



EAST TENNESSEE STATE
UNIVERSITY

Access to University Property

Policy Name: Access to University Property

Policy Purpose

This policy specifies a uniform basis upon which East Tennessee State University (ETSU or University) regulates access to and use of University Property, as defined herein.

Applicability

This policy is applicable to ETSU Students, employees, volunteers, Invited Guests, third-party Licensees, and anyone accessing University Property.

Responsible Official, Office, and Interpretation

The Chief Operating Officer along with the Vice President for Student Life and Enrollment are responsible for the review and revision of this policy. For questions about this policy, please contact the Office of Administration and the Office of Student Life and Enrollment. The COO and the Provost, in consultation with the Office of University Counsel, have the final authority to interpret this policy.

Defined Terms

A defined term has a specific meaning within the context of this policy.

Affiliated Entity

An officially registered student organization or a department of the University, or a person or persons with a formal relationship with ETSU, including the University's current Students, faculty, staff, and Board of Trustee members, the ETSU Foundation, the ETSU Research Corporation, food vendor hosts, ETSU's food service vendor and other third-party Licensees. For purposes of this policy the term Affiliated Entity includes Affiliated Individuals, defined to include any individual or individuals with a formal relationship with ETSU, including the University's current Students, faculty, staff, Board of Trustee members, and third-party contractors.

Camping

Camping consists of any of the following activities on University Property at any time between ten o'clock p.m. (10:00 p.m.) and seven o'clock a.m. (7:00 a.m.).

Policy Name: Access to University Property

1. Erecting, placing, maintaining, leaving, allowing to remain, or using a piece of furniture, tent, raised tarp, or other temporary shelter, structure, or furniture;
2. Placing or storing personal belongings for future use, including storing food for consumption;
3. Carrying on cooking activities, whether by fire or use of artificial means, such as a propane stove or other heat-producing portable cooking equipment;
4. Sleeping or preparing to sleep, including laying down a sleeping bag, blanket, or other material used for bedding;
5. Making a fire or preparing to make a fire;
6. Doing any digging or earth breaking.

University Property

University Property means and includes, without limitation, all buildings grounds, and facilities, including adjacent roads, parking lots, and sidewalks, owned, operated, leased, used, supervised, maintained, or controlled by ETSU, including satellite locations and offices, whether currently existing or subsequently acquired or created.

Co-Sponsored Events and Sponsorship

Co-sponsored events are activities sponsored jointly by two or more Users. Sponsorship may be inferred by an organization's name and/or logo in promotional materials, authority for event planning decision-making and implementation, and/or organization funds and resources. Invited Guest speakers, beneficiaries of philanthropic fundraising efforts, or affiliated national organizations' presence at an event does not necessarily constitute sponsorship.

Invited Guest

A person invited by a student, institutional official, or employee of the university to visit the University at a specific time and place.

Policy Name: Access to University Property

Licensee

An entity or individual with a mutually beneficial commercial relationship with the University, including transportation services, vendors, and delivery services, and who has received an express or implied invitation to access University Property.

Normal Educational Activities

Activities that occur outside of the classroom to enhance and continue student learning and project completion. They include, but are not limited to: small group study sessions (whether organized by Students, tutors, supplemental instructors, or teachers), review sessions, open labs, student-teacher conferences, and student groups working together on class projects.

Student

An individual or individuals who are currently enrolled in a course of study at the institution, including dual-enrolled Students and those who are auditing a course or taking a course for no credit.

Student Organization

An organization that is comprised entirely of individuals currently enrolled in a course of study at the institution for public higher education in Tennessee, that is registered with an institution pursuant to institutional rules.

Unaffiliated Entity

Any group, person, or organization which is not an Affiliated Entity or Individual. This includes both for-profit and non-profit groups as well as federal, state, and local government organizations. An entity or individual who has no formal, business, or contractual relationship with the University, i.e., entities and individuals who are members of the general public.

Policy Name: Access to University Property

User

An Affiliated Entity or Individual, Unaffiliated Entity, Invited Guest, or Licensee that receives access to University Property.

Policy

University Property is maintained solely for use consistent with the advancement and orderly administration of its educational mission for the benefit of ETSU Students employees, volunteers, Invited Guests, and third-party Licensees.

ETSU limits access to and use of University Property to institutional administration for official functions, Normal Educational Activities, Affiliated Entities, Invited Guests, and Licensees, except as specifically provided by this policy. ETSU makes its campus and facilities available for use by Unaffiliated Entities and Individuals only in the limited circumstances specified in this policy.

