

Christopher Newport University

Policy: Use of University Facilities by Affiliated Individuals, Affiliated Organizations and Third Parties

Policy Number: 7001

Executive Oversight:	Vice President for Administration and Auxiliary Services
Contact Office:	Office of Scheduling, Events and Conferences
Frequency of Review:	Biennially
Date of Last Review:	November 2022

A. PURPOSE

The buildings and grounds of Christopher Newport University (hereinafter University Facilities) exist for and are dedicated to the post-secondary education of a primarily residential student body. University Facilities exist to support the academic, residential, extracurricular and administrative activities necessary to carry out this educational mission. Christopher Newport does not have significant capacity to support activities beyond those that serve its mission.

Christopher Newport is committed to creating an environment that fosters freedom of expression and protected speech while maintaining an atmosphere free of disruption to or interference with the activities and operation of the university. This policy is adopted to establish the conditions upon which University Facilities may be available for use by individuals and organizations not members of the University Community, as that term is defined below. It is also in place to ensure that, to the extent such use is available, decisions about who may use a particular location, for what purpose, and upon what conditions, are based solely upon objective, clear and consistent content and viewpoint-neutral criteria.

Any person or organization that violates the conditions established by this policy may be excluded from University Facilities and prosecuted for trespass.

B. DEFINITIONS

University Facilities: All buildings and grounds owned, leased, operated, or maintained by Christopher Newport University, wherever located and for whatever purpose used.

University Activities: Activities and events initiated, planned, presented or sponsored by Christopher Newport University, its Academic Departments and Offices or other University offices (for example University Housing, Business, Financial Aid, Advancement, Career Planning, Student Affairs) or student anchor organizations, including, but by no means limited to, classes, graduation, athletic events and practices, scheduled performances, career days, and invited speakers.

Expressive Activity: Any expression protected by the First Amendment to the United States Constitution, including but not limited to speaking, silent protest, distributing literature such as leaflets or pamphlets, displaying signs, wearing certain clothing or accessory items, dancing, meetings, performances, demonstrations, rallies and vigils

University Community: Faculty and staff seeking use of University Facilities for purposes related to their work for the University, currently enrolled students, and recognized student organizations

Affiliated Individuals: Affiliated individuals are faculty and staff seeking to use University Facilities for purposes unrelated to their work for the University, current members of the boards of affiliated organizations, or lifelong donors with commitments and gifts of \$250,000 or more

Affiliated Organizations: Any organization legally separate from CNU, formally established solely to provide support to CNU or any CNU program and recognized by CNU, such as the Christopher Newport University Education Foundation, the Christopher Newport University Real Estate Foundation, the Lifelong Learning Society, The Fine and Performing Arts Foundation, and the Christopher Newport Alumni Society Board

Third Parties: Individuals and organizations that are not Affiliated Individuals or Affiliated Organizations or members of the University Community, as those terms are defined above

Academic Buildings: The library and buildings that contain primarily classrooms, faculty and academic support offices (see list provided at Appendix A to this policy)

Administration and Operations Buildings: Buildings, facilities and spaces whose primary purpose is to provide offices, working spaces and tools needed to organize and manage the activities, processes, and day-to-day services supporting the University (see list provided at Appendix A to this policy)

Athletic and Recreation Facilities: Buildings, courts and fields created to support University sports teams, intramurals, club sports, recreational activities, and athletic training, including classrooms, locker rooms, coaching and athletic staff offices (see list provided at Appendix A to this policy)

Residence Halls: Buildings operated and maintained by the University to provide residential housing to full time students (see list provided at Appendix A to this policy)

C. POLICY STATEMENT

1. Outdoor Spaces

The Great Lawn is not available for use by Third Parties, Affiliated Individuals or Affiliated Organizations except, when not otherwise scheduled for University Activities, for the informal and spontaneous personal enjoyment of individual guests and visitors in a manner consistent with the conditions and limitations of University policies. Outdoor spaces other than the Great Lawn are also available for the informal and spontaneous personal enjoyment of individual guests and visitors also consistent with the conditions and limitations of University Policy. Permitted use described by this paragraph does not include expressive activity.

Only the outdoor areas identified in Appendix B are available to Third Parties, Affiliated Individuals or Affiliated Organizations for expressive activity, subject to advance reservation and to the reasonable time place and manner restrictions established by this policy and others which may be deemed necessary by the University to protect health and safety, and avoid disruption of university activities or other previously scheduled uses. Amplification and structures are prohibited. Reservations will be granted to Third Parties, Affiliated Individuals or Affiliated Organizations for these designated spaces on the basis of availability, capacity of the requested space and number of expected participants, proximity of requested space to and risk of interference with other scheduled activities, traffic and parking needs, security needs, and other requirements established by this policy's procedures.

