



President's
Policy Statement
University Policy Library

Operational Area:	Administration and Operations
Responsible Executive:	Chief Operations Officer
Responsible Office:	Facilities Management Office
Effective:	November 19, 2021

Facilities Use

Administration and Operations

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I. **Introduction**

- A. **Authority:** Colorado Revised Statutes (C.R.S.) § 23-54-102, *et seq.* (2021) authorizes the Trustees of Metropolitan State University of Denver ("MSU Denver" or "University") to establish rules and regulations to govern and to operate the University and its programs. The MSU Denver Trustees retain authority to approve, to administer, and to interpret policies pertaining to University governance. The MSU Denver Trustees authorize the MSU Denver President to approve, to administer, and to interpret policies pertaining to University operations.

- B. **Purpose:** MSU Denver is dedicated to the pursuit of knowledge through the free exchange of ideas. With this central purpose in mind, the University will take measures to optimize efficient use of buildings, grounds, space, property, and other facilities owned or operated by the University ("MSU Denver Facilities"). MSU Denver Facilities are State property, and their use is subject to all applicable state laws, rules, and regulations.



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- C. **Scope:** This policy applies to students, employees, and guests accessing MSU Denver Facilities. MSU Denver Facilities do not include any buildings, grounds, space, property or any other facilities solely owned or operated by the Auraria Higher Education Center ("AHEC") or any other entity.

II. Roles and Responsibilities

- A. **Responsible Executive:** Chief Operations Officer
- B. **Responsible Administrator:** Chief Facilities Management Officer
- C. **Responsible Office:** Department of Facilities
- D. **Policy Contact:** Chief Facilities Management Officer, 303-615-1699, facilities@msudenver.edu

III. Definitions

For purposes of this policy, the following definitions apply:

- A. **Authorized University Community Activity** means any activity of a recognized student group that is within the group's mission and any activity of MSU Denver-affiliated entities that are in support of MSU Denver's mission.



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- B. **MSU Denver-affiliated Entity** means any foundation, partner, governmental agency or nonprofit service provider acting in support of MSU Denver's mission in accordance with prior approval by the University president or designees.
- C. **Official University Activity** means any activity undertaken by or under the authority of a University official within the scope of the official's duty as part of MSU Denver's mission.
- D. **Recognized Student Group** means any student group recognized through University-specific protocol applicable to and required for such recognition.
- E. **Solicitation** means the act of:
 - 1. distributing solicitation materials, including flyers, handbills, leaflets, placards, bulletins, newspapers, magazines, coupon books, samples, and promotional items;
 - 2. marketing for commercial purposes, or offering information about services or sales; and/or
 - 3. seeking petition signatures or a donation (whether money, services, or tangible items).
- F. **Vending** means any transaction that involves the exchange of money for services and/or goods.



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IV. Policy Statement

All MSU Denver Facilities are subject to assignment and reassignment to meet MSU Denver Facilities-use plans and the overall needs and best interests of the University. To promote efficiency and optimal utilization, this policy is designed to ensure (1) effective decision-making, (2) accurate record keeping, (3) communication among users, service providers, and decision-makers concerning utilization of MSU Denver Facilities, (4) establishment of time, place, and manner regulating free expression in the University's facilities and outdoor spaces.

Facilities-use plans, proposed uses of new facilities, changes in uses of existing facilities, and changes to existing facilities, including structural and equipment changes, will be reviewed by the Facilities Management and Space Planning Department, along with appropriate University personnel.

A. Use of Publicly Available Spaces

1. MSU Denver Facilities are, first and foremost, for use for official University activities related to MSU Denver's mission ("University Activities") and by recognized student groups and MSU Denver-affiliated entities for authorized activities ("University Community Activities")
2. Students, employees, recognized student groups and MSU Denver-affiliated entities (the "University Community") may use publicly available space in



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accordance with this policy. Members of the University Community wishing to use publicly available spaces for an activity or program will make arrangements through their usual University contact.

