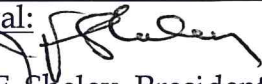


<u>Subject:</u> University Facility Use Policy	<u>Department Name:</u> Business & Finance	<u>Approval:</u>  Joseph F. Sheley, President <u>Date:</u> 6/18/15
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## I. PURPOSE

The purpose of this policy is to establish criteria and standards to be used in scheduling the use of facilities of California State University, Stanislaus. This policy includes University facility use, event ownership and special events such as filming, concerts and other performances.

A. This policy is written to accomplish the following:

1. Ensure safe and efficient use of University facilities;
2. Ensure the safety of the University community and visitors;
3. Protect the academic and business activities of the University; and
4. Meet legal and regulatory requirements.

## II. AUTHORITY

- A. The Board of Trustees of the California State University (CSU) has delegated to the President the authority and responsibility for the use of campus buildings and grounds.
- B. The California Constitution, Article 16, Section 6 prohibits making gifts of any public resources. Commensurate value must be received whenever state resources are used including personnel, equipment, materials, supplies and facilities.
- C. CSU systemwide policy (ICSUAM 13680.00) provides that only the President or the President's designee(s) may authorize a campus activity or program.
- D. CSU systemwide policy (ICSUAM 13680.00) requires that accountability and responsibility for campus activities and programs are clearly established and that related receipts are appropriately managed and controlled in University or CSU auxiliary organization accounts.
- E. CSU systemwide policy (ICSUAM 3552.01) requires the President to ensure that costs incurred by the CSU operating fund for services, products, and facilities provided to CSU enterprise programs/ activities/ funds, auxiliary organizations and entities external to the university are properly and consistently recovered with cash and/ or a documented exchange of value.
- F. This policy complies with the following:
  1. ICSUAM 3552.01, Cost Allocation / Reimbursement Plans for the CSU Operating Fund;
  2. ICSUAM 13680.00, Placement and Control of Receipts for Campus Activities and Programs;
  3. EO 1000, Delegation of Fiscal Authority and Responsibility;
  4. Education Code 89700, authority to require payment for use of facilities (licensed use);

5. Education Code 89721, CFO authority to deposit license revenue in appropriate accounts.

### III. SCOPE

- A. This policy applies to all University units, guests, contractors and non-University users of University facilities.
- B. This policy recognizes existing contracts and agreements with auxiliaries.

### IV. DEFINITIONS

- A. **Academic Instruction:** Courses offered by the University that upon completion are applicable to obtaining an identified academic degree, credential or certificate.
- B. **Approved University Events:** Events or activities not directly related to academic instruction, but utilizing University facilities that are primarily organized by a University unit and are approved by the President or President's designee(s), generally through the facility scheduling process. This does not include routine activities such as club organization meetings, study groups, and other low risk informal gatherings involving members of the university community
- C. **Auxiliary:** An incorporated entity that has been established and organized by the CSU pursuant to the California Education Code, Division 8, Part 55, Chapter 7, Section 89900 et seq. and pursuant to the California Code of Regulations, Title 5, Division 5, Subchapter 6.
- D. **Campus Activities and Programs:** Functions, proceedings, projects, services, and tasks important to the academic and campus life experience offered to students and employees. This definition is taken from ICSUAM 13680.00 and is used in the context of financial practices and event ownership and accountability. University events and activities contemplated in this policy fall within the definition of Campus Activities and Programs and are subject to ICSUAM 13680.00.
- E. **Chartered Student Organizations:** Student organizations chartered in good standing with the Student Leadership and Development (SLD) Office, including clubs, fraternities, sororities, coordinating councils, academic associations and student associations. Student organization names appear on the roster of active, student organizations published and maintained by the SLD Office.
- F. **Chief Financial Officer (CFO):** CSU Stanislaus Vice President for Business and Finance.
- G. **Co-Sponsored Event:** An event sponsored by a University unit in conjunction with a non-University group. Co-sponsorship may afford university affiliation benefits to the co-sponsored events such as priority in the use of facilities and fees and charges. University units that co-sponsor events assume responsibility for the co-sponsored event and serve as the primary contact for the event.
- H. **Event Ownership:** Term used to describe the University unit that will be held accountable and responsible for a particular campus activity or program, including



approved University events, as determined by the President or President's designee(s).

