Use of University Facilities & Property for Non-Academic Purposes

Freedom of Expression

The University of Alaska Anchorage (UAA) is committed to supporting the exercise of constitutionally protected expression in University-controlled facilities and property while maintaining a safe environment on campus. Thus, UAA has established requirements for use of facilities and property in order to: (1) focus on its mission; (2) provide for a safe community; and (3) preserve the aesthetics of the campus physical environment.

This policy concerns the use of University property for major events, non-commercial transactions and non-commercial solicitations, commercial transactions and commercial solicitations, freedom of expression activities, electronic communications for purposes of individual or collective free expression, amplified sound for purposes of individual or collective free expression.

Thus, the use of University facilities and property must:

- not impede student education, academic activities, research, scheduled events, University functions, residences, or the faculty/staff work environment;
- be safe for participants and not generate health or security issues; and
- preserve the integrity and aesthetics of UAA property.

The accomplishment of the educational mission of the University of Alaska Anchorage shall be considered to have first priority in all decisions concerning any use of space/facilities under this policy. The use of any space/facilities shall not be authorized where such use may disturb the conduct of University activities.

Accordingly, the campus community is asked to be tolerant of differing points of view and to respect the rights of others to express themselves. While one may find certain expressions or materials to be quite offensive or even insulting, the appropriate way to counteract such materials is through discourse, criticism and the expression of contrary points of view. Free speech is allowed and supported at UAA as long as it does not violate other laws or University orders, policies or procedures, or compromise public safety. Any member of the campus community who finds freedom of expression activities to be offensive or disrespectful is encouraged to contact the responsible organization or individual to address their objections.

Scope of Authority

This policy applies to all users of University of Alaska Anchorage property, including students, student organizations, campus organizations, non-affiliated organizations, University faculty, University staff, and third party individuals, groups and members of the public, including commercial vendors insofar as they wish to use University property for free speech events.

This policy does not apply to: (1) the use of facilities and property for University academic or instructional purposes; (2) the use of facilities and property for official events sponsored by the University; (3) the use of facilities and property by its employees acting within the course and scope of their employment; or (4) the use of facilities and property by vendors and other unaffiliated persons that have a contractual relationship with the University, in the course of the performance of said contract.

Individual UAA Colleges, Schools, Departments, and administrative units may adopt guidelines governing the use of their facilities provided that they are generally consistent with this policy and do not constitute violation(s) of any other UAA, UA, or Board of Regents' policy, regulation or guideline.

The University recognizes some activities may disrupt the orderly operation of the University and/or can raise significant security or safety concerns. To ensure the safety of the University and the campus community while protecting First Amendment rights of those who wish to participate in activities hosted on University property, the University will enforce this policy. All criteria for assessing activities shall be applied in a **viewpoint neutral manner**. Activities on University property may require additional security measures and costs associated with such measures will be borne by the event organizer(s).

UAA is committed to providing an inclusive environment, which is responsive to the needs of all students, faculty, staff, managers/administrators and the public when they are using University services and facilities. To ensure this inclusion, appropriate accommodations, as required by law, are provided to individuals who have verified disabilities and who require these accommodations in order to enjoy access to University programs, services, or activities for which the individuals are otherwise qualified.

Time, Place and Manner

UAA may establish reasonable time, place and manner regulations regarding the use of its public facilities to ensure that individuals and groups exercising their legitimate rights do not infringe on the rights of others or disrupt the educational process or other operations of the University. The exercise of free speech and assembly rights must also comply with all applicable federal, state and local laws.

General Access to University Facilities

Subject to reasonable time, place and manner restrictions, University facilities may be made available in the following order of priority: student groups or organizations, employees, and third parties. Access shall be granted without regard to the content or viewpoint of speakers or their sponsors. Building Managers, individual colleges/schools and departments may adopt guidelines governing the use of their facilities provided that they are reasonably consistent with this policy.

Unaffiliated persons must be sponsored by a student group/organization or a University school or department in order to use University facilities. The event must be conducted in a manner that does not hinder

or impede the University's mission. If a resource or scheduling conflict arises, events by University schools or departments and student groups/organizations shall have priority over events and activities conducted by unaffiliated persons. Exceptions to this policy may include events scheduled in advance by unaffiliated persons or events the University has signed an agreement or contract to host. These exceptions can be made by the manager of the space in which the event is being hosted.

Access to Outdoor University Property

Affiliated persons or groups, including student organizations, may utilize outdoor University property for public speaking or distribution of literature so long as they do not impede normal operations or obstruct pedestrian or vehicular traffic.

