

# STOCKTON UNIVERSITY



## PROCEDURE

### Use of University Property

Procedure Administrator: Vice President for Student Affairs

Authority: N.J.S.A. 18A:64-8

Effective Date: February 18, 2009; October 8, 2019, June 23, 2022; August 26, 2024

Index Cross-References:

Procedure File Number: 3103

Approved By: Dr. Joe Bertolino, President

**Purpose:** To establish general requirements and conditions for the use of University Property.

The University is committed to striving to ensure that all persons may exercise their constitutionally-protected rights of freedom of expression, speech and assembly. The time, place, and manner of exercising these constitutionally protected rights of free expression, speech, and assembly on University property are subject to this Procedure.

### 1. Definitions

**Affiliated Persons:** (1) Student Organizations, (2) University employees, consisting of all fulltime and part-time faculty, staff, and employees, and (3) auxiliary organizations organized and existing pursuant to N.J.S.A. 18A:64-26 et seq., including but not limited to Stockton University Foundation.

**Limited public forums** are places that are intentionally opened for expressive activities, such as lecture halls or auditoriums, but where the University may apply reasonable restrictions on use.

**Nonpublic forums** are places that are not open to the public and are restricted to a particular purpose, such as administrative offices, certain academic spaces and residential facilities.

**Student Organizations:** Student groups or organizations officially recognized by the University.

**Traditional public forums** are places that are historically associated with the exercise of the right of free speech, such as open spaces, and public sidewalks, parks and streets.

**Unaffiliated Persons:** Any person, group or organization that is not an Affiliated Person or any employee of the University acting outside the scope of employment.

**University Property:** Any facility or property owned, operated, leased or maintained by the University, including all the buildings and grounds on the University's campuses and instructional sites, or any building or property otherwise within the direction and control of the University.

## 2. Compliance with Laws

Federal, State, and local laws and regulations are applicable on University Property and may be enforced by the Stockton University Police Department or external law enforcement agencies.

## 3. Time, Place and Manner Restrictions

The University will establish reasonable time, place and manner restrictions for the use of all University Property. The University reserves the right to deny the use of University Property for the following reasons: violation of federal, State, local laws or regulations; violation of campus rules and regulations; interference with the University's educational mission or normal operations; creation of an unsafe environment; any use that prevents, or willfully attempts to prevent, the orderly conduct of a University function or activity, such as lectures, meetings, interviews, ceremonies and public events; or any use that blocks, or willfully attempts to block, the legitimate activities of any person on University Property.

The University also will determine whether the place for use of University Property constitutes a Traditional Public Forum, a Limited Public Forum, or a Nonpublic Forum.

## 4. Use of University Property

- A. **Scheduled events:** All requests to use University Property must be submitted to the Office of Event Services and Campus Center Operations minimally four weeks prior to the requested use or event date. The University will schedule the use of University Property in accordance with the priorities and protocols set forth in Section 5 of this Procedure (**Scheduling Priorities**) and any other applicable University policies and procedures.
- B. **Literature Distribution:** Use of University Property for the distribution of literature must conform with University policies and procedures, including but not limited to Procedure 3120 – *Postings, Displays, and Literature Distribution on Campus Property* and Procedure 6390 – *Solicitations on University Property*, and must not impede or disrupt normal University operations or obstruct pedestrian or vehicular traffic.
- C. **Spontaneous Demonstrations:** Unplanned or spontaneous demonstrations or activities individuals, campus and non-campus organizations are permitted at locations on University Property, based on time, place and manner restrictions and whether the location is a Traditional Public Forum, a Limited Public Forum, or a Nonpublic Forum, unless the demonstration or activity presents an unsafe environment or disruption to the University's operation or academic mission. Failure to

maintain a safe or non-disruptive environment may result in University officials closing the event or activity and/or removing disruptive individuals. Priority use of University Property will be given to individuals or organizations who received approval of their event from the University.

