

## FACILITY USE

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### A. Purpose

The purpose of this policy is to provide policies and procedures for the use of facilities, buildings and grounds owned or controlled by The University of Texas Rio Grande Valley (UTRGV) in accordance with The University of Texas System Board of Regents' *Rules and Regulations*, Series 80000, Facilities.

### B. Persons Affected

This policy affects all UTRGV employees, as well as general UTRGV campus users.

### C. Definitions

1. *Facilities* - applies to all buildings, structures, and grounds that are leased, owned or controlled by UTRGV, and includes:
  - a. Athletic / Recreational Space - any facility or area utilized for organized or recreational sports.
  - b. Classroom - any space which is regularly used for direct instruction of students (e.g., lecture rooms, laboratories, tennis courts);
  - c. Office - any space regularly assigned to an employee(s) for conduct of academic, administrative, or clerical work;
  - d. Parking Area - any space designated for regulated vehicle parking by employees, students, or campus visitors;
  - e. Residential Area - any facility devoted to providing housing to on-campus resident students;
  - f. Service Area - any special facility utilized to provide services other than direct instruction (e.g., Learning Resources Center, University Center, Bookstore, Student Health Center, cafeteria, snack bar, overflow, faculty lounge, etc.);
  - g. Special Use Facility - Several UTRGV academic or recreational facilities designated as Special Use Facilities are available for other than UTRGV instructional activities under the provisions of the *Rules and Regulations* of The UT System Board of Regents. See Section H.
  - h. Work Area - any facility utilized for normal UTRGV operations;
  - i. Grounds - all remaining outdoor areas not included in categories defined above;
  - j. Support (e.g., cooling plant, warehouse, mail room, computer center, etc.);

### D. Policy

1. The Registrar's Office shall serve as the coordinating body concerning use of academic space for UTRGV. The use of non-academic space will be coordinated through Facilities-Space Management in collaboration with Auxiliary Services for non-UTRGV requestors.

2. Buildings or facilities owned or controlled by UTRGV are not open to non-affiliated person for the purposes of assembly, speech, or other activities as are the public streets, sidewalks, and parks.
3. The responsibility of the UT System Board of Regents to operate and maintain an effective and efficient system of institutions of higher education requires that the time, place, and manner of assembly, speech, and other activities on the grounds and in the buildings and facilities of UTRGV be regulated. The UT System Board of Regents adopts and promulgates this policy pursuant to the general authority of Texas Education Code, Chapter 65 and the specific authority of Texas Education Code, Chapter 51.
4. No person, organization, group, association, or corporation may use property, buildings, or facilities owned or controlled by UTRGV for any purpose other than in the course of the regular programs or activities related to the role and mission of UTRGV, unless authorized by the Regents' *Rules and Regulations* or the *Handbook of Operating Procedures*. Any authorized use must be conducted in compliance with the provisions of the Regents' *Rules and Regulations*, the *Handbook of Operating Procedures*, and applicable federal, State, and local laws and regulations.
5. Identification Required
  - a. Pursuant to the authority conferred upon the UT System Board of Regents by Texas Education Code Section 51.209, in order to protect the safety and welfare of students, employees, patients, and other participants in the programs and activities of UTRGV, it shall be unlawful for any person who is on any property or in a building or facility owned or controlled by UTRGV to refuse to identify himself or herself in the response to a request by an institutional representative. For the purpose of this section, a person identifies himself or herself by:
    - i. giving his or her name and complete address substantiated by a current driver's license, voter registration card, or other official documentation; and
    - ii. stating truthfully whether he or she is a student or employee of UTRGV.
  - iii. For the purpose of this section, an "institutional representative" is:
    - iii.i. any member of the UT System Board of Regents or the General Counsel and Secretary to the Board;
    - iii.ii. any executive officer or administrative officer of the UT System or any of the institutions;
    - iii.iii. any administrative officer of UTRGV;
    - iii.iv. any attorney of the UT System or UTRGV; and
    - iii.v. any peace officer or security officer of the UT System or UTRGV acting pursuant to authority of Texas law.
  - iv. Refusal to Identify. Any person who refuses to identify himself or herself in accordance with this section may be convicted of a misdemeanor punishable by a fine of not more than \$200. Students, faculty, or staff who

refuse to identify themselves in accordance with this section are also subject to disciplinary action.

## 6. Alcohol

### a. Authorized Use of Alcoholic Beverages

The use of all property, buildings, or facilities leased, owned or controlled by UTRGV is subject to the Regents' *Rules and Regulations*. The approval of the use of UTRGV property, buildings, or facilities pursuant to this policy does not include authorization to serve or sell alcoholic beverages during the period of use. The service or sale of alcoholic beverages on UTRGV property or in UTRGV buildings or facilities may be authorized only in accordance with the Regents' *Rules and Regulations* and the UTRGV's approved Alcohol policy, ADM 10-103, Alcoholic Beverages.

