



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

## Operating Policy and Procedure

### **HSCEP OP: 61.07, Use of TTUHSCEP Premises and Amplification Equipment**

**PURPOSE:** The purpose of this Texas Tech University Health Sciences Center El Paso Operating Policy and Procedure (HSCEP OP) is to establish the approval process for the use of TTUHSCEP grounds, facilities and amplification equipment for faculty, staff and academic and administrative departments. Use of space, facilities and amplification equipment by students and student organizations is governed by the *TTUHSCEP Student Handbook Code of Professional and Academic Conduct*. This HSC OP applies to all TTUHSCEP campus locations.

**REVIEW:** This HSCEP OP will be reviewed by July 1 of each even-numbered year (ENY) by the Sr. Director of Safety Services – Facilities & Services, Managing Director for Facilities & Services & Support Services (MDF&S), the HSCEP Assistant Vice President for Student Services and Student Engagement, and the Texas Tech Chief of Police or designees, with recommendations for revisions submitted to the Chief Financial Officer (CFO) or designee by July 15.

### **POLICY/PROCEDURE:**

#### **1. General Policy.**

TTUHSCEP is committed to providing an educational and work climate that is conducive to the personal and professional development of each individual. In fulfilling its multiple missions as an institution of higher education incorporating academics, research and patient care functions, it encourages the free exchange of ideas. TTUHSCEP will protect the rights of freedom of speech, expression, petition and peaceful assembly as set forth in the U.S. Constitution. TTUHSCEP maintains its right to regulate reasonable time, place and manner restrictions concerning acts of expression and dissent.

Under *Regents' Rules*, Section 8.07, TTUHSCEP premises are available for use based on the following prioritization:

- (a) regular institutional programs (including, but not limited to, TTUHSCEP schools, departments and support services)
- (b) programs sponsored and conducted by the TTU system and/or a component institution's academic and administrative departments or organizations which are affiliated with such departments
- (c) activities that have as their purpose, service or benefit to the entire health professional community or to the entire TTU system community and that are sponsored by registered student organizations, or
- (d) lease of space to organizations that serve or benefit the academic, research, student life, or business functions of the TTU system.

The term "TTUHSCEP premises" includes all land, grounds, buildings, facilities and other property in the possession of or owned, used or controlled by TTUHSCEP.

Outside individuals or groups who are not faculty, staff or a currently enrolled student may attend functions held on TTUHSCEP premises, and may use the Free Speech Areas designated below, but to be eligible for use of TTUHSCEP premises, the function must be sponsored or cosponsored by, and affiliated with, a recognized TTUHSCEP department or registered student organization. Sponsorship and/or co-sponsorship minimally include, but are not limited to,

participation in planning, coordination and implementation directly by members of the sponsoring organizations. Sponsors are directly responsible for ensuring that activities and events comply with TTUHSCEP requirements for liability insurance, hold-harmless agreements, financial responsibility for property damage, etc.

To support programs in which TTUHSCEP students are members of the military while enrolled and attending class, military services of the United States Government are eligible to use TTUHSCEP premises for reasonable military recruitment activities. All requests for use of TTUHSCEP premises by a military branch for recruitment or other applicable activities, must be approved by the Asst. Vice President of Student Services or designee, and follow the guidelines and application process set forth in this policy.

Permission to use TTUHSCEP premises may be granted only by the offices designated in this policy. A department, student, TTU/TTUHSCEP employee, or registered student organization may not reserve TTUHSCEP premises and permit it to be used by a non-registered organization or off-campus group or person, regardless of an approved request form. Non-registered organizations or off-campus groups or persons may, however, use the Free Speech Areas designated below without reservations, on a first-come, first-served basis.

Requests for use of space that also require furniture setup should specifically note setup requirements on the online REQUEST TO USE TTUHSCEP PREMISES form seven days in advance of event. See Attachment A for additional information on guidelines for use of public areas.

TTUHSCEP reserves the right to move the location of any assembly should it appear that the activity might interfere with the normal operations or unforeseen events of TTUHSCEP, or interfere with the rights of others.

The use of TTUHSCEP premises must conform to these regulations and to local, state and federal law.