## **5. Scheduling Priorities**

The use of University Property for University operations is managed by the Division of Facilities and Operations. Additional use of University Property will be assigned to activities on the basis of importance to the academic mission of the University. The use of University Property by Unaffiliated Persons shall be pursuant to a written agreement, executed by an authorized signatory for the University, that sets forth the terms and conditions of the proposed use. The following priorities govern allocation of University Property:

- A. provision of essential University services;
- B. academic needs specified in the “master schedule of academic classes” and related academic scheduling needs;
- C. institutional programs complementing the academic and co-curricular mission of the institution;
- D. programs or activities sponsored by Student Organizations and
- E. programs or activities sponsored by Unaffiliated Persons.

## **6. Security/Risk Assessment: Purpose, Process, Assessment, Measures**

### **A. Purpose**

The University conducts a safety and security assessment of all proposed events to occur on University Property. The purpose of this assessment is:

- 1. to minimize risks to the health and safety of event participants and attendees,
- 2. to minimize the risks to the University and surrounding community,
- 3. to maximize the success of the event,
- 4. to ensure the event does not impede normal University operations, and
- 5. to protect the constitutional rights of event sponsors, participants, attendees, and the community.
- 6. to support a safe and secure campus for all members of the University community.

### **B. Process**

The Office of Event Services and Campus Center Operations will conduct an initial risk management, safety and security assessment based on the details of the request and consult with the Stockton University Police Department, Office of General Counsel, Office of Student Development, leadership of the Demonstration Activity Response

Team (DART) and the sponsoring organization throughout the assessment process. For unplanned or spontaneous demonstrations or activities, the Stockton University Police Department will perform an expedited safety and security assessment of the event and implement security measures deemed necessary or appropriate to minimize risks to the health and safety of participants, attendees and the University community.

### **C. Assessment Factors**

Factors considered in this assessment include, but are not limited to: proposed location of the event; procedures for admission to the event; number of expected attendees; the time of day and the duration of the event; the date and day of the week of the event; marketing and popularity of the event; the resources required to secure the event and the University Property; special requests of the sponsor(s); presence of personal security; the type of event or activity; the concurrent University schedule of events; the collection and custody of monies for the event; the presence of food services for the event; any ongoing University construction/renovation projects; fire permits approved for the event; environmental impact; event sponsors; event history; the parking needs for the event; the University staffing required to support the event; weather, and any other similar viewpoint- and content-neutral considerations relevant to assessment of security needs. The assessment does not include the viewpoints, opinions, or anticipated expression of ideas by event speakers, sponsors, participants, community, or performers.

### **D. Measures**

1. All persons attending a scheduled or spontaneous event on University Property may be subject to search for contraband, weapons, drugs, alcohol, and other illegal or prohibited materials. Notice of any such search for a scheduled event will be clearly posted with signs at the event entrance.
2. The Chief of the Stockton University Police Department, or designee, has the authority to terminate an event if an imminent threat to safety or property arises during an event and the avoidance or minimization of the imminent threat requires termination of the event.
3. If the Office of Event Services and Campus Center Operations, in consultation with the Stockton University Police Department, determines that an event will have substantial security needs, the Office of Event Services and Campus Center Operations will convene a security assessment meeting with the host organization, Stockton University Police Department and other offices/officials/staff as needed. The Stockton University Police Department will determine security concerns and recommendations.
4. If the Stockton University Police Department determines that the security assessment must be modified based on new information it has received or changing circumstances, additional meetings will be scheduled with the Office of Event Services and Campus Center Operations, representatives from the sponsoring organization, and other appropriate

University representatives to discuss revised recommendations.

