



SUBJECT: USE OF UNIVERSITY FACILITIES	Effective Date: 7-3-12 Amended: 4-30-18	Policy Number: 4.2.1	
	Supersedes: Presidential Memorandum #60	Page 1	Of 10
	Responsible Authorities: Vice President, Administrative Affairs		

APPLICABILITY/ACCOUNTABILITY:

This policy governs the use of all facilities (including outdoor areas) owned or leased by the University or otherwise under the University’s operating authority, for both university and non-University groups and individuals. This policy sets priorities for facility usage and establishes authority for determining scheduling procedures and charges.

DEFINITIONS:

Academic Use Facilities. University Facilities used for University credit instruction, research and essential support services.

Custodial Care. Responsibility for the supervision of Minors in connection with a Pre-Collegiate Activity.

Designated Use Facilities. University Facilities with defined priorities that may vary from the overall University space utilization priorities.

Event Coordinator. The individual responsible for planning, organizing and coordinating the physical requirements and service needs of a particular event. The Event Coordinator may or may not be a University Event Management employee.

Extended Term. The exclusive use of University Facilities by a University Partner or Unaffiliated Group for more than thirty (30) consecutive days.

Facility Administrators. Individuals with designated responsibility for the management of one or more University Facilities, appointed by an appropriate Vice President, Provost or designee.

Fronting. Allowing an Unaffiliated Group or Individual to use University Facilities under the guise that the activity is a Sponsored Activity.

General Use Facility. University Facilities not categorized as Academic Use Facilities or defined as a Designated Use Facility.

Master Calendar. The University's centralized calendar of events managed by [University Event Management](#).

Minor. Individual under the age of 18 who has not graduated high school, and is not enrolled in the University.

Space Utilization and Analysis (SUA). The office charged with facilitating coordination for events scheduled by Unaffiliated Groups or events involving coordination with other University departments. SUA is also responsible for the final review and approval of Facilities Use Agreements to ensure compliance with this policy.

Pre-Collegiate Activity. An activity or program organized for Minors, including but not limited to summer, vacation, or after-school programs, whether academic, athletic, social, or other.

Sponsored Activity. Activities that include an Unaffiliated Group but are hosted by and in support of a University Department or Unit or Student Group.

Student Groups. Student groups or organizations that have received official recognition through the Office of Student Involvement and Leadership.

University Affiliated Units. Groups that exist for the sole purpose of advancing the University and that have been formally recognized by the University as such (i.e., alumni groups).

Unaffiliated Activities. Activities using University Facilities hosted by Unaffiliated Groups.

Unaffiliated Groups. Groups or individuals other than University Departments or Units, University Affiliated Units, Student Groups or University Partners.

University Departments or Units. Component parts of the University operated by University faculty, staff and/or students.

University Event Management. The office charged with the non-academic scheduling of University Facilities and promoting its use to generate revenue for the University.

University Facilities. Physical space located on the University's campuses or property (owned or leased) or under the University's operating authority.

University Partners. Institutions and organizations with which the University has formal written agreements for mission-relevant joint efforts, including without limitation, local school boards and state colleges.

POLICY STATEMENT:

I. Introduction. The use of University facilities shall be provided on a non-discriminatory basis that ensures equal opportunity for all persons of the University community. Priority for the use of University Facilities will be given to activities that advance the mission and purpose of the University to the greatest degree. To the extent that resources are available, the University also serves the larger community by permitting University Partners and Unaffiliated Groups to utilize its facilities for purposes compatible with the University's mission. Use of University facilities by University Partners and Unaffiliated Groups is primarily intended to be temporary in nature. The use of University Facilities for an Extended Term by a University Partner or Unaffiliated Group shall follow the provisions set forth in Article VI of this policy.