ETSU does not maintain University Property to provide a forum for public expression. Accordingly, ETSU may impose what are known as time, place, and manner restrictions on the exercise of First Amendment rights by individuals on University Property. All restrictions, rules, regulations, and guidelines, including the assessment of any costs, expenses, or fees will be construed and implemented in a content and viewpoint neutral manner, consistent with ETSU's purpose and mission.

ETSU shall construe and implement this policy to prevent undue disruption of its educational mission, promote an educational atmosphere, prevent commercial exploitation of Students, preserve residential tranquility, and prevent use of University Property contrary to federal, state, or local laws, rules, regulations, and ETSU's rules and policies.

1. Governing Laws and Construction.

Access to and use of University Property is subject to the [Equal Access to Public Property Act \(Tenn. Code Ann. § 39-14-414\)](#),¹ the [University Free Speech Protection Act \(Tenn. Code. Ann § 49-7-2401, et seq.\)](#), and the Tennessee Higher Education Freedom of Expression and Transparency Act ([Tenn. Code. Ann § 49-7-1901 et seq.](#), as amended by 2024 Tennessee Law Pub. Ch. 815). The provisions of this policy shall

¹ Tenn. Code Ann. § 39-14-414 creates a Class E Felony, “. . . for a person to engage in Camping on property owned by the state knowing that the area on which the Camping occurs is not specifically designated for use as a Camping area by the department or agency responsible for the land.”

Policy Name: Access to University Property

be construed and implemented consistently with these laws, the First Amendment to the United States Constitution, and Article 1, Section 19, of the Tennessee Constitution. University Property shall be used only in accordance with federal, State, and local laws and shall not be used for the purpose of organizing or carrying out unlawful activity.

2. Access to and Use of University Property.

2.1. Official University Business. The University has the right to regulate access to and use of all University Property. All access and use granted by this policy remains subject at all times to the needs of the university for official university business and Normal Educational Activities.

2.2. Identification. ETSU University Property is not a public forum. Anyone on University Property must provide identification, upon request, to any ETSU official or law enforcement officer. University personnel and Students who refuse to provide identification may be subject to disciplinary action. All others who refuse to provide identification may be requested to leave the ETSU campus. Non-compliance with a request to provide identification may be subject to lawful removal and prosecution.

2.3. Affiliated Entities.

2.3.1. Access. Affiliated Entities have the privilege of access to and use of University Property, subject to the terms and conditions of this policy, the corresponding procedures, and any guidelines established by the appropriate office.

2.3.2. Students and Student Organizations. Students and Student Organizations have the right to use the generally-accessible, open, outdoor areas of University as traditional public forums for free expression activities. Students generally have the right to engage in spontaneous outdoor assemblies, except in places that have been previously reserved by others, and subject to the terms and conditions of this policy, the corresponding procedures, and any guidelines established by the appropriate office.

2.3.3. Planned Meetings. Affiliated Entities may plan and schedule standing meetings for two semesters (Fall & Spring) at a time. Affiliated Entities may schedule special meetings for not more than four (4) weeks at a time.

2.3.4. Assessment of Costs and Expenses. ETSU may assess Affiliated Entities the incurred costs and expenses of providing the property, facility, equipment, or services required based upon their use of University Property or Facilities in accordance with the Guidelines established by the

Policy Initial Effective Date: 04/27/2018 • **Policy Revised Effective Date:** 08/12/24
Procedures Initial Effective Date: 04/27/2018 • **Procedures Revised Effective Date:** N/A

Policy Name: Access to University Property

appropriate office and the University Free Speech Protection Act. ETSU may assess Affiliated Entities that invite Unaffiliated Entities to University the incurred costs and expenses of providing the property, facility, equipment, or services required, based upon use of University Property or facilities, specifically including location of event and/or the size of the event, in accordance with the Guidelines established by the appropriate office and the University Free Speech Protection Act.

- 2.3.5. Equal Access for All. To ensure equal access to University Property for all Affiliated Entities, each Student Organization may schedule and reserve space for no more than two on-University events that are Co-Sponsored with an Unaffiliated Entity each academic year. Student Organizations may Co-Sponsor one on-University event with the same Unaffiliated Entity each semester.
- 2.3.6. Sponsoring Events with Unaffiliated Entities. If an Affiliated Entity wants to Sponsor an event or activity for an Unaffiliated Entity, the Affiliated Entity must:
 - 2.3.6.1. Affirm in writing that the event will be held under the authorization of the Affiliated Entity.
 - 2.3.6.2. Agree that its name and identity will be associated with the event.
 - 2.3.6.3. Accept responsibility for primary communication of facility needs and University services.
 - 2.3.6.4. Accept responsibility to address and resolve problems relating to the event(s) including any damages incurred and liability issues involved.
 - 2.3.6.5. Obtain all necessary University approvals and authorizations for the events(s).
 - 2.3.6.6. Ensure that university policies and procedures are followed.
 - 2.3.6.7. Ensure that all financial obligations for the event are met
- 2.3.7. Advertising. Affiliated Entities may place advertising materials in designated locations in accordance with the Guidelines established by the appropriate office for the designated location.

