

## Policy No. 4-17

### Subject: Facilities Use

Last Revised: 08/29/2024

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Division	Policy Manager	Administrative Supervisor	Reference
Finance and Campus Operations	Vice President of Financial and Administrative Services	Vice Presidents of Instruction and Student Services and Financial and Administrative Services	

#### I. POLICY

It is the policy of Virginia Highlands Community College (VHCC) to permit other state agencies, local governments, community groups, non-profit organizations, for-profit entities, and individuals to request the use of facilities for meetings and other events on a space-available basis. The permissible use of VHCC facilities will be consistent with VHCC's commitment to the free exchange of ideas while maintaining the safe, effective, and efficient operation of the College. This policy applies to all buildings, grounds, and other spaces owned or controlled by VHCC.

This policy applies to VHCC facilities used for expressive activities by all students, student organizations, and employees of VHCC. The policy extends to individuals or organizations who are not members of the college community who are sponsored by a College-recognized student organization. It does not provide privileges for commercial activities (i.e., offering of or promoting goods and services for sale or other consideration).

No illegal activity is permitted at events.

#### II. PERTINENT INFORMATION

- A. All property under control of VHCC, including its buildings and grounds, is primarily dedicated to academic, student life, workforce training, and administrative functions, and these functions take priority over other uses of College property.
- B. College facilities exist to accomplish the educational objectives and programs of VHCC. College departments, divisions, affiliated organizations, and recognized student organizations are granted use of these facilities for educational, cultural, developmental, and social programs and activities within the guidelines of this

policy. College departments and divisions shall have priority in the use of College facilities. Recognized student organizations and VHCC affiliated organizations shall have priority in use over non-VHCC organizations and persons.

- C. At all property under control of VHCC, indoors or outdoors, VHCC shall not interfere with the rights of individuals and groups to the free expression of their views or impermissibly regulate their speech based on its content or viewpoint.

### **III. DEFINITIONS**

- A. Chalking: for the purposes of this policy, refers to the use of water-soluble chalk that, under the conditions delineated in IV.H., is permitted as an exception to Graffiti.
- B. Expressive Activity: meetings or other group activities of students or student organizations; speeches, performances, demonstrations, rallies, vigils, and other events by students, student organizations and outside groups invited by student organizations; distribution of literature such as leaflets and pamphlets; and any other expression protected by the First Amendment of the United States Constitution.
- C. Facilities: buildings and grounds owned or controlled by VHCC. Excluded from this policy are properties owned or controlled by the VHCC Educational Foundation and not under control of VHCC.
- D. Graffiti: for the purposes of this policy, includes all forms of writing, lettering, drawing, tagging, marking, or painting on objects, buildings, walls, or any other surfaces, whether mobile or stationary. Notwithstanding any other provision of this policy to the contrary, "Chalking" as defined in this policy shall not be considered Graffiti.
- E. Political Campaign Activities: the distribution of literature, speeches, demonstrations, rallies, and any other activities promoting a political agenda, including candidates running for local, state, and federal public office.

### **IV. GENERAL GUIDELINES**

- A. College departments, divisions, College affiliated organizations and recognized student organizations are granted use of these facilities and grounds for educational, cultural, developmental, and social programs and activities within the guidelines of this policy.
- B. Recognized student organizations and College affiliated organizations shall have priority over non-College organizations and persons.
  - 1. Student clubs should make their requests for facilities through their club sponsor who shall make the official request with the Vice President of Instruction and Student Services office at [roomrequest@vhcc.edu](mailto:roomrequest@vhcc.edu).
- C. All expressive activities held within a College building must be scheduled by a College department or student organization.
  - 1. Common spaces within College facilities like hallways, student lounges, atriums, dining halls, libraries, and other common spaces are not available for expressive activity.
- D. Expressive activities held outside on the College grounds shall not block access to buildings, obstruct vehicular or pedestrian traffic, substantially disrupt previously

scheduled campus events, substantially disrupt college operations, constitute unlawful activity, or create a clear and present danger to public safety, as determined by the College Police Chief.