1. The assumption of fiscal liabilities and fiduciary responsibilities comes with event ownership. Indications of an assumption of ownership include, but are not limited to:
    - a. Authority and discretion to recommend contract for services or materials required by an activity or program (e.g. contract for the use of hotel conference space or to procure scientific equipment);
    - b. Responsibility for business losses or for bearing excess costs when insufficient funds are collected in connection with commercial and non-commercial activities or programs;
    - c. Acceptance of legal liability as an event owner being both in charge and accountable for an activity or program;
    - d. Acceptance of fiduciary obligations (beyond those associated with an agency relationship) associated with an activity or program;
    - e. Responsibility for the establishment of operating and administrative policies governing an activity or program; or
    - f. Primary control or discretion over the expenditure of funds related to a program or activity.
  2. A determination of ownership of a activity or program is not necessarily evidenced by which unit:
    - a. Employs individuals granted signatory authority related to an activity (e.g., authorized to sign a letter or other related documents on behalf of the accountable and responsible unit);
    - b. Owns the facility where the activity occurs;
    - c. Has been granted a limited authority to request an expenditure;
    - d. Has academic or similar programmatic control over an activity (e.g. a University program's oversight of studies related to dairy cows does not require ownership of the dairy cows maintained for study).
- I. **Third-Party Event:** Event or activity using University facilities that is either primarily organized by or for the benefit of an entity external to the University.
- J. **University:** California State University, Stanislaus.
- K. **University Unit:** Any unit of the University, including departments, offices, chartered student organizations, auxiliaries, or individual students, staff, faculty members, and administrators.
- L. **University Facilities:** Includes all spaces under the jurisdiction of the University, including the grounds, parking lots, outdoor venues, and buildings, whether owned, leased, and/or operated by the University, auxiliaries or self-support units, whether on the campus itself, at the Stockton Center, or at other locations.

## V. POLICY

### A. Compatibility with the Mission of the University

1. The University President or the President's designee(s) has the authority to decide whether a proposed use of University facilities is in accordance with the mission of the University.

2. Any request by a non-University entity, group or individual to lease space for an instructional program must be approved by the Provost and the Vice President for Business and Finance.

**B. Use of the University Name**

1. The right to use University facilities does not confer the right to use the University name, identity marks, or brand, nor does it imply University sponsorship or endorsement of an event. All agreements for use of University facilities shall include terms to ensure that the University name, identity marks, and brand are protected. University's Office of Communications and Public Affairs is responsible for the proper use of the University name, identity marks, or brand in brochures and publications or similar printed materials.

**C. Protection of Instructional Mission of the University**

1. The primary use of University facilities shall be for academic instruction.
2. Approved University, co-sponsored and third-party events will not ordinarily displace scheduled classes. If there are exceptional circumstances, event planners must secure the permission of the Dean, notify the course instructor and make arrangements in advance to reschedule the class meeting to an alternate location that provides adequate space and facilities to conduct the class.
3. Access to classrooms and other instructional space shall not be impeded (e.g., the entrance shall not be blocked).
4. Regulations of sound are designed to protect the academic and business activities of the University. Sound and volume are regulated by the University's policy on Amplified Sound.
5. When it is necessary to block off a substantial portion of parking spaces for use by visitors when classes are in session, appropriate notice shall be given in advance to the campus community that space in the parking lot will not be available. At no time shall such a large part of the parking spaces be committed that students, staff or faculty are unduly inconvenienced in getting to classes or workplaces.

**D. Facility Scheduling Coordination and Event Approval**

1. The President may designate the responsibility for coordinating facility scheduling for all purposes.
2. The approval of University, co-sponsored and third-party events by the President or President's designee(s) is coordinated through the facility scheduling process. The approval of other campus activities and programs that do not require facility scheduling is coordinated through the office of the Vice President who oversees the unit planning the activity or program.

**E. Event Ownership**

1. The President or President's designee(s) will determine which University unit will assume event ownership over approved University events, other campus activities and programs, and co-sponsored events. Event ownership includes acceptance of both risk and reward associated with the event. The University unit and non-University entity share the associated responsibilities for co-sponsored events.



