other than a regular meeting of its membership that will

- include an invited guest speaker and/or be open to persons outside group membership must be made through the procedures set forth in the institutional policy, established pursuant to this policy. The sponsoring entity will be responsible for the conduct of both the speaker and non-affiliated guests at the event as well as for compliance with all laws, TBR and campus rules or policies while present on campus or using campus facilities or property. An application for such access or use of campus facilities or property must clearly set forth the identities of both the affiliated individual/entity filing/sponsoring the application as well as the non-affiliated entity being sponsored. The application will be subject to the same procedures and regulations applicable to all applications for use of campus facilities.
10. Institutional policy may permit non-affiliated entities/individuals, conditioned on sponsorship by an affiliated entity or individual, to apply for use of, or access to, locations on campus specifically identified in institutional policy.
  11. Institutional policy shall identify one (1) or more areas or facilities on campus for which non-affiliated entities/individuals, may apply for use or access individually, without sponsorship from an affiliated individual/entity. Such applications shall be limited to those locations on campus specifically identified in institutional policy for access/use by unaffiliated individuals/entities. Such applications shall be subject to the same procedures and requirements.
  12. The application of this policy and all institutional policies are limited to one (1) time only events, short term, intermittent, and/or repeat use of campus facilities where access/use of facilities/property are permitted without an associated rental/lease or fee. Such uses shall be limited to circumstances where an institution does not actually, or effectively, cede occupancy or control of any institution property. Approval for repeated or intermittent use of any facility or property pursuant to this policy may not exceed four (4) months in length and may only be renewed or repeated after review to determine that such use does not conflict with an institutional need, or another request for access/use of the facility/space by another eligible person/entity.
  13. Institutional policies shall specify that, in all cases where an application for access or use of campus facilities or property is approved, such use will be subject to the execution of an appropriate written agreement regarding the conditions applicable to the approved access/use, which shall include, but not be limited to, the terms and conditions set forth in this policy. Institutions may utilize differing forms of agreement appropriate for the nature of the entity seeking access/use, or the nature of the event or facility associated with the access/use.
  14. Institutional policy shall permit access to and use of facilities consistent with the requirements of T.C.A. §8-50-1001. Institutions may require that meetings, or other gatherings, conducted pursuant to this statutory provision be subject to an application for use pursuant to this policy, for the sole purpose of ensuring that administrative, educational, and/or workplace functions are not interrupted. Institutional policy may permit repeated access, pursuant to this provision, without repeated application.

## **B. Geographic Locations & Buildings**

1. Institutional policies shall establish and identify specific buildings and/or other areas of campus that will be made available for use by affiliated entities/individuals. Where certain buildings or areas of campus, are available for use by affiliated entities/individuals, but not for unaffiliated entities/individuals, institutional policy will so specify. Highest priority for use of institutional buildings, facilities, and/or property shall always be reserved for administrative and educational uses.
2. Where appropriate, institutional policy shall identify certain categories of events or uses of campus facilities or property that will be limited to specific facilities or locations appropriate for the nature of the activity, e.g., concerts, athletic events, theatrical presentations, etc.
3. Institutional policies shall specify, where appropriate, dates, times, periods in an academic term, etc., when identified facilities shall not be available for use/access pursuant to the requirements of this policy and/or institutional policy.
4. Institutional policies shall provide that buildings, facilities, and/or property, not specifically identified as available for use are specifically unavailable for use other than for normal administrative or educational purposes.
5. Institutional policies shall identify specific facilities, e.g. athletic facilities, auditoriums, theater buildings, etc., if any, that are available for lease or rental at market rates. Such use shall be subject to application, approval, and an appropriate written lease or rental agreement, pursuant to the institutional policy established in compliance with this policy.

**C. Application & Permitting Process** - The policies and procedures related to the application for access/use of campus property/facilities shall include the following:

1. Institutional policies shall require that all application(s) for access to, or use of, campus facilities or property must be submitted in writing at least five (5) working days in advance of the proposed use (excluding weekends and holidays) to the appropriate location/official at the institution. Where an application for an event involving an outside speaker involves payment of a total fee and/or expenses in excess of \$2,500.00 from institutional funds, the request must be submitted at least twenty (20) working days prior to the date of the proposed speaking engagement.
2. Institutional policies shall permit Presidents, the Vice Chancellor for Technology Centers, or their designees, to approve applications for registration filed less than five (5) working days, twenty (20) days in the case of a speaker paid from institutional or school funds, before the event, if it is determined that the use of property requested can be reasonably accommodated and that adequate cause exists for late filing of the application for registration. Approval of late applications shall be within the sole discretion of the official designated in the institutional policy. The decision of such official will be final.
3. Institutional policies shall provide for written notice of approval or disapproval of the application for use of campus property or facilities. Such notice shall be provided to the applicant within a reasonable time from the date an application is submitted.
4. Institutional policies shall provide that, at minimum, notices of approval/disapproval will be made available at the office of the designated campus official. Institutional policies may provide for additional

- forms of notice, e.g., electronic delivery. It shall be the responsibility of the applicant to obtain notice of the approval or denial of any application submitted pursuant to this policy.
5. Institutional policies shall require that notices of disapproval shall include a statement of the basis for disapproval.
  6. Institutional policies shall provide that any denial of a request to access/use campus facilities and/or property shall be based solely on factors related to reasonable regulations in light of the institution's mission and the nature of the facility or property requested and rendered in a content/viewpoint neutral manner.
  7. Institutional policies shall publish a list of the various considerations potentially leading to a denial of an application. Such list shall include, at minimum, the following:
    - (a) The property or facilities have been previously reserved by another group, organization or individual with equal or higher priority,
    - (b) Frequency of previous use during an academic period in comparison to that of a contemporaneous applicant,
    - (c) 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,
    - (d) The applicant or sponsor of the activity has not provided accurate or complete information required on the application for registration,
    - (e) The applicant or sponsor of the activity has been responsible for violation of institutional policy during a previously registered use of campus property or facilities,
    - (f) The applicant has previously violated any conditions or assurances specified in a previous registration application,
    - (g) The facility or property requested has not been designated as available for use for the time/date
    - (h) 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,
    - (i) The activity is of such nature or duration that it cannot reasonably be accommodated in the particular facility or area for which application is made,
    - (j) A determination that the size and/or location of the requested use would cause substantial disruption or interference with the normal activities of the institution, the educational use of other facilities or services on campus or the flow of vehicular or pedestrian traffic,
    - (k) The activity conflicts with existing contractual obligations of the institution,
    - (l) The activity presents a clear and present danger for physical harm, coercion, intimidation, or other invasion of lawful rights of the institution's officials, faculty members, or students, the damage or destruction, or seizure and subversion, of the institution'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,

- (m) A determination that the requested use would be contrary to local, state, or federal law, regulation, or the policies or regulations of the Board of Regents, or the institution.
8. The office(s)/official(s) at each institution responsible for receiving and processing applications for use of campus facilities or property pursuant to this policy shall maintain a copy of the institutional policy for inspection by groups, organizations, and individuals interested in the use of campus property and/or facilities and shall provide a copy of such policy upon request.

