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Community College

**Office of Finance and Business
Policies and Procedures Compendium**

Use of College Facilities – Auxiliary Enterprises

Related Department(s):

Accounting

Contact:

Business Office/ Accounting Department

718-482-5509

Link(s):

<https://www.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/policies-resources/Facility-Use-Policy.pdf>

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THE CITY UNIVERSITY OF NEW YORK POLICY REGARDING USE OF COLLEGE FACILITIES

I. INTRODUCTION

The principal function of the facilities of The City University of New York is to provide a setting to enable the University to carry out its primary mission of education and research. These facilities should not be put to any use that may conflict with, or impede, this mission. However, in recognition of its role as an urban public university, the University takes upon itself a special responsibility to permit responsible individuals and groups not affiliated with the University the use of its facilities, at such times as they are not in use for the University's primary education and research mission, within the parameters of this policy. In making available its space to non-affiliated users, the University in no way takes responsibility for the contents of any program or any controversy engendered by any program presented at its facilities by such users.

II. SCOPE OF THIS POLICY

- A. This policy applies to short-term¹ use of college facilities. ("College" is defined here as a constituent unit of the University, including without limitation senior and community colleges, graduate and professional schools, Macaulay Honors College and the central office.) Agreements between a college and its Related Entities² regarding a Related Entity's presence on campus and use of college facilities, and agreements between a Related Entity and a subcontractor regarding the provision of services to the college community on campus are not covered by this policy. Such agreements are covered by the applicable CUNY guidelines for particular Related Entities and the associated Memoranda of Understanding ("MOUs"). This policy does cover short-term licensing of college facilities by those auxiliary enterprise corporations that have been granted authority, through an MOU with their supported college, to administer a college's short-term facility licensing program.

- B. This policy does not apply to licensing of facilities that a college or the University leases or licenses from a third party. Any such proposed licensing agreement must be approved by the University Offices of Facilities Planning, Construction and Management and General Counsel.

III. RESPONSIBILITIES AND PRIORITIES

- A. The use and scheduling of college facilities shall be under the control and supervision of the vice president of administration, or their designee(s), of each college.

¹ A short-term use includes, e.g., a time-limited event, a conference, or a weekly series of programs during a semester.

² "Related Entities" means separately-incorporated auxiliary enterprise corporations, college associations, child care centers, arts centers, college foundations and alumni associations of a host college.

- B. Priority of use of a college's facilities shall be in the order set forth below.
1. Host college departments, divisions, programs and offices for curricular, administrative and other college purposes.
 2. Users affiliated with the host college, including:
 - a. recognized student organizations;
 - b. Related Entities of the host college; and
 - c. University-wide organizations such as the University Faculty Senate ("UFS") and University Student Senate ("USS").
 3. Other CUNY colleges, including the central office ("other CUNY colleges"), and users affiliated with such other CUNY colleges.
 4. Government agencies and non-profit organizations of an educational, scientific, cultural, social, civic, religious, or similar nature.
 5. Union organizations affiliated with the host college.
 6. All other users, including:
 - a. commercial users
 - b. partisan political users
 - c. users not specifically included in another category

Colleges shall permit use under categories 1 through 5 and may permit use under category 6. Use by union organizations affiliated with the host college shall be governed by the applicable collective bargaining agreement with the University. Users within each category or sub-category shall be treated on a uniform basis.

- C. The University shall deny or terminate use of college facilities to:
1. Users that refuse to employ at their event the security personnel required by the host college.
 2. Users that previously submitted a false application or that have previously violated the terms of a use agreement.
 3. Users whose use or planned use of college facilities has been determined by the college to likely obstruct or disrupt college operations, interfere with freedom of movement on campus, or expose persons or property to safety hazards or risk of injury.

- D. Use of college facilities may be subject to reasonable time, place and manner restrictions.
- E. Fees for the use of college facilities shall be determined as follows:
 - 1. Each college shall establish and make available a fee schedule, setting forth the college's standard rates for (a) use of the space ("Use Fee") and (b) direct costs such as labor, security, equipment and catering. The fee schedule shall be approved by the vice president for administration of the college.
 - 2. Colleges may vary the Use Fee for a particular facility based on the category of user, e.g., affiliated users, non-affiliated non-profit users, commercial users, partisan political users.
 - a. A host college shall not charge a Use Fee to its affiliated users (including without limitation recognized student organizations, University Faculty Senate and University Student Senate).
 - b. Notwithstanding a. above, if the affiliated user is co-sponsoring an event with one or more outside organizations, the host college may charge a Use Fee in an amount limited to that which may be apportioned to the outside organizations(s) and which the host college would charge if it were the co-sponsoring college.
 - c. A host college may charge other CUNY colleges a Use Fee that is discounted from that charged to non-affiliated users, or no Use Fee at all, in the discretion of the host college.
 - d. A host college may charge its affiliated users its direct costs, at the standard or discounted rates.
 - e. All other users shall be charged direct costs at the host college's standard rates.
 - 3. Fair market value must be charged for partisan political use.
- F. All fees collected for facilities use are subject to applicable CUNY spending policies, including without limitation CUNY Fiscal Handbook for Control and Accountability of Student Activity Fees, CUNY Foundation Guidelines, CUNY Auxiliary Enterprise Guidelines, Guidelines on the Use and Reporting of Non-Tax Levy Funds, Cash Accountability Policy, CUNY Bank Account Control Policy and Petty Cash Policies and Procedures.

