

BOG Finance and Administration Rule 5.5 – Use of University Facilities

Finance and Administration

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Responsible Unit: Office of Strategic Initiatives

Amended: [TBD]

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Effective: July 15, 2019

Revision History: Prior BOG Policy 16 (Originally effective September 5, 2003); Prior BOG Policy 18 (Originally effective June 3, 2011); Prior BOG Policy 19 (Originally effective November 14, 2003)

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SECTION 1: PURPOSE & SCOPE.

- 1.1 West Virginia University seeks to create a uniform process by which proposed uses of its Facilities are considered for approval to ensure that Facilities are used consistent with the University's mission and to avoid scheduling conflicts.
 - 1.2 This Rule provides the guidelines for proper use of University Facilities, including the sale and possession of Alcoholic Beverages and the regulation of credit card solicitation and marketing within the premises and on the grounds of West Virginia University as required by W. Va. Code § 18B-14-10.
 - 1.3 This Rule applies to any Facility under the control of West Virginia University, including West Virginia University Institute of Technology and West Virginia University Potomac State College (collectively, the "University").
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SECTION 2: ADMINISTRATION.

- 2.1 Facilities are intended to further the University's educational programs. Additionally, in its many aspects of service to the public, the University may permit the use of its Facilities to provide benefits to users otherwise not available in the community.
 - 2.2 The President shall create, implement, and administer policies and procedures by which the University's Facilities are utilized. The policies and procedures shall establish a list of priorities regarding how Facilities will be allocated in the event of a scheduling conflict. The highest priority shall always be reserved for academic, administrative, student, and mission-related functions of the University. All policies and procedures developed according to this Rule must also be consistent with the University's Campus Facilities Plan developed under WVU BOG Finance and Administration Rule 5.4 – Campus Facilities Plan.
 - 2.3 The University is committed to protecting the free speech rights of its students, faculty, and staff. Accordingly, administration of this Rule and its implementing policies and procedures shall be done consistent with the First Amendment and BOG Governance Rule 1.8 – Freedom of Expression.
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SECTION 3: POLICIES & PROCEDURES FOR THE USE OF UNIVERSITY FACILITIES.

- 3.1 Requirements. Any policy or procedure developed pursuant to this Rule shall incorporate the definitions, where applicable, and guidelines set forth in this Rule.
- 3.2 Public Outdoor Grounds & Assemblies.
 - 3.2.1 Assemblies of persons may occur on any public grounds on the campus. All outdoor grounds are public grounds, unless those areas are not generally open to the public, such as Athletic Fields.

Outdoor assembly areas, as designated by the University, may be reserved in advance for assemblies of persons with more than 50 participants.

- 3.2.2 The University shall designate outdoor assembly areas in size and configuration necessary to accommodate groups that desire to assemble.
- 3.2.3 The outdoor assembly areas are open to the public and do not require advance reservation for use between 7:30 a.m. and 10 p.m. However, advance reservation is strongly encouraged in order to ensure that a location is available at a specific date and time.
- 3.2.4 An appropriate reservation procedure shall be instituted by the University along with a list of the outdoor assembly areas and a provision allowing outdoor assembly areas to be reserved in advance for specific times and dates, with applications processed in the order in which they are received.

3.3 Indoor Assemblies & Distribution of Materials. Students, faculty, staff, and campus recognized organizations and departments that wish to assemble inside campus buildings must obtain a reservation in accordance with campus facility reservation procedures. Only students, faculty, staff, and campus recognized organizations and departments may distribute written or printed materials inside campus buildings, and such groups and individuals must obtain a reservation in accordance with campus reservation procedures.

3.4 Facilities (Non-Public Grounds)

- 3.4.1 The University recognizes the need for, and permits the use of, Facilities which may provide benefits otherwise not available in the community. Accordingly, Facilities that are not public grounds may be made available through policies and procedures developed by the President for reservations.
- 3.4.2 The policies and procedures should identify the University's Facilities and individuals tasked with managing them. There may be fees associated with the reservation of any Facility which shall be based on content-neutral criteria, including the anticipated attendance and maintenance, staffing, cleaning and equipment requirements. Any use of a Facility that requires security, EMS, fire or other safety staffing will be the responsibility of the user.
- 3.4.3 The policies and procedures developed pursuant to this Rule shall establish a process by which the University will consider an External User's proposed event.
 - 3.4.3.1 The Facilities made available to External Users of Facilities, if any, should be of a nature that is unique or generally not otherwise available to the community.
 - 3.4.3.2 An External User that desires to use a University facility must have a Campus Sponsor.
 - 3.4.3.3 An External User that desires to use a Facility must provide proof of insurance adequate to protect the

University, as determined in consultation with the University's Risk Manager, unless this provision is waived in writing by a person at the University with the authority to execute such a waiver.

3.4.3.4 An External User that desires to use a Facility must execute a University-approved Facility use agreement. All External Facility use agreements shall be executed by, (1) the External User, (2) the Campus Sponsor, and (3) the relevant Facility manager.

3.4.4 All monetary charges for the use of Facilities shall be sufficient to, at a minimum, cover all identifiable direct and indirect costs. At the University's discretion, it may waive costs for External Users that are nonprofit organizations and/or public bodies of the State of West Virginia, such as county school systems. All such monetary charges must be reasonable, assessed equally to similar External Users, and be published in advance.

3.5 Use of Facilities by an Employee or Unit for Nontraditional Programs. To encourage the various colleges and universities to extend their offerings, the Board permits its Facilities 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. Per the purposes of this Rule, these programs are referred to as Nontraditional Programs. In those limited circumstances and subject to other Board Rules or University Policies and Procedures, the following guidelines will apply for these Nontraditional Programs.