## 2. **Solicitation and Advertisements.**

Solicitation and advertisements on TTUHSCEP premises is governed by *Regents' Rules*, Sections 08.09, 08.10 and 08.11. All requests for TTUHSCEP premises use that involve solicitations, advertisements or a component of commercial activity, must be so stated in the TTUHSC El Paso Facility Use Form referenced in the TTUHSCEP OP 75.32, and shall acknowledge and conform to the referenced *Regents' Rule(s)*, and this policy, as well as TTUHSCEP OP 61.03, Posting of Notices on TTUHSCEP Property, and the *TTUHSCEP Student Handbook Code of Professional and Academic Conduct*, where applicable.

Sale of food products on TTUHSCEP premises must conform to existing food service or vending contractual agreements, which may include a no compete clause. All requests for premises use considering sale of food products (not including bake sales) but that would compete with on campus food services, such as commercial vendor carts or private individual sales, must be reviewed by the TTUHSCEP Student Services Office and approved by the TTUHSCEP Contracting Office.

TTUHSCEP premises will not be used without prior review by, and approval of, the contract administrator, for the sale of merchandise, for the purpose of conducting book fairs, selling books or other trade, academic and technical literature.

## 3. **Reservation Requirements.**

a. With the exception of the Free Speech Areas designated below, reservations must be

made for the use of TTUHSCEP premises. Requests for reservations will be granted according to the priorities of the designated area. Selected TTUHSCEP premises are available for activities that are sponsored and approved by TTUHSCEP departments, registered student organizations or individual faculty, students, and employees between 8:00 a.m. and 5:00 p.m. Requests for reservations, if applicable, will be granted according to the priorities set forth in Section 1, General Policy. Assignments may be changed or canceled if conflicts with regular academic programs develop. For complete information regarding use of these areas, see "Attachment A", Guidelines for the Use of TTUHSCEP Public Areas & Adjacent Corridors for Special Events.

- b. Reservations of classrooms (including auditoriums) and class lab spaces are also controlled by HSCEP OP 61.23, and HSCEP OP 61.23 should be reviewed in relation to any requests that may involve conflicts or interactions with classroom or class lab spaces reserved by academic programs, registered student organizations, or other TTUHSC El Paso administrative units under that policy. As noted in paragraph 1 above ("General Policy"), the highest priority is assigned to regular institutional programs (including, but not limited to, TTUHSCEP schools, departments and support services).
- c. Any individual or organization desiring to reserve TTUHSCEP premises must make application by submitting online a REQUEST TO USE TTUHSCEP PREMISES form. TTUHSCEP shall be directed to the Chief Financial Officer or designee. The sponsoring department may be required to provide a FOP to pay for setup and clean-up of requested events.
- d. The REQUEST TO USE TTUHSCEP PREMISES form must be completed in its entirety according to the form's instructions and must be submitted online at least seven (7) university business days prior to the planned event. Review guidelines in "Attachment A" for TTUHSCEP premises use.
- e. Additional permission may be required from the Senior Director of Facilities Operations and Maintenance, MDF&S, the Asst. VP of HSCEP Student Services, and the Chief of Texas Tech Police. The Office of the CFO or designee shall forward the REQUEST TO USE TTUHSCEP PREMISES form to the appropriate department.
- f. An approved function is one in which the REQUEST TO USE TTUHSCEP PREMISES form is completed and approved by the Asst. VP of Student Services or designee, Office of the CFO, Texas Tech Police Department and/or the MDF&S, Sr. Director of Facilities operations and Maintenance (FOM), where applicable. The Asst. VP of Student Services, Office of the CFO, Texas Tech Police Department and/or the MDF&S/Sr. Director of FOM, where applicable, reserve the right to administratively approve, conditionally approve, deny or cancel TTUHSCEP premises use requests. The TTUHSCEP approval of the function shall specify the boundaries for the area to be used, the date for which the use is approved, the time at which the proposed activity may begin, the time at which the reservation for the use expires and any special provisions concerning the use of the space.
- g. A REQUEST TO USE TTUHSCEP PREMISES shall be granted only when the request is consistent with applicable TTUHSCEP regulations and local, state and federal law.
- h. TTUHSCEP reserves the right to refuse to honor contracts or agreements signed or pledged by departments, organizations, groups or individuals for the use of TTUHSCEP premises if the correct procedures for reserving such properties have not been followed. Without advance written approval, departments, organizations, groups or individuals shall not contractually agree to rent, lease or make available interior or ground space of any TTUHSCEP premises.
- i. Requests from registered student organizations must be submitted by a designated student

organization/representative, faculty/staff advisor and/or department head. Requests from faculty/staff must be approved by the department head.