5. The event organizers may be required to pay or reimburse the University for costs of necessary and reasonable event security provided by the Stockton University Police Department. Necessary and reasonable event security consists of Police Department presence and related costs required to carry out an event in the absence of any expected disturbance. Security fees will be based on standard rates.
6. If the University requires additional security, the University will bear all costs associated with that additional security, and event sponsors may be required to reimburse the University for all of the costs of such additional security, as permitted by law. Determinations regarding the need for additional security will be content and viewpoint neutral, i.e., will not be based on concerns about the content of the event, or the viewpoints, opinions, or anticipated responses to or expression of ideas by sponsors, event performers, or other participants.
7. If an event organizer or a speaker or performer requests additional security measures not required by the University, the University will not pay the costs associated with those security measures. However, the University must preapprove such additional security measures.
8. The University may schedule the location and duration of use of University property to minimize disruption or interference of the University's operations or educational mission.

#### **E. Recommended Security Measures**

Recommended security measures may include, but are not limited to: adjusting the venue, date, and/or time of the event; providing additional law enforcement; deploying security screening devices; imposing access controls or security checkpoints; restricting personal items of patrons; and, creating buffer zones around the venue.

#### **F. Persons Lawfully in Charge**

In addition to University personnel responsible for the management or supervision of University Property and activities, the Stockton University Police Department is responsible for public safety and crime prevention on University Property.

#### **G. Limitations: Structures, Amplified Sound, Open Flames, and Occupancy Limits.**

No persons may construct, set up, place, or maintain (or attempt such) in or upon University Property, any tent, platform, booth, bench, table, building, sound system, or other structure, without prior written authorization from the Office of Event Services and Campus Center Operations. In addition, the foregoing materials/structures are subject to such requirements regarding time, place, and manner as the Office of Event Services and Campus Center Operations may impose.

Use of amplified sound on University Property requires advance approval by the Office of Event Services and Campus Center Operations. Amplified sound will be approved based on time, place, and manner considerations so as to not interfere with the academic mission and normal operations of the University.

The maximum room capacity for all facilities on University Property is established by the New Jersey Division of Fire Safety. The University may reduce capacity further in accordance with staff availability and other safety considerations.

All use of University Property is subject to the New Jersey Uniform Fire Code and the regulations of the New Jersey Division of Fire Safety.

Unless otherwise approved by the Office of Event Services and Campus Center Operations, the Chief of the Stockton University Police Department and the New Jersey Division of Fire Safety or otherwise permitted by University procedures, open flame, open flame devices and open burning are prohibited on University Property. Open flame and open flame devices shall include but are not limited to candles, tiki torches and oil lanterns. Open burning means the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Examples of open burning include but are not limited to campfires, bon fires and fire pits.

#### **H. Unauthorized Use**

Unauthorized entry onto or occupation of University Property in violation of this procedure is prohibited. Any person who violates this procedure may be removed and/or prosecuted for trespass, disorderly conduct, or other offenses under New Jersey law.

#### **I. Rent, Fees, and Insurance**

The University may charge for the use of University Property in accordance with established fee schedules. Information concerning the fee schedules may be obtained from the Office of Event Services and Campus Center Operations. All fees must be paid in accordance with the dates established in the contract for use of University Property. Failure to pay necessary fees by the determined deadlines may subject the activity or event to cancellation.

All persons who are approved to use University Property assume responsibility for costs associated with the use of and for damage to University Property. The University will require the sponsor to provide a Certificate of General Liability Insurance naming "Stockton University" and the "State of New Jersey" as an Additional Insured. The event cannot proceed unless the Certificate is provided to the University at least five business days in advance of the date of use of the University Property. In certain limited circumstances, the University may waive certain insurance requirements. Requests for a waiver must be received by the Office of Risk Management at least five business days prior to the date of use of the University Property.

## J. Compliance with Procedure

Failure to comply with this Procedure may result in disciplinary, administrative or law enforcement action, as appropriate, up to and including termination and expulsion in accordance with applicable University policies and procedures, and applicable law. Entry onto or occupation of University Property in violation of this procedure is prohibited. Any person who violates this procedure may be removed and/or prosecuted for trespass, disorderly conduct, or other offenses under federal or New Jersey law.

### Review History:

	Date
Procedure Administrator	08/06/2024
Divisional Executive	08/06/2024
General Counsel	08/06/2024
Cabinet	08/26/2024
President	08/26/2024