

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Use of University Facilities

Policy Number: 16.33

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: President, Vice President for Finance and Administration, Vice President for Student Affairs, Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy provides guidelines for the use of university facilities by individuals and groups, outlines the process for reserving facilities, and establishes financial policies relating to facility usage.

Reason for the addition, revision, or deletion (check all that apply):

- Scheduled Review Change in law Response to audit finding
 Internal Review Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy: N/A

Specific rationale for each substantive revision: Significant revision by Student Affairs and Financial Affairs to clarify point-of-contacts for authorization to use facilities. Also, clarified hearing procedure for those individuals/groups suspended from using facilities. Academic Affairs made minor edits.

Specific rationale for deletion of policy: N/A

Additional Comments:

Wording changes, minor additional revisions

Reviewers:

Academic Affairs Policy Committee
Student Affairs Policy Committee

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Office of the General Counsel

Lorenzo Smith, Provost and Executive Vice President for Academic Affairs

Brandon Frye, Vice President of Student Affairs

Gina Oglesbee, Vice President for Finance and Administration

Damon Derrick, General Counsel

Use of University Facilities

Original Implementation: April 11, 1980

Last Revision: ~~July 23, 2019~~ January 30, 2023

Purpose

This policy provides guidelines for the use of university facilities by individuals and groups, outlines the process for reserving facilities, and establishes financial policies relating to facility usage.

Definitions

The following definitions will be utilized for the purpose of this policy:

———~~Student - is defined as~~ a person who is currently enrolled for academic instruction or research at the university.

———~~Campus - is defined as~~ all real property over which the university has possession and control by law.

———~~University group - is defined as~~ a registered student organization, other student group, or faculty ~~and~~ or staff group. No group shall be considered a university group if it includes a person who is not a student, faculty member, or employee of the university unless that person is a member of the immediate family of a student, faculty member, or employee of the university.

———~~Outside group - is defined as~~ any organization or group that is not included within the term university group.

“~~Outside individual~~” - ~~is defined as~~ any individual that is not a student, faculty member, or employee of the university, and a student, faculty member, or employee of the university not acting within the scope of their employment.

———~~Sponsoring organization - will mean~~ a university group that vouches for an outside group's use of a university facility.

———~~University official - is defined as~~ a person charged with the responsibility for supervising the use of a university facility.

———~~University agency - is defined as~~ an academic unit, college, or program, or a university council, committee or auxiliary enterprise.

General

All university facilities will be used only in the pursuit of the stated objectives of the university - academic, cultural, and public service. While academic space exists primarily for academic instruction, individuals and groups may utilize available academic space in accordance with this policy. –Groups not affiliated with the university may be granted use of university facilities according to the general policies provided herein and an agreement to adhere to the specific rules and procedures governing the use of the individual facilities.

It is the responsibility of the user to become acquainted with and abide by these specific rules.

Priorities and Limitations for Use of University Facilities

All activities associated with the mission of the university will have priority regarding the use of university facilities. University agencies/groups and individuals engaged in the educational mission of the university may use university facilities in accordance with federal, state, and local laws, as well as the rules and regulations of the university.

Priority for the use of university facilities will go first to the students and second to the faculty and staff. Exceptions to this rule may be made in certain instances by the university administration.

Outside groups sponsored by a university agency conducting an activity that is within the university agency's established role and scope may be allowed the use of university facilities. Outside individuals and/or groups without a sponsor may be permitted to use the facilities of the *Baker Pattillo Student Center*, subject to all other appropriate guidelines contained in this policy.

Reservations and Use by University Groups/Agencies

Application for use of university facilities by university groups/agencies will be made to the appropriate university official as follows:

Facility	Appropriate University Official
Academic facilities	Academic Deans with jurisdiction over that the space
<i>Baker Pattillo Student Center</i>	Director, <i>Baker Pattillo Student Center</i>
Residence halls	Director, Residence Life
Library carrels and seminar rooms	Director, University Library
Johnson Coliseum and Homer Bryce Stadium Athletic Facilities	<i>Associate Athletics Director for Business Affairs</i> Coordinator of Athletic

Health and Physical Education Complex	Chair, Department of Kinesiology, or Director, Campus Recreation; as outlined in Policy 16.18, Norton HPE Complex
Student Recreation Center, intramural fields and other outside recreational facilities	Director, Campus Recreation
<i>All other facilities</i>	<i>Vice President for Finance and Administration</i>

Fees for Use: Fees for use by university groups are established at rates which will, at a minimum, ensure recovery of the operating cost of the facility that is attributable directly or indirectly to such use, including but not limited to the proposed facility and expected size of the audience, anticipated need for campus security, any necessary accommodations, and relevant history of compliance or noncompliance with university policies and procedures. Such fees may differ from the fee charged to an outside group. The current fee schedule will be available from the appropriate university official. An advance deposit (specified in the fee schedule) may be required for reservations for an event conducted by an outside group.