- j. Individuals or departments using a designated area are subject to the following requirements:
    - (1) Use must comply with Section 7, as well as Attachment A (Guidelines for the Use of Public Areas and Adjacent Corridors for Special Events);
    - (2) Use of amplification equipment must comply with Section 8 of these regulations;
    - (3) A structure may not be erected on TTUHSCEP premises without prior written approval which will include arrangements for cleaning up after the activity. No tent stakes will be allowed to be driven into parking lots.
    - (4) As specified in the approved use permit, any estimated expense incurred in the course of an event will require the sponsor or co-sponsor to supply a TTUHSCEP account number or cost center before the activity can be approved. Upon presentation of an invoice, payment must be made to the Grounds Maintenance Department (TTUHSCEP) or the FOM Department for costs incurred in placement and removal of required barricades on TTUHSCEP grounds or recovery of the grounds should they be damaged by the use.
  - k. Employees, students, departments and registered student organizations desiring use of TTUHSCEP premises may be required to provide evidence of appropriate liability insurance in accordance with the recommendations from the TTU or TTUHSCEP Contracting Office, TTUHSCEP Office of General Counsel, other TTUHSCEP departments, or others necessary prior to approval.
  - l. Participants in and/or sponsors of events may be required to sign a "Hold-Harmless" release.
  - m. The sponsor should contact TTUHSCEP Facilities & Services to make necessary arrangements for any event that includes concessions or a mobile concession stand.
4. **Catered Food, Drink Service and other Related Activities Guidelines:**

All food and drink service events to be held on TTUHSCEP property must follow the "Texas Food Establishment Rules" developed by the Texas Department of State Health Services. "Temporary food service guidelines" issued by Safety Services must also be followed. The food and drink service guidelines and requirements can be found in Attachment B to this policy. Requests for food events must be submitted seven (7) working days prior to the event. Failure to submit requests seven (7) days in advance could result in the event being denied/canceled.

It is the sole responsibility of all departments, student organizations, staff and students to make all arrangements for food and drink services. It is the responsibility of the sponsoring party to ensure all food safety guidelines are followed (see OP 61.07, Attachments A and B). TTUHSCEP Safety Services, Environmental Safety Division reserves the right to inspect all food service events to insure public safety and food guidelines are followed. All inspections will be conducted by a registered professional sanitarian. The professional sanitarian will properly identify themselves to the person in charge and state the purpose of the visit. If alcohol is to be served, a Texas Tech Police Officer must be on site. Sponsor will request assistance from TTPD.

When requesting public space for food and drink events, the requesting party must identify the name of the caterer and type of food to be served. The sponsoring party must also inform the

caterer or food provider that they must submit a copy of their latest City of El Paso Health Department Inspection or State of Texas inspection to Safety Services for approval.

If the food is to be prepared by someone other than a caterer (self-prepared) the responsible party must undergo training or show knowledge of food safety guidelines. TTUHSCEP Safety Services will meet with the food preparer prior to the event to determine the food preparer knowledge of food safety guidelines. When making arrangements for food and drink services, please be aware that only Coca Cola products can be served with the exception of tea, coffee, juices and water. All potato chips must be served in individual packages. All food trays must have individual serving utensils for serving. Gloves must be worn when handling food.

It is the responsibility of the sponsoring party to protect their food from passerbys. Additionally, there also will be a charge for weekend or after hours activities. See Attachment A.

#### 5. **Free Speech Areas.**

Each TTUHSCEP campus has designated Free Speech Areas as listed below which are available on first-come, first-served basis, and without reservations. Amplification equipment or loudspeakers may not be used and structures may not be erected. Additionally, the free expression of views and opinions, whether by individuals or by groups, must comply with Section 6 below and not violate any of the provisions specified in the *TTUHSCEP Student Handbook Code of Professional and Academic Conduct*, where applicable.

*In El Paso:* Sidewalk area south of the visitors parking lot.