Policy Name: Access to University Property

2.4. Unaffiliated Entities.

- 2.4.1. Access. An Unaffiliated Entity may have access to University Property when sponsored or invited by ETSU or an Affiliated Entity under the terms and conditions in this policy, the corresponding procedures, and any guidelines established by the appropriate office.
- 2.4.2. Unaffiliated Entity Advertising Prohibited. Unaffiliated Entities shall not post any advertising signs, posters, or other material on University Property except as otherwise permitted by this policy or upon specific written consent from the University. The appropriate office of the University, in its sole discretion, may permit non-commercial advertising of programs, events, and activities by unaffiliated non-profit groups in locations on University. Limited advertising by Unaffiliated Entities may be permitted when incidental to a donation of property or services to the institution and pursuant to a contract with the institution.
- 2.4.3. Non-Profit Activities Only. Unaffiliated Entities may not under any circumstances use University Property for the conduct of profit-making activities, except when a short-term rental or lease agreement is negotiated and executed with the University in accordance the University's established rental rates. The University reserves the right to reduce or waive rental charges depending upon the nature and extent of the proposed use.
- 2.4.4. Proof of Insurance & Performance Bonds. ETSU may require an Unaffiliated Entity that reserves facilities for camps, conferences, or special events to provide proof of liability insurance and/or a performance bond as determined by the University in its sole discretion and in accordance with the terms published in the guidelines established by the appropriate office.

2.5. Licensees

- 2.5.1. Permitted Access and Use. Licensees may access and use the property or facility that is relevant to their business relationship with ETSU and the University parking lots and roads before and after their visit to the relevant venue on the date of their visit only, subject to all applicable traffic and parking regulations established by the appropriate office.
- 2.5.2. Martin Center for the Arts. ETSU's Martin Center for the Arts is open to its Patrons on the days and at the time of scheduled events, including any events hosted by Affiliated Entities and Licensees who rent the venue.

Policy Name: Access to University Property

- 2.5.3. Athletic Facilities. ETSU's athletic facilities are open to ticket-holders on game days. Attendees of athletic events that do not require tickets are considered ticket-holders for purposes of this subsection of the policy.
 - 2.5.4. Libraries and Museums. ETSU's Sherrod Library and all University museums are open to the public for uses consistent with the purpose of the facility.
3. General conditions for use of property or facilities by all users.
- 3.1. Priority of Use. ETSU has priority for use of all University Property for official business and Normal Educational Activities. Affiliated Entities are given priority in the use of University Property over all other Users. Licensees are given priority in the use of University Property over Unaffiliated Entities.
 - 3.2. Safety Regulations. Use of University Property is subject to limitations on the number of persons who may attend in accordance with appropriate building regulations, fire codes, safety standards, and driving and parking regulations. University Property is not open to cruising.
 - 3.3. Regulations Equally Applicable. All rules, policies, and guidelines that relate to the conduct of assemblies, meetings, and demonstrations of Affiliated Entities also apply to all Unaffiliated Entities.
 - 3.4. Sound Amplification. To ensure that the use of University Property does not interfere with Normal Educational Activities, Users may only use sound-amplification equipment at assemblies, meetings, or demonstrations when the University has granted prior approval and only in accordance with any reasonable regulation with respect to time, place, manner, and volume. Users may not use amplified sound during final examination periods or between the hours of 10:00 p.m. and 8:00 a.m. under any circumstances. These conditions/restrictions do not apply to official ETSU and ETSU-sanctioned events, functions, or activities. Invited Guests and Licensees, as specified by the University, may also be excluded from this prohibition.
 - 3.5. University Equipment. Users may use University Equipment in connection with the use of University Property only with the approval of, or under the supervision of, approved University personnel.
 - 3.6. Reservations. All reservations and usage of University Property must comply with the University's designated food service provider contract. All food and beverage vending is handled through the designated University vending services contractor.

