



## AUXILIARY FACILITY RENTAL POLICY

**Policy Title:** Auxiliary Facility Rental

**Policy Type:** Administrative

**Policy Number:** 46-09 (2014)

**Approved:** 05/05/2015

**Responsible Office:** Auxiliary Enterprises and Services

**Responsible Executive:** Vice President for Finance and Administration

**Applies to:** Students, Faculty, Staff, Vendors, and General Public

### POLICY STATEMENT

This policy applies to non-campus organizations, on-campus organizations and NSU faculty and staff, promoters, housing guests, NSU faculty and staff, and private individuals wishing to rent University facilities.

TABLE OF CONTENTS	PAGE NUMBER
Definitions.....	1
Contacts.....	4
Stakeholder(s).....	4
Auxiliary Facility Rental Policy Contents.....	4
Purpose.....	7
Publication.....	7
Review Schedule.....	7
Related Documents.....	7
Forms.....	8

### DEFINITIONS

Use of University Facilities; Definitions; Priority of Use: Restrictions on Use

(1) For the purpose of University Regulations, the following definitions apply:

(a) “**University**” means Norfolk State University.

(b) “**University campus**” or “**campus**” means those lands located in Norfolk, Virginia occupied or controlled by the University, along with any other educational or residential facilities controlled by the University within the entire area of the University. “University campus” or “campus” does not include those facilities occupied by University in leased or shared-use facilities; instead, events at those facilities must comply with policies and procedures proscribed by the owner of the facility. (E.g., Old Dominion University establishes guideline for events at Old Dominion University including in those area used by Norfolk State University).

(c) “**University facilities**” means all buildings (inclusive of building curtilage) and grounds, including athletic and recreational fields, on the University campus.

(d) “**Instructional space**” means all University facilities used primarily for the conduct of scheduled classes and other academic activities, including but not limited to classrooms, laboratories, studios, theaters, auditoriums, and lecture halls.

(e) An “**event**” is a gathering or activity, typically involving multiple persons. A gathering or activity does not have to be scheduled in advance to constitute an event.

(f) A “**potential hazardous event**” is a gathering or activity that, due to the size of the gathering or the nature of the activity, could reasonably be expected to create a risk of harm to persons or damage to property. Potentially hazardous events are also subject to the requirements of University Regulations.

(g) “**March**” means an organized walk, run, or procession by a group of people for a specific cause or issue where the organizer does or could reasonably expect at least 50 people to participate.

(h) “**Parade**” means a public procession, usually including a marching band or float(s) and often of a celebratory nature, held in honor of an anniversary, event, person, cause, etc.

(i) “**University organizations**” are defined for purpose of use of university facilities, as colleges, schools, divisions, departments, institutes, or centers of the University; the Student Government Association; and certain corporate organizational units that operate for the benefit of the University (including but not limited to direct support organizations).

(j) “**University-related organizations**” are defined, for purpose of use of University facilities as registered student organizations; honor societies officially recognized or registered by or affiliated with the University or otherwise failing to meet the definition in paragraph (i) above, are related to the University because they promote the interests of the University or perform other service to the University, such as nationally or regionally organized academic professional associations or professional fraternal societies supported by an academic unit, charitable community organizations, other public educational institutions, and governmental entities.

(k) “**Non-university organizations**” are defined for purposes of use of University facilities as persons organizations that do not meet the definitions in paragraphs (i) and (j), immediately above. “Non-university organizations” include unregistered student groups; candidates for election to public office; organizations supporting such candidates; organizations that exist primarily for the

purpose of carrying on commercial activity for profit; and those persons who activities are primarily for private gain or benefit.

(1) “**Organizations**” means any group of persons or individuals, whether incorporated or not and whether organized by means of bylaws or not, acting in coordinated fashion. Included in term “organizations” are groups commonly thought of as clubs.

(2) Priority of Use and Restrictions on Use. Use of University buildings, indoor facilities, and athletic or recreational facilities must be scheduled in advance. Use of certain outdoor areas must be scheduled in advance: this includes William “Dick” Price Stadium, Marty Miller Baseball Stadium, Football and Softball Practice Fields, Tennis Courts, Volley Ball Court, Basketball Courts, and University Picnic area facilities.

(3) Even where advance scheduling is not required, persons and organizations are encouraged to schedule events and activities in advance, because scheduled events will be given priority over unscheduled activities. In general, the conduct of educational and administrative functions and activities of the university will take precedence over functions and activities of organizations. Certain facilities on campus which are funded by student activity and service fees may give priority to student activities over university business according to policies set by those facilities.

(4) The University reserves the right to relocate scheduled activities as necessary to accommodate University programs and instructional activities.

