

# USE OF COLLEGE FACILITIES AND PROPERTIES

## I. POLICY

Salt Lake Community College facilities, which include all of the real property, including all buildings, grounds, sidewalks, and roads that are owned, controlled, leased, or maintained by the college, are established and maintained primarily for use by college students, faculty, and staff for activities that support the basic college functions of teaching, research and services related to educational, cultural, and recreational activities. Furthermore, since the college's vision is to "strengthen the community it serves" the college permits the surrounding community to use its facilities, when possible, in a responsible manner.

Any person, group or organization seeking to use a college facility must comply with the requirements set forth in its Use of College Facilities and Properties Policy, which have been designed to: 1) preserve the college's interest in an undisturbed learning environment; 2) provide space for activities that support the college's mission; 3) protect the free exchange and diversity of ideas; 4) ensure safety and orderly usage of college facilities; 5) coordinate multiple uses of limited space; 6) ensure preservation of college property; and 7) promote financial accountability for use of college facilities.

## II. REFERENCES

- A. Campus Free Expression Act, Utah Code Ann. §§ 53B-27-201–205.
- B. Adjusted Utah Governmental Immunity Act Limitations on Judgments, Utah Admin. Code r. 37-4.
- C. Revenue-Generating Activities, Utah State Bd. of Regents r. 553.
- D. Providing Facilities, Good and Services in Competition with Private Enterprise, Utah State Bd. of Regents r. 555.
- E. Capital Facilities Space Scheduling and Assignments, Utah State Bd. of Regents r. 751.

## III. DEFINITIONS

- A. College Entity: Any group or person funded by SLCC and covered by the state of Utah Risk Management insurance. For the purposes of this policy, a student organization is considered a college entity.
- B. College Facility: All of the real property, including all buildings, grounds, sidewalks and roads that are owned, controlled, leased, or maintained by the college.
- C. Event Scheduling Office: All scheduling requests will be coordinated through the Event Scheduling Office, which is a part of Scheduling and Academic Support Services. The Event Scheduling Office is responsible for receiving, reviewing, and approving applications to use college Facilities; with the exception of Miller Conference and Event Center, Lifetime Activities Center, and the Grand Theatre.
- D. Fronting: When a college or non-college entity uses a college facility or services under false representation to the Event Scheduling Office that the activity is a partnership event.
- E. Hard Costs: Any costs incurred by the college for a party's use of a college Facility, exclusive of rent, which may include, but is not limited to, costs associated with additional staffing, equipment use, security, traffic control, and waste collection.
- F. Non-College Entity: Any non-SLCC group or person that is not covered by the state of Utah Risk Management Insurance, or receives no operational funding from SLCC.
- G. Partnership: A professional relationship between a college entity and non-college entity. This can include community members or corporate sponsors.
- H. Student Organization: A group of SLCC students who are established and organized for economic, educational, political, religious, social, or other lawful purpose which is registered with, approved by, and complaint pursuant to the college's office of Student Life and Leadership requirements.
- I. Use Agreement: Written contract for the use of college facility requiring a college or non-college entity to comply with contract terms and conditions, this policy and other college policies, procedures and guidelines.

#### **IV. PROCEDURES**

- A. Purpose

1. To provide a space usage policy that sets forth a process for college and non-college entities to request the use of college facilities in order to promote consistency when scheduling, supporting, hosting, billing, and other use conditions for events.
2. This policy applies to the use of all college facilities by college and non-college entities for educational, community, and commercial purposes. This policy does not prohibit the Lifetime Activities Center, Grand Theatre, Miller Conference and Event Center, or other college facilities from establishing site specific rules, procedures, fees and provided services that support their unique function at the college. These site-specific policies and procedures must be approved, in writing, by the appropriate vice president or designee.

## B. Scheduling Priorities

### Prioritization Order

1. The general prioritization order for use of college facilities will be as follows:
  - a. regularly scheduled college courses;
  - b. college student, staff, faculty and administrative functions, events, or meetings that are central to supporting the roles assigned to the college by the state board of regents consistent with its mission that are created or administered by college entities including Salt Lake Community College Student Association (SLCCSA) and registered student organizations;
  - c. governmental entity, non-profit organization, community group, or individual(s) events or meeting; then
  - d. for-profit business sponsored commercial events.