3. MSU Denver Facilities identified as publicly available spaces may also be used for activities by members of the general public in accordance with this policy. The University will provide on its website, contact information (“Facilities Use Contact”) for obtaining protocols and information for members of the public to reserve publicly available space.
4. Publicly available space includes: 1) indoor and outdoor space that the University identifies as available for public rental in accordance with specific protocols for facilities rental and protocols for solicitation and vending; 2) outdoor space that the University identifies as conducive to and available for non-commercial, expressive activity.
5. Publicly available spaces are made available by reservation and are not, and have not, traditionally been permanently designated as publicly available. Publicly available spaces may change based on MSU Denver Facilities-use planning and needs. Users of publicly available spaces are responsible for any applicable fees and costs. No one may camp in a publicly available space or occupy a publicly available space beyond the time they have reserved.
6. Publicly available outdoor space may be identified by the University for non-commercial, expressive activity for use by the University Community and members of the public by reservation in accordance with business hours and



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expectations set forth in department-specific protocols for use of publicly available space for non-commercial, expressive activity consistent with this policy. Upon arrival on campus, those intending to use publicly available outdoor space for non-commercial, expressive activity are expected to have a reservation and must check in with the campus office identified in the department-specific protocols before commencing any activity. If the magnitude of the public use exceeds available staffing and resources, the use may be cancelled, moved or rescheduled, as appropriate, to avoid conflicts with other uses and to protect the University Community, participants, property and the mission of the University.

7. Example of uses for publicly available outdoor space identified by the University as available for non-commercial, expressive activity include, but are not limited to, speech-making, vigils, discourse, debate, carrying signs, conducting voter registration and non-partisan get-out-the-vote activities; so long as those activities do not disrupt the normal functioning of the University or interfere with an Official University Activity or a previously scheduled use.
8. Amplification is not permitted in any publicly available outdoor spaces unless prior arrangement has been made with the University for the activity to take place at a time and place and in a manner in which the amplification will not interfere with official University activities, or the space is being rented, and the rental agreement provides for amplification. No individual or group will be permitted to use amplification that interferes with an Official University Activity.



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9. Outdoor athletic facilities or parking lots may be available for rental or use by reservation for certain activities compatible with maintaining the space for its intended use and in accordance with existing agreements and memorandums of understanding between the Department of Intercollegiate Athletics and its campus partners.
10. The University will determine, as part of its Facilities-use planning, the extent to which it will have publicly available indoor spaces. Publicly available indoor spaces may be used by reservation in accordance with specific protocols for facilities rental.
11. Examples of uses for publicly available indoor spaces include, but are not limited to, group meetings, trainings, discussion groups, study groups, and similar activities.

B. Streets and Sidewalks

1. Streets and sidewalks abutting campus property that are under a local government's jurisdiction are generally available to all members of the public for expressive activities in keeping with Federal and State laws and local ordinances. Internal, campus-controlled streets and walkways are for public ingress and egress for activities open to the public, for public use in conjunction with reservations in accordance with this procedure and campus specific protocols, and for official University activities and authorized University Community



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activities. Any use of AHEC-owned and/or controlled streets and sidewalks is governed, controlled, and subject to AHEC-specific policies and procedures; not this policy.

C. Fair Campaign Practices Act

1. Because MSU Denver Facilities are State property, their use must comply with the Fair Campaign Practices Act and federal laws governing tax-exempt entities involvement in campaign activities. Therefore, MSU Denver Facilities may not be used for campaign fundraising.
2. In addition, MSU Denver Facilities use must not give the appearance that MSU Denver is advocating for or against a candidate for an elected office, or a ballot issue or referred measure. If MSU Denver Facilities are made available to a candidate for elected office or to an advocate or group for, or against, a ballot issue or referred measure, even-handed access to MSU Denver Facilities must be provided to opposing candidates and advocates. To avoid the appearance that MSU Denver is advocating for or against a candidate, ballot measure or referred measure, anyone wishing to collect signatures for a ballot initiative, referred measure or candidate petition must pay the appropriate fee for facilities use rental or for reservation of solicitation or vending space in accordance with University protocols. City and county streets and sidewalks abutting campus

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property that are under a local government’s jurisdiction are available for signature collection in accordance with Federal, State and local law.

