

## CHAPTER 13

## USE OF UNIVERSITY-OWNED FACILITIES

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§20-13-1 Purpose. The University of Hawaii is a multi-campus system of post-secondary education conducting education, research, and public service programs for the State, the nation and the world community. The responsibility of the board of regents to operate and maintain an effective and efficient university system dedicated to these pursuits requires that the facilities of the various component institutions be regulated to insure the uninterrupted conduct of their affairs. This chapter establishes guidelines for the short-term occasional use of facilities under the control of the board of regents and delegates authority to adopt practices and procedures, as appropriate, for implementation. [Eff. AUG 26 1982] (Auth: HRS §§304-2, 304-4) (Imp: HRS §§304-2, 304-4)

§20-13-2 Delegation of authority. The board delegates its authority to promulgate practices and procedures governing the use of university owned or operated facilities in accordance with this chapter to the president. The president may delegate so much of this responsibility to the chief executive officers of the institutions within the University of Hawaii system as the president deems to be within the best interest of the university. [Eff. AUG 26 1982] (Auth: HRS §§304-2, 304-4) (Imp: HRS §§304-2, 304-4)

§20-13-3 Statement of policy. The University of Hawaii is committed to furthering the educational development of the university community. In this regard, the university recognizes the importance of a wide range of student, faculty, and staff activities.

This does not mean that the university endorses the philosophy or views of the organizations or individuals conducting or participating in those activities.

[Eff. AUG 26 1982] (Auth: HRS §§304-2, 304-4) (Imp: HRS §§304-2, 304-4)

§20-13-4 Use by university-affiliated organizations. Registered student, faculty, or staff organizations and other university-affiliated organizations may use an institution's buildings or grounds or both in compliance with reasonable and nondiscriminatory institutional policies that shall specify the procedures under which those organizations may reserve the institution's buildings or grounds, or both, for their use. [Eff. AUG 26 1982] (Auth: HRS §§304-2, 304-4) (Imp: HRS §§304-2, 304-4)

§20-13-5 Use by organizations without university affiliation. (a) The university, as a public institution, is not in competition with other institutions or commercial enterprises in the rental of facilities. There are circumstances, however, in which the nature of the activity is particularly appropriate to a campus facility. In these cases, the university may enter into rental agreements with organizations without university affiliation. Use of university grounds and physical facilities by such organizations shall be subject to this chapter.

(b) Organizations without university affiliation which intend to operate charitable, civic, community, cultural, or educational activities on a not-for-profit basis and whose activities are appropriate for designated university owned facilities may use the designated facilities where the use does not infringe upon, delay, or conflict with the normal operation of the university's campuses.

(c) The availability of the institution's facilities for functions other than the institution's own activities shall be strictly subject to the needs and the convenience of the institution, which is always to have priority in the scheduling of facilities. In the event of conflicting demands for use of the institution's facilities by organizations without university affiliation, scheduling priority shall be given to those activities which further university purposes.

(d) Organizations without university affiliation authorized to use university-owned or operated facilities shall be required to:

- (1) Observe established university and campus rules and policies.
- (2) Indemnify, defend, and hold harmless the university and the State of Hawaii from any liability arising out of the actions of the organization or its agents incidental to the use of the facilities by the organization.
- (3) Reimburse the university for any damage (beyond normal wear and tear) to the facilities resulting from their use.
- (4) Compensate the university according to the terms provided in the agreement for use of university owned facilities.
- (5) Provide evidence of appropriate and adequate insurance protection covering property damage, personal injury, or death arising out of the use of university owned facilities. The president or a designee may waive this requirement upon an adequate showing of responsibility by the organization.  
 [Eff. AUG 26 1982] (Auth: HRS §§304-2, 304-4)  
 (Imp: HRS §§304-2, 304-4)

§20-13-6 Speech and assembly. (a) The president or a designee shall designate one or more appropriate public forum areas on campus where individuals may assemble and engage in public speech activities.

(b) Individuals utilizing a designated public forum area on campus must comply with university and campus rules and policies.

(c) When a location other than a designated public forum area is utilized for public speech activities, the practices and procedures governing the time, place, and manner of such activities to be established shall be observed. [Eff. AUG 26 1982] (Auth: HRS §§304-2, 304-4) (Imp: HRS §§304-2, 304-4)

§20-13-7 Solicitation. (a) No solicitation shall be conducted in any building, structure, facility, or on any grounds, sidewalks, or streets on the campus of any institution.

(b) The following activities shall not be deemed solicitations prohibited by this section:

- (1) Sale or offer for sale of any newspaper, magazine, or other publications by means of a vending machine in an area designated by the institution, or the sale or offer for sale of such materials by individuals which is conducted in compliance with the practices and

- procedures governing the time, place, and manner of such activities to be established.
- (2) Sale or offer for sale of any food or drink items by means of a vending machine operated by the institution or its subcontractor in an area designated by the institution.
  - (3) The operation by the institution or its subcontractor of any bookstore, specialty store, laundry, cafeteria, bank, barber shop, or other service facility maintained for the convenience of the students, faculty or staff.
  - (4) The collection of tuition, fees, and charges in connection with the operation of the institution.
  - (5) The collection of membership fees or dues by registered student, faculty or staff organizations.
  - (6) The collection of admission fees for the exhibition of movies, speakers, or other programs that are conducted or sponsored by the institution, or a registered student, faculty or staff organization.
  - (7) Fundraising activities sponsored by and intended to support a registered student, faculty, or staff organization or other university affiliated organizations.
  - (8) Fundraising activities sponsored or co-sponsored by the institution.
  - (9) The sale or offer for sale of any publication of the institution or of any book or other printed material to be used in the regular academic work of the institution.
  - (10) The sale of goods or services, admission charges, fees, or other solicitation of funds in conjunction with an activity authorized under §20-13-5 when it is established to the satisfaction of the institution that the proceeds therefrom are to be used exclusively to defray the expenses of conducting that activity.

(c) The president may except other forms of solicitation from section 20-13-7(a) if the president determines this to be in the best interest of the university. [Eff. AUG 26 1982] (Auth: HRS §§304-2, 304-4) (Imp: HRS §§304-2, 304-4)

§20-13-8 Other uses. The president or a designee shall establish practices and procedures for uses of university owned or operated facilities not covered by this chapter. [Eff. AUG 26 1982] (Auth: HRS §§304-2, 304-4) (Imp: HRS §§304-2, 304-4)

§20-13-9 Severability. If any provision of this rule, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are severable.