IV. PROCEDURES

- A. Applicants for use of a college's facilities shall provide the college with the following information: the name, address and telephone number of the individual or group making the request; whether it is a non-profit or commercial entity; the

facilities (and any attendant college services) requested; a detailed description of the proposed use; the number of persons expected to use the facility and whether the event is open to the general public; the time(s) and date(s) for the requested use; and the amount of any admission fee to be charged and its intended use, and any other information reasonably requested by the college.

- B. Individuals and groups that have received approval to use a college facility are required to:
1. Comply with all applicable University and college rules and policies, and applicable local, state and federal laws and regulations, including fire, health and safety regulations.
 2. Assume full responsibility for any loss, damage or claims arising out of their use of the facility.
 3. Pay the appropriate Use Fee and other charges for the use of the facility and related services, subject to Section III.E.2 above.
 4. Unless the user is affiliated with the college or is another CUNY college, or is the City of New York, the State of New York or the U.S. Government, indemnify, defend and hold harmless the University, the college, the Dormitory Authority of the State of New York, the State of New York, the City of New York and the appropriate University related entity (where applicable), as well as their officers and employees, from any liability arising out of the actions of the user, its agents, employees and invitees, incidental to the use of the facility by the user.
 5. Unless the user is another CUNY college, UFS or USS, or is the City of New York, the State of New York or the U.S. Government, provide evidence of appropriate and adequate insurance protection (including liquor liability if alcohol will be served) covering property damage, personal injury, or death arising out of the use of the facility. The chief administrative officer of the college may waive this requirement for affiliated users, other government agencies and not-for-profit users upon a determination that there is minimal risk exposure to the college from the event.
 6. Execute a written agreement with the University setting forth these requirements as well as any additional requirements pertaining to the use of the facility.
- C. In all cases, the University and the colleges reserve the right to require and provide, at the user's expense, such security personnel and technical experts as may be needed to insure order and safety on its premises.

V. RELATED CUNY POLICIES AND INFORMATION

Policy re Private Security

http://policy.cuny.edu/manual_of_general_policy/article_iv/policy_4.051/pdf/#Navigation_Location

Policy re Tobacco Use

http://policy.cuny.edu/manual_of_general_policy/article_iv/policy_4.06/pdf/#Navigation_Location

Advisory re Use of Campus Facilities by Candidates for Public Office

<http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/advisories/college-facilities-candidates.pdf>

Regulations for Graduations on CUNY Campuses (attached)

Best Practices for Use of Campus Facilities by Student Clubs, College Associations and Other Sponsoring Organizations


<http://www2.cuny.edu/about/administration/offices/legal-affairs/advisories/>

The City University of New York

UNIVERSITY
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Re: Regulations for Graduations on CUNY Campuses

July 14, 2003

Before any outside graduation can occur on campus in a college facility, the designated college official, responsible for approving the use of facilities on campus, must be contacted in order to grant permission. All requests for use of such college facilities must be in writing on a college space reservation form and all colleges will be responsible for the issuing of tickets. Regulations regarding these issues and other safety backup requirements are noted below.

1. The space reservation form for graduations should include specific information requesting:
 - a. Overall number of people attending
 - b. Number of students graduating
 - c. Number of staff attending
 - d. Number of guests expected
 - e. Where graduation was held the prior year and how many attended
2. When a request form notes that this is the first time a school is using the College for its graduation, the college must verify the facts required in item e above.
3. The college must issue all tickets for the school holding the graduation under the following guidelines:

- a. The college should control and issue, to the school, all tickets for the graduation. The college should record the beginning and ending numbers in a ticket log for all tickets issued. The number of tickets must not exceed the college's maximum legal capacity (including all faculty, staff and guests) for the facilities being utilized.
 - b. The tickets should be ordered by the college and the cost of printing charged to the school.
 - c. The school should request the tickets from the college well in advance of the event. The college should establish this period of time in order to allow for printing of tickets and the appropriate notification of various college offices (i.e., Security, Buildings & Grounds, etc.) In addition, this will provide sufficient time distribute, in advance, as many tickets as possible.
 - d. Only persons/units authorized by both the school and the college should distribute tickets.
 - e. The authorized individuals or units must submit to the college a count of the number of tickets distributed two days prior to the event.
 - f. Tickets may be distributed on the day of the event provided that they are distributed at a location away from the main access to the function and as long as they are part of the same set of pre-numbered tickets issued for the event.
4. A representative of the school holding the event must be present at the time that tickets are being collected to represent the school and make any decisions that may be required about who can be admitted.
 5. Each event must have a separate area with a TV monitor set up to see and hear the event, to provide an additional safety margin in case an overflow crowd comes to the event.
 6. If the event utilizes advertisements, the college must approve all such advertisements prior to their use.