

# **WEST VIRGINIA STATE UNIVERSITY BOARD OF GOVERNORS**

## **West Virginia State University**

### **BOG Policy #15**

Title: Use of Institutional Facilities

#### Section 1. General

- 1.1 Scope: This policy governs use of University facilities by persons or groups.
- 1.2 Authority: West Virginia Code §18B-1-6, 18B-2A-4.
- 1.3 The President shall designate the administrator(s) of this policy.
- 1.4 A standard rental/lease agreement approved by the West Virginia State University Board of Governors shall be used, along with any other forms needed to execute this policy.
- 1.5 Replaces Series 55, Title 133 of the State College System.
- 1.6 Effective Date: January 21, 2005

#### Section 2. Policy Introduction

- 2.1 Facilities of West Virginia State under the governance of the West Virginia State University Board of Governors are mainly intended for use in the conduct of its educational programs. As such, first priority for the use of facilities will be given to the academic, administrative and student functions of WVSU;
- 2.2 In its many aspects of service to the public, the Board of Governors also permits the use of the University's facilities which may provide benefits otherwise not available in the community, whether these programs be conducted by state or non-state employees. Consideration of requests from campus and off-campus groups are controlled by this policy.

#### Section 3. Use by Off-Campus Groups or Individuals (Non-state Employees)

- 3.1 It is the intent of this policy to permit the use of facilities by the general community in a manner which does not negatively compete with the ongoing programs of WVSU and preserves the environment and atmosphere required for normal classroom activities. Community use of such facilities must have an educational or cultural purpose and must have an on-campus sponsor. The facilities that will be made available to non-campus groups will tend to be unique to both institutions;

- 3.1.1 The primary responsibility for the enforcement of these policy provisions is the on-campus sponsor of the activity.
- 3.2. Use of campus facilities by non-campus individuals or organizations will be permitted within the following guidelines:
- 3.2.1 Facilities and support services will be made available only to the extent that their proposed use is not in conflict with the regular programs of the University;
- 3.2.2 The nature of the activities of the non-campus users shall not be potentially physically disruptive of the campus. For instance, local noise ordinances must be obeyed. While this policy may not be construed to preclude use of facilities based on political philosophy, race, religion, or creed of the sponsor, the nature of the activities to be conducted on the campus shall not be illegal under the Constitution or laws of the State of West Virginia or the United States;
- 3.2.3 A standard rental/lease agreement accompanied by evidence of such insurance protection as is required to adequately protect the institution shall be executed by the on-campus sponsor and shall also be signed by a responsible officer of the non-campus organization desiring to use a campus facility;
- 3.2.4 Charges assessed for the use of campus facilities shall be sufficient at a minimum to cover all identifiable costs of both a direct and indirect nature; charges for indirect costs may be waived at the discretion of the appropriate institution for nonprofit organizations and/or public bodies of the State of West Virginia. Charges must be published in advance. Such groups using the University may charge admission, but only for the purpose of covering the direct and indirect cost of the sponsored activities. All surplus revenue derived from the conduct of an event will accrue to the benefit of the institution, except for public or nonprofit groups for which this provision may be waived. An exception to the surplus revenue provision may be granted for certain programs offered during the summer months where the activity generates significant revenues to the housing and dining accounts of the University.

#### Section 4. Use by Campus Groups for Non-traditional Programs (State Employees)

- 4.1 It is the policy of the Board of Governors to permit the facilities of the University to be made available for use by recognized campus units to conduct educational or cultural programs, including youth camps, for which fees are charged, and from which staff members may be paid beyond their regular annual

salary. The following guidelines will apply for these activities:

4.1.1 The primary responsibility for the enforcement of these policy provisions, including the preservation of the environment and atmosphere required for each institution's normal classroom activities rests with the on-campus sponsor of the activity and/or the advisor for the campus group;

4.1.2 Faculty and staff members who conduct nontraditional programs may be compensated on the basis of the number of attendees, hours worked, or percentage of net revenue. The conditions for such payments are that: (a) extra compensation for the activity must be paid from funds other than state appropriations allocated by the Higher Education Policy Commission; (b) the amount of combined nontraditional and consulting activity for which additional compensation is received is consistent with institutional practice and, where twelve (12) month employees are involved, appropriate amounts of annual leave is to be taken. Institutional officials will be responsible for approval