Policy Initial Effective Date: 04/27/2018 • **Policy Revised Effective Date:** 08/12/24
Procedures Initial Effective Date: 04/27/2018 • **Procedures Revised Effective Date:** N/A

Policy Name: Access to University Property

- 3.7. Insurance and Security. The University may require Unaffiliated Entities to obtain event insurance and/or safety and security personnel for any event, activity, or program.
- 3.8. Rental Agreements. All rental agreements between the University and Unaffiliated Entities will be processed and approved by the designated university officials. Such agreements shall 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 for the facility/space.
- 3.9. Fronting. Fronting is prohibited. Fronting occurs when an Unaffiliated Entity uses an Affiliated Entity solely to avoid fees that the University would otherwise charge to the Unaffiliated Entity. Anyone requesting to reserve University Property must follow the instructions and guidelines to request usage, follow the solicitation and fundraising guidelines, and pay all applicable fees.
- 3.10. Indemnification of University. All Users agree to indemnify the University from any and all liabilities arising out of the Users use of the University Property, equipment, or services, including, but not limited to, personal injury, property damage, court costs, and attorneys' fees.
- 3.11. Co-Sponsorship Restrictions. Co-sponsorship restrictions do not apply to the use of University Property by governmental entities, such as the City of Johnson City. ETSU may make ETSU Property available to governmental entities at an agreed rate or without compensation.
- 3.12. Additional Fees for Income Producing Uses. When an event is conducted to earn a profit for the User, ETSU may charge the User additional fees for use or re-sale of the University Property in accordance with published and approved facility-use fee schedules.
- 3.13. Responsibilities of Users. Once an event ends, the User must restore the University Property to its pre-event condition. If ETSU must clean or repair University Property following an event, ETSU may assess the User additional charges to recover the incurred costs. ETSU may prohibit Users whose events repeatedly incur these additional charges from using University Property again.
- 3.14. Notification to Public Safety. The Student Center or other appropriate office will notify the ETSU Department of Public Safety of all scheduled events. Together, the Student Center, Public Safety, and Emergency Management will determine if the event requires safety or security staffing. This may include uniformed officers, administrative staff, bonded security guards, emergency medical, or other certified staff. The User is responsible for the costs associated with providing security staffing, subject to [Tenn. Code Ann. § 49-7-2405\(a\)15](#) and [Tenn. Code](#)

Policy Initial Effective Date: 04/27/2018 • **Policy Revised Effective Date:** 08/12/24
Procedures Initial Effective Date: 04/27/2018 • **Procedures Revised Effective Date:** N/A

Policy Name: Access to University Property

[Ann. § 49-7-2407](#). If ETSU Public Safety determines that barriers are necessary for crowd control purposes, the University may create a sectioned-off area for the User.

- 3.15. Rights of Other Users. Users of University Property may not infringe upon the rights of other Users to engage in peaceful assembly or the free exchange of ideas, to use or enjoy university facilities, or to attend university functions. The following actions are unacceptable:
 - 3.15.1. Blocking, obstructing, or impeding the passage of a person or vehicle. All activities or events must be conducted in such a manner that University pedestrian traffic and automobile traffic are not unreasonably impeded and so that members of the university community who are not participating in the activity or event may proceed with their normal activities.
 - 3.15.2. Threatening or causing a person bodily harm.
 - 3.15.3. Erecting or placing obstructions that result in depriving others of their rights.
 - 3.15.4. Directly or indirectly preventing a speaker from speaking, even for a brief period of time; or asserting control of a public speaking area for one's own purposes while otherwise in use by participants previously using the space.
 - 3.15.5. Actions that constitute harassment as defined in university policy and local, state, and federal law.
- 3.16. Prohibited Items. The following items are prohibited from being used on University Property: illegal, simulated, or improvised weapons (as determined by law enforcement officers in their professional judgment); torches, fireworks, explosive devices, incendiary devices, and artificial noise-making devices (unless consistent with section 3.4 of this policy); and masks or any face covering or face paint worn with the intent to intimidate or to harass others, or to disturb the peace, or to conceal or disguise the identity of the wearer.
- 3.17. Pre-Approval Advertising of Events Prohibited. Users shall not advertise or publicly announce anticipated events until ETSU provides the User with written confirmation of the reservation date, time, and location.
- 3.18. Content Neutral Regulation. All rules, regulations, and guidelines, including the assessment of any costs, expenses, or fees will be construed and implemented in a content and viewpoint neutral manner.