II. Priority of Use. Priority for the use of University Facilities is as follows:

- A. *Credit Instruction*. The highest priority for the use of the University Facilities is reserved for academic scheduling, i.e., the use of classrooms, laboratories, and other facilities for teaching and instructional programs for credit.
- B. *Other Academic Use--Research and Essential Support Services*. The second priority is mission-essential academic activities including sponsored and non-sponsored research projects and support services. These can include but are not limited to library services, technology support, recruitment events, art exhibits and performances needed to fulfill the academic mission, registration services, counseling and tutoring, and Student Group meetings.
- C. *Non-Credit Instruction and Outreach*. A third priority is academic offerings that are not degree-related or credit-generating including but not limited to continuing education programs and efforts to serve local community needs.
- D. *Affiliated Organization and University Partner Events*. Fourth priority is given to events hosted by University Affiliated Units or University Partners. This includes alumni and donor events sponsored by University Advancement.
- E. *Unaffiliated Activities*. On a resources-available basis, the University may grant use of its facilities to Unaffiliated Groups when such use:
 - 1. Contributes to the mission and purposes of the University;
 - 2. Complies with University rules, regulations, policies and charge schedules;
 - 3. Does not compete with University programs;
 - 4. Does not interfere with other proper functions of the University; and
 - 5. Does not result in the deterioration of University facilities without reimbursement to the University.

Tax-exempt organizations will generally have priority over commercial entities.

- F. *Use of Space by Faculty, Staff and Members of the University Community*. Use of University Facilities by faculty, staff and other members of the University community (including without limitation coaches, volunteers, alumni and donors) for non-University business will be considered Unaffiliated Activities for the purposes of this policy and must comply with all conditions related to the use of space by Unaffiliated Groups,

including without limitation, procedures for scheduling of space, general conditions of the use of space, and user charges.

- G. *Designated Use Facilities.* Designated Use Facilities have defined priorities. These priorities may take precedence over those listed above. The nature of and/or funding for these facilities require that designated users have highest priority for their use. Designated Use Facilities and Facility Administrators, as amended from time to time, can be found at [University Event Management](#).

III. Scheduling Space Use

- A. *Academic Use Facilities (classrooms, labs and studios).* Procedures for scheduling academic space for University credit instruction are developed and managed by the Registrar. All groups scheduling academic space for non-instructional purposes must coordinate use through the appropriate Facility Administrator. All non-instructional use of space must be posted to the University's Master Calendar.

- B. *General Use Facilities.* Procedures for scheduling use of all space other than Academic Use Facilities and Designated Use Facilities are developed and managed by University Event Management. Procedures for scheduling facilities can be found at [University Event Management](#). This is done in coordination with the Provost's Office.

- C. *Designated Use Facilities.* Procedures for scheduling use of Designated Use Facilities are developed and managed by the Facility Administrator in coordination with University Event Management and consistent with the intent of this policy. With notification to University Event Management, the Facility Administrator may schedule use in Designated Use Facilities. The Facility Administrator is responsible for notifying the appropriate departments for events that may impact the safety, welfare, or customary operations of the University. Offices that may require such notice include but are not limited to: SUA, University Police Department (UPD), Parking and Transportation Services, Environmental Health and Safety (EHS), and Physical Plant. A notification check list is available from [University Event Management](#).

- D. *Outdoor Spaces.* Other than as permitted by the University's Campus Free Speech policy and applicable law, events in outdoor areas are to be scheduled through University Event Management and coordinated with SUA and approved as follows:

1. Non-academic use of outdoor areas adjacent to classrooms, libraries, laboratories, auditoriums and research facilities is to be approved by the Provost's Office.
2. Use of outdoor areas adjacent to Residential Halls is to be approved through the Director of Housing.
3. University recreational fields and pools are approved by the Department of Campus Recreation.

Note: SUA is to be notified of all large scale events (over 200 attendees) prior to scheduling the event.

- E. *Facilities Use Agreement.* A University [Facilities Use Agreement](#) will be used for facilities use by all individuals or groups other than University Departments and Units or Student Groups and will be managed by SUA.