### 2. Prioritization Rules

- a. As a general rule, conflicting use of the same college facility at the same time will be resolved in favor of the first entity to submit a request to the Event Scheduling Office.
- b. The vice president of Student Affairs & Enrollment Management may deviate from this rule if it is determined to be in the best interests of the college after scheduling office staff and the involved parties have attempted, in good faith, to resolve the scheduling conflict.

## C. Scheduling Procedures

### 1. Event Scheduling Office Responsible for Scheduling Use of College Facilities

College and non-college entities must obtain approval of the use of a college facility by submitting an electronic or written request to the Event Scheduling Office.

### 2. Submission of a Request to Use College Facility

- a. College entities must schedule the use of a college facility by using the current online system or by contacting the Event Scheduling Office.
- b. Non-college entities seeking to use a college facility must have the partnering college department submit a completed Facility Scheduling Request Form or contact the Event Scheduling Office.

### 3. Required Information to be Provided in Request

- a. the name of the college or non-college entity (i.e. organization, group or individual) requesting use of a college facility;
- b. the date, time, and duration of the college facility to be used;
- c. the name and location of the preferred college facility to be used;
- d. contact information including name, physical address, phone number, and email address of individual representing college or non-college entity requesting use of the college facility;
- e. a clearly defined description of the intended use, purpose of the event, and intended audience at the requested college facility. This description must include, if applicable, the name of any speaker or speakers and the general topic of an address or presentation;
- f. the estimated number of persons who will attend the event;
- g. whether an admission fee will be charged and, if so, the amount and purpose of this fee; and
- h. any special set-up, teardown, or equipment required for the use of the facility.

The college or non-college entity seeking to use a college facility may be charged for the hard costs associated with any necessary set-up, tear-down, and or equipment provided by the college for use of the facility which exceeds the scope of services identified in the use agreement.

- i. If a non-college entity or partnership group seeks a rental fee discount, it must provide to the Event Scheduling Office, at the time of submission of its application, a copy of the following documentation:
  - (1) If the non-college entity claims to be tax exempt under section 501(c)(3) or 501(c)(6) of the Internal Revenue Code, it must provide a copy of its Internal Revenue Service Determination Letter identifying that it is a 501(c)(3) or 501(c)(6) tax-exempt entity.
  - (2) If a non-college entity is claiming to be a partnership group or entity with the college, written verification or approval of partnership status from an authorized college official must be provided.
- j. Any other necessary information requested by the Event Scheduling Office.

#### D. Time Requirements for Submission and Determination of Requests to Use College Facility

1. A request to use a college facility should be submitted to the Event Scheduling Office in a reasonable amount of time prior to the proposed date for the event. Given the demand for the use of some college facilities, requests for a particular venue may need to be submitted a significant time before the proposed event.
2. Approval or Disapproval of Requests:

The Event Scheduling Office will review and make a determination on requests to use college facilities in a timely manner. This determination will be based upon the criteria set forth in section IV.E.

#### E. Scheduling Criteria and Standards

1. The use must be appropriate for the nature and purpose of the facility.
2. The use should not unreasonably interrupt or interfere with regularly scheduled college courses, programs, or events.

3. The use must not subject college facility, personal property, participants or spectators to an unacceptable risk of harm, damage or injury.
4. If, during review of the application and continuing until the date of the event, the Event Scheduling Office determines that the applicant has not fully disclosed its proposed use of the college facility, the Event Scheduling Office may cancel the proposed or scheduled event.
5. The use must not violate any applicable law, regulation, or college policy.

F. Obtaining Partnership Status for Use of College Facility

1. A non-college entity may be granted partnership status with respect to its use of a college facility provided that it complies with this policy's application requirements as set forth in this policy.
2. Upon receipt of the proposed partnership's application to use a college facility, the Event Scheduling Office will coordinate the review with the appropriate dean, assistant vice president, or vice president who will make the determination whether partnership status will be granted. In making this determination, the following criteria should be used to evaluate the request:
  - a. The event must be directly related to the college's mission or the services provided by the college.
  - b. The college entity (department or organization) must have a direct involvement and vested interest in the initiation, organization, and hosting of the partnership's use of the college facility.
3. If the appropriate college official, as stated above, determines that partnership status will be granted, the following actions will be required as terms and conditions of the use agreement between the college entity (department or student organization), partner, and Event Scheduling Office:
  - a. The partnering college entity agrees to be the primary point of contact for the partnership event.
  - b. The partnering college entity agrees to be financially responsible for the partnership event, in all instances, if the partnership fails to pay the college for costs related to the use and services related to the event. This liability shall include, but not be limited to the following:

- (1) The non-college entity fails to pay for use of the space or services related to the Partnership event.
  - (2) The non-college entity fails to pay for property damage caused to the college facility during the partnership event.
- c. The sponsoring college entity agrees to be physically present for the partnership event unless the Event Scheduling Office determines, after consultation with the sponsoring college entity (department or organization), that their presence is not required.
  - d. The sponsoring college entity is required, if necessary, to perform the following activities related to the partnership's use of the college facility:
    - (1) making of reservations; and
    - (2) coordinating billing transactions.
4. In the event that a non-college entity obtains partnership status and complies with all requirements set forth in this policy, terms and conditions of their use agreement, and any other reasonable requirements established by the Event Scheduling Office, the partnership will be subject to a reduced use fee as set forth in Section IV.G.2.e of this policy.

#### G. Costs and Expenses Related to Use of College Facility

##### 1. Execution of Written Use Agreement

The Event Scheduling Office is responsible for the negotiation and execution of a written and signed contractual use agreement for external events.

##### 2. Rental or Use Fee

###### a. Use by College Entity

- (1) Rental fees for use of a college facility by a college entity is not required under normal use circumstances. However, rent, fees, or hard cost expenses may be assessed by the Event Scheduling Office, with oversight by the vice president for Student Affairs & Enrollment Management.
- (2) Some of the factors which the Event Scheduling Office may consider in charging rent, fees, or hard costs, include, but are not limited to the following:

- (a) An admission fee is charged for the event;
- (b) The event requires special custodial services, equipment, or support services;
- (c) The event is scheduled beyond normal operating hours for the particular college facility; or
- (d) Any other circumstances where the use imposes additional costs on the college.

b. Use by Non-College Entity

Rental fees and hard costs are required to be paid for the use of college facility by a non-college entity. The amount charged will be set forth in the fee rate schedule established by the Event Scheduling Office. This office shall provide an itemized receipt of the fees charged.

c. Use by 501(c)(3) or 501(c)(6) Non-Profit Organization

- (1) Non-profit organizations will be charged a 50 percent rental fee for any use of college facilities.
- (2) The amount charged will be set forth in the fee rate schedule established by the Event Scheduling Office.
- (3) These organizations are required to submit documentary proof of their IRS 501(c)(3) or 501(c)(6) status at the time of the application. These organizations will be required to pay for all hard costs related to their use of the college facility.

d. Use by Federal, State or Local Government

- (1) Federal, state, or local government will be charged a 50 percent rental fee for use of a college Facility.
- (2) The amount charged will be set forth in the fee rate schedule established by the Event Scheduling Office.
- (3) These organizations will be required to pay for all hard costs related to their use of the college facility.

e. Use by Partnerships

- (1) Non-college entities who obtain partnership status, as set forth in Section IV. F. of this policy will be charged a 50 percent rental fee for use of the college facility.
- (2) This amount will be set forth in the fee rate schedule established by the Event Scheduling Office. A partner will be required to pay for all hard costs related to their use of the college facility.

f. Authority to Waive, Revise, or Negotiate

With the written approval of the appropriate vice president, or designee, the college reserves the right to waive, revise, or negotiate as needed, the following:

- (1) rental or fee schedules; and
- (2) site specific guidelines for rental and service fees.

3. Grievance Procedure for Purported Violation of Utah System of Higher Education Policy entitled Providing Facilities, Goods and Services in Competition with Private Enterprise.

a. The college complies with Utah System of Higher Education (USHE) policy r. 555 entitled Providing Facilities, Goods and Services in Competition with Private Enterprise.

b. If an individual or non-college entity seeks to assert a grievance related to USHE policy r. 555, the requirements are as follows:

- (1) The grievance must be in writing and submitted to the Event Scheduling Office.
- (2) The grievance must set forth sufficient facts and documentation supporting the allegation that the college has violated USHE policy r. 555.
- (3) Within 10 business days, the Event Scheduling Office shall review the facts and circumstances surrounding the grievance and provide a written summary of its investigations to the vice president for Student Affairs and Enrollment Management, or designee.
- (4) Within five business days, the vice president for Student Affairs and Enrollment Management, or designee, shall issue a written finding

outlining the facts behind the complaint, the college's findings, and appropriate relief if a violation of the policy has occurred.