Unaffiliated persons or groups wishing to engage in public speaking or distribution of literature on outdoor University property may do so in designated locations. Unaffiliated persons or groups wishing to utilize the spaces designated for public speaking or distribution of literature may do so by contacting the UAA Police Department (UPD) at least ten business days in advance but no more than twelve months in advance of the desired speaking date. This requirement may be waived under extreme circumstances if good cause can be demonstrated. Permission will be decided on a space-available basis with priority given to University affiliated persons or groups. Use of spaces designated for public speaking or distribution of literature must conform with all University regulations and policies and must not block pedestrian or vehicular traffic or impede normal University operations.

In addition to the opportunities for speech by unaffiliated persons, events that are held in indoor University facilities and are open to the public or to select unaffiliated persons create a right to peaceful demonstration and protest on outdoor University property in specific relation to such events in a manner that: (a) does not impede normal operations or obstruct pedestrian or vehicular traffic, (b) is consistent with University policies, and (c) complies with any event-specific security requirements.

Duties Toward Speakers

No person may disrupt an invited or permitted speaker or hinder the ability of other attendees to see or hear a speaker.

Prohibited Uses of University Facilities, Property and Services

No person on University property or at a University function may:

1. promote an unlawful end, such as promoting actual violence or bodily or property harm, terrorist threats, defamation and false advertising;
2. engage in physical abuse including, but not limited to, sexual assault, sex offenses, sexual misconduct and other physical assault; threats of violence; or other conduct that threatens the physical health and safety of any person;
3. exhibit unlawful disorderly or lewd conduct;
4. participate in a disturbance of the peace or unlawful assembly;
5. unlawfully manufacture, distribute, dispense, possess, use or sell, or attempt to unlawfully manufacture, distribute, dispense, possess, use or sell controlled substances, identified in federal or state law or regulations;
6. possess, use, store or manufacture explosives including, but not limited to, smoke bombs, nerve agents/mace, fireworks or other destructive devices;
7. possess, use, or carry an open flame of any kind, except as authorized by University officials;
8. possess, use or carry equipment or supplies intended for war, war games, battle and/or to inflict physical violence including, but not limited to, any length of lumber, sticks, rods, pipes, shields, helmets, body armor or any object that could be used as a weapon or shield, as determined by the Chief of the University Police Department (or designee);
9. engage in the theft of, conversion of, destruction of or damage to any property of the University, or any property of others while on University premises, or possession of any property when the individual had knowledge or reasonably should have had knowledge that it was stolen;
10. fail to identify oneself and/or comply with the directions of a University official or other public official acting in the performance of their duties while on University property or at official University functions; or resisting or obstructing such University or other public officials in the performance of or the attempt to perform their duties;
11. climb up or rappel down any tree, building or structure on University property;
12. participate in indecent exposure or public nudity on University property, except for specifically designated "changing areas/locker rooms" of campus gymnasiums and recreation facilities. This prohibition does not apply to visual or performing arts productions, academic programs or classes scheduled or sponsored by campus academic units or departments as determined by the department chair or unit director.

No person, while on University property shall possess, carry or have control of or manufacture any firearm, whether loaded or not, unless it is with the written permission of the University. Exceptions are sworn peace officers of the State of Alaska, full-time paid peace officers of another state or the federal government who are carrying out official duties while in Alaska.

Without specific written permission from the University it is prohibited to engage in, participate in or assist participants in any game which involves the ambushing, lying-in-wait for or following another person by means of stealth; or to participate or assist in the participation in any game which would involve the firing of any device. The wearing of masks or any personal disguise is prohibited when it is done for the purpose of evading or escaping discovery, recognition or identification in the commission of any public offense, or for the purpose of concealment, flight or escape, when charged with, arrested for or convicted of any public offense.

It is prohibited on University property or areas under the control of the University to shoot any arrow or similar missile, and/or to permit any arrow or similar missile to be shot on University property, except as

part of a University course of study or official University sponsored activity. As part of a University sponsored activity or course of study, the Chief of Police and/or the Director of Environmental Safety and Risk Management must approve any such shooting in writing prior to any occurrence.

No Unmanned Aircraft, also known as a drone, may be flown from, on or around University property or areas under control of the University unless in compliance with all federal regulations and after receiving express written approval by the University.

Camping or campfires (bonfires) on University property or areas under control of the University, as well as living in privately owned, temporary lodging parked or erected on University property is prohibited. In unusual circumstances exceptions are permitted with the written permission of the University;

Pets will be allowed on campus only when on a leash and accompanied by their owner. No animals, except when being used for official University instructional purposes, police purposes or authorized Assistance Animals, will be permitted inside campus buildings and facilities without prior written approval of the University. Animal waste must be picked up and disposed of properly. Police canines are permitted to be on University campus as directed by the Chief of the University Police Department (or designee).