3. Recognized student groups may invite a candidate to speak without inviting opposing candidates, as long as other recognized student groups are afforded even-handed opportunities to invite opposing candidates to speak. Candidates may not use recognized student groups to directly or indirectly secure free or reduced-cost space for campaign events on campus in violation of the law.
4. When MSU Denver Facilities are reserved for an activity by a candidate or by a group or individual advocating for or against a candidate for an elected office, ballot issue, or referred measure, a disclaimer is required on printed material announcing the event and at the location that MSU Denver does not endorse the candidate, ballot issue, or referred measure. Any opposing candidate or advocacy group will have a similar opportunity to reserve MSU Denver Facilities.

D. Compliance with Law, Policies and Procedures

1. MSU Denver Facilities may not be used for any activity that impedes the flow of pedestrian or vehicle traffic across any AHEC campus property or access to any MSU Denver Facilities or for any activity that defames, is obscene, incites violence, or threatens physical harm. Those using MSU Denver Facilities assume responsibility for compliance with all Federal, State, and local laws, including (but not limited to) the Colorado statute on riot offenses, C.R.S. § 23-5-124;

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AHEC policies and procedures; and MSU Denver policies, procedures and protocols.

2. Anyone who refuses to vacate MSU Denver Facilities when directed to by an MSU Denver employee or law enforcement officer acting in the performance of the officer's duty may be subject to arrest. Violations of this policy and department-specific protocols implementing this policy may result in disciplinary actions up to and including suspension or expulsion for students, employment termination or dismissal for employees, and being barred from campus for any individual.

E. Solicitation and Vending

1. MSU Denver may determine (at its sole discretion), as part of its Facilities-use planning, the extent to which solicitation and vending space may be provided. If provided, the following requirements for solicitation or vending on MSU Denver Facilities apply to all individuals and entities, except business representatives who have been invited or approved by MSU Denver Human Resources as part of an employee-benefits plan (acting in accordance with such invitation or approval); MSU Denver-affiliated entities and recognized student groups engaging in authorized University Community Activities; and MSU Denver service contractors acting in accordance with their contracts. Student groups should

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work with their advisors to secure space for solicitation or vending related to authorized projects.

2. Individuals or groups, including students and employees, who are interested in solicitation or vending activity, as defined above, are expected to make a reservation for a space through the Facilities Use Contact.
3. No reservation for solicitation or vending will be granted for the following activities:
 - a. Any activity that competes with official University activities or businesses with which MSU Denver has entered into an exclusive contract (e.g., food service, beverage/snack vending); or
 - b. Any activity prohibited by local, state and/or federal laws (e.g., solicitation for campaign contributions, credit cards, sales or promotion of tobacco and tobacco-related products and marijuana or marijuana-related products.);
4. Solicitors and vendors will be assigned a location. The vendor or solicitor must adhere to the reserved location and department-specific protocols for vending and solicitation.
5. Locations are allocated based on space available and space appropriate to the proposed activity.
6. Solicitors and vendors will not disrupt official, University activities or impede pedestrian or vehicle traffic or access to buildings. Continuing to approach



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anyone who has indicated a lack of interest or stopping anyone, shouting, or using an amplifier of any kind is prohibited.

7. Any violation of these expectations may result in a solicitor or vendor being asked to leave immediately without refund. MSU Denver reserves the right to refuse to grant future applications to individuals or groups in violation of this procedure.

V. History

- A. **Effective:** November 19, 2021
- B. **Enacted:** September 1, 2019
- C. **Review:** This policy will be reviewed every three years or as deemed necessary by University leadership.
- D. **Approved by:** President



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VI. Policy Approval

A handwritten signature in black ink that reads "Janine Davidson".

Janine Davidson, Ph.D.
President, Metropolitan State University of Denver