2. A University authority designated by the CFO will identify fiscal liabilities, fiduciary responsibilities and other risks associated with a campus activity or program and determine requirements to manage them.
3. The Division of Business and Finance will ensure that appropriate accounting procedures have been established to meet legal or other restrictions.
4. Event owners are responsible for ensuring that University facilities are used in accordance with University policies and procedures, the event contract, and all state and local laws and regulations.  
At least one event owner is required to be present at the event at all times, be in charge and accountable for all activities related to the event, and ensure that the University facility is vacated and secured at the end of the event.
5. The University Student Union and the Associated Students Inc. have accepted the responsibility and liability for use of facilities within the University Student Union and applicable events provided by both organizations.

#### **F. Fees and Charges**

1. Facility use fees apply to all reservations for enterprise programs/ activities/ funds, auxiliary events, co-sponsored events and third-party events, as determined by the President or President's designee(s), unless a waiver or reduction is approved.
2. Under circumstances where it is demonstrably in the best interest of the University and there is a documented fair exchange of value, the President or President's designee(s) may reasonably reduce or waive the facility use fee. The application requirements for the reduction or waiver of a facility use fee are outlined in the *Facility Use Procedural Guidelines*. Other University units may not negotiate the reduction or waiver of facility use fees.
3. Facility use fees are required to fully recover the University's costs. A fee schedule is approved each year by the President or President's designee(s).
3. Allowable direct costs incurred by the CSU operating fund for facility use are recovered based on actual costs incurred. Allowable indirect costs are recovered according to a cost allocation/ reimbursement plan that utilizes a documented methodology for the identification of indirect costs. Indirect costs allocated may be independent of those recovered from external grants and contracts.
4. The prepayment of all facility use fees and security and/or reservation deposits may be required.
5. Facility use fees, deposits, and service charges will not be refunded if the event is prematurely ended due to a violation of rules, regulations, or for security reasons.
6. Operational fees (e.g., facilities work orders) shall apply to requested services (e.g., custodial services, set-up of equipment).
7. Maintenance, upkeep and repair fees will be assessed to co-sponsored and third-party events held in the Faculty Development Center, Student Recreation Complex, Snider Music Hall and any Athletic Facilities. Funds from such fees will be deposited to repair and/or replace facilities and equipment in accordance with an approved expenditure plan. These fees may be adjusted by the President or President's designee(s) for approved University events.

#### **G. Co-Sponsored Events**

1. Co-Sponsorship may be appropriate when there is a clear connection with, or contribution to, the University.

2. Approval of requests for co-sponsorship by University units resides with the President or President's designee(s).
3. Any University unit that co-sponsors an event will become the primary campus contact and will be responsible for full compliance with campus procedures for event planning, contact with campus service providers, any related liabilities, insurance and costs associated with the event.
4. The mission of the co-sponsoring University unit must be enhanced by the co-sponsored event.
5. In instances where either party of the co-sponsored event stands to make a profit, the *Facility Use Fee Waiver* will not be permitted.

#### **H. External Sponsorships**

1. All external sponsorships, promotions and advertisements for approved University, co-sponsored and third-party events held at University facilities are subject to the approval of the President or President's designee(s).

#### **I. Security**

1. The University Police provide oversight of many events utilizing University facilities and are required to oversee all events where alcohol is served.
2. The University Police will provide support to university personnel managing events and are charged with enforcing any portion of this policy and/or contractual agreements.
3. The University Police have the authority to take appropriate actions at events when it is determined that the welfare and/or safety of participants are at immediate risk of serious injury, death or there is risk of significant property damage.

#### **J. Risk Management and Insurance**

1. The University has the authority to refuse use of University facilities for events that would pose an unacceptable level of risk to people or property.
2. The use of University facilities requires general liability and property damage insurance in the appropriate amount for the event as determined by the University risk manager against any liability to the public, incidental to the use of or resulting from, or any accident occurring on or near University premises.
3. If an outside vendor or entity is using University facilities for any purpose, including providing a contracted service, it must comply with insurance requirements mandated by the CSU and CSU Stanislaus. A list of current requirements may be obtained from the University's risk manager.