Income: Excess income over expenses, including the fee for use of the facility derived from an event sponsored by a university agency/group, may be retained by the university agency/group to further its activities and programs. Excess expenses over income of an event will be absorbed by the sponsoring university agency/group.

Reservations and Use by Outside Individuals and/or Groups

Application for use of university facilities by outside individuals and/or groups will be submitted to the *appropriate university official as stated above.* ~~vice president for finance and administration, except for the coliseum, stadium, student recreation center, and student center, which will be submitted to the individual indicated above.~~

Usage: The university may establish additional procedures and/or policies for the reservation and use of each university facility. Consumption of food or beverages in ~~SEA~~-*university* academic buildings is permitted subject to the approval of the appropriate dean or designee, provided such permission does not conflict with other policies or applicable laws.

Identification of Sponsor: The user may not assign or delegate any control or responsibility to any other user or co-sponsor, agent, or third party without prior written approval of the appropriate university official. All users or co-sponsors of an event must be clearly identified prior to confirmation of a

reservation. Reservations for one event may not be modified for a different event without written approval by the appropriate university official.

Fees for Use: Fees for use by outside individuals and/or groups are established at rates which will, at a minimum, ensure recovery of the operating cost of the facility that is attributable directly or indirectly to such use, including but not limited to the proposed facility and expected size of the audience, anticipated need for campus security, any necessary accommodations, and relevant history of compliance or noncompliance with university policies and procedures. The current fee schedule will be available from the appropriate university official. An advance deposit (specified in the fee schedule) may be required for reservations for an event conducted by an outside group.

Income: If an outside individual and/or group (other than a public entity or summer camp) using a university facility charges those attending an event any admission or registration fee, or accepts donations from those in attendance, a complete accounting of all funds collected and of the actual cost of the event must be submitted upon request to the vice president for finance and administration within (30) days after the event. If the funds collected exceed the actual cost of the event, the user is required to remit such excess funds to Stephen F. Austin State University as an additional charge for use of the facility. The university reserves the right to audit all records pertaining to income and expenses, to prescribe methods of collection, and to participate in audits of funds at the point of receipt. Additional cost of maintenance and services, including standbys, custodial services, and utilities will be considered an expense of the event.

Bond and insurance: Outside individuals and/or groups using a university facility may be required to provide a contract performance bond as well as evidence of appropriate levels of liability insurance in amounts and under policies satisfactory to the vice president for finance and administration. Copies of such policies will be furnished to the vice president for finance and administration no later than thirty (30) days prior to the event and in all cases prior to announcement of the event.

Financial Policies Applicable to All Users

Payment for damages: All users and sponsors will be responsible for payment for damages to the university facility, its fixtures, and equipment, whether caused by the user or its patrons, with the exception of ordinary wear and tear.

Broadcast and recording rights: The university reserves all rights and privileges for radio and television broadcasts, whether live or transcribed for delayed transmission, and all visual or audio recordings originating from the university facility. Should the university grant to the user such privilege, the university has the right to require advance payment of any estimated related costs to the university, such as installation of equipment. Such permission must be granted in writing by the university president in advance of broadcast or recording.

General Policies Applicable to All Users

Any proposed use of a university facility must be appropriate and suited to the size, structure, purpose and operating costs of the facility. There must be good reason to expect that a proposed event will require features unique to the facility or which are otherwise unavailable in the community. All proposed events must be conducted in accordance with applicable state and federal laws and regulations, as well as the rules, regulations and policies of the university ~~Board of Regents~~. Users must demonstrate, to the satisfaction of the appropriate university official, that they have the staff, experience, contracting authority, financial status and other qualifications necessary for carrying out the proposed events in a satisfactory manner.

Review of contracts: All contracts related to the presentation of an event, including contracts between user and performers, speakers, sub-contractors, managers, and others, are subject to review and approval by the *office of the* general counsel and the appropriate vice president *or president's cabinet member*.

Hazards: If the university, in its sole discretion, determines that a proposed event poses a potential hazard to public safety, the event may be canceled or denied. No user may install or operate any equipment, fixture or device, nor operate or permit to be operated any engine, motor or other machinery, or use gas, electricity or flammable substances in the facility except with prior written approval of the appropriate university official, and then under such conditions and restrictions as the university official may specify. All electrical connections must be made by university personnel under direction of the staff of the appropriate university official and all house equipment must be operated by university personnel. No equipment, device or fixture may be used which, in the opinion of the university official, endangers the structural integrity of the facility.

Conflict with university activities: An event will not be permitted for any purpose which, although in accordance with the general purposes of the university, is of such character or occurs at such circumstances that they are likely to interfere or cause major conflict with any university activity, program or event, or are inimical to the interests of the university.

Management functions: Management functions are retained by the university and may be delegated to users or others only with the written permission of the appropriate vice president *or president's cabinet member*. The functions include, but are not limited to, all facets of ticketing and ticket policies, including scaling, acquisition, distribution, and sale; and all matters of staffing, crowd control, technical arrangements, promotions, and advertising.