**D. General Conditions for Use of Property or Facilities**

Institutional policies shall set forth the policies and conditions governing activities conducted pursuant to approved applications for access to or use of campus facilities or property. Policies established at the institutional level will be limited to those that reflect reasonable regulations in light of the institution's mission and the nature of the facility or property requested. Such policies will be enforced uniformly to all uses of campus facilities and/or property in a content/viewpoint neutral manner. Violation of, or failure to comply with, the requirements set forth in this policy or institutional policy may result in the immediate revocation of previously granted approval for access/use of campus facilities or property. Institutional policies shall include, at a minimum, the following:

1. Where applicable, institutional policies shall state limitations as to the number of persons who may attend in accordance with appropriate building and fire codes and safety standards applicable to particular facility and/or property at issue,
2. Institutional policies shall require compliance with regulations, policies or rules for the conduct of assemblies, meetings and demonstrations as a condition for use/access to campus facilities and/or property,
3. Institutional policies shall specify that sound amplification equipment may be used only when prior approval has been requested and granted by the appropriate official taking into account the institution's mission and the nature of the facility or property requested, location, time of day, etc.
4. Institutional policies shall specify the conditions applicable to the use of institution equipment in connection with the use of campus property and/or facilities, the required approvals as well as whether any additional agreements, leases or costs shall be associated with such use,
5. Institutional policies shall specify that all groups, organizations and individuals, by making application for registration of an activity and by subsequent use after approval by the institution, agree to indemnify the institution and hold it harmless from any and all liabilities arising out of such use of the property and/or facilities of the institution, including, but not limited to, personal injury, property damage, court costs and attorney's fees.
6. Institutional policies shall specify that all persons operating motor vehicles in conjunction with an approved use/access of campus facilities and/or property shall be subject to institution, and TBR rules, regulations, policies and procedures regarding traffic and parking.
7. Institutional policies shall specify that users of facilities or property and/or their sponsor(s) are responsible for all activities associated with the event.



8. Institutional policies shall specify that use of the requested facility and/or property shall be limited to the declared purpose in the application for use/access to campus facilities and/or property.
9. Institutional policies shall specify that access to, or use of, campus facilities and/or shall not be permitted overnight unless specifically requested and approved pursuant to the requirements of this policy and institutional policy. Such use shall be limited to the specific time and location set forth in the notice of approval/ registration document.
10. Institutional policies shall specify that all persons on the campus of any institution in conjunction with an approved application for use/access, shall provide adequate identification upon request to appropriate officials and security personnel of the institution. 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.
11. Institutional policies shall specify that the institution shall have the right to terminate the use of campus facilities or property by any group, organization or individual which violates any provision of this policy, Institutional policy, local, state, or federal law or regulation.

#### **E. Certain Facilities, Fees, and Costs**

Institutional policies may establish a system of required fees or charges for specific costs and/or services (e.g., maintenance, janitorial, utilities, and/or security) related to the nature and uses of particular facilities and/or locations on campus as well as the anticipated event size or attendance for any use of campus facilities and/or property. Where such fees or costs are established, the fee/cost schedule, facilities and/or event/crowd size to which they apply shall be set forth in the institutional policy and applied to all similar uses on a content/viewpoint neutral basis. Payment of such fees/costs in advance of an event, if required, shall be stated clearly in the institutional policy.

#### **F. Insurance/Indemnity**

1. Institutional policies shall require that individuals/entities using institutional facilities pursuant to this policy indemnify the institution and shall further set forth the circumstances and uses where the institution will require:
  - a. Adequate bond or other security for damage to the property or facilities;
  - b. Personal injury and property damage insurance coverage;
  - c. A performance bond or insurance guaranteeing or insuring performance of its obligations under the contract; and/or
  - d. Other types of insurance in such amounts as are designated by the institution
2. Institutional policy shall identify specific facilities, uses, or events for which bond, security, and/or liability insurance will be required. In setting its policy, institutions may consider, the nature and uses of particular facilities and/or locations on campus ,and the anticipated event size or attendance for any use of campus facilities and/or property. Buildings, locations or events, for which bond, security, and/or liability insurance will be required shall be set forth clearly in the institutional policy. Proof of compliance

with this provision may be required in advance of an event. This provision shall be applied and enforced in a content/viewpoint neutral manner

**G. Distribution Of Leaflets, Literature, Pamphlets, Etc. - Commercial Use/Solicitation Prohibited**

1. Schools and institutions may establish locations where the sale or distribution of literature associated with an approved application for access or use of campus property or facilities may be allowed.
2. Institutional policies shall specify that literature and/or advertisements may only be sold or distributed in conjunction with an approved application for use of campus facilities. Requests to distribute or sell literature shall be included with the underlying application to use campus facilities and/or property, using the same form utilized for use of campus facilities or property. Such applications shall be evaluated by the same standards established under this policy for the associated use/access of campus facilities and/or property.
3. Institutional policies however, shall not permit such activity 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.
4. Institutional policies may permit the distribution or sale of literature, non-commercial solicitations, or advertising in designated locations within the lobbies or other general use areas of the above buildings or other campus facilities designated for the placement of literature for distribution or sale.
5. Institutional policies shall provide that any literature which is distributed or sold and any advertisement shall comply with all applicable local, state, and, federal laws and regulations, as well as the rules and policies of the institution, and TBR.
6. Institutional policies shall specify that no obscene literature or material, as defined by law, shall be distributed on any property owned or used by a TBR institution.
7. Institutional policies shall specify that campus property and facilities may not be used by any non-affiliated entity/individual for the conduct of profit-making activities except when engaged in a business relationship, pursuant to a contract, with the institution and/or when a rental or lease agreement is in place specifically for such temporary purpose.

**H. Miscellaneous**

1. Bulletin Boards/Posting
  - a. Institutional policies may permit the establishment of bulletin boards or approved areas for posting for specific uses and/or entities,
  - b. Institutional policies may identify individual boards/areas and specify or limit the authorized uses and/or entities for such boards/areas as well as the types of materials which may be posted on a board or area, the maximum size and duration of any notice, and any other special conditions on use,

- c. Such limits shall be conspicuously posted on each board or posting area, and shall control the use of the board when posted,
- d. Institutional policies may require prior approval for the use of any or all bulletin boards or posting areas on campus, and if required, the name of the official authorized to approve use of the board shall be posted on the board. Use of a board may be denied on the basis of one or more of the following:
  - (i) The person or group is not authorized to use the board in question;
  - (ii) The material is not the type authorized for the board in question, or fails to meet any special conditions as posted on the board;
  - (iii) The material is obscene or otherwise violates any federal or state law or regulation of the institution; or
  - (iv) There is insufficient space available for the material on the board in question due to the previous posting of other materials,
- e. Institutional policy shall provide that areas not specifically identified and/or authorized for posting are not available for such purpose for any individual or entity, whether affiliated or unaffiliated,
- f. Exceptions to this policy can be made upon approval of the Chancellor of the TBR.

## 2. Food/Catering Policies

- a. Institutions may establish a food/catering policy to be utilized in conjunction with approved use of campus facilities and/or property.
- b. Institutional policies shall specify the facilities/property where such policy shall apply.
- c. Institutional policies shall specify any associated cost or inform users where such cost information may be obtained.

### I. Remainder

Institutions may address any matter with regard to use/access to campus facility not specifically addressed in this policy, in its individual institutional policy, if it is not inconsistent with any provision of this policy and subject to the general requirement that such provisions are limited to reasonable regulations capable of implementation in a content/viewpoint neutral manner. Such policies are also subject to prior review and approval by the TBR.

Source: TBR Meetings, December 8, 1978; March 10, 1979; March 18, 1983; September 30, 1983; September 18, 1987; March 16, 1990; September 21, 1990; Revised and renamed Policy 1:03:02:50 Access to and Use of Campus Property and Facilities Sept. 22, 2011

## **Proposed Deleted Policies**

### **Policy 3:02:02:00**

#### **Subject: Policy on Use of Campus Property and Facilities**

##### **I. PURPOSE**

The purpose of this policy is to provide a uniform basis upon which the institutions and area vocational-technical schools governed by the Tennessee Board of Regents can regulate the use of campus property and facilities by affiliated and non-affiliated groups, organizations and individuals. The policy is intended to provide a system of regulations calculated to promote the orderly conduct of activities on campus property and in campus facilities; to prevent interruption of or interference with normal missions, processes and functions of the institutions and schools; to promote an educational rather than commercial atmosphere on campus; to prevent commercial exploitation of students; to preserve residential tranquility and to prevent use of campus property and facilities contrary to federal, state or local law or regulation, or policies or regulations of the Board of Regents or the institutions and schools.

