



Use of Space Policy

Policy Statement

Fitchburg State University recognizes the right of individuals to exercise all forms of constitutionally protected assembly and expression without prior restraint or censorship. The University encourages and supports open, vigorous, and civil debate across the full spectrum of society's issues as they present themselves to the community. The University acknowledges that public discourse includes the discussion of controversial ideas, and it will not limit public discourse based solely on its content.

The University provides both internal and external groups access to its spaces for a broad range of activities that fall outside of the University's regular operations. Nonetheless, the University may lawfully regulate or limit the time, place, and manner of such activities, so that they do not intrude upon or interfere with the University's academic programs or administrative processes, or violate the rights of others.

As important as are the rights to speak and discuss competing ideas, the First Amendment does not protect all expression. The University will not facilitate expression in violation of the law or that poses an unreasonable threat to the safety of the University community or the University's ability to fulfill its educational mission. Certain kinds of expression, such as speech that incites violence, fighting words, speech that defames or defrauds, speech that constitutes a genuine threat, or unlawfully discriminates, or speech that unlawfully invades privacy, is not protected speech. Likewise, conduct that threatens the safety of persons or property is not protected by the First Amendment or the University.

Finally, the use of a space on campus does not represent an endorsement or support by the University of the viewpoint expressed by the individual or group.

Policy Application

This Policy applies to all campus community members, including undergraduates, graduate students, faculty and staff, as well as visitors and guests.

This Policy applies to the short-term use of the following spaces at Fitchburg State University:

The Quad, Lawns, and Plazas

The Quad is the area between Thompson, Edgerly, Dupont, Percival, Antonucci Science Center, and Anthony.

The Highland Plaza is the area between Mara Village and Sanders administration building.

The Alumni Patio is the area between Hammond, Miller, and Thompson.

The Quad and the Lawns should be used for study, leisure and relaxation, and not as athletic or recreation venues for non-University sponsored events. The Central Scheduling Office located within Capital Planning and Maintenance approves all reservations for the Quad and Lawns by calling 978-665-3737.

Auditoriums and Dedicated Indoor Meeting, Conference and Event Spaces

In addition to the Weston Auditorium and the Kent Recital Hall Auditorium, the University maintains several indoor areas and spaces that are designated as meeting, conference and event spaces in the Hammond Campus Center and the Recreation Center. These spaces are available to the public and may be reserved through the Events Management Office at (978) 665-3737.

<http://www.fitchburgstate.edu/offices-services-directory/capital-planning-maintenance/>

Parking Spaces and Lots

University parking spaces are provided for vehicle parking. Parking spaces and lots on campus are not public areas that are freely available for unlimited speech and/or assembly. *Pending availability*, parking spaces may be reserved through the Vice Presidents and University Police.

University-Owned Streets

University-owned streets, including those that run through campus and adjacent to campus, are provided for vehicle ingress and egress. University-owned streets are not public areas that are freely available for unlimited speech and/or assembly. *Pending availability*, University-owned streets may be reserved through the Events Management Office at (978) 665-3737.

Reservation Priorities and Procedures

For each of the spaces identified above, University-sponsored activities will have highest priority in the use of the spaces. Official student groups, students, and sponsored non-University groups and individuals will have the next highest priority. Un-sponsored non-University groups and individuals will have the lowest priority.

The decision to confirm a request for space will be based on proper and timely submission of a request and the availability of space. The requestor must inform FSU of the following information at the time of the request:

- Name of the individual or organization sponsoring the event and name and contact information for one individual who will be present during the course of the event (for recognized student organizations, an officer of the sponsoring organization must be present at the event for its duration);
- Location, date and time requested for the event;
- General purpose of the event;
- List of planned activities (speech, discussion, listening session, artistic or musical performance, rally, march with signs, distribution of literature, sit-in, etc.);
- Copies of any literature to be distributed;
- Special equipment requested; and
- Anticipated attendance.

Under no circumstance will any decision be based on the content or viewpoint of the expressive activity or upon the expected reaction of others. If a request is denied, the rationale for the decision will be provided in writing. The denial of a reservation request can be appealed to the Vice President for Student Affairs or a designee.

Spaces Not Subject to This Policy

The University may lawfully designate campus areas as nonpublic forums as necessary to prevent the substantial disruption of its orderly operation. These areas specifically include, but are not limited to, campus offices, classrooms, lecture halls, computer labs, libraries, warehouses, maintenance yards, or

locker rooms, and any other areas where the primary education and business functions of the University are likely to be disrupted by free-speech and assembly activities. These spaces are NOT open to the public for assembly or expressive activity.

Additionally, for security and privacy purposes, all residence halls are closed to members of the general public unless invited as guests with the express consent of a residential student.

Unscheduled Use

Occasionally, events occur that may result in immediate and spontaneous speech or gatherings. It is not the intent of the University to limit the rights of the University community to assemble and speak when such events occur. Unscheduled uses may commence by University groups, student groups, students, and University employees, provided that the activity does not interfere with University activities or any events or functions for which that the occupied space has been reserved in advance. A reserved use shall have priority over any unscheduled use.