Concessions and catering: Use of the university facility does not carry the right for the user to control

concessions. Sale and distribution of food, beverages, souvenirs, or other concession items are reserved for the university or its concessionaires.

Signs and displays: No signs, messages or other materials may be posted, displayed, distributed or announced in, on or adjacent to, the university facility by user or sponsor without prior written approval of the university official. Such materials may not be fastened to any part of the facility except in spaces provided for this purpose and may not be permitted to interfere with crowd movement and safety.

Religious organizations (Outside Group): A religious organization applying for use of a facility must submit written evidence to the appropriate university official from the Internal Revenue Service that the organization has been granted an exemption from taxation under Section 501(c)(3) of Title 26 of the United States code (Internal Revenue Code), and will be permitted to use the facility no more than one (1) time during a calendar year.

Political organizations (Outside Group): A political organization applying for use of the facility must present written evidence to the appropriate university official that the organization had candidates for either national, state, district or local offices listed on the ballot at the last general election, and will be permitted to use the facility no more than one (1) time during a calendar year.

Individual candidates for political office: Individual political candidates and their election organizations are not permitted to reserve a university facility. However, if a candidate is invited by a university group, then he or she may appear in the facility, provided that the group extending the invitation is responsible for reserving the facility and meeting all costs related to the event.

Advertising: All press releases, handbills, advertisements, television and radio announcements, social media or other media utilized to inform the public of a non-university event to be held in a university facility must carry a disclaimer, approved by the *office of the* general counsel, to the effect that use of Stephen F. Austin State University facilities does not imply endorsement of the event or the sponsoring organization by the university.

Amplified Sound: Amplified sound may only be used at indoor campus facilities with prior authorization of the university. Use of these devices is restricted to specific areas. Decibel limits may be imposed on the use of amplified sound at any event. Any event exceeding these sound limits will be first asked to turn the volume down; if the problem persists, the university reserves the right to immediately terminate the event. Use of amplified sound on campus grounds is governed by policy 16.31, Use of Amplified Sound on Campus Grounds.

Penalty and Hearing

Suspension: If a user or sponsor violates the provisions of this policy, or the laws regulating the use of state property, the appropriate university official with the approval of the vice president *or president's cabinet member* to whom he/she reports may suspend the use of university facilities, or certain university facilities, by the user or sponsor for a specified period of time not to exceed one (1) year. Suspension will mean that reservation requests by the user or sponsor will be denied by the university during the specified period of time. *All suspension records will be maintained in the Dean of Students Office as a central location.*

Notice of Suspension: When a university official suspends a user or sponsor from the use of university facilities, the official will notify *in writing* the user or sponsor, ~~in writing and~~ the vice president *or president's cabinet member* responsible for space assignment, *and the Assistant Vice President of Students Affairs/Dean of Students* of the suspension. The written notice will contain all the following:

- a. that the user or sponsor may not use university facilities, or certain designated university facilities, for a specified period of time, not to exceed one (1) year from receipt of the notice;
- b. the name and title of the university official imposing the suspension, along with an address where the university official may be contacted during regular working hours;
- c. a brief statement of the acts or omissions resulting in the suspension; and
- d. notification that the suspended user or sponsor is entitled to a hearing on the suspension.

Request for Hearing: A suspended user or sponsor may submit a written request for a hearing on the suspension to the ~~appropriate university official~~ *Dean of Students Office* within ~~fourteen~~ *ten* (10) ~~business~~ days from the date of receipt by the user or sponsor of the notice of suspension. The ~~university official~~ *Assistant Vice President of Student Affairs/Dean of Students or their designee* will grant a hearing not later than ~~seven~~ *ten* (7) ~~business~~ days from the date of receipt of the request and will immediately mail written notice of the time, place, and date of the hearing to the requester. The hearing will be held before a ~~discipline~~ committee reviewing the suspension in question. *This discipline committee will be three individuals and chaired by the Assistant Vice President of Student Affairs/Dean of Students who will appoint the other members. The suspended user or sponsor will be notified of the discipline committee's decision within three (3) business days of the hearing. There is no right to an appeal.*

Cross Reference: Course Scheduling *and Room Assignment* (4.132); Turner Auditorium (16.30); Norton HPE Complex (16.18); Kennedy Auditorium (16.14); Homer Bryce Stadium and William R. Johnson Coliseum (16.13); ~~Piney Woods Conservation Center (16.21)~~; The Ed and Gwen Cole Art Center and the Griffith Gallery (16.27); Austin Building Conference Rooms (16.5); Academic Facilities for Non-Academic Activities (16.1); Use of Amplified Sound on Campus Grounds (16.31); Tex. Educ. Code § 51.9315

Responsible for Implementation: President, Vice President for Finance and Administration, Vice President for ~~of~~ University-Student Affairs, Provost and *Executive* Vice President for Academic Affairs

Contact for Revision: President

Forms: *Facilities Use Agreement*~~None~~

Board Committee Assignment: Building and Grounds

Revision History: July 23, 2019
January 26, 2016
January 29, 2013
January 25, 2010