##### **II. DEFINITIONS**

For the purposes of these regulations, the following definitions shall apply:

- (1) "Student" - a person who is registered for a credit course or courses, or a non-credit course or program at the institution or school, 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.
- (2) "Guest" - a person invited by a student, official or employee of the institution or school to visit the campus at a specific time and place.
- (3) "Affiliated Group or Organization" - an officially registered student group or organization, or a group or organization funded by and/or sponsored by the institution or school, or a group or organization of faculty or other employees of the institution or school approved by the president or area school director. The term shall include any alumni association, booster club, etc., which is organized and operated for the benefit of the institution or school.
- (4) "Non-affiliated Group or Organization" - any group or organization which is not an "affiliated group or organization."
- (5) "Affiliated Individuals" - persons connected with the institution or school including the institution's or school's students, faculty, staff and guests.
- (6) "Non-affiliated Individual" - Any person who is not an "affiliated individual".

### **III. ACCESS TO CAMPUSES**

(1) The campuses and facilities of the institutions and schools are restricted to students, faculty, staff, and guests of the institutions or schools, except when part or all of a campus, its buildings or facilities are open to the general public for a designated time and purpose, or when use by non-affiliated groups, organizations or individuals has been granted or approved pursuant to the provisions of this policy or the policy of the individual institution or school.

(2) All persons on the campus of any institution or school shall be subject to all rules and regulations of the institution or school, and the Board which are applicable to the conduct of students on campus, and to all applicable federal and state laws and regulations. In addition, all persons who operate motor vehicles on the campus of any institution or school agree by such operation to be subject to institution or school, and Board rules, regulations, policies and procedures on traffic and parking.

(3) All persons on the campus of any institution or school shall provide adequate identification upon request to appropriate officials and security personnel of the institution or school. Personnel and students of the institution or school who refuse to provide such identification may be subject to disciplinary action. Other persons who refuse to provide such identification shall be requested to leave the campus, and if they refuse, may be subject to lawful removal and prosecution.

### **IV. GENERAL CONDITIONS FOR USE OF PROPERTY OR FACILITIES**

(1) Use of campus property and facilities, pursuant to prior approval as hereinafter required for meetings or other activities, is subject to limitations on the number of persons who may attend in accordance with appropriate building and fire codes and safety standards.

(2) Regulations of the individual institutions and schools which relate to the conduct of assemblies, meetings and demonstrations of affiliated groups, organizations and individuals shall apply to assemblies, meetings and demonstrations of non-affiliated groups, organizations and individuals.

(3) Sound amplification equipment may be used by groups, organizations and individuals at assemblies, meetings and demonstrations only when prior approval has been granted by the appropriate official of the institution or school; provided, however, that such sound amplification is subject to reasonable regulation by the institution or school with respect to time, place, manner and volume.

(4) Institution or school equipment may be used in connection with the use of campus property and facilities only with the approval of, or under the supervision of approved institution or school personnel.

(5) Each institution and school shall establish a system whereby affiliated groups, organizations and individuals are given priority in the use of property and facilities. This system may result in a request for use submitted by a non-affiliated group, organization or individual being held in excess of the seven (7) day period referred to in Article V, Paragraph (3), page 5. Such requests will be held and considered in the order received. The decision to grant or deny the requests will be made at least ten (10) working days prior to the date of the requested use.

(6) Campus property and facilities may not be used by any non-affiliated group, organization or individual for the conduct of profit-making activities except when a rental or lease agreement is negotiated and the institution or school receives a fair rental value for the property or facilities used. Rental or lease agreements may be required for non-profit activities of non-affiliated groups, organizations or individuals provided that rental charges for such use may be reduced or waived in the discretion of the institution or school depending upon the nature and extent of the proposed use.

(7) Rental rates may include the fair market value of providing the property or facilities which may include overhead, depreciation, maintenance and security expenses. Rental charges may be based in part upon a fixed percentage of the gross receipts of the activity with a minimum rental charge for use of the facilities.

(8) All rental or lease agreements between the institution or school and non-affiliated groups, organizations, or individuals must be approved by the Chancellor of the Board of Regents, or his or her designee if such agreement deviates from Guideline G-030.

(9) In utilizing campus property or facilities, non-affiliated groups, organizations and individuals shall provide: 1) adequate bond or other security for damage to the property or facilities during the period of the use; 2) personal injury and property damage insurance coverage; 3) a performance bond or insurance guaranteeing or insuring performance of its obligations under the contract; and, 4) other types of insurance in such amounts as are designated by the institution or school; provided, that the institution or school may waive the requirements of security, performance bond or insurance coverage.

(10) All non-affiliated groups, organizations and individuals agree, by making application for registration of an activity and by subsequent use after approval by the institution or school, to indemnify the institution or school and hold it harmless from any and all liabilities arising out of such group's, organization's or individual's use of the property and/or facilities of the institution or school, including, but not limited to, personal injury, property damage, court costs and attorneys fees.

(11) Affiliated groups, organizations and individuals may be assessed the cost of providing maintenance and/or security required as a result of their use of campus property or facilities.

## **V. GENERAL PROCEDURE - APPLICATION FOR USE OF PROPERTY OR FACILITIES**

(1) Regular or special meetings of affiliated groups or organizations may be planned and scheduled according to procedures established by this policy, or according to procedures established by the individual institution or school. All other gatherings at a central location on campus property which are sponsored or instigated by affiliated groups, organizations or individuals may be permitted without prior registration only at such times and locations as may be designated by the president of the institution or the director of the area school, or his or her designee.

(2) Any affiliated group, organization or individual desiring to use campus property or facilities at any time, and/or location other than those designated pursuant to paragraph (1) above, and all non-affiliated groups, organizations or individuals desiring use of campus property or facilities must submit a written application for registration of the proposed activity at least fourteen (14) days in advance (excluding weekends and holidays) to the appropriate official at the institution or school; provided, however, that the president of the institution or director of the area school, or his or her designee, may approve applications for registration filed at a later time upon such official's determination that the use of property requested can be reasonably accommodated and that adequate cause exists for late filing of the application for registration. Approval of late applications shall be within the sole discretion of the president of the institution or the director of the area school, or his or her designee. The decision of such official is final. Applications shall be submitted on a form designated by the Chancellor of the Board of Regents, or his or her designee.

(3) With the exception of the provision found at Article IV, Paragraph (5), page 3, written notice of approval or disapproval of the proposed use of campus property or facilities shall be made available to the applicant group, organization or individual within seven (7) days (excluding weekends and holidays) from the time an application for registration is submitted to the appropriate official at the institution or school, at the office of the designated official at the institution or school. Notice of disapproval of the proposed use shall include the grounds for disapproval. Notices will not be mailed or delivered; it shall be the responsibility of the applicant to inquire at the office of the designated official as to the decision concerning the application, and the time and location in which the activity is authorized.

(4) No assembly, meeting, demonstration or other activity shall be authorized or permitted on any property or in any building or facility, and an application for registration may be denied when:

(a) A determination by the appropriate official or body of the institution or school is made that the requested use would cause substantial disruption or interference with the normal activities of the institution or school conducted in the course of its lawful mission, processes and functions.

(b) A determination is made that the requested use would be contrary to federal, state or local law or regulation, or policies or regulations of the Board of Regents, the institution or school.

(c) The applicant or sponsor of the activity has not fully provided accurate or complete information required on the application for registration.

(d) The applicant or sponsor of the activity has been responsible for violation of subparagraphs (a), (b) or (c) above during a previously registered use of campus property or facilities, or has violated any conditions or assurances specified in a previous registration application and the institution or school has reasonable cause to believe such violation will reoccur.

(e) Approval for use of the property or facilities has previously been given to another group, organization or individual for the time(s) and location(s) requested.

(f) Use of the property or facilities requested would be impossible due to set-up time and/or take-down time required for other previously scheduled activities at the requested location immediately before and/or after the requested use, or due to other extenuating circumstances.

(g) The activity is of such nature or duration that it cannot reasonably be accommodated in the particular area for which application is made, provided that in such event, an alternative on-campus site, if available for the activity, shall be proposed by the institution or school;

(h) The activity creates or would create a danger, or dangerous condition impacting on the health, safety, and welfare of others;

(i) Such use conflicts or would conflict with existing contractual obligations of the institution or school.