- (5) As part of the college's deliberation on the matter, the vice president for Student Affairs and Enrollment Management, in their discretion, may invite both the grievant and the appropriate college staff to present information in an informal process to support or oppose the grievance. If the vice president elects this informal process, an additional five business days will be allowed for the vice president to render a final written determination.
- (6) Following the issuance of the final written determination by the vice president, the non-college entity or individual shall have the right to appeal, within 15 business days, the vice president's determination to the college's board of trustees. The appeal shall be in writing and state the grounds for the appeal and the relief requested.
- (7) If an appeal is made to the board of trustees, the board, at its next regularly scheduled meeting or another reasonable time, will consider it. Upon evaluating the appeal, the board of trustees will issue a written determination regarding the appeal. The board of trustees' appeal determination shall be final.

#### H. Use Agreement Conditions Imposed on Use of College Facility

1. Liability Insurance (Property Damage and Personal Injury Liability Insurance)
  - a. College entities, excluding student organizations, are covered by the State of Utah Risk Management Fund and are not required to provide additional liability insurance coverage.
  - b. Student organizations may be required by the Event Scheduling Office to provide liability insurance for their use of the college facility depending on the amount of risk that the student organization's proposed use of the college facility present to the college.
  - c. Non-college Entities may be required to provide property damage and third-party liability insurance ("liability insurance") during their use of a college facility. As evidence of this coverage, a certificate of liability insurance must be provided to the Event Scheduling Office. This certificate must list the college as an additional insured, and provide an additional insured endorsement. Minimum insurance limits will be set by

the college's director of Risk Management and will generally be aligned with the Governmental Immunity Act limits as adjusted by State Office of Risk Management. If the proposed use of the college facility involves increased risk, the Event Scheduling Office, after consultation with the college's director of Risk Management may increase this minimum liability coverage to an appropriate amount.

- d. In circumstances where a non-college entity's use of a college facility creates a minimum risk, the Event Scheduling Office may waive the liability insurance requirement if the college's director of Risk Management authorizes the waiver of this liability insurance requirement.

## 2. Event Ending Times

- a. Ending times of events on campus may not go past 10:00 p.m., unless otherwise approved by the Event Scheduling Office, or by an authorized college official.
- b. The college expressly reserves the right to require that any event end at an earlier time for any reason.
- c. There shall be no overnight usage unless the vice president of Student Affairs and Enrollment Management or designee provides authorizations, after consultation of director of Public Safety, assistant vice president of Facilities Services and other college administrators whose programs may be affected by such authorization.

## 3. Restrictions Regarding Use of College Facilities to Solicit or Conduct Sales and Advertise Events.

- a. Postings: Any postings by a college or non-college entity must comply with the current SLCC Advertising and Posting Policy.
- b. Solicitations: The sale of goods, food, or services by a non-college entity is not allowed in or on any campus facility, unless written authorization is provided.
  - (1) The sale of goods, foods, or services by college employees is not allowed unless the appropriate assistant vice president, dean, or vice president provides written authorization.

(2) The sale of goods, foods or services by college students is not allowed unless written authorization is provided by the assistant vice president for Student Life.

c. Advertisement of College Events

(1) The college entity or non-college entity who has contracted to use a college facility will be identified on all paper based, electronic and digital advertising including, but not limited to, newspaper, television, radio, websites, social media accounts, posters, brochures, and announcements.

(2) Furthermore, this advertisement will include a clear disclaimer that the college does not sponsor the event.

4. Sound Amplification Equipment

a. In the event that sound amplification equipment is to be used at a college facility, the college entity or non-college entity using it must first obtain permission from the Event Scheduling Office.

b. Sound equipment shall only be used at sound levels that does not unreasonably disturb teaching, research, or other duly authorized meetings or activities. Violations of this restriction shall constitute grounds for revocation of the permission to use the sound amplification equipment.

c. Sound Amplification: Levels of sound from big band speaker systems, or other amplification equipment, shall not exceed noise levels as specified by [Noise Control Regulations of the Salt Lake County Health Department](#). Measurements may be taken at any college boundary or at any point within the property (facility) affected by the noise.