IV. User Charges

- A. *Academic Use--Instruction, Research, Essential Support Services.* No fees will be charged for credit-earning instruction, research or essential support services activities in facilities other than Designated Use Facilities.
- B. *Cost Recovery.* Cost recovery charges may be levied for: 1) non-credit instruction, 2) outreach activities, 3) University Affiliated Units events, and 4) University Partner events. Cost recovery may include, but is not limited to, expenses incurred for:
1. Event-specific security;
 2. Event-specific traffic control;
 3. Parking for guests or visitors;
 4. Use of technology;
 5. Set up;
 6. Clean-up; and
 7. Processing.
- C. *Rental Fees.* Rental fees may be charged for: 1) University Affiliated Units 2) Unaffiliated Groups, 3) University Departments or Units when an admission fee or donation is assessed; or 4) University Departments or Units using a Designated Use Facility. These fees may correlate to the number of attendees per event and may include:
1. Space rental fee;
 2. Equipment maintenance or replacement fee;
 3. Cost recovery charges; and
 4. Processing Fees.
- D. *General Use Facilities--Cost Recovery and Rental Fee Schedules.* For all space except Designated Use Facilities, Facilities Management, in conjunction with Office of Event Management, recommends to the Auxiliary Fees and Charge Back Committee (AFCBC) a fee structure for users. For Designated Use Facilities, the applicable Facility Administrator recommends a fee structure to the AFCBC.
- E. *Distribution of Cost Recovery and Rental Fee.* All fees collected will be distributed to the appropriate service areas and facilities or as directed by the University President or designee.
- F. *Waiving Fees.* The University President or designee may waive or reduce fees for the use of University Facilities. Applicants seeking a waiver must submit written documentation with the Facilities Use Application specifying the basis for the waiver request to the Facility Administrator. Such requests, if approved, may need subsidization in order to reimburse the facility or service providers for costs or expenditures. To request subsidization, the Facility Administrator or applicable University division must provide documentation of all costs or expenditures to the Vice President, Financial Affairs or designee.

V. General Conditions for the Use of Facilities When University Facilities (including Designated Use Facilities) are scheduled, an individual representing the department, unit, group or organization must agree to be accountable for the appropriate general conditions.

A *Laws and Policies.* All use of University Facilities shall be governed by all applicable state and federal laws and by University rules, regulations and policies. This specifically includes those pertaining to the [use of alcoholic beverages](#) and the promotion of a [drug-free environment](#).

B *Insurance Requirements.* All non-governmental groups not directly a part of the University or Student Groups must provide proof of public liability insurance coverage in the amount of \$1,000,000 each claim (Property Damage & Bodily Injury) and \$2,000,000 each occurrence (Property Damage & Bodily Injury) or \$2,000,000 combined single limit (Property Damage & Bodily Injury) naming the Florida Atlantic University Board of Trustees, the Florida Board of Governors, the State of Florida and their respective direct-support organizations, officers, agents, volunteers and employees as added insured issued in form and by a company acceptable to the University. Additionally, all University Departments or Units, Student Groups, and governmental groups utilizing outside vendors to provide a service, which is operated under a vendor's control, must require the vendor to furnish proof of public liability insurance coverage as outlined above. All certificates of insurance should be submitted to the University Risk Manager for review and approval.

C *Unsafe Items, Materials, Conditions.* The possession or use of unsafe items or materials or the creation of conditions in or on University Facilities that are potentially injurious to life or property, or are disruptive to the operations of the University, are prohibited, unless specifically approved in writing by the UPD and EHS or otherwise expressly authorized by applicable law or University policy or regulation. This prohibition encompasses, but is not limited to, firearms (other than in a motor vehicle as permitted by Section 790.25(5)), explosive devices, aircraft, parachutes, potentially dangerous animals, and unsafe vehicles and mechanical or electrical devices.

D *Instructional Activities.* To maintain an educational environment and to promote the safety of all members of the University community, the following conditions of use are expected in all classrooms, laboratories, and other facilities used for instruction. All members of the University community share in the responsibility for maintaining the educational areas in a good condition, ready for use by the students, staff, and faculty:

1. Consumption of food or beverages is discouraged in classrooms.
2. All trash shall be placed in a trash can or removed from the facility.
3. Chalk/black/white boards shall be erased prior to departure.
4. Desks and chairs shall be returned to their normal facility configuration.
5. All equipment should be turned-off and secured after usage.