- i. All sale, service, possession and consumption of alcoholic beverages must be done in accordance with *Handbook of Operating Procedures ADM 10-103, Alcoholic Beverages*.
- ii. UTRGV-Sponsored Events  
With the written approval of the President or his or her designee (signature on the "Application for Use of Alcoholic Beverages on Campus" form), alcoholic beverages may be sold or served for consumption at UTRGV sponsored events.
- iii. Special Use Facilities  
Non-Institutional individuals, corporations, or organizations that reserve and use a Special Use Facility for a permissible purpose and desire to serve food and beverages, including alcoholic beverages, must provide such food and beverages through UTRGV Food Service.

## 7. Authorized Users

### a. Registered Organizations

- i. Subject to constitutional and statutory restrictions on the use of State of Texas property for religious or political purposes, a students' association; a registered student, faculty, or staff organization; or an officially recognized alumni association that qualifies under *Handbook of Operating Procedures, ADM 02-202 Faculty and Staff Organizations, STU 03-100 Recognition and Approval of Student Organizations* and *ADM 02-300 Free Speech, Expression, and Assembly Policy*, whose fundraising activities are dedicated to the benefit of UTRGV, may reserve and use buildings, grounds, and facilities owned or controlled by UTRGV in compliance with UTRGV's reasonable and nondiscriminatory time, place, and manner provisions. Groups of students, faculty, or staff who are not registered or groups of alumni other than officially recognized alumni associations, whose fundraising activities are dedicated to the benefit of UTRGV, may not use the institution's buildings, facilities, or grounds.
  - A students' association, a registered student, faculty, or staff organization, or an alumni association may not reserve or use

UTRGV property, buildings, or facilities for the purpose of engaging in any project or program with any association, organization, or corporation, or with any individual or group of individuals that are not registered. Additional information may be found in *Handbook of Operating Procedures* ADM 10-104, Solicitation on Campus.

b. Use by Non-registered Organizations

i. Joint Sponsorship. Except as permitted in *Handbook of Operating Procedures*, ADM 10-104 Solicitation on Campus, and Section E.5 Special Use Facility under this policy and Section D.7.d Filming Motion Pictures or Television Productions under this policy, the use of buildings or facilities owned or controlled by UTRGV by individuals who are not students, faculty, or staff; by groups that are not registered student, faculty, or staff organizations; or by associations or corporations for programs or activities must be jointly sponsored by UTRGV and shall be subject to the following conditions:

- The program or activity must be upon the invitation of UTRGV. Only the President or his or her delegate can authorize joint sponsorship.
- In order for joint sponsorship to be appropriate, the implications of a program or activity must, in the determination of the President, directly supplement the educational purposes of UTRGV.
- Established as a public institution without regard to political affiliation or religious faith, UTRGV cannot be a joint sponsor for political or sectarian gatherings.
- UTRGV will be responsible for all details of the program or activity, and reserves the right to approve all copy for advertising and news releases, and may require an accounting of the income and expenses directly related to the program or activity submitted to the Assistant Vice President for Campus Auxiliary Services.
- The scheduling of buildings or facilities for programs or activities of UTRGV shall always have priority over the scheduling for programs or activities that are jointly sponsored.
- The fee to be paid by the invited individual, group, association, or corporation will be a matter for negotiation in each case and will be specified in the agreement providing for the joint sponsorship. At a minimum, the fee must ensure recovery of the cost incurred by UTRGV.
- Procedures for requesting joint sponsorship shall be available through the Office of Campus Auxiliary Services.

c. Permissible Activity

In compliance with reasonable and nondiscriminatory time, place, and manner regulations of UTRGV, students, faculty, or staff, a students' association, or a

registered student, faculty, or staff organization, may petition, post signs, distribute literature, set up tables and exhibits, or peacefully demonstrate on UTRGV property, provided that the posting of signs and the setting up of tables and exhibits may require prior authorization. Other rules regarding use of UTRGV facilities may be found in the *Handbook of Operating Procedures*, ADM 02-300, Free Speech, Expression, and Assembly Policy and ADM 10-104, Solicitation on Campus.