Limits on Fundraising, Sales and Solicitation

Fundraising events and activities where monies (directly or indirectly) are exchanged for merchandise, service, entertainment or a chance at winning a prize, require advance approval. Approval shall be granted if the proposed activity:

- aids achievement of the educational mission and/or student development objectives of the campus;
- conforms to the Time, Place and Manner section above;
- does not generate security issues;
- does not block sidewalks or roads;
- does not impair the aesthetics and integrity of University property;
- does not unreasonably interfere with the operation of the campus; and
- is not prohibited by law.

Direct advertising, sales and commercial solicitation are not permitted on University property or in University facilities unless under contract with a University College, School, Department, Building Manager, or administrative unit.

Appropriate Use

Activities shall take place only in spaces/facilities that are appropriate for the activity, staging requirements, anticipated audience and the like. All activities must also be in compliance with all relevant University environment, health and safety policies including local fire ordinances. No activities may be held that would render a space unusable for its primary function or which would interfere with an activity previously scheduled.

1. No permanent or temporary structures may be erected unless approved by the UAA Office of Environmental Safety and Risk Management prior to the event.
2. Any approved construction of permanent or temporary structures will be done under the supervision of Facilities and Campus Services and must conform to all relevant University guidelines to such activities.

Amplified Sound

To maintain the academic environment at the University, the use of amplified sound will be at the discretion of the University. Amplified sound is defined as any sound that is broadcasted through electronically amplified equipment or sound that is electronically enhanced. Additionally, any live music without the use of amplified equipment that is loud enough to impact the academic environment would be considered under this policy. The use of amplified sound on campus may not interfere with instructional activity or the administrative operation of the University regardless of the time of day. Such use will only be permitted at specific times and in specific locations.

Handbills, Circulars and the Display or Distribution of Published Materials

Handbills and circulars may not be posted on outdoor surfaces such as buildings, structures, poles, trees, benches, balconies, railings, windows, objects, vehicle windows or on campus bulletin boards and must comply with the UAA Posting Policy. The display and free distribution of books, newspapers, pamphlets and other published materials are permitted, provided that such published materials are not available for sale elsewhere on campus.

Damages to University Property

Costs associated with any damage to University property shall be borne by the organization using the space/facility. As a condition of use, the organization may be required to provide proof of financial responsibility to the University.

Compliance with this Policy

Failure to comply with the requirements of this policy may result in disciplinary action up to and including termination from employment, suspension or expulsion from the University or a permanent restriction or trespass from University property. Violation of this policy may lead to removal and/or prosecution for trespass, disorderly conduct or other offenses under state law.

Any incident of disruption to public speaking, distribution of literature or other constitutionally protected speech, should be reported to the UAA University Police Department (UPD) or the Dean of Students Office.

Violations of this policy constitute a violation of UAA policy. Violations may result in removal of the offending party or parties from the UAA campus, as well as possible loss of further use of campus facilities and grounds. Personal or corporate liability for any cost

incurred by the campus due to the improper use may be imposed upon the responsible party/parties.

Definitions

Amplified Sound: any sound that is broadcast through electronically amplified equipment or sound that is electronically enhanced. Hand-held amplification, e.g. bullhorns, megaphones, etc. are considered sound amplification devices under this policy.

Commercial solicitation: means any direct and personal communication in the course of a trade or business reasonably intended to result in a sale.

Commercial transaction: selling or purchasing or both selling and purchasing by any person in the course of employment in, or in the carrying on of, a trade or business.

Manner: manner based limitations are those which regulate the mode of individual expression.

Non Academic Use: activities in or on university spaces or facilities which are not associated with UAA courses offered as part of the university's formal curriculum; or, any other meeting, presentation, program, or other activity that is not part of or directly related to the university's formal curriculum or research.

Place: place based limitations are those which regulate where individuals may express themselves.

Public Official: An employee of a local, state, or federal agency with responsibilities for public health/safety (e.g. Anchorage Fire Department, Anchorage Police, Alaska State Police).

Sale, selling or purchase: means an activity creating an obligation to transfer property or services for a valuable consideration.

Solicitation: means to endeavor to persuade or obtain by asking, but does not include commercial solicitation.

Time: time based limitations are those which regulate when individuals may express themselves.

University Official: Any University employee performing functions within the scope of their employment.