(5) Any group, organization or individual whose timely application for registration for use of property or facilities of the institution or school is denied for reasons cited in subparagraphs (a), (b), (d), (g), (h) or (i) of paragraph (4) above shall have the right to appeal that denial to the president or area school director, or his or her designee. Notice of appeal shall be made in writing during normal business hours of the institution or school no later than five (5) days (excluding weekends and holidays) prior to the time of the proposed event. The decision of the president or the area school director, or his or her designee, shall be made at least four (4) days before the time of the event.

(6) Affiliated and non-affiliated groups, organizations, or individuals may sell or distribute literature only in conjunction with their authorized presence on campus after such proposed sale



or distribution has been registered with and approved by the appropriate official of the institution or school as specified in paragraph (2) above. Any application for registration shall include, but not be limited to the name of the applicant; the name of the organization, if any; the date, time, duration and location of the proposed sale or distribution; and, the number of participants, and shall be on a form which has been designated by the Chancellor of the Board of Regents, or his or her designee.

(7) Applications for registration by affiliated and non-affiliated groups, organizations or individuals required in paragraph (6) above to distribute or sell literature shall be denied in the event that: 1) a prior application for registration for the same time and location has been made which has been or will be granted; 2) the location is or will be in use for the same time by an affiliated group, organization or individual; 3) the activities would not reasonably permit multiple occupancy of the particular area; 4) the sale or distribution will present a clear and present danger to the public health or safety; 5) the number of persons engaged in the sale or distribution exceeds the number that can reasonably be accommodated in the particular location applied for; or, 6) the activity would constitute a violation of applicable law or regulation, or any other provision of this policy.

(8) No demonstration, distribution or sale of literature, or solicitation unless otherwise permitted elsewhere by this policy shall be permitted within: (1) classroom, library or other academic buildings or facilities; (2) administrative and employee offices and work areas; or, (3) student residence halls, dormitories or apartment buildings. However, an institution or school may permit distribution or sale of literature in designated locations within the lobbies or other general use areas of the above buildings or other campus facilities designated for the placement of literature for distribution or sale.

(9) Any group, organization or individual whose application for registration required by paragraph (6) above is denied shall have the right to appeal that denial to the president or area school director, or his or her designee. Notice of appeal shall be made in writing during normal business hours of the institution or school no later than five days (excluding weekends and holidays) prior to the the time of the proposed sale or distribution. The decision of the president or area school director, or his or her designee, shall be made at least four (4) days before the time of the proposed sale or distribution.

## **VI. PARTICULAR USES**

### **(1) Political Use**

(a) The use of campus property or facilities for speaking engagements by candidates for political office or for other political activities whether at the request of an affiliated or non-affiliated group, organization or individual shall be subject to the registration requirements and procedures

specified above and shall be subject to the regulations of the institution or school concerning other types of meetings or activities on campus property or in campus facilities.

(b) When campus property or facilities are used for political purposes, reasonably equal opportunity shall be provided for presentation of all sides or views or reasonably equal access to the property or facilities shall be provided all sides.

(c) No campaign posters, signs or other items of campaign or political advertising may be placed on campus property or facilities, except as specified in subparagraphs (d) and (e) below.

(d) Students may place campaign posters, signs or other items of campaign or political advertising, whether pertaining to a campus or general election within his/her dormitory residence provided such placement is made in such a way as to not damage or destroy campus property.

(e) Affiliated and non-affiliated groups, organizations or individuals, with the exception of state employees, may place campaign posters, signs or other items of campaign or political advertising, whether pertaining to a campus or general election, on bulletin boards or other locations on campus specifically designated for such use by the institution or school. Any distribution of such material may be made only subsequent to the registration and approval process.

## (2) Religious Use

(a) Campus property and facilities may be utilized by affiliated groups or organizations for the purpose of religious worship or evangelical activities subject to the specified registration requirements and procedures.

(b) Non-affiliated groups, organizations and individuals may utilize campus property and facilities on a temporary basis for the purpose of religious worship or evangelical activities subject to the specified registration requirements and procedures.

## (3) Literature Distribution or Sale

(a) Any proposed distribution or sale of literature by an affiliated or non-affiliated group, organization or individual is subject to the specified registration requirements and procedures.

(b) Any literature which is, or which is proposed to be, distributed or sold shall comply with all applicable federal, state and local laws and regulations, and with the regulations and policies of the institution or school, and the Board of Regents. No obscene literature or material shall be distributed on any property owned or used by an institution or school.

(c) No literature, material or other printed matter shall be sold or distributed within: (1) classroom, library or other academic building or facilities; (2) administrative and employee

offices and work areas; or, (3) student residence halls, dormitories or apartment buildings. However, an institution or school may permit such sale or distribution in designated locations within the lobbies or other general use areas of the above-noted buildings or other campus facilities designated for placement of literature for distribution or sale. Further, this shall not restrict a faculty member from distributing within the classroom non-commercial material related to the particular course or subject matter.

(d) Each institution and school shall designate the locations on campus which are available for the sale or distribution of literature. In addition to those areas designated in subparagraph (c) above, the institution or school shall prohibit the sale or distribution of literature in all areas where such would: 1) cause injury or damage to campus resources; 2) unreasonably impair the academic atmosphere of the campus; 3) unreasonably interfere with the academic program and other activities of the institution or school, or with the administrative functions of the institution or school; or, 4) substantially impair the use of facilities or services on the campus, or the flow of vehicular or pedestrian traffic.

(e) No person, whether distributor or recipient of literature, shall cause any litter to occur on the campus of an institution or school, and literature shall only be discarded in trash receptacles on campus.

(f) Persons engaged in the sale or distribution of printed matter shall not obstruct or impede pedestrians or vehicles, harass other persons with physical contact or persistent demands, misrepresent the purposes or affiliations of those engaged in the sale or distribution, or misrepresent whether the printed matter is available without cost or donation.

(g) The institution or school shall have the right to terminate the distribution or sale of literature by any group, organization or individual which violates the provisions of this policy.

#### (4) Solicitations

(a) Except as is otherwise permitted by this provision, solicitation for purely commercial purposes is prohibited on all property owned or used by an institution or school, provided that solicitations by the institution or school and solicitations by vendors incidental to the vendor providing services on behalf of the institution or school pursuant to a contract between the institution or school and the vendor are permissible. "Solicitation" will not be considered to include activities or events engaged in by affiliated groups, organizations or individuals for the purpose of raising funds to meet expenses of the group, organization or individual. The funds raised by such activities or events shall be used for the benefit of the group, organization or individual, or for charity and no funds shall be distributed to the officers, members, or any individual for personal profit or use. For purposes of this provision the following activities are not prohibited:

- (1) Advertising, as permitted by this policy;
  - (2) Sale or distribution of commercial literature as permitted by this policy;
  - (3) Conversations or communications between a dorm resident and a properly admitted guest notwithstanding the commercial content of the conversation or communication; provided, however, other dorm residents may not be solicited for the purposes of selling a product or service or enrolling the individual in a contest, program or other commercial venture; or
  - (4) Conversations or communications between a resident of University owned apartments and a properly admitted guest notwithstanding the commercial content of the conversation or communication, provided the conversations or communications are confined to the specific unit of the resident inviting the guest or other area properly reserved by the resident for such purpose.
- (b) Solicitation and fund-raising activities other than for purely commercial purposes may be conducted on property owned and used by the institution or school by affiliated groups, organizations or individuals, charitable organizations holding such activities with the sponsorship of the institution or school or the State of Tennessee, or non-affiliated groups, organizations or individuals subject to the specified registration requirements and procedures of Article V, paragraphs (2) through (5), pages 4 and 5.
- (c) No solicitation of charitable funds shall be permitted unless the group, organization or individual provides evidence to the institution or school demonstrating that the proposed activity is in accordance with, or exempt from, the provisions of T.C.A. § 48-101-501 through 48-101-518.
- (d) Solicitation in conjunction with the distribution of literature is subject to the provisions of Article VI, paragraph (3), pages 8 and 9.
- (e) Solicitation of dues and/or membership in an organization is permissible only by affiliated groups, organizations or individuals.
- (f) Solicitations shall only be permitted in those areas designated by the institution or school pursuant to the conditions of Article VI, paragraph (3), subparagraphs (c) and (d), pages 8 and 9; application for registration of a solicitation may be denied for any of the reasons set forth in Article V, paragraphs (4) and (7) pages 5, 6 and 7; and persons engaged in solicitation shall comply with the provisions of Article VI, paragraph (3), subparagraph (f), page 9.
- (g) No funds solicited on campus property shall inure to the benefit of any individual unless contributions are requested for the relief of an individual specified by name at the time of solicitations, and all funds contributed are turned over to the named beneficiary for his or her use without any deductions whatsoever.