Policy Initial Effective Date: 04/27/2018 • **Policy Revised Effective Date:** 08/12/24
Procedures Initial Effective Date: 04/27/2018 • **Procedures Revised Effective Date:** N/A

Policy Name: Access to University Property

- 3.19. Permitted Advertising. Any Advertising that the University permits must comply with University rules, policies, and guidelines, and must not: (i) be obscene; (ii) have illegal aims and goals; (iii) propose activities that would violate any University rules, regulations, or guidelines, or any federal or state laws, rules, and regulations, or materially and substantially disrupt the work and discipline of the institution; or (iv) advocate incitement of imminent lawless action that is likely to produce such action.
- 3.20. Intellectual Property. The university's name and trademarks may not be used in a manner that represents or suggests university sponsorship of events that the University does not fund or sponsor. Providing access to University Property and University equipment or services does not constitute sponsorship. For events sponsored or funded by University departments and organizations, the event's use of ETSU's name and trademarks must adhere to the University's brand standards and trademark policies set forth by the Office of Marketing and Communications.
- 3.21. Digital and Other Bulletin Boards. The use of University digital and other bulletin boards is limited to Affiliated Entities. The use of digital and other bulletin boards in specific buildings by Unaffiliated Entities must be approved under the policies and guidelines established for that building.
- 3.21.1. The D. P. Culp Student Center has a comprehensive policy dealing with display cases, banner areas, University digital and bulletin boards, and University marquees as administered by the Student Activities and Organizations Policies dealing with digital or other bulletin boards are administered by and may be obtained from the D. P. Culp Student Center office.
- 3.21.2. The Building Coordinator in each building or their designee is responsible for the implementation and interpretation of building policies relating to the use of digital or other bulletin boards in that building subject to and in compliance with this policy.
- 3.22. Sanctions. The University may impose sanctions on Users for violations of institutional policies regarding permissible use of University Property consistent with those listed in East Tennessee State University's Student Disciplinary Rules and/or those specified in building-specific use policies.
- 3.23. Non-Student Minors. Use of University facilities must comply with the [Non-Student Minors on Campus Policy](#).

Policy Initial Effective Date: 04/27/2018 • **Policy Revised Effective Date:** 08/12/24
Procedures Initial Effective Date: 04/27/2018 • **Procedures Revised Effective Date:** N/A

Policy Name: Access to University Property

- 3.24. Obscenity Prohibited. ETSU may restrict or deny use of the institution’s property for public displays, organized public gatherings, or public demonstrations if the display, gathering, or demonstration is obscene. Individuals and groups that use the institution’s property are responsible for ensuring their activities respect community standards and are free of content that may be considered obscene. Any use of the institution’s property contrary to law or institutional policy may result in immediate termination of facility access and legal action.
- 3.25. Camping. Camping is prohibited on University Property. Official ETSU and ETSU-sanctioned events, functions, and activities are excluded from this prohibition. Invited Guests and Licensees, as specified by the University, may also be excluded from this prohibition
- 3.26. Cruising. No person shall engage in unnecessary repetitive driving (“cruising”) while operating a motor vehicle on ETSU’s University Property, and no owner of a motor vehicle shall permit another to engage in cruising while operating a motor vehicle under their care, custody and control. Unnecessary repetitive driving is defined as the driving of a motor vehicle on a designated street or roadway past the same traffic control point, including Stop signs and intersections, two (2) or more times in any one (1) hour period.
- 3.27. Flyers. The distribution of flyers by placing flyers on unoccupied vehicles is prohibited. ETSU will treat such distribution as littering.
- 3.28. Terrorism. Use of the institution’s property by any organization that receives support from an entity found to have engaged in an act of terrorism is strictly prohibited. [Tenn. Code Ann. § 39-13-807](#)

Procedures

[Reserve Space on Campus or Schedule an Event](#)

Applicable Forms and Websites

N/A.

Authority and Revisions

Authority: [TCA § 49-8-203, et. seq;](#) [First Amendment to the United States Constitution;](#) [Article I Section 19 to the Tennessee Constitution](#)

Policy Initial Effective Date: 04/27/2018 • **Policy Revised Effective Date:** 08/12/24
Procedures Initial Effective Date: 04/27/2018 • **Procedures Revised Effective Date:** N/A

Policy Name: Access to University Property

Previous Policy: *Use of Campus Property and Facilities*; Board of Trustees - 4/27/2018

The ETSU Board of Trustees is charged with policy making pursuant to TCA § 49-8-203, et seq. On March 24, 2017, the Board delegated its authority to ETSU's President to establish certain policies and procedures for educational program and other operations of the University, including this policy. The delegation of authority and required process for revision to this policy can be found on the [Policy Development and Rule Making Policy webpage](#).

To suggest a revision to this policy, please contact the responsible official indicated in this policy. Before a substantive change to the policy section may take effect, the requested changes must be: (1) approved by the responsible office; (2) reviewed by the Office of University Counsel for legal sufficiency; (3) posted for public comment; (4) approved by either Academic Council or University Council; and (5) approved by ETSU's President.