d. Impermissible Activity

- i. No person, including a student or employee of UTRGV, shall distribute any petition, handbill, object, or piece of literature; post or carry any sign, placard, or banner; or engage in speech or conduct on property or in buildings or facilities owned or controlled by the UT System or a component institution if it is obscene, libelous, or directed to inciting or producing imminent lawless action and is likely to incite or produce such action.
- ii. With the exception of certified support animals and animals involved in approved UTRGV activities, animals are not permitted in any UTRGV building. Animal(s) may be brought onto campus, other than in buildings, but should be appropriately restrained or contained. The owner shall be responsible for cleaning up after the animal.

e. Filming Motion Pictures or Television Productions

The President may authorize the use of, buildings, or facilities owned or controlled by UTRGV for filming motion pictures or television productions under a written agreement approved pursuant to UT System procedures. Requests to film motion picture or television productions will be reviewed and considered on a case-by-case basis and, subject to the provisions of *Regents' Rules and Regulations*, it shall be within the discretion of the President to determine whether to grant the request. The safety of students, faculty, and staff; the potential for damage to buildings, facilities, or property and for disruption of administrative or academic programs or other scheduled activities; and the subject matter of the film shall be of primary consideration in determining whether to grant a filming request. Additional requirements and conditions may be found in Regents' Rule 80107.

f. Use of Facilities for Weddings

The President may designate one or more indoor or outdoor areas that may be used for weddings, subject to the following conditions:

- i. Requests for use of such space must be made at least fourteen days in advance.
- ii. Use of such space for activities of UTRGV shall have priority over weddings.
- iii. A charge for the use of such space will be made that at least recovers the actual cost.

- iv. The user shall be required to execute a Facilities Use Agreement, the form and content of which has been approved by the UT System Office of General Counsel and provides for adequate insurance.
- v. Additional requirements and conditions may be found in Regents' Rule 80108.

**E. Responsibilities**

- 1. Responsibility for facilities assignment and scheduling is delegated by the President as follows:

<b>Contact</b>	<b>Facilities Managed</b>
Registrar's Office	All classrooms and any other facilities designated as locations for direct academic spaces
Facilities – Space Management	All other space/facilities designated as locations for non-academic space, including grounds, parking and all other spaces
Department of Housing and Residence Life	All residence hall facilities
Parking and Transportation Services	Reservation of Parking Spaces
Office of the VP for Institutional Advancement	International Trade and Technology Building
Conference and Event Services in the Student Union Department	Special Use Facilities
Athletics Department	All indoor and outdoor facilities used by Athletics.

2. Classroom Facilities

- a. Academic facilities are scheduled through the Registrar's Office.
- b. In extreme situations when sufficient classroom space is not otherwise available (e.g. due to natural disaster, renovation of an academic building), the President may appropriate any suitable space not normally used as classrooms (e.g., learning resources centers, dining halls, etc.) if other scheduling arrangements

cannot be made. The director of the appropriated space will be notified as soon as practical.

### 3. Residential Facilities

- a. Residential facilities are scheduled by the Department of Housing and Residence Life.
- b. When regular residence hall occupancy permits, residential facilities may be used by conference or special program participants.
- c. Detailed procedures regarding scheduling of residence halls for resident students are provided in UTRGV Catalog.

### 4. Parking

- a. The UTRGV office requesting the reservation of parking spaces will be responsible for generating a Request for Parking Services to the Parking and Transportation Services Office. The form should specify the occasion, location and number of spaces to be reserved and the date and time of the event.
- b. The office requesting the space will cooperate with the Office as may be required.
- c. The Parking and Transportation Services Office will:
  - i. Assign an attendant(s) or appropriate personnel to control the reserved lot or space as required;
  - ii. Make arrangements for barricades as needed to control the reserved area(s).
- d. All special requests for reserved parking shall be made in writing, allowing at least 10 business days to guarantee sufficient time for necessary review and planning.

### 5. Special Use Facility

Certain UTRGV facilities may be designated by the President for other than direct instructional activities, with the following provisions. Requests for Special Use Facilities, except for those in the International Trade and Technology Building, by non-UTRGV individuals or groups will be scheduled by Conference and Event Services. This office facilitates contracting, scheduling, and billing facility requests for non-UTRGV individuals or groups.

- a. Designation as a Special Use Facility shall not constitute the facility as a public facility or forum that is open to use by individuals, groups, associations, or corporations on a first come, first served basis.
- b. Priority in the reservation and use of Special Use Facilities shall be given to programs and activities of the UT System or UTRGV that are in furtherance of and related to the educational, cultural, recreational, and athletic programs of UT System or UTRGV.
- c. As a lower priority, Special Use Facilities may be rented, at the discretion of UTRGV, by non-UTRGV individuals, groups, associations, or corporations for activities or events that support UTRGV's educational mission, without the necessity of joint sponsorship by the institution. Subject to all constitutional and

statutory provisions relating to the use of State property or funds for religious or political purposes, Special Use Facilities may be made available for religious and political conferences or conventions. Agreements for the use of Special Use Facilities shall be consistent with model contracts developed by the Office of General Counsel.