(h) An institution or school may require any group, organization or individual to verify the use, application or disposition of funds solicited on campus property.

#### (5) Advertising

(a) No advertising signs, posters, or other material may be placed on any campus property or facility by any non-affiliated group, organization or individual; except that institutions and schools may permit advertising on specifically designated bulletin boards and other designated locations on campus. Affiliated groups, organizations and individuals may place advertising materials on campus property but only in such places as are designated by the institution or school.

(b) Institutions and schools may authorize the inclusion of advertisements in appropriate campus publications for a reasonable fee.

(c) Institutions and schools may permit limited advertising by groups, organizations or individuals when incidental to a donation of property or services to the institution or school, or pursuant to a contract with the institution or school.

### **VII. Miscellaneous**

#### (1) Bulletin Boards

(a) Bulletin boards may be designated for use by specific groups, organizations or individuals. Those groups, organizations or individuals authorized to use a bulletin board, the types of materials which may be posted on a board, the maximum size and duration of any notice, and any other special conditions on use shall be conspicuously posted on each board, and shall control the use of the board when posted.

(b) Each institution and school may require prior approval for the use of any or all bulletin boards on campus, and if required, the name of the official authorized to approve use of the board shall be posted on the board. Use of a board may be denied on the basis of one or more of the following: 1.) the person or group is not authorized to use the board in question; 2.) the material is not the type authorized for the board in question, or fails to meet any special conditions as posted on the board; 3.) the material is obscene or otherwise violates any federal or state law or regulation of the institution or school; or 4.) there is insufficient space available for the material on the board in question due to the previous posting of other materials.

(2) The office of the official at each institution and school who is responsible for receiving and processing applications and registrations pursuant to this policy shall maintain a copy of the policy for inspection by groups, organizations, and individuals interested in the use of campus property and/or facilities and shall provide a copy of such policy upon request and payment of a reasonable charge.

(3) Exceptions to this policy can be made upon approval of the Chancellor of the Tennessee Board of Regents.

Source: TBR Meetings, December 8, 1978; March 10, 1979; March 18, 1983; September 30, 1983; September 18, 1987; March 16, 1990; September 21, 1990

**Policy 3:01:10:00**

**Subject: Off-Campus Speakers**

The following off-campus speaker policy of the Board of Regents shall be applicable to all institutions and area vocational-technical schools governed by the Board.

1. The institutions and schools governed by the State Board of Regents recognize the right of officially recognized student and faculty organizations and groups to hear off-campus, or outside speakers on the various campuses. However, there is no absolute right to assemble or to make a speech at any time or place regardless of the circumstances, content of speech, purpose of assembly, or probable consequences of such meeting or speech, and the issuance of invitations to off-campus or outside speakers for any meetings, activities or events on campus shall be limited in the following particulars:

- a. A request to invite an outside speaker will be considered only when made by an officially registered student organization, faculty organization, or other campus organization.
- b. No invitation by such an organized group shall be issued to an outside speaker without the prior written approval of the president of the institution or director of the school, or such person as may be designated by the president or director (hereinafter referred to as the authorized designee); provided that the president or director may authorize organizations to invite guest speakers for meetings of the organization without prior approval where attendance at the meeting will be limited to members of the organization and where no fee or compensation from state funds will be paid to the speaker.
- c. Any student, faculty or campus organization meeting for which an outside speaker will be invited will be limited to members of the organization, provided that a request to invite an outside speaker may include a request to permit students or faculty members who are not members of the organization initiating the request, and/or other designated guests, to attend the meeting.
- d. A request to invite an outside speaker to whom any payment would have to be made from institutional or school funds is subject to the availability of funds specifically programmed for that purpose, and no payment of any funds shall be made except pursuant to the Board of Regents' Guidelines for Personal Service, Professional Service, and Consultant Service Contracts. In the event any institutional or school funds are approved for payment, the meeting

for which the outside speaker will be invited should be open to all students or all faculty members, or both, unless otherwise designated on the approval of the request.

e. Any speaker request shall be made in writing by an officer of the student, faculty or other organization desiring to sponsor the proposed speaker not later than ten (10) days (excluding holidays and weekends) prior to the date of the proposed speaking engagement; provided that the president or director or the authorized designee may approve exceptions to the minimum notice requirement in appropriate cases; and further provided that in the event the proposed outside speaker will be paid a total fee and expenses in excess of \$2,500.00, the request must be submitted no later than thirty (30) days prior to the date of the proposed speaking engagement. The request shall contain the name of the sponsoring organization, the proposed date, time and location of the meeting, the expected size of the audience, the name and address of the proposed speaker, and the topic of the speech. Any request not acted upon by the president or director or the authorized designee, within five (5) days (excluding holidays and weekends) prior to the event shall be deemed denied.

f. Any speaker request is subject to the availability of the requested meeting place for the meeting time and date requested. In the event the space requested is not available for the requested time and date of the meeting, or is otherwise inappropriate for the proposed meeting or the requested speaking engagement would cause substantial interference with the normal activities of the institution or school if conducted at the time and place requested, alternative meeting space which is available may be offered by the institution or school, or the sponsoring organization is free to request a more suitable date. Any space which is approved for a meeting is subject to limitations on the number of persons who may attend in accordance with appropriate building and fire codes and safety standards.

g. A request for an outside speaker by a registered organization may be denied if the president or director or the authorized designee, determines that the proposed speech will constitute a clear and present danger to the institution's or school's orderly operation by the speaker's advocacy of such actions as:

(1) The violent overthrow of the government of the United States, the State of Tennessee, or any political subdivision thereof; or

(2) The willful damage or destruction, or seizure and subversion, of the institution's or school's building or other property; or

(3) The forcible disruption or impairment of, or interference with, the institution's or school's regularly scheduled classes or other educational functions; or

(4) The physical harm, coercion, intimidation, or otherwise invasion of lawful rights of the institution's or school's officials, faculty members or students; or

(5) Other campus disorder of a violent nature, provided such advocacy would prepare the group addressed for imminent action and steel it to such action, and further provided there is reasonable apprehension of such imminent lawless action. In determining the existence of a clear and present danger, the president or director, or the authorized designee, may consider all relevant factors, including whether such speaker has, within the past five (5) years, incited violence resulting in the destruction of property at any assembly, or has caused the forcible disruption of regularly scheduled classes or other functions at any institution or school.

h. In the event that a request for an outside speaker is denied by the institution or school, any sponsoring organization thereby aggrieved shall have the opportunity to appeal from the denial. A written appeal to the president or director, or the authorized designee, must be submitted within twenty-four (24) hours from the initial denial to approve the request, and the organization will be provided a hearing within two (2) days (excluding holidays and weekends) following the filing of its appeal before an impartial committee designated by the president or director or the authorized designee. The committee shall be authorized to make appropriate findings of fact related to the request, and shall make and transmit such findings to the president or director within said two (2) day period. The president or director shall review the findings of the committee, and solely on the basis thereof, shall grant or deny the request within twenty-four (24) hours (excluding holidays and weekends) from receipt of the findings of the committee.

i. In the event of a proposed meeting which will be attended by strong emotional feelings, or where there is a reasonable possibility that a speaker, members of an organization, or others may violate federal, state or local laws or campus regulations in the course of a meeting, the president or director or the authorized representative shall prescribe reasonable conditions for the orderly and scholarly conduct of the meeting. Such conditions may include, but are not limited to, limiting the audience to the inviting organization's membership, appointing one or more officials of the institution or school to preside over the meeting, authorizing a search of all persons entering the area of the meeting, and such other conditions as the institution or school deems appropriate.

j. The representative of the organization inviting the speaker shall at the time of the invitation provide the speaker or his or her agent, with a copy of this speaker policy and campus regulations. By acceptance of the invitation to speak, the speaker shall assume full responsibility for any violation of law or campus regulation committed by him or her while on campus.

k. Any meeting, assembly, or other activity to which an outside speaker may be invited is subject to all requirements, conditions and approvals set forth in any policy of the Board and/or the institution or school concerning use of campus property and facilities.