When not in use by Christopher Newport athletic teams or by other members of the University Community for club sports or other recreation, outdoor athletic facilities may be made available to Affiliated Individuals, Affiliated Organizations or Third Parties for athletic activities only, pursuant to the requirements of this policy's procedures and upon any additional terms and conditions which may be set out by the Athletic Department.

Except as otherwise provided herein, outdoor spaces are not available to Third Parties for scheduling private events.

2. Indoor Spaces

With the exception of the Ferguson Center for the Performing Arts, the Torggler Fine Arts Center, the David Student Union Ballroom, Pope Chapel and the Klich Alumni House, and subject to the limitations below, space in other university buildings may be made available for use by Affiliated Individuals, Affiliated Organizations or Third Parties for private events only during fall, winter, spring, and summer breaks, pursuant to the requirements and limitations of this policy and upon any building or space specific terms and conditions which may exist.

Use of space in Academic Buildings may be made available to Affiliated Individuals, Affiliated Organizations or Third Parties for meetings, study, conferences or other gatherings only during fall, spring and summer breaks and not during the spring or fall academic semesters. Some academic spaces are not available based on the nature of the space.

During the academic year, Residence Halls are not available to Affiliated Individuals, Affiliated Organizations or Third Parties for any purpose, except as invited guests of residents or staff, or invited participants in residents' activities. During summer breaks, space in residence halls that are not subject to 12-month contracts and not otherwise in use by the University may be made available to Affiliated Individuals, Affiliated Organizations or Third Parties for short term residential purposes related to educational activity.

During fall, winter, spring and summer breaks and when not in use by Christopher Newport athletic teams or by other members of the University Community for club sports or other recreation, indoor athletic and recreational facilities may be made available to Affiliated Individuals, Affiliated Organizations or Third Parties for athletic activities only, pursuant to the requirements of this policy's procedures and upon any additional terms and conditions which may be set out by the Athletic Department.

With the exception of Third Party athletic events, only the indoor spaces described in Appendix B are available to Third Parties for activities or events that will be advertised and open to the general public. Such events must be ticketed in order to ensure that space capacity limits are not exceeded.

3. Use by Other State Agencies, Institutions or Groups

Christopher Newport shall make its facilities available to agencies, institutions or other groups conducting the business of the Commonwealth to every extent possible and may offer such space and services on terms different from those established by this Policy.

4. Use by Non-Profit Organizations

As defined by this policy, non-profit organizations are Third Parties. However, Christopher Newport offers a not-for-profit rate for facilities use, which shall be offered upon evidence of tax-exempt status.

D. PROCEDURES

1. Conditions and Limitations

All use of University Facilities by Third Parties, Affiliated Individuals or Affiliated Organizations is subject to and must be conducted in accord with the following conditions and limitations:

- a. No illegal activity is permitted in or on any University Facility at any time, for any purpose.
- b. All users and uses of University Facilities must comply with all applicable health and safety laws and regulations, and all applicable University policies.
- c. All use of University Facilities must respect and must not interfere with the ordinary or previously scheduled academic, residential, recreational, extracurricular or administrative activities of the University and the University Community, and the demands of any unexpected occurrence or emergency, as directed by the University.
- d. University Activities, as defined herein, have first claim on all University Facilities and shall take priority. The University reserves the right to relocate, reschedule or cancel a scheduled use of University Facilities as necessary to accommodate competing demands for space pursuant to this policy, or in any emergency or other unanticipated circumstance that makes scheduled use of reserved space impossible or impracticable.
- e. Materials, substances, equipment, or objects which are likely to endanger the life of, or cause bodily injury to, any person or which are likely to constitute a hazard to University Facilities are not permitted. With the exception of University events and those provided by Policy 1030 – Campus Tailgating, under no circumstances are flammable materials, gasoline vehicles, or use of open flames allowed at any time. Uses of University Facilities must comply with safety guidelines developed by the University’s Environmental Health and Safety Department. Approval for the display of fireworks, flame effects, bonfires, lasers and explosives is required from the State Fire Marshal’s Office by obtaining a permit.
- f. All users of University Facilities are responsible for leaving the facilities they use clean and free of any materials or equipment brought to the location that are not the property of the University. Users are financially responsible for damage, and clean up necessitated by their use.

2. Scheduling and Planning

- a. Subject to the limitations and requirements of this policy, Third Parties, Affiliated Individuals or Affiliated Organizations may reserve University Facilities for a fee. Such use must be subject to a written contract, which shall require the Third Party, Affiliated Individuals or Affiliated Organizations to provide insurance. Third Parties, Affiliated Individuals, or Affiliated Organizations also shall be responsible for charges for i) any requested room set up and break down, ii) cleaning, and iii) security deemed necessary by the CNU Chief of Police based on expected attendance, nature of the activity, duration, and previous conduct of the individual or group requesting use. The service of any food or beverage in connection with such use must be obtained from Christopher Newport Catering Services which shall charge its standard rates.