For any free expression activities outside of the above Free Speech Areas, a request must be submitted, using the online REQUEST TO USE TTUHSCEP PREMISES form, to the following offices: in TTUHSCEP, academic and clinical departments, faculty, staff and registered students and student organizations to the Office of Student Services; for staff and faculty in clinical education and research departments to the CFOFA. Academic and clinical departments, faculty, staff and registered student organizations should apply to the Office of Student Services; all requests at the El Paso Campus should be directed to the Chief Financial Officer. Such requests may not be for any area inside a TTUHSCEP building. A request for free expression activities outside of the Free Speech Areas must be submitted no later than seven (7) business days prior to the time and date of the requested activity. A response will be given to the requestor within two (2) business days of receipt of the request. The appropriate office to which the request is made, or its designee, will review the request only for noncontent-based criteria. If the request is denied, such denial will be accompanied by a written explanation of the noncontent-based reasons for such denial. The denial for students and registered student organizations may be appealed to the Office of the Senior vice President for Academic Affairs, or his designee and for the staff and faculty of clinical, educational and research departments to the CFOFA who will provide a written final decision for noncontent-based criteria no later than two (2) business days after the appeal is filed.

#### 6. **Appeals of Request Denials.**

Faculty, staff, students, and academic and administrative departments whose requests for the use of campus grounds or nonacademic facilities are denied may appeal in writing to the Office of the Executive Vice President for Academic Affairs, TTUHSCEP 5001 El Paso Drive no later than five (5) university business days after receipt of notice of the denial. The appeal must be in writing and describe the objections to the denial. Within a reasonable time from receipt of the written appeal, the appropriate office will convey the appeal decision, in writing, to the individual making the appeal.

#### 7. **Impermissible Conduct or Activities.**

**General Impermissible Conduct.** The following conduct is not permitted on TTUHSCEP premises:

- a. Activities that are illegal;
- b. Activities that deny the rights of other students, faculty and staff of TTUHSCEP;
- c. Activities that substantially obstruct or restrict the free movement of persons on any part of TTUHSCEP premises, including free entry or exit from TTUHSCEP buildings and/or facilities;
- d. Activities that deny the use of office or other facilities to the students, faculty, staff or guests of TTUHSCEP;
- e. Activities that threaten or endanger the health or safety of any persons on TTUHSCEP premises;
- f. Activities that include, but are not limited to, physical, verbal, written or electronically transmitted threats, insults, epithets, ridicule or personal attacks or sexually harassing speech that:
  - 1. Are personally directed at one or more specific individuals based on the individual's appearance, characteristics or group membership, including, but not limited to, race, color, religion, national origin, sex, age, disability, citizenship, veteran status, ideology, political activities or political affiliation; and
  - 2. Are sufficiently severe or pervasive to create an objectively hostile environment for that individual by interfering with or diminishing his or her ability to participate in, or benefit from, services, activities or privileges provided by TTUHSCEP. To make an argument for or against the substance of any political, religious, philosophical, ideological or academic idea does not constitute harassment, even if some listeners are offended by the argument or idea.
- g. Activities likely to result in damage to, or destruction of, the TTUHSCEP premises (including, but not limited to, TTUHSCEP lawns, shrubs, trees, and parking lots);
- h. Activities that create a sustained or repeated noise disturbance that substantially interferes with the speaker's ability to communicate and/or the rights of others to listen;
- i. Activities that attempt to prevent a TTUHSCEP event or other lawful assembly by the threat or use of force or violence;
- j. Sit-ins inside TTUHSCEP buildings; and
- k. Picketing inside TTUHSCEP buildings.

**Weapons.** Firearms, ammunition, explosive weapons, illegal knives, and other deadly weapons are prohibited on TTUHSCEP property, except as specifically authorized by federal, state, or local laws. Any other request for authorization to bring a weapon or ammunition onto TTUHSCEP property must be made in writing and submitted to the Chief of Texas Tech Police. The Chief of Police will review the request in conjunction with the Executive Vice President for Academic Affairs, and make a recommendation to the President. Only the President or his designated representative may grant final approval/authorization.

**Disciplinary Action.** Should the activity violate these requirements, or have the appearance of violating these requirements, TTUHSCEP faculty, staff and students shall identify themselves by presenting their faculty/staff ID cards or driver's license upon request from the Chief Financial Officer or his/her designee, or the Texas Tech Police. Students, faculty and staff who violate these guidelines may be subject to disciplinary action under their respective disciplinary policies and codes of conduct. All persons who violate criminal laws in the process of expression may be subject to criminal charges.