#### **K. Parking**

1. Parking guidelines will be operative at all times for all campus users and events.

#### **L. Catering Services**

1. The contracted campus caterer has exclusive rights to provide food and beverage service for events at all University facilities at the Turlock campus (see the *Campus Food Policy*).
2. All Federal, State, local, and University restrictions governing the sale, consumption and/or serving of alcohol shall be enforced.



**M. Other Facility Use Restrictions**

1. All University facilities shall be used in accordance with University policy, Federal, State, and local laws, and shall not be used for the purpose of organizing or carrying out unlawful activities.
2. All uses of University facilities are subject to University and CSU policies pertaining to minors on campus. Non-compliance as deemed by the President or the President's designee(s) will result in a revocation of facility reservation and loss of costs incurred by the University for services or supplies up to the date of revocation.
3. Any modifications to University facilities or property (e.g. painting, fastening anything to interior or exterior walls) must be specifically and individually approved by the Vice President for Business & Finance or designee(s).
4. Use of University facilities for personal gain, whether for profit or not, is prohibited except when a rental agreement is in place.
5. Event reservations and contracts may be interrupted, rescheduled or terminated for emergency purposes, as determined by the President or the President's designee(s).

**N. Building Occupancy**

1. To preserve the safe and orderly operation of University buildings, they shall normally be closed daily between the hours of 12:30 a.m. and 5:30 a.m. It is expected that University buildings will be unoccupied during these hours except for faculty related activities or official University business. At no time should students be present in University buildings unsupervised by either staff, faculty or administrators (such as a faculty advisor, a staff member or the University Police) between the hours of 12:30 a.m. and 5:30 a.m.).
2. The University reserves the right to close University buildings and other facilities and vacate them at any time if there are safety or risk management concerns.

**O. Exceptions.** Exceptions to this policy, including the Filming for Commercial Use and Concerts and Performance Events provisions, may be made by the President or President's designee(s) for cause.

**VI. FILMING FOR COMMERCIAL USE POLICY****A. Approval and Compliance**

1. Filming for the production of commercial uses (e.g. films, music videos, documentaries, television and internet advertisements), whether for profit or not, is subject to the approval of the President or President's designee(s) (filming for personal or University instructional use does not require this approval).
2. This requirement is to ensure that filming is conducted in a manner that protects the health and safety of University community members and visitors (including the filming participants); avoids interference with University instructional and business operations and with other scheduled activities; protects University facilities and property; and complies with University, CSU system, state and contractual requirements for the use of University facilities.

3. Commercial filming uses and approval will be in accordance with this and other University and CSU system policies, guidelines and contracts, and state laws and regulations.
4. Conditions and restrictions may be placed on the commercial filming use.
5. Any modifications to University facilities or property (e.g. painting, fastening anything to interior or exterior walls) must be specifically and individually approved by the Vice President for Business & Finance or designee(s).
6. Commercial filming uses are subject to University fees and charges as generally described in Section V.F., except that there will be a separate schedule of facility use fees for filming uses given that filming uses may have broader impacts to the University (such as additional planning and compliance needs).
7. The University reserves the right to inspect the filming premises at any or all times to ensure compliance.

## VII. CONCERTS AND PERFORMANCE EVENTS POLICY

### A. Concert/Performance Approval Criteria

Each non-University concert or performance event will be evaluated based upon a set of criteria, including but not limited to the following:

1. A deposit will be required to hold the requested date (it will be refunded if event approval is denied).
2. Satisfactory references must be provided for a minimum of three past events.
3. A fully executed *Facility Rental Agreement* must be in place no later than 120 days prior to the concert/ event date.
4. A *Special Event Safety Plan* must be submitted and approved by Safety and Risk Management no later than 120 days prior to the concert/ event date.
5. An agreement must be in place to conform to noise regulations (see Section VI.B).
6. Evidence of the ability to provide or be approved for event insurance according to University insurance requirements.
7. All concert and performance event signage and placement must be pre-approved by the University and must conform to the *University Posting Policy*.