- b. Except as otherwise provided herein, or in building specific procedures, University Facilities are generally not available for use by Third Parties, Affiliated Individuals or Affiliated Organizations during fall and spring academic semesters or significant University events.
- c. Any Third Party, Affiliated Individuals or Affiliated Organizations desiring to use University Facilities must submit a request at least 30 days in advance, but no request will be considered more than one (1) year in advance. Space may not be reserved for recurring activities or events.
- d. All requests for use of University Facilities shall be submitted to the University Scheduling, Events and Conferences Office which, in consultation with other offices or administrators as appropriate, shall approve or deny the request pursuant to the conditions established by this policy. Where uncertainty or conflict arises, the requests and/or scheduled uses in question shall be submitted to the Vice President for Administration & Auxiliary Services for resolution.
- e. All decisions concerning scheduling must be consistent with this policy and shall be made based upon the following considerations: expected attendance, space required for and appropriate to the intended use, parking and traffic implications for students and employees, noise, time of day or night, duration, health and safety concerns, security needs, limitations in this and any applicable building specific policy, and other relevant and viewpoint neutral considerations. No request shall be denied based upon the content or viewpoint of expressive activity included in any proposed use. Concerns about Third Party violations of this policy shall be submitted to the Vice President for Student Affairs.
- f. Affiliated Individuals and Affiliated Organizations shall be given priority over Third Parties and may be permitted use of University Facilities with a waiver of facility fees. Use by Affiliated Individuals is limited to personal use and not on behalf of another third party organization.
- g. When a request is approved, the Scheduling, Events, and Conferences Office shall notify and coordinate related services, materials and equipment with other offices of the University as necessary. The service of any food or beverage in connection with such use must be obtained from Christopher Newport Catering Services which shall charge its standard rates. Scheduling shall at all times conform to this policy and to any separate use procedures specific to particular buildings or spaces as may exist.
- h. Any permits required from state or local authorities are the responsibility of the Third Party, Affiliated Individual or Affiliated Organization requesting the use. The individual or organization must provide a copy of all permits issued by state or local authorities to the University's Office of Environmental Health and Safety.

- i. Every request must identify an individual who shall be present during the use and be responsible for ensuring compliance with applicable law, regulations and University policies.

E. REFERENCES AND RELATED POLICIES

United States Constitution, Amendment 1

Virginia Code §23.1-401

University Policy 1025 – Alcohol on Campus

University Policy 1030 – Campus Tailgating

University Policy 7000 – Use of University Facilities by Members of the University Community

F. APPROVAL AND REVISIONS:

Approved By: Policy Committee, effective January 15, 2020

Revision 1: Policy Committee, effective October 21, 2020

Revision 2: Policy Committee, effective November 10, 2022

G. NEXT REVIEW DATE: Fall 2024

APPENDIX A

Residence Halls

Santoro Hall	Rappahannock River Hall
York River Hall	CNU Village
Potomac River Hall	CNU Apartments
James River Hall	CNU Landing
Warwick River Hall	Special Interest Housing
Presidents Hall	

Academic Buildings

McMurrin Hall	Tribble Library
Forbes Hall	The Mary M. Torggler Fine Arts Center
Luter Hall	Military Science Building
Ferguson Center for the Performing Arts	

Athletic and Recreation Facilities

Freeman Center	Volleyball Courts
Ratcliffe Hall	James River Field
Belk Track	James River Court
TowneBank Stadium	Captains Field - Baseball
Jennings Family Turf Stadium	Captains Field – Soccer
Eyre Tennis Courts	Captains Park - Softball
Sailing Center	

Administration and Operations Buildings

Christopher Newport Hall	Hidden Hussey Commons
David Student Union	Yoder Barn
Freeman Center	Commonwealth Hall
Ratcliffe Hall	Grounds Department
University Police	Plant Operations and Warehouse
CNU North	Parking Lots and Decks
The Pope Chapel	

APPENDIX B

Outdoor Spaces Available to Third Parties, Affiliated Individuals or Affiliated Organizations, for Expressive Activity

- Ferguson Lawn, inside the asphalt circle
- Green space surrounded by Forbes Hall, Luter Hall and the Commons
- Corner space next to Entrance Gate, Tribble Library and the Plaza

Indoor Spaces Available to Third Parties, Affiliated Individuals or Affiliated Organizations, for Events Open to the General Public

- Ferguson Center for the Performing Arts – performance venues and lobbies
- David Student Union –ballroom
- The Pope Chapel