The provisions of Section 1 shall not apply to invitations by academic units to guest lecturers for any classes, but such invitations shall be subject to any policies of the institution, the school, the division and/or the department involved.

Source: SBR Meetings, September 29, 1978; September 30, 1983

Proposed Repealed APA Rule:

Next page...

**RULES  
OF  
THE TENNESSEE BOARD OF REGENTS  
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE**

**SYSTEMWIDE ADMINISTRATIVE RULES**

**CHAPTER 0240-01-01  
USE OF CAMPUS PROPERTY AND FACILITIES**

**TABLE OF CONTENTS**

0240-01-01-.01	Purpose	0240-01-01-.04	Particular Uses
0240-01-01-.02	General Regulations	0240-01-01-.05	Miscellaneous
0240-01-01-.03	General Procedure - Application for Use of Property or Facilities	0240-01-01-.06	Disabled/Handicapped Parking Violations

**0240-01-01-.01 PURPOSE.** The purpose of this policy is to provide a uniform basis upon which the institutions and area vocational-technical schools governed by the Tennessee Board of Regents can regulate the use of campus property and facilities by affiliated and non-affiliated groups, organizations and individuals. The policy is intended to provide a system of regulations calculated to promote the orderly conduct of activities on campus property and in campus facilities; to prevent interruption of or interference with normal missions, processes and functions of the institutions and schools; to promote an educational rather than commercial atmosphere on campus; to prevent commercial exploitation of students; to preserve residential tranquility and to prevent use of campus property and facilities contrary to federal, state or local law or regulations, or policies or regulations of the Board of Regents, or the institutions and schools.

**Authority:** T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed June 1, 1990; effective September 26, 1990.

**0240-01-01-.02 GENERAL REGULATIONS.**

- (1) For the purpose of these regulations, the following definitions shall apply:
  - (a) "Student" - a person who is registered for a credit course or a non-credit course program at the institution or school, 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.
  - (b) "Guest" - a person invited by a student, official or employee of the institution or school to visit the campus at a specific time and place.
  - (c) "Affiliated Group or Organization" - an officially registered student group or organization, or a group or organization funded by and/or sponsored by the institution or school, or a group or organization of faculty or other employees of the institution or school approved by the president or area school director. The term shall include any alumni association, booster club, etc., which is organized and operated for the benefit of the institution or school.
  - (d) "Non-Affiliated Group or Organization" - any group or organization which is not an "affiliated group or organization."
  - (e) "Affiliated individuals" - persons connected with the institution or school, including the institution's or school's students, faculty, staff, guest and invitees.

(Rule 0240-01-01-.02, continued)

- (f) "Non-Affiliated Individual" - any person who is not an "affiliated individual."
- (2) Access to Campuses.
- (a) The campuses and facilities of the institutions and schools are restricted to students, faculty, staff, and guests of the institutions or schools, except when part or all of a campus, its buildings or facilities are open to the general public for a designated time and purpose, or when used by non-affiliated groups, organizations or individuals has been granted or approved pursuant to the provisions of this policy or the policy of the individual institution or school.
  - (b) All persons on the campus of any institution or school shall be subject to all rules and regulations of the institution or school, and the Board which are applicable to the conduct of students on campus, and to all applicable federal and state laws and regulations. In addition, all persons who operate motor vehicles on the campus of any institution or school agree by such operation to be subject to institution or school, and Board rules, regulations, policies and procedures on traffic and parking.
  - (c) All persons on the campus of any institution or school shall provide adequate identification upon request to appropriate officials and security personnel of the institution or school. Personnel and students of the institution or school who refuse to provide such identification may be subject to disciplinary action. Other persons who refuse to provide such identification shall be requested to leave the campus, and if they refuse, may be subject to lawful removal and prosecution.
- (3) General Conditions for Use of Property or Facilities
- (a) Use of campus property and facilities, pursuant to prior approval as hereinafter required for meetings or other activities, is subject to limitations on the number of persons who may attend in accordance with appropriate building and fire codes and safety standards.
  - (b) Regulations of the individual institutions and schools which relate to the conduct of assemblies, meetings and demonstrations of affiliated groups, organizations and individuals shall apply to assemblies, meetings and demonstrations of non-affiliated groups, organizations and individuals.
  - (c) Sound amplification equipment may be used by groups, organizations and individuals at assemblies, meetings and demonstrations only when prior approval has been granted by the appropriate official of the institution or school; provided, however, that such sound amplification is subject to reasonable regulation by the institution or school with respect to time, place, manner and volume.
  - (d) Institution or school equipment may be used in connection with the use of campus property and facilities only with the approval of, or under the supervision of, approved institution or school personnel.
  - (e) Each institution and school shall establish a system whereby affiliated groups, organizations and individuals are given priority in the use of property and facilities. This system may result in a request for use submitted by a non-affiliated group, organization or individual being held in excess of the seven (7) day period referred to in rule 0240-01-01-.03(3). Such requests will be held and considered in the order received. The decision to grant or deny the requests will be made at least ten (10) working days prior to the date of the requested use.

(Rule 0240-01-01-.02, continued)

- (f) Campus property and facilities may not be used by any non-affiliated group, organization or individual for the conduct of profit-making activities except when a rental or lease agreement is negotiated and the institution or school receives a fair rental value for the property or facilities used. Rental or lease agreements may be required for non-profit activities of non-affiliated groups, organizations or individuals provided that rental charges for such use may be reduced or waived in the discretion of the institution or school depending upon the nature and extent of the proposed use.
- (g) Rental rates may include the fair market value of providing the property or facilities which may include overhead, depreciation, maintenance and security expenses. Rental charges may be based in part upon a fixed percentage of the gross receipts of the activity with a minimum rental charge for use of the facilities.
- (h) All rental or lease agreements between the institution or school and non-affiliated groups, organizations, or individuals must be approved by the Chancellor of the Board of Regents, or his or her designee if such agreement deviates from Guideline G-030, a copy of which may be obtained at the Tennessee Board of Regents' office.
- (i) In utilizing campus property or facilities, non-affiliated groups, organizations and individuals shall provide: 1) adequate bond or other security for damage to the property or facilities during the period of the use; 2) personal injury and property damage insurance coverage; 3) a performance bond or insurance guaranteeing or insuring performance of its obligations under the contract; and, 4) other types of insurance in such amounts as are designated by the institution or school; provided, that the institution or school may waive the requirements of security, performance bond or insurance coverage.
- (j) All non-affiliated groups, organizations and individuals agree, by making application for registration of an activity and by subsequent use after approval by the institution or school, to indemnify the institution or school and hold it harmless from any and all liabilities arising out of such group's, organization's or individual's use of property and/or facilities of the institution or school, including, but not limited to, personal injury, property damage, court costs and attorneys fees.
- (k) Affiliated groups, organizations and individuals may be assessed the cost of providing maintenance and/or security required as a result of their use of campus property or facilities.