### B. Noise Regulations

1. All users of any University facilities must comply with the *City of Turlock Municipal Code*, including Section 9-2 (300 series) regarding noise limits, and the University's Amplified Sound Policy.
2. Outdoor concerts and events may not exceed 70 decibels, measuring both dBA and dBC, at the sound monitoring sites. Lower level reverberating sounds must be within acceptable levels.
3. Safety and risk management may conduct random sound monitoring during all concert and performance events, and will advise event staff of sound related issues.
4. Concert and performance events staff shall immediately remedy any violations otherwise the concert or performance event may be ended prematurely.

### C. Security

1. The University Police will provide oversight of concert and performance events held on campus and will take intervention measures as appropriate to provide for the protection of participants and attendees as well as appropriate measures for the security of University facilities and grounds. The number and type of



security personnel required for each concert/ event will be determined by the University police.

2. The University police will provide support to University personnel managing the concert or performance event and are charged with enforcing any portion of this policy and/or contractual agreements.
3. The University police have the authority to end a concert or performance event prematurely when it is determined that to continue the concert or performance event would place the welfare and/or safety of spectators, performers, or other persons at immediate risk of serious injury, death or presents the risk of significant property damage. The senior officer on duty shall take into account all circumstances and whenever possible notify the Chief or Lieutenant prior to taking action. However, notification is not necessary when an imminent threat exists and further delay would jeopardize health and/or safety.

#### **D. Merchandise**

1. All merchandise to be sold at a concert or performance event must be pre-approved by the President or President's designee(s). The concert or performance event contract will stipulate the merchandise to be sold, sale locations, and participation by the University in sales proceeds.

### **VIII. PRIORITY IN THE USE OF FACILITIES**

Priority for the use of University facilities will follow the priorities identified below. Conflicting events that have equal priority will be adjudicated by the President or President's designee(s).

#### **A. Ordinarily Priority for the Use of University Facilities is as follows:**

1. Academic instructional uses;
2. Approved University events;
3. Co-sponsored or third-party events involving chartered student organizations;
4. Co-sponsored events;
5. Third-party events;
6. Main Dining.

#### **B. Ordinarily Priority for the Use of Faculty Development Center is as follows:**

1. CSU Stanislaus Faculty Development functions;
2. Academic Senate functions;
3. Approved University events;
4. Co-sponsored or third-party events involving chartered student organizations;
5. Co-sponsored events;
6. Third-party events.

#### **C. Ordinarily Priority for the Use of University Athletic Facilities is as follows:**

1. Academic instructional uses;
2. Intercollegiate athletic practice, game or match;
3. Intramural competitions;
4. Approved University events;
5. Co-sponsored or third-party events involving chartered student organizations;
6. Co-sponsored events;
7. Third-party events.

**D. Ordinarily Priority for the Use of University Music/Theatre/Art Performance and Exhibition Facilities is as follows:**

1. Academic instructional uses;
2. Approved University events;
3. Co-sponsored or third-party events involving chartered student organizations;
4. Co-sponsored events;
5. Third-party events.

**E. Ordinarily Priority for the Use of University Student Union Facilities is as follows;**

1. Associated Students Inc./ University Student Union staff and volunteers;
2. Approved University, co-sponsored or third-party events involving chartered student organizations;
3. General student requests;
4. Approved University events;
5. Student, staff and faculty private use;
6. Co-sponsored events;
7. Third-party events.

**F. Ordinary Priority for the Use of University Main and South Dining is as follow:**

1. Dining Services for the sale of food and refreshments required by the students, staff, faculty and guests of the California State University Stanislaus;
2. Approved University events;
3. Co-sponsored or third-party events involving chartered student organizations;
4. Co-sponsored events;
5. Third party events.

**G. Ordinarily Priority for the Use of Student Recreation Complex Facilities is as follows:**

1. Priority use of space for the Student Recreation Complex is listed in its Policy and Procedure Manual.

**IX. CORRESPONDING UNIVERSITY POLICIES AND GUIDELINES INCLUDE:**

Facility Use Procedures and Guidelines  
Cash Management Procedures  
Parking Guidelines  
Campus Food Policy  
The Sale, Consumption, and Possession of Alcoholic Beverages  
Posting  
Amplified Sound Policy  
University Student Union Facility Use Policy