3.5.1 University faculty and staff members who are authorized by the terms of their employment or receive express approval by their respective supervisor or Dean to 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: (1) extra compensation for the activity be paid from funds other than state appropriations allocated by the Board of Governors; and (2) the amount of combined nontraditional and consulting activity for which additional compensation is received is consistent with other institutional rules and policies and, where twelve (12) month employees are involved, annual leave is 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 and/or consulting time.

3.5.2 All revenues and expenditures shall be handled by 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 University may be deducted from revenues; however, the University may require that a deposit be made in advance for such services.

3.5.3 Where applicable, an agreement shall be developed and signed by an authorized representative of the group or unit responsible for the

program and the President. This agreement shall establish the responsibilities of the University and the sponsor, including detailed financial obligations to the University from revenues. All agreements must ensure that the University will receive reimbursement for all identifiable direct and indirect costs.

- 3.5.4 Nontraditional Programs must be sponsored by the University and have adequate insurance. The name to be used for the program is left to the discretion of the University.
- 3.5.5 All personnel receiving compensation for involvement in the Nontraditional Programs must be paid on a regular state payroll or other approved service agreement (e.g., a standard WV-48 or -48A).
- 3.5.6 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.

SECTION 4: ALCOHOLIC BEVERAGES.

- 4.1 The possession or sale of Alcoholic Beverages is prohibited on or in University Facilities, including student housing, except as provided below:
 - 4.1.1 The possession or sale of Alcoholic Beverages is permissible on or in properly licensed property or Facilities.
 - 4.1.2 Subject to other applicable laws, Alcoholic Beverages are permissible in dwellings occupied as private residences, including University-owned apartments.
 - 4.1.3 The possession or sale of Alcoholic Beverages at a Facility may be authorized by the President on a case-by-case basis consistent with the following guidelines:
 - 4.1.3.1 Alcoholic Beverages shall never be the primary reason for a gathering.
 - 4.1.3.2 The majority of persons in attendance must be of legal drinking age.
 - 4.1.3.3 No person under the legal drinking age will be served.
 - 4.1.3.4 Non-alcoholic beverages and food must be served.
 - 4.1.3.5 No person under the age of eighteen (18) may serve Alcoholic Beverages. Servers of Alcoholic Beverages must be appropriately trained to adhere to all laws and regulations regarding the services thereof.
 - 4.1.3.6 No state funds may be used to purchase Alcoholic Beverages. .

SECTION 5: COMMERCIAL USE OF FACILITIES AND SOLICITATION, INCLUDING CREDIT CARDS.

- 5.1 All Commercial Sales, Solicitations, Advertising, and Other Commercial Activity including, Credit Card Activities, on property under the jurisdiction of the University is prohibited except by organizations and groups directly connected with the University and upon written approval of the President or pursuant to a written contract or agreement with the University.
- 5.1.1 If Credit Card Activities do occur, the offering of any tangible gifts in exchange for completing a credit card application is prohibited and no application for the extension of debt through a credit card may be available unless the application is accompanied by credit card education brochure.
- 5.2 Student contact information is not a public record and therefore specific requests for such information will not be disclosed under the W. Va. Freedom of Information Act, including, but not limited to, for the purpose of soliciting applications for credit cards.
- 5.3 Credit card debt education should be incorporated into orientation programs offered to new students.
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SECTION 6: DELEGATION.

- 6.1 The Board of Governors delegates to the President the authority to adopt additional internal policies and procedures to effectuate the implementation of this Rule. Any action taken pursuant to this delegation must be consistent with the guidelines provided by this Rule.
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SECTION 7: AUTHORITY.

- 7.1 W. Va. Code § 18B-1-6, § 18B-2A-4; § 18B-14-10.
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SECTION 8: DEFINITIONS.

- 8.1 “Alcoholic Beverages” means, for purposes of this Rule, beer, wine, or other alcoholic beverages.
- 8.2 “Campus Sponsor” means any University employee working within the course or scope of his or her employment, any University department or unit, or any University recognized student organization with the approval of the Office of Student Engagement and Leadership or successor unit.
- 8.3 “Commercial Sales, Solicitations, and Other Commercial Activity” means any activity whose purpose is to inform, induce, or encourage individuals or groups to purchase, rent, lease, or use any goods or services or to participate in some commercial enterprise.
- 8.4 “Credit Card Activities” means solicit credit card applications or conduct any other activity in connection with such solicitation.

- 8.5 “External User” means, for purposes of this Rule, an individual or entity that is not a Campus Sponsor.
- 8.6 “Facility” means, for purposes of this Rule, all buildings and structures, grounds, sidewalks, recreation areas, and streets owned by the Board of Governors or its predecessor, and any such areas considered to be part of the campus of the University.
- 8.7 “President” means, for purposes of this Rule, President of West Virginia University or his or her designee.
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SECTION 9: SUPERSEDING PROVISIONS.

- 9.1 This Rule replaces Board of Governors Policy 16: Use of Institutional Facilities, which was made effective on September 5, 2003, Board of Governors Policy 18: Alcoholic Beverages On the Campuses, which was made effective June 3, 2011, and Board of Governors Policy 19: Regulation of Credit Card Solicitation and Marketing and any rule of the Higher Education Policy Commission with relates to the subject matter contained within this Rule. This Rule also repeals and supersedes and replaces any internal University policy or procedure which relates to the subject matter contained within this Rule.

History

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