**Authority:** T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed July 29, 1988; effective October 29, 1988. Amendment filed June 1, 1990; effective September 26, 1990. Amendment filed May 13, 1991; effective August 28, 1991.

#### **0240-01-01-.03 GENERAL PROCEDURE - APPLICATION FOR USE OF PROPERTY OR FACILITIES.**

- (1) Regular or special meetings of affiliated groups or organizations may be planned and scheduled according to procedures established by this policy, or according to procedures established by the individual institution or school. All other gatherings at a central location on campus property which are sponsored or instigated by affiliated groups, organizations or individuals may be permitted without prior registration only at such times and locations as may be designated by the president of the institution or the director of the area school, or his or her designee.

(Rule 0240-01-01-.03, continued)

- (2) Any affiliated group, organization or individual desiring to use campus property or facilities at any time, and/or location other than those designated pursuant to paragraph (1) above, and all nonaffiliated groups, organizations or individuals desiring use of campus property or facilities must submit a written application for registration of the proposed activity at least fourteen (14) days in advance (excluding weekends and holidays) to the appropriate official at the institution or school; provided, however, that the president of the institution or director of the area school, or his or designee, may approve applications for registration filed at a later time upon such official's determination that the use of property requested can be reasonably accommodated and that adequate cause exists for late filing of the application for registration. Approval of late applications shall be within the sole discretion of the president of the institution or the director of the area school, or his or her designee. The decision of such official is final. Applications shall be submitted on a form designated by the chancellor of the Board of Regents, or his or her designee.
- (3) With the exception of the provision found at rule 0240-01-01-.02(3)(e), written notice of approval or disapproval of the proposed use of campus property or facilities shall be made available to the applicant group, organization or individual within seven (7) days (excluding weekends and holidays) from the time an application for registration is submitted to the appropriate official at the institution or school, at the office of the designated official at the institution or school. Notice of disapproval of the proposed use shall include the grounds for disapproval. Notices will not be mailed or delivered; it shall be the responsibility of the applicant to inquire at the office of the designated official as to the decision concerning the application, and the time and location in which the activity is authorized.
- (4) No assembly, meeting, demonstration or other activity shall be authorized or permitted on any property or in any building or facility, and an application for registration may be denied when:
  - (a) A determination by the appropriate official or body of the institution or school is made that the requested use would cause substantial disruption or interference with the normal activities of the institution or school conducted in the course of its lawful mission, processes and functions.
  - (b) A determination is made that the requested use would be contrary to federal, state or local law or regulation, or policies or regulations of the Board of Regents, the institution or school.
  - (c) The applicant or sponsor of the activity has not fully provided accurate or complete information required on the application for registration.
  - (d) The applicant or sponsor of the activity has been responsible for violation of subparagraphs (a), (b) or (c) above during a previously registered use of campus property or facilities, or has violated any conditions or assurances specified in a previous registration application and the institution or school has reasonable cause to believe such violation will reoccur.
  - (e) Approval for use of the property or facilities has previously been given to another group, organization or individual for the time(s) and location(s) requested.
  - (f) Use of the property or facilities requested would be impossible due to set-up time and/or takedown time required for other previously scheduled activities at the requested location immediately before and/or after the requested use, or due to other extenuating circumstances.

(Rule 0240-01-01-.03, continued)

- (g) The activity is of such nature or duration that it cannot reasonably be accommodated in the particular area for which application is made, provided that in such event, an alternative on-campus site, if available for the activity, shall be proposed by the institution or school;
  - (h) The activity creates or would create a danger, or dangerous condition impacting on the health, safety, and welfare of others;
  - (i) Such use conflicts or would conflict with existing contractual obligations of the institution or school.
- (5) Any group, organization or individual whose timely application for registration for use of property or facilities of the institution or school is denied for reasons cited in subparagraphs (a), (b), (d) (g), (h), or (i) of paragraph (4) above shall have the right to appeal that denial to the president or area school director, or his or her designee. Notice of appeal shall be made in writing during normal business hours of the institution or school no later than five (5) days (excluding weekends and holidays) prior to the time of the proposed event. The decision of the president or the area school director, or his or her designee, shall be made at least four (4) days before the time of the event.
- (6) Affiliated and non-affiliated groups, organizations, or individuals may sell or distribute literature only in conjunction with their authorized presence on campus after such proposed sale or distribution has been registered with and approved by the appropriate official of the institution or school as specified in paragraph (2) above. Any application for registration shall include, but not be limited to, the name of the applicant; the name of the organization, if any; the date, time, duration and location of the proposed sale or distribution, and the number of participants, and shall be on a form which has been designated by the Chancellor of the Board of Regents, or his or her designee.
- (7) Applications for registration by affiliated and non-affiliated groups, organizations or individuals required in paragraph (6) above to distribute or sell literature shall be denied in the event that: 1) a prior application for registration for the same time and location has been made which has been or will be granted; 2) the location is or will be in use for the same time by an affiliated group, organization or individual; 3) the activities would not reasonably permit multiple occupancy of the particular area; 4) the sale or distribution will present a clear and present danger to the public health or safety; 5) the number of persons engaged in the sale or distribution exceeds the number that can reasonably be accommodated in the particular location applied for; or 6) the activity would constitute a violation of applicable law or regulation, or any other provision of this policy.
- (8) No demonstration, distribution or sale of literature, or solicitation unless otherwise permitted elsewhere by this policy shall be permitted within: 1) classroom, library or other academic buildings or facilities; 2) administrative and employee offices and work areas; or 3) student residence halls, dormitories or apartment buildings. However, an institution or school may permit distribution or sale of literature in designated locations within the lobbies or other general use areas of the above buildings or other campus facilities designated for the placement of literature for distribution or sale.
- (9) Any group, organization or individual whose application for registration required by paragraph (6) above is denied shall have the right to appeal that denial to the president or area school director, or his or her designee. Notice of appeal shall be made in writing during normal business hours of the institution or school no later than five (5) days (excluding weekends and holidays) prior to the time of the proposed sale or distribution. The decision of the president or area school director, or his or her designee, shall be made at least four (4) days before the time of the proposed sale or distribution.

(Rule 0240-01-01-.03, continued)

**Authority:** T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed July 29, 1988; effective October 29, 1988. Amendment filed June 1, 1990; effective September 26, 1990.

#### **0240-01-01-.04 PARTICULAR USES.**

##### (1) Political Use

- (a) The use of campus property or facilities for speaking engagements by candidates for political office or for other political activities whether at the request of an affiliated or non-affiliated group, organization or individual shall be subject to the registration requirements and procedures specified above and shall be subject to the regulations of the institution or school concerning other types of meetings or activities on campus property or in campus facilities.
- (b) When campus property or facilities are used for political purposes, reasonably equal opportunity shall be provided for presentation of all sides or views, or reasonably equal access to the property or facilities shall be provided all sides.
- (c) No campaign posters, signs or other items of campaign or political advertising may be placed on campus property or facilities, except as specified in subparagraphs (d) and (e) below.
- (d) Students may place campaign posters, signs or other items of campaign or political advertising, whether pertaining to a campus or general election within his/her dormitory residence provided such placement is made in such a way as to not damage or destroy campus property.
- (e) Affiliated and non-affiliated groups, organizations or individuals with the exception of state employees may place campaign posters, signs or other items of campaign or political advertising, whether pertaining to a campus or general election, on bulletin boards or other locations on campus specifically designated for such use by the institution or school. Any distribution of such material may be made only subsequent to the registration and approval process.

##### (2) Religious Use

- (a) Campus property and facilities may be utilized by affiliated groups or organizations for the purpose of religious worship or evangelical activities subject to the specified registration requirements and procedures.
- (b) Non-affiliated groups, organizations and individuals may utilize campus property and facilities on a temporary basis for the purpose of religious worship or evangelical activities subject to the specified registration requirements and procedures.