- E. All spontaneous expressive activities shall occur outside the College buildings and shall not block access to buildings, obstruct vehicular or pedestrian traffic, substantially disrupt previously scheduled campus events, substantially disrupt college operations, constitute unlawful activity, or create a clear and present danger to public safety, as determined by the College Police Chief.
- F. No political campaigning activities are permitted inside College buildings unless hosted by a College department, student organization, or outside group reserving space.
  - 1. College's facilities and grounds are reserved on a first-come, first-served basis and may be denied if it is determined that the political campaign activity would substantially disrupt college operations.
- G. No commercial activity shall occur on College property without the expressed written consent and/or an approved contract on file in the Office of the Vice President of Finance and Administration.
- H. Chalking
  - 1. Permission to chalk is limited to recognized student organizations and College departments for the purpose of promoting events or programs that occur at VHCC with a specific date, time and location.
  - 2. The name of the recognized student organization or College department must appear within all chalk messages.
  - 3. Only water-soluble chalk may be used. The use of markers, paints, oil-based products, sprayable chalk, or any substance intended to preserve the chalking (e.g. hairspray) is prohibited.
  - 4. Chalking is permitted only in open areas that can be directly washed by rain. Chalking must be on a horizontal surface not covered by an overhang.
  - 5. Chalking is prohibited on all vertical surfaces, including but not limited to buildings, walls, signs, poles, columns, statues, monuments, objects of public art, benches, picnic tables, and any organic materials (e.g., grass, soil, or vegetation).
  - 6. Chalking that does not comply with the conditions set forth above shall be considered Graffiti, and any individual(s) or organizations responsible for it will be considered in violation of this policy, and other applicable College policies.
- I. VHCC recognizes the value of providing students, faculty, staff and others the opportunity to assemble and communicate with one another outside the classroom setting, as well as to distribute informative printed material to member of the College community.
  - 1. VHCC is committed to protecting First Amendment Rights of individuals and will afford reasonable opportunity for people to distribute printed materials and to engage in other forms of expression and assembly on campus. Except with respect to commercial expression, and expression which the Supreme Court has held constitutes "constitutionally proscribable content," the College will not make decisions or take actions on the content of printed materials

distributed on campus. However, the College reserves the right to place restrictions, unrelated to the content of noncommercial expression, on the time, place and manner of the use of campus facilities, including distribution of printed material on campus.

- a. Although expressive activity is allowed, it is not endorsed by the Local Board or the College unless specifically approved as a College-sanctioned activity. No individual or group may claim approval or endorsement by the College except with prior written approval by the President or designee.
2. Normally no fee is charged for the use of facilities by department or divisions, College related organizations, or recognized student clubs and organizations.
3. Non-College affiliated groups that are educational, governmental, community, or charitable organizations may be granted permission to use facilities to sponsor educational, governmental, community, or charitable programs on a single event basis.
4. No person associated with the College in any capacity shall use for their own financial benefit or other personal purposes College facilities or property, except as specifically authorized by this policy.
5. Permitted use of facilities and grounds shall be subject to all other applicable VHCC policies, including, but not limited to, policies regulating social events and fund raising by student clubs and organizations.
6. Alcoholic beverages are not allowed on campus or in any facility.
7. The College reserves the right to immediately terminate any use of VHCC's facilities or grounds if, in the judgement of VHCC, continuation of such use will result in: (a) danger to participants or others; (b) unlawful conduct or violation of College policies by participants or others; or (c) interference with, disruption or disturbance of the College's educational mission, operations, business or functions.
- J. Authority for interpretation of this policy rests with the President or Vice Presidents and their designees.

## **V. DELEGATION OF AUTHORITY**

- A. The College President has the authority and delegates to the Vice President of Finance and Administration the responsibility to establish procedures to meet the requirements of this policy.