- i. Political or sectarian speakers or candidates for public office may appear under the guidelines established for speakers from off-campus. See *Handbook of Operating Procedures* ADM 02-300 Free Speech, Expression, and Assembly.

Rental fees, at a minimum, shall ensure recovery of that part of the operating cost of the facility attributable directly or indirectly to such non-UTRGV use.

- d. The following facilities have been designated as Special Use Facilities:

<b>Location - Edinburg</b>
Albert Jeffers Theater
Business Administration Auditorium
Chapel
Community Engagement and Student Success (CESS)
Edinburg Baseball Stadium
Engineering Auditorium
Health & Kinesiology I and II - Buildings
Health & Kinesiology I and II - Court Yards
International Trade and Technology – Board Room
International Trade and Technology - International Room
International Trade and Technology - Lobby



Library Media Theater
Library Regency Room
Performing Arts Complex
Quadrangle
Sabinal Plaza
Soccer, Track and Field Complex
Student Union
Sundial Plaza
University Center Ballroom Complex
University Center Circle
University Center Conference Rooms
Visitor Center
Wellness and Recreation Sports Complex
<b>Location - Brownsville</b>
BRHP – Center Courtyard
BRHP – South Courtyard
LHSB – Herbal Garden
LHSB – Patio Jacaranda
Main – East Front Lawn

Main – Gran Patio
Main – North Lawn
Main – Patio Paraiso
Main – Patio Plumeria
Main – Salon Cassia
Student Union
<b>Location - Harlingen</b>
<b>Auditorium</b>

**F. Procedures**

1. An events calendar is maintained through UTRGV’s automated reservation system.
2. Final authority for scheduling and utilization of all UTRGV facilities and space rests with the President. Responsibility for scheduling of facilities and space is delegated by the President to the Registrar’s Office in coordination with other applicable departments. UTRGV utilizes the automated reservation system to track scheduling requests. Additional information regarding space usage can be found under the Space Usage for UTRGV guidelines.
3. Priorities for assignment of UTRGV facilities provide guidance for space utilization. Preferences in assignments will be based on a priority system, as follows:
  - a. First priority – regularly scheduled instructional activities of programs leading to the attainment of academic credit and degrees.
  - b. Second priority – other UTRGV activities, including intramural and intercollegiate athletics, cultural programs; lecture series; meetings and activities of campus student, faculty, and staff organizations and departments; social events of registered organizations, and non-credit continuing education programs.
  - c. Third priority – educational programs jointly sponsored by UTRGV with off campus groups or organizations including meetings of learned societies or professional organizations.

In extreme situations when sufficient classroom space is not otherwise available (e.g. due to natural disaster, renovation of an academic building), the President may appropriate any suitable space not normally used as classrooms (e.g., Library, dining halls, UC meeting rooms), if other scheduling arrangements cannot be made. The director of the appropriated space will be notified as soon as practical and always in advance.

4. UTRGV retains control over use of its facilities, even when leased, and has approval authority over all activities as well as over advertisements and news releases relating to an activity that takes place in UTRGV facilities.
5. UTRGV organizations and departments will not be charged for use of facilities or equipment; however, they may be charged for services if these services are non-routine or if they must be performed before or after normal working hours.
6. Within the priority system, all authorized use of facilities will be scheduled on a "first come, first-served" basis, with the understanding that the availability of UTRGV facilities for functions other than the institution's own activities is strictly subject to the needs and convenience of UTRGV.
7. Any individual or group authorized to use UTRGV facilities must abide by the rules and regulations governing the specific facilities to be used. Failure to abide by the rules and regulations may result in cancellation of the permit to use the facilities. Individuals or groups using UTRGV facilities or equipment will be liable for damage.
8. Groups of students, faculty or staff who are not registered may not use the institution's buildings or grounds. Registered student, faculty or staff organizations may not enter into joint sponsorship of any on-campus project or program with individuals, groups or students that are not registered. Other rules regarding use of UTRGV facilities may be found in the *Handbook of Operating Procedures*, ADM 02-300 Free Speech, Expression, and Assembly Policy and ADM 10-104 Solicitation on Campus.

#### **G. Relevant Federal and State Statutes**

1. Texas Education Code, Chapter 65 – Administration of The University of Texas System
2. Texas Education Code Section 51.202 – Rules and Regulations, Penalty