Fees and Insurance

A fee for use of the University space may be charged, where allowed by law and where there is a written use agreement. Written use agreements are required if: (1) the University is imposing a fee for use of the space; (2) the proposed use of the space involves charges, fees, or sales to participants; and/or (3) the proposed use creates a potential for damage to the space or risk to participants. Non-University groups and individuals may be required to provide evidence of financial responsibility and insurance where functions appear to carry some risk of damage to property, injury to persons, and/or substantial costs.

The University imposes Support Service Fees for appropriate maintenance and appropriate police and/or security measures for all uses or activities within the scope of this Policy. The University will determine the portion of the Support Service Fees for police and/or security based on viewpoint-neutral standards used to assess risk, such as the number of expected attendees as determined by the University, the location of the event, the time of day, and presence of alcohol or special equipment. Consistent with the lawful protection of expressive activity, the University will not charge police and/or security-related fees based on the content of the expressive activity, the likelihood of disruption caused by others than event attendees, or the actions of those who may protest the expressive activity.

The Support Service Fees apply to all university and non-university groups and individuals unless waived by the Vice President of Finance or designee. A waiver may be appropriate if the use or activity is of special benefit to the University's programs, personnel, students, or public relations, or due to financial hardship on an educational or charitable institution or group.

An additional fee for use of the University space may be charged, where allowed by law and where there is a written use agreement. Written use agreements are required if: (1) the University is imposing a fee in addition to the Support Service Fees for use of the space; (2) the proposed use of the space involves charges, fees, or sales to participants; and/or (3) the proposed use creates a potential for damage to the space or risk of injury to participants.

Non-University groups and individuals may be required to provide evidence of financial responsibility and insurance where functions appear to carry some risk of damage to property, injury to persons, and/or substantial costs.

General Requirements for Using a Space

All uses of University spaces must be conducted under the following conditions:

- No activity may disrupt or interfere with classes, meetings, ceremonies, scheduled activities, educational activities, and other essential University processes.
- No person may block or otherwise interfere with reasonable ingress or egress into and out of campus buildings or interfere with any use of University space.
- No activity may impede campus pedestrian, bicycle, and automobile traffic or the ability of University community members not participating in the activity to proceed with their normal activities.
- No activity may obstruct, disrupt, interrupt or attempt to force the cancellation of any University-sponsored event or activity by users authorized to use University space.
- No activity may interfere with or preclude a scheduled speaker from being heard.
- To protect the safety and security of participants, activities not sponsored by the University will not be permitted from midnight to 6:00 a.m.
- No event, speech, or demonstration may create a clear and present danger of the commission of unlawful acts, or include “fighting words,” which are words that by their very utterance, tend to incite an immediate breach of the peace.
- The safety and well-being of the campus community must be protected at all times. The activity must be conducted in an orderly and peaceful manner. No person or group shall engage in harassing, physically abusive, threatening, or intimidating conduct toward another person or damage and/or destroy any article of personal property belonging to another person or the University.
- All persons shall comply with the directions of University officials acting in the performance of their duties. University officials shall not invoke this provision to stifle expression because of its content.
- Groups and individuals participating in the activity must comply with all applicable University policies, regulations, and rules, and with applicable City of Fitchburg ordinances, state, and federal laws.
- Amplified sound equipment is prohibited unless approved in advance by the University. Under no circumstances will noise be allowed to exceed the City of Fitchburg’s sound requirements from the source of the amplification.
- Flyers, posters, chalking, banners, and signs generally are permitted as part of an activity, but may not create safety concerns or impede the participation of others in the activity or the life of the University. They should follow all applicable solicitation and posting policies, but no item should be denied because of its content within the limits of the law. Community members or guests who deface or destroy material forms of expression will be held accountable for the destruction of personal or University property.
- The activity shall not damage University property or its grounds, including but not limited to building interior and exteriors, lawns, shrubs, or trees.
- Groups and individuals, including sponsoring organizations, are responsible and accountable for the cleanliness and order of all spaces following their use, including the proper disposal of trash and recycling and the arrangement of additional services as needed. The groups and/or individuals will be billed for cleanup that they do not adequately complete themselves.

- University organizations, faculty, and staff may sponsor a speaker or event, at the expense of the organizations or host, so long as they follow the University's event registration and safety guidelines. Such sponsorship does not necessarily imply University agreement with the views presented.

Rescheduling/Moving Spaces

Once reserved, the use will generally not be rescheduled or moved. The University, however, reserves the right to move any group or individual to another space or reschedule the activity to accommodate the needs of groups assigned a higher use priority by this Policy. In the event the University moves or reschedules the use, it will provide a reasonably similar location or time for that activity, and will provide notification and explanation of the reason for the change. The University will not move or reschedule a use based on the content/viewpoint of the use or reactions to the use.

Termination of Use

The University reserves the right to terminate any use of space that fails to comply with this Policy. If a decision is made to terminate the use of space, the group, or sponsoring organization or individual, utilizing the space is responsible for making sure that any amplification stops, an announcement is made asking the crowd to disperse, or other action is taken to end the event.

Application of Other University Policies and/or Law

This Policy is intended to support, not supplant, existing University policies and procedures. The application of this Policy does not preclude the application of other University policies as may be warranted by a given situation. Furthermore, an activity that significantly disrupts the operations of the University or fails to adhere to building closures may lead to arrest and prosecution for violations of City of Fitchburg ordinances or state or federal laws.