## 8. **Use of Amplification Equipment.**

- a. **Permission for Use.** The use of loudspeakers or any other type of amplification equipment (i.e., boom boxes, portable studios, etc.) or amplified musical instruments on the TTUHSCEP premises is by permission only, as documented in the online REQUEST TO USE TTUHSCEP PREMISES form.

- (1) Procedure. Applications from individuals and departments for permission to use amplification equipment on TTUHSCEP premises must be submitted to TTUHSCEP Student Services.
  - (2) Applications must be received seven (7) university business days before the intended use.
- b. Restrictions.
- (1) The use of amplification equipment for solicitation purposes must conform with all TTUHSCEP premises use provisions.
  - (2) The use of amplification equipment or loudspeakers is not permitted in the Free Speech Area at any time nor in the vicinity of classrooms during regularly scheduled class hours.
  - (3) Outdoor dances utilizing sound amplification devices may be held in approved locations only on Friday and Saturday nights and must terminate by 1:00 a.m. Bands may use their own equipment at such dances.
  - (4) Approved sound equipment must not be disruptive to classes or the normal activities of TTUHSCEP.
- c. Official Use. The appropriate use of loudspeakers for official TTUHSCEP activities inside academic buildings, or on the campus as a part of the academic instructional program or mission-essential activity, is determined and approved by the Office of the Executive Vice President for Academic Affairs or designee.

## 9. Geophysical Surveys.

It is the policy of Texas Tech University to grant permits for geophysical surveys on TTUHSCEP lands whenever requests are received and it is considered in the best interests of TTUHSCEP to do so. All permits will be issued in accordance with applicable laws and with policies and procedures established by the Texas Tech Board of Regents. The purpose in granting permits is to evaluate the potential for development of mineral interests residing in TTUHSCEP lands in order to obtain additional resources for support of teaching, research, and community service.

- a. A charge will be made for permits. The charge is negotiable depending on the character of the terrain, the likelihood of damages and the type of test involved but will not be less than the following minimums:
- (1) Shooting crews per mile:
    - a. Initial 15-day permit - \$800
    - b. Each additional 15-day permit - \$400
  - (2) Seismic weight - drooping, vibrator, and dinoseis operations per mile:
    - a. Initial 15-day permit - \$600
    - b. Each additional 15-day permit - \$300
  - (3) Single shot (reflection or refraction) per shot hole - \$125
  - (4) Gravity meter and magnetometer survey operations, per crew, per day - \$150
  - (5) Velocity survey, per hole - \$500

- b. Experimental work - negotiable. Permittees shall be obligated to fully repair or compensate TTUHSCEP for damage to or destruction of streets, utility systems, drainage pipes, wells, irrigation systems, fixtures, other property, other land improvements and structures located under, on and above the surface of TTUHSCEP lands. Further, the permittee shall be obligated to indemnify and hold TTUHSCEP harmless from any and all liability resulting from the permittee's operations.
- c. Permittees shall also be obligated to file the following data with TTUHSCEP:
  - (1) Certified map, identified by County, Survey, Block, Section and Permit Number, showing the location of shot holes or station points used in each survey made under this permit, the surface elevation of said shot holes or station points, the depth of each hole drilled, the water sands encountered, and an estimate of the amount of water, if any, in each hole. This shall be filed with the Texas Tech University System, Office of Vice Chancellor, Facilities Planning and Construction, with a copy to TTUHSCEP, Office of the Chief Financial Officer (CFO), and the TTUHSCEP MDF&S or designee, within 30 days after the expiration date of a permit.
  - (2) Certified plat, identified by County, Survey, Block, Section and Permit Number, for each horizon investigated under this permit which shows the location of each hole and station point used in the survey, together with the corrected or adjusted instrument readings recorded for each station point, and contoured so as to correctly present Permittee's interpretation of the geological conditions of the land. This shall be filed with the Texas Tech University System, Office of Vice Chancellor, Facilities Planning and Construction, with a copy to TTUHSCEP, Office of the CFO, and the TTUHSCEP MDF&S, within 90 days after the expiration date of a permit, and this information will be held strictly confidential by TTUHSCEP.
- d. The President is authorized to approve and grant permits for geophysical surveys. A report of all permits granted will be made at the next regular meeting of the Finance and Administration Committee of the Board of Regents.