E. *Unaffiliated Activities Sponsored by University Departments or Units.* The University sponsor assumes responsibility for:

1. Submitting all required applications for the proposed use as required by University policy.
2. Being on site to supervise the activity.
3. Assuring that the facilities are used for the purposes for which they were scheduled.

4. Being fiscally responsible for the event including:
 - Paying all operating costs including rental fees and cost recovery, clean-up, police/security, and parking/traffic charges.
 - Reimbursing the University for damage to University property or facilities that occurs in connection with the scheduled activity.
 - Providing a security deposit if required by the Facility Administrator.
5. Ensuring that all (on- and off-campus) promotion and advertising of such events shall identify the individual or group that is the original sponsor of the event and all groups involved in funding the event.
6. Taking all reasonable steps to ensure that the use of scheduled facilities complies with local, state, and national laws, and University rules, policies and regulations.

F. *Pre-Collegiate Activities.* All Pre-Collegiate Activities must be conducted in accordance with all state and federal laws and regulations and University regulations and policies regarding Minors, including but not limited to University Policy 3.1, Pre-Collegiate Programs and University Policy 7.6 Reporting Child Abuse, as applicable. For third party Pre-Collegiate Activities involving Custodial Care, all required background screenings must be completed (and all program personnel cleared) prior to the start of the program. Upon University request, proof of compliance for any and all program personnel shall be provided within 48 hours.

G. *Fronting.* A University Department or Unit or Student Group may not reserve space on behalf of or for the use of an Unaffiliated Group so that the facility can be used at a reduced rate. This conduct constitutes “fronting” and is prohibited. The Facility Administrator or University Event Management may deny or rescind permission to use that facility if it is determined that the use is not primarily for the benefit of the University Department or Unit or Student Group making the reservation.

H. *Outdoor Spaces*

1. The use of amplified sounds in outdoor areas, other than within designated areas, must be approved by the applicable authority as set forth in Section III.D. above.
 2. All events requiring special coordination (such as but not limited to bonfires, walkathons, etc.) must be coordinated through SUA. As a condition of approval, the University may impose safety, security and liability requirements consistent with the use to be made of the area, and the area to be used must be adequate for the nature of the event.
- I. *Temporary Structures.* If a temporary structure is to be erected for purposes related to the program and/or event, the accountable person representing the requesting department, unit or group must ensure that:
1. A Facilities Use Application is submitted to the appropriate area for the use of the space needed for the structure.
 2. Approval is requested from Facilities Management, through SUA, at least two weeks in advance of the installation.
 3. The program ends when scheduled unless an extension is requested and approved prior to the original ending date by an appropriate University Official.
 4. The structure is removed when the scheduled program ends.
 5. The landscape is returned to its original condition when the program ends.

- J. *Outdoor Temporary Signage.* No temporary banners or signs except as authorized by University policy may be attached to the exterior of Academic Use Facilities or General Use Facilities without prior approval from SUA.
- K. *Indoor Temporary Signage.* The display of banners or signs inside buildings shall be at the discretion of the Facility Administrators.
- L. *Security and Parking.* Security and traffic control for all events held on or in University Facilities are under the jurisdiction of the UPD. All event attendees are subject to University traffic and parking rules, regulation and policies.
- M. *Retention Areas and Ponds.* All wet retention areas and ponds are prohibited from recreational activities.

VI. Specific Conditions for Extended Use of University Facilities. If a University Partner or Unaffiliated Group desires to use University facilities for an Extended Term or a University Department or Unit desires that a University Partner or Unaffiliated Group use University facilities for an Extended Term, the request must be reviewed by the University Space Committee (USC). The request should include background information as to why the space is available, who is the University sponsor or advocate for the potential user, how any rental income is to be applied, as well as the considerations set forth below, through the SUA [Space Request Form](#). Extended Terms for Designated Use Facilities for their intended purposes need not be reviewed by the USC or follow the procedures set forth herein. The USC shall review the request and prepare an evaluation for final consideration by the President, based on the following considerations:

- Use of University Facilities by entities which exist primarily for the purpose of carrying on commercial activity for profit or which otherwise exist primarily for private individual gain or benefit is generally not permitted, but may be considered if the property will be serving no University purpose in the near future (i.e., a former campus location is closed) or other compelling or extraordinary circumstances exist.
- No University Departments or Units or University Affiliated Units are interested in using the facility.
- Extended Terms should generally be for no more than 1-3 years and terminable on 30-90 days' notice, unless the contemplated user is making considerable capital improvements to the facility, in which case alternative terms and/or termination rights may be considered. Extended Term renewals should also come back before the USC for re-evaluation. Extended Terms for more than three (3) years should generally be presented to the University Board of Trustees for final approval.
- The Facility Administrator (or alternatively identified individual) expressly agrees to assume responsibility for coordinating with all affected University service units (i.e., utilities, EH&S, OIT, police, mail) and managing the user as the user's primary contact for facility matters.
- A University affiliation or identifiable University benefit is desirable.
- Business offices and uses that anticipate non-University visitors to the facility are generally disfavored.

- The value and equity of a competitive solicitation for use of the facility should be considered.

Extended Terms shall also use a University Facilities Use Agreement, initiated through SUA, and modified in consultation with the Office of the General Counsel to fit the particularities of the Extended Term.

VII. Refusal, Reassignment or Cancellation. The reservation and use of University Facilities is a privilege and not a right. The University reserves the right to refuse a request for use of University Facilities or to reassign or cancel any space reserved by any person or group. The applicant will be notified in writing, as soon as practicable, of any decision refusing the request for use of space or the reassignment or cancellation of a reservation.

- A. Refusal of a request for the use of University Facilities may be based upon lack of available space, resources, or suitable facilities; lack of substantial contribution of the proposed activity to the mission and purposes of the University; previous misuse of property or facilities by the user; previous failure to abide by the terms and conditions of the facility's use by the user; previous conduct of the user; or other circumstances as permitted by law.
- B. Reassignment of a space reservation may be based upon needs of University programs, maintenance and repair requirements, inadequate staffing or other reasons related to the affairs of the University.
- C. Cancellation of a reservation may occur when the reservation has been accomplished through an inappropriate means, when the use of a facility is not in conformity with the stated use, is in contravention of established rules or for other lawful circumstances deemed appropriate by University officials.
- D. University officials may place reasonable restrictions or requirements on the use of a facility.
- E. Cancellations must be coordinated through the University Event Management office unless otherwise noted. Cancellation fees may apply.

VIII. Procedures for Scheduling Non-Academic Events. All Facilities Use Agreements with associated Facilities Use Applications must be processed and approved by SUA.

- A. A completed [Facilities Use Application](#) and [Facilities Use Agreement](#), if applicable, should be directed to the appropriate Facility Administrator, unless otherwise specified.
- B. Upon receipt of a properly completed application, the Facility Administrator will:
 1. Determine whether the request meets the requirements outlined in this policy.
 2. Determine whether the facility is available for the requested dates.
 3. Check with the Event Management Calendar to confirm there are no scheduling conflicts.
 4. Prepare a cost estimate to include cost recovery charges and rental fees where appropriate.
 5. Advise the applicant accordingly and ask for a confirmation that the applicant wishes to go forward.

6. Schedule coordination meeting with all applicable parties when necessary to review details of the event with SUA, UPD, Parking and Transportation Services, EH&S, Physical Plant, Risk Management and/or Food Services, as applicable.
7. Send all required documents to SUA or designee, for final review of compliance with University policies as well as potential conflicts with other events

C. Facility Administrators may establish procedures, consistent with this policy, for assigning priorities for competing requests.

INITIATING AUTHORITY: Vice President, Administrative Affairs

POLICY APPROVAL
(For use by the Office of the President)

Policy Number: 4.2.1

Initiating Authority

Signature: _____ Date: _____
Name: Stacy Volnick

Policies & Procedures Committee Chair

Signature: _____ Date: _____
Name: Elizabeth Rubin

President

Signature: _____ Date: _____
Name: Dr. John Kelly

Executed signature pages are available in the Office of the General Counsel