## **APPENDIX**

## **VI. RELATED STANDARDS, LEGAL CITATIONS, OR SUPPORTING DOCUMENTS**

- A. VCCS Policy Section 6.5.1.0
- B. VCCS Policy Section 6.5.1.0.0
- C. Code of Virginia § 23.1-401.1

## **VII. OPERATING REQUIREMENTS**

### **Procedures for Reserving Campus Facilities**

- A. To reserve campus facilities, requests shall be submitted to [roomrequest@vhcc.edu](mailto:roomrequest@vhcc.edu).
  - 1. Requests must be made with at least 48 hours in advance. More notice may be required to allow for sufficient logistical support and to ensure the safety and security of the campus.
  - 2. The College will assess appropriate fees for equipment and facility use to users who are not members of the campus community. Security fees may be assessed to defray the actual costs of providing security when the size of the audience may pose a risk to safety. At no time shall the college assess a security fee based on the anticipated reaction to the expressive activity.
  - 3. Facilities available for use are available only during normal operating hours or as otherwise posted.
- B. Students, student organizations, and College employees may request to reserve campus facilities on a first-come, first-served basis. These requests may be denied for the following reasons only:
  - 1. The requested venue is an indoor facility that the College has designated as not available for expressive activity;
  - 2. The requested venue is an indoor facility and the request conflicts with restrictions;
  - 3. The venue is already reserved for another event. (Precedence shall govern in the following order (1) official college sponsored activities and events; (2) recognized student organization activities and events; (3) student activities and events; and (4) all other activities and events.);
  - 4. The activity will attract a crowd larger than the venue can safely contain;
  - 5. The activity will substantially disrupt another event being held at a neighboring venue;
  - 6. The activity will substantially disrupt college operations (including classes);
  - 7. The activity is a clear and present threat to public safety, according to the College's Police or security department;
  - 8. The activity will occur during college examination periods; or
  - 9. The activity is unlawful.
- C. Reservations for a VHCC controlled property must include the name of person(s) responsible for preserving and maintaining the facility requested.
  - 1. If it causes any damage to those facilities, the person(s) or organization (and its officers, if applicable) shall assume responsibility.
- D. When assessing a request to reserve campus facilities, the College will not consider the content or viewpoint of the expression or the possible reaction to that expression. The College will not impose restrictions on students, student organizations, or college employees due to the content or viewpoint of their expression or the possible reaction to that expression.
  - 1. In the event that other persons react negatively to a student's, student organizations, or College employee's expression, College officials (including College Police or security) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.
- E. For use of exterior space and grounds the following criteria governs the use of exterior space shall include, but not be limited to, the following:

1. No permanent or semi-permanent structure may be constructed or placed for any activity in these spaces, except upon authorization by the Vice President of Finance and Administration.
  2. Graffiti, as defined above, may not be affixed or applied to any VHCC building, facility, or other property.
  3. All activities or events must be conducted in such a manner that campus pedestrian traffic and vehicular traffic are not impeded and that members of the College community who are not participating in the activity or event may proceed with their normal activities. Individuals who engage in unlawful conduct while participating in or attending such activities or events will be subject to arrest.
  4. In addition, College employees engaging in conduct violating law or College policy will be subject to applicable disciplinary action and students engaging in such conduct will be subject to the imposition of sanctions under the Student Code of Conduct.
- F. Costs and damages incidental to the use of a facility under this policy, whether or not caused by a member or members of the organization, shall be borne by the organization using the facility.

#### **Spontaneous Expressive Activity**

- A. For outdoor campus facilities and areas, students, student organizations, and their sponsored guests may freely engage in spontaneous expressive activities as long as they do not (a) block access to campus buildings, (b) obstruct vehicular or pedestrian traffic, (c) substantially disrupt previously scheduled campus events, (d) substantially disrupt college operations, (e) constitute unlawful activity; or (f) create a clear and present threat to public safety, according to the College's Police or security department.
- B. No indoor areas or facilities are available for spontaneous expressive activity.