##### (3) Literature Distribution or Sale

- (a) Any proposed distribution or sale of literature by an affiliated or non-affiliated group, organization or individual is subject to the specified registration requirements and procedures.
- (b) Any literature which is, or which is proposed to be, distributed or sold shall comply with all applicable federal, state and local laws and regulations, and with the regulations and

(Rule 0240-01-01-.04, continued)

policies of the institution or school, and the Board of Regents. No obscene literature or material shall be distributed on any property owned or used by an institution or school. For the purpose of this provision and as defined by Tennessee law, "obscene material" or "obscene literature" shall mean any literature or material that: (a) the average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest ("prurient interest" means a shameful or morbid interest in sex) in sex; (b) the average person applying contemporary community standards would find that the work depicts or describes, in a patently offensive way, sexual conduct ("patently Offensive" means that which goes substantially beyond customary limits of candor in describing or representing such matters and "sexual conduct" means representations or descriptions of ultimate sexual acts including sexual intercourse, anal or otherwise, fellatio, cunnilingus or sodomy, normal or perverted, actual or simulated; or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals); and (c) the work, taken as whole, lacks serious literary, artistic, political, or scientific value.

- (c) No literature, material or other printed matter shall be sold or distributed within: 1) classroom, library or other academic building or facilities; 2) administrative and employee offices and work areas; or 3) student residence halls, dormitories or apartment buildings. However, an institution or school may permit such sale or distribution in designated locations within the lobbies or other general use areas of the above-noted buildings or other campus facilities designated for placement of literature for distribution or sale. Further, this shall not restrict a faculty member from distributing within the classroom non-commercial material related to the particular course or subject matter.
  - (d) Each institution and school shall designate the locations on campus which are available for the sale or distribution of literature. In addition to those areas designated in subparagraph (c), the institution or school shall prohibit the sale or distribution of literature in all areas where such would: 1) cause injury or damage to campus resources; 2) unreasonably impair the academic atmosphere of the campus; 3) unreasonably interfere with the academic program and other activities of the institution or school, or with the administrative functions of the institution or school; or 4) substantially impair the use of facilities or services on the campus, or the flow of vehicular or pedestrian traffic.
  - (e) No person, whether distributor or recipient of literature, shall cause any litter to occur on the campus of an institution or school, and literature shall only be discarded in trash receptacles on campus.
  - (f) Persons engaged in the sale or distribution of printed matter shall not obstruct or impede pedestrians or vehicles, harass other persons with physical contact or persistent demands, misrepresent the purposes or affiliations of those engaged in the sale or distribution, or misrepresent whether the printed matter is available without cost or donation.
  - (g) The institution or school shall have the right to terminate the distribution or sale of literature by any group, organization or individual which violates the provisions of this policy.
- (4) Solicitations
- (a) Except as is otherwise permitted by this provision, solicitation for purely commercial purposes is prohibited on all property owned or used by an institution or school, provided that solicitations by the institution or school and solicitations by vendors



(Rule 0240-01-01-.04, continued)

incidental to the vendor providing services on behalf of the institution or school pursuant to a contract between the institution or school and the vendor are permissible. "Solicitation" will not be considered to include activities or events engaged in by affiliated groups, organizations or individuals for the purpose of raising funds to meet expenses of the group, organization or individual. The funds raised by such activities or events shall be used for the benefit of the group, organization or individual, or for charity and no funds shall be distributed to the officers, members, or any individual for personal profit or use. For purposes of this provision the following activities are not prohibited:

1. Advertising, as permitted by this policy;
  2. Sale or distribution of commercial literature as permitted by this policy;
  3. Conversations or communications between a dorm resident and a properly admitted guest notwithstanding the commercial content of the conversation or communication; provided, however, other dorm residents may not be solicited for the purposes of selling a product or service or enrolling the individual in a contest, program or other commercial venture; or
  4. Conversations or communications between a resident of University-owned apartments and a properly admitted guest notwithstanding the commercial content of the conversation or communication, provided the conversations or communications are confined to the specific unit of the resident inviting the guest or other area properly reserved by the resident for such purpose.
- (b) Solicitation and fund-raising activities other than for purely commercial purposes may be conducted on property owned and used by the institution or school by affiliated groups, organizations or individuals, charitable organizations holding such activities with the sponsorship of the institution or school or the state of Tennessee, or non-affiliated groups, organizations or individuals subject to the specified registration requirements and procedures of rule 0240-01-01-.03(2) through (5).
- (c) No solicitation of charitable funds shall be permitted unless the group, organization or individual provides evidence to the institution or school demonstrating that the proposed activity is in accordance with, or exempt from, the provisions of Tenn. Code Ann. §§48-3-501 through 48-3-521.
- (d) Solicitation in conjunction with the distribution of literature is subject to the provisions of rule 0240-01-01-.04(3).
- (e) Solicitation of dues and/or membership in an organization is permissible only by affiliated groups, organizations or individuals.
- (f) Solicitations shall only be permitted in those areas designated by the institution or school pursuant to the conditions of rule 0240-01-01-.04(3)(c) and (d); application for registration of a solicitation may be denied for any of the reasons set forth in rule 0240-01-01-.03(4) and (7); and persons engaged in solicitation shall comply with the provisions of rule 0240-01-01-.04(3)(f).
- (g) No funds solicited on campus property shall inure to the benefit of any individual unless contributions are requested for the relief of an individual specified by name at the time of solicitations, and all funds contributed are turned over to the named beneficiary for his or her use without any deductions whatsoever.

(Rule 0240-01-01-.04, continued)

- (h) An institution or school may require any group, organization or individual to verify the use, application or disposition of funds solicited on campus property.
- (5) Advertising
  - (a) No advertising signs, posters, or other material may be placed on any campus property or facility by any non-affiliated group, organization or individual; except that institutions and schools may permit advertising on specifically designated bulletin boards and other designated locations on campus. Affiliated groups, organizations and individuals may place advertising materials on campus property but only in such places as are designated by the institution or school.
  - (b) Institutions and schools may authorize the inclusion of advertisements in appropriate campus publications for a reasonable fee.
  - (c) Institutions and schools may permit limited advertising by groups, organizations or individuals when incidental to a donation of property or services to the institution or school, or pursuant to a contract with the institution or school.

**Authority:** T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed July 29, 1988; effective October 29, 1988. Amendment filed June 1, 1990; effective September 26, 1990. Amendment filed August 11, 2004; effective December 29, 2004.

#### **0240-01-01-.05 MISCELLANEOUS.**

- (1) Bulletin Boards
  - (a) Bulletin boards may be designated for use by specific groups, organizations or individuals. Those groups, organizations or individuals authorized to use a bulletin board, the types of materials which may be posted on a board, the maximum size and duration of any notice, and any other special conditions on use shall be conspicuously posted on each board, and shall control the use of the board when posted.
  - (b) Each institution and school may require prior approval for the use of any or all bulletin boards on campus, and if required, the name of the official authorized to approve use of the board shall be posted on the board. Use of a board may be denied on the basis of one or more of the following: 1) the person or group is not authorized to use the board in question; 2) the material is not the type authorized for the board in question, or fails to meet any special conditions as posted on the board; 3) the material is obscene or otherwise violates any federal or state law or regulations of the institution or school; or 4) there is insufficient space available for the material on the board in question due to the previous posting of other materials.
- (2) The office of the official at each institution and school who is responsible for receiving and processing applications and registration pursuant to this policy shall maintain a copy of the policy for inspection by groups, organizations, and individuals interested in the use of campus property and/or facilities and shall provide a copy of such policy upon request and payment of a reasonable charge.
- (3) Exceptions to this policy can be made upon approval of the Chancellor of the Tennessee Board of Regents.

(Rule 0240-01-01-.05, continued)

**Authority:** T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed June 1, 1990; effective September 26, 1990.

**1240-01-01-.06 DISABLED/HANDICAPPED PARKING VIOLATIONS.**

**Authority:** T.C.A. § 49-8-203. **Administrative History:** Public necessity rule filed October 29, 2008; effective through April 12, 2009. Public necessity rule filed October 29, 2008, and effective through April 12, 2009, expired April 13, 2009, and reverted to its previous status.