of employees participating in programs covered by this policy and for maintenance of employees' records of annual leave; (c) All revenues and expenditures shall be handled by the business office of the institution or the business office of the campus unit involved. All revenues from these programs shall be deposited into the appropriate state special revenue account. Charges for special services provided by the institution may be deducted from revenues; in addition, the institution may require that a deposit be made in advance for such services; (d) A formal agreement shall be developed and signed by an authorized representative of the group or unit responsible for the program and by the appropriate President or his/her designee. That agreement shall establish the responsibilities of the appropriate institution and the sponsor, including detailed financial obligations from revenues. All agreements must ensure that the University will receive reimbursement for all identifiable direct and indirect costs; (e) Programs must be sponsored by WVSU; (f) All personnel receiving compensation for involvement in the programs must be paid on a regular state payroll or a standard WV-48 service agreement, as prescribed by the original contract agreement; (g) All publicity must indicate that checks for payment of fees are to be made payable to the University and not to an individual or outside organization; (h) Adequate insurance must be underwritten by the sponsors of the program.

## Section 5. Selling of Articles on the Campus

5.1 All solicitation and selling of products and articles upon property under the jurisdiction of the West Virginia State University Board of Governors is prohibited except by organizations and groups directly connected with WVSU upon written approval of the President or his/her designee.

# West Virginia State University

## Facilities Request Form

- 1 - Each event must have an identified University sponsor prior to all other arrangements;
- 2 - The University Contact Person must: i) facilitate the providing of information required on this form, ii) arrange for any needed key(s) to the facility, iii) provide the signed Facilities Request Form at least 30 days prior to the event (or as few as 15 days with approval of the Vice President for Administrative Services, 766-3249), iv) arrange for the opening and closing of the facility, and v) be present whenever the organization is utilizing the facilities;
- 3 - University equipment is to be operated only by University personnel (save other prior arrangements);
- 4 - University maintenance personnel shall be present until the event is over.

Name of Organization: \_\_\_\_\_

Organization Contact Person: \_\_\_\_\_; Title: \_\_\_\_\_

Organization Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_; Telephone: \_\_\_\_\_

University Contact Person: \_\_\_\_\_ will be present at this event.

Date(s) and Time(s) of the Activity (setup to closing)\*: \_\_\_\_\_

\_\_\_\_\_

\*Under rare circumstances, a scheduled event may have to be cancelled for reasons beyond the control of the University. In such a case, notification will be provided as soon as possible.

Type of Activity and Number of Persons: \_\_\_\_\_

\_\_\_\_\_

Rooms or Facilities Being Requested: \_\_\_\_\_

\_\_\_\_\_

Public Address or Audio Visual Equipment Requested: \_\_\_\_\_

\_\_\_\_\_

(See pro-rated charges on third page for additional needs beyond the basic setup)

Rates (depend on the facility requested):

for example, Ferrell Hall - \$100/hr; Custodial - \$30/hr; Basic light and sound - \$50.

It is FURTHER UNDERSTOOD AND AGREED that as a condition of this Agreement the individual identified as the Organization Contact Person shall deposit with the Vice President for Administrative Services, not less than ten days of the commencing of said event, a certificate of insurance from an insurance company licensed to do business in the State of West Virginia conditioned to indemnify and save harmless the West Virginia Higher Education Policy Commission and West Virginia State University from any and all liability, claims and expenses of any kind by reason of personal and/or property injury caused by or growing out of the use of said facilities by Lessee. The required insurance policy shall have the following minimum coverages:

- (1) One Hundred Thousand Dollars (\$100,000) for property damage.
- (2) One Hundred Thousand Dollars (\$100,000) for each personal injury with an aggregate of Five Hundred Thousand Dollars (\$500,000).”

Said certificate of insurance meeting the above requirements shall be attached and made part of this Agreement.

\_\_\_\_\_  
Organization Contact Person/Date

\_\_\_\_\_  
University Contact Person/Date

\_\_\_\_\_  
Building Coordinator/Date

\_\_\_\_\_  
Theater Facilities Supervisor/Date

\_\_\_\_\_  
Computer Services/Date

\_\_\_\_\_  
Physical Facilities/Date

\_\_\_\_\_  
Public Safety/Date

\_\_\_\_\_  
VP of University Contact Person/Date

\_\_\_\_\_  
Vice President for Administrative Services/Date

West Virginia State University  
Pre-Event Request Form

Organization: \_\_\_\_\_;

Contact/Telephone: \_\_\_\_\_.

Additional access times:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_;

Public Safety/Date Building Coordinator/Date

Additional visual or related technical needs from Computer Services:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_;

Computer Services/Date

Additional sound and lighting needs:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_.

Theater Facilities Supervisor/Date