5. Security and Additional Security Costs

a. The college may require appropriate police, public safety, and security measures for any event within the scope of this policy. The executive director of Public Safety will determine the appropriate security measures for the event.

b. The college may require a college entity or non-college entity to provide payment for costs associated with necessary additional security for the

use of the college facility. This payment may be required to be made in advance of the event and as a condition precedent to use of the space.

- c. In making the determination as to whether to impose additional security costs on the speaker, the Event Scheduling Office, executive director of Public Safety, and the dean of students shall consult with the college's legal counsel to ensure that the speaker freedom of expression rights are not infringed upon in violation of federal or state law or college policy.

## I. Miscellaneous Provisions

### 1. Prohibition Against Fronting

- a. Fronting for any purposes including reserving space and receiving a discount is prohibited.
- b. If it is determined, that a college and/or non-college entity has been fronting, the event may be canceled, and the entity may be charged the full rental fee for the event, if expenses have been incurred.
- c. Non-college entities that have engaged in fronting shall be prohibited from scheduling future events in the college facility.
- d. College and non-college entities that have engaged in fronting may be charged a rental fee for the reserved use of the college facility as determined by the Event Scheduling Office.
- e. College employees that have engaged in fronting may face corrective action.

### 2. Requests to Film or Perform Photo-Shoots on college Facility by non-college Entity

- a. Requests to film or perform photo-shoots on campus shall not interfere with any previously scheduled events or the delivery of educational services.
- b. All non-college entities requesting to conduct filming or photo-shoots on college facilities are required to submit to the college's Director of Public Relations, at least 21 days before the proposed production date unless modified in writing by the director of Public Relations, the following documentation or information:

- (1) a script of the production;
  - (2) proof of insurance commensurate with the size of production and liability which is approved by the college's director of Risk Management;
  - (3) a detailed timeline that includes staging, logistics, vehicles, security, equipment, support, proposed temporary modification or movement of college property, craft services, and possible special conditions for the production;
  - (4) a proposed location agreement that includes a negotiated fee that is commensurate with the size, length and scope of the production; and
  - (5) any other information or documentation deemed necessary by the director of Public Relations.
- c. The review of all requests to conduct filming or photoshoots on a college Facility will be coordinated by the director of Public Relations, who will ensure that all appropriate college departments are consulted, including Risk Administration, General Counsel, Business Services, Facilities Services, the Event Scheduling Office and other departments affected by the filming or photoshoot production. The director of Public Relations will be required to coordinate with the School of Arts, Communication and Media on filming location agreements which involves that location.
  - d. Before any filming or photoshoot is conducted at a college facility, a written use agreement that has been reviewed in accordance with the college's contract review process, must be approved and signed by the vice president for Institutional Advancement.
  - e. The applicant(s) must submit these materials to the college no less than 21 days before the proposed production date. All filming requests will be reviewed by Public Relations, Risk Management, General Counsel, Business Services, Facilities Services, and other departments affected by the production before approval by the vice president for Institutional Advancement.
  - f. Exceptions:  
  
This provision shall not apply to the following activities:

- (1) student filming or photo-shoot activities which are part of class requirements;
- (2) filming or photo-shoots of college sponsored campus speakers;
- (3) media entity conducting filming or photo-shoot of news event occurring on college campus;
- (4) filming or photo-shoots of athletic events on college campus;
- (5) all filming or photo-shoots conducted for internal department purposes; and
- (6) all filming or photo-shoots conducted on a handheld personal electronic device that are taken for personal purposes.

### 3. Parking Requirements and Restrictions

- a. All college and non-college entities using a college facility will comply with campus parking and security rules and guidelines.
- b. Applicants for use of a college facility must obtain authorization from the Event Scheduling Office, to permit a limited number of vehicles to traverse or park on campus sidewalks, fire lanes, plazas, etc., for purposes of unloading or loading materials.
- c. Any vehicle parked illegally may be subject to ticketing and/or removal to impound facilities at the owner's expense.
- d. Any other specific parking needs for a college or non-college entity must be communicated to the Event Scheduling Office prior to entry into a use agreement so the Event Scheduling Office can facilitate a parking plan with Parking Services and the executive director of Public Safety.

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Date of last cabinet review: June 18, 2019

The originator of this policy & procedure is Student Affairs and Enrollment Management. Questions regarding this policy may be directed to the originator by calling 801-957-4284.