#### **Areas Not Available for Expressive Activity**

- A. The following indoor areas/facilities are not available for expressive activity:
  1. Library
  2. Administrative/business/faculty/staff offices and breakrooms
  3. Classrooms (during instructional hours)
  4. Collins Student Center
  5. Veteran's Center
  6. Wolf Grounds Coffee Shop
  7. Hallways
  8. Other similar common spaces

#### **Banners and Distribution of Commercial Materials**

- A. Banners used in expressing speech should comply with the provisions of this policy and cannot be used to block, obstruct or otherwise deny access to any pedestrian or to block or obstruct vehicular traffic.
- B. Distribution of commercial advertising or the placement of commercial material is prohibited in the following areas:

1. Administrative/business/faculty/staff offices
  2. Classrooms, computer rooms, laboratories, and other places where instruction takes place
  3. Libraries
- C. Distribution of literature or printed materials in connection with any approved and scheduled use of College facilities and property is subject to the approval by the office of the Vice President of Finance and Administration.
1. Promotional materials or other publicity concerning any approved and scheduled use of College facilities or property must clearly disclose the following:
    - a. Nature, subject matter, and purpose of the use (e.g., event, solicitation, speech, rally, etc.)
    - b. The identity of the sponsoring entity; and
    - c. The identity of all other groups or entities involved in or benefiting from the use.
- B. The College reserves the right to limit or deny the distribution of material that is intended to solicit the purchase of or investment in goods, services, real property, or other commercial materials.

### **Tents and Camping**

- A. The construction or occupation of a Camping Tent is prohibited.
1. “Camping Tent” means any collapsible tent or structure, typically having as its basic components a flexible material supported by a framework, designed, intended, or used as temporary shelter while camping or on recreational outdoor outings. Camping Tents may include tents known as “pup tents,” “dome tents,” “cabin tents,” “hiker tents,” and “backpacking tents.”
  2. A “Camping Tent” does not include a tent with all sides entirely open and where there is an unobstructed view into such tent from the outside at all angles.
  3. All tents require advance approval through the facility use approval process. Only Event Tents shall be permitted to remain on the property overnight. All other tents of any type must be removed no later than 10:00 p.m.
    - a. “Event Tent” is a non-Camping Tent and is not less than 400 square feet or a tent that requires skilled or professional installation and removal.
      - i. Event Tents must comply with this policy.
      - ii. Event Tents may not be occupied or used during the hours of 10:00 p.m. and 7:00 a.m.
  4. Camping is prohibited on property owned, leased, or operated by the College, the Virginia Community College System (VCCS), or their foundations.
    - a. “Camping” means the act of using any part of the property or facilities for living accommodation purposes, such as establishment of temporary or permanent living quarters, sleeping outdoors overnight or making preparations for overnight sleeping (including the laying down of bedding), storing personal belongings, using any tent, shelter, or similar structure regardless of size for sleeping; sleeping in, on, or under parked vehicles, or setting up temporary or permanent sleeping areas outdoors or

- in structures not designated for human occupancy.
- b. “Camping” does not include the use of College, VCCS, or their foundations’ property that has been wholly or partially designated as sleeping or relaxation areas; a tailgating activity in conjunction with a College, VCCS, or foundation event; or the use of temporary hammocks or lounge furniture on College, VCCS, or foundation owned property for recreation or studying activities outdoors during the hours of 7:00 a.m. to 10:00 p.m.
  - 5. These prohibitions shall not apply to the College, the VCCS, or the College or System foundations or to Non-Camping Tents erected for their use.
  - 6. These prohibitions shall not apply to federal, state, or local governments or their agencies or to Non-Camping Tents erected for their use.
  - 7. The prohibitions on outdoor camping, camping tents, and leaving tents up overnight shall not apply to camping or tent use in the VHCC athletic fields adjacent to the Southwest Virginia Higher Education Center during the month of October, provided that such activity is otherwise consistent with VHCC policies.