(5) The University shall not discriminate on the basis of the viewpoint expressed by any person or organization making authorized use of University facilities.

(6) Requests for scheduling events in University facilities should be **initiated in the event scheduling system**, unless otherwise specified.

(7) Use of University facilities, including athletic and recreational facilities, may be subject to rental fees and/or service charges as determined by the authority or official controlling the facility.

(8) A condition for the use of University facilities may be that the sponsoring person or organization obtain adequate insurance coverage and/or that adequate security can be provided by the University Police. The costs of such insurance or security shall be borne by the event sponsor. See Regulation for further information regarding insurance requirements.

(9) The above provisions relate to non-commercial speech activity. Any use of University Facilities for commercial purposes must be scheduled and approved in advance. The University shall review such requests in light of the University’s contractual and other legal requirements, the relationship of the activity to the University’s mission, and the benefits of the activity to the University and the State of Virginia. Commercial use of University facilities is governed generally by University Regulations, which is implemented by Auxiliary Enterprise and Services. However, a limited number of facilities on campus, such as the Douglas L. Wilder Performing Arts Center and Student Center, may rent out space in their facilities to members of the public pursuant to specific policies and procedures they establish for that purpose.

(10) All scheduled and unscheduled use of University facilities is subject to change, relocation, or cancellation in the event of an emergency.

(11) The possession of use of firearms, explosives, or munitions on campus is generally prohibited. Law enforcement personnel may carry firearms or ammunitions and may use them in the course of law enforcement activities. The University also reserves the right to permit the use of firearms or ammunitions by military personnel.

The University reserves the right to deny an organization's activity when it is determined that a particular activity may present an inherent danger to the University or its constituents

## CONTACT(S)

Auxiliary Enterprises and Services officially interprets this policy. The Vice President of Finance and Administration is responsible for obtaining approval for any revisions as required by BOV Policy#01 (2014) *Creating and Maintaining Policies* <https://www.nsu.edu/policy/bov-01.aspx> through the appropriate governance structures. Questions regarding this policy should be directed to Auxiliary Enterprises and Services.

## STAKEHOLDER(S)

Campus community, students, and vendors

## AUXILIARY FACILITY RENTAL POLICY CONTENTS

All requests for the use of University facilities by organizations should be directed to the office of Auxiliary Enterprises and Services. **A non-refundable application fee must accompany the application for non-campus organizations.** A complete description of the activity must be submitted as part of the application package. The application process should be completed and approved by the University at least **thirty (30) days** prior to the event date.

A promoter of the scheduled event such as a concert on campus shall seek approval from the University regarding the University's acceptance of the incoming artist(s) prior to filing a formal application with the University or making final arrangements for the event.

The University reserves the right to co-sponsor or share net revenues with the sponsor. In such cases, provisions in this policy shall not apply.

Activities or events requiring the use of food services only may be directed to the University's catering department.

Norfolk State University's Dining Services has the first right of refusal to cater any event held on campus, inclusive of university-leased property, and provides catering for the following functions:

1. Activities of university-recognized student, faculty, and staff organizations;
2. Any university-sponsored functions (i.e., those charged to university accounts);
3. Any approved campus activity that utilizes university facilities.

The person(s) scheduling the event must contact Dining Services directly to coordinate all catering.

#### Housing Policy

1. A live-in adult is required for any guest under eighteen (18) years of age.
2. There may be no charge for a child under twelve (12) years of age when accompanied by two (2) paid adults.
3. Guests are responsible for their own linen, towels, pillows, etc.
4. All emergency doors must be locked from the outside at all times but are always operable from the inside. The doors to individual rooms must be properly secured.

The activity shall not be controversial or pose legal threats to the University or its officials. However, preference shall be given to University activities and programs in the scheduling process. The University reserves the right to disapprove or cancel activities at its discretion with proper notice.

The University shall be responsible for the sale and accountability of tickets for those events or activities requiring the sale of tickets. Exceptions require the approval of the Vice President for Finance and Administration/or the Director of Auxiliary Services.

Supporting personnel and security needs shall be determined by the University and assigned to the activity.

A written estimate of expenses shall be provided along with the approved application. Such expenses shall be borne by the sponsoring organization. All expense rates are subject to change without notice - based on actual event(s). Fees will be charged based on approved fee schedule(s). The University, at its own discretion, reserves the right to offer discounts to non-profit groups.

The possession, sale, or consumption of alcoholic beverages and illegal drugs in any form shall not be permitted on campus.

The usages of fees apply to space only. Needed equipment, supplies and personnel services shall be added to the bill.

A 50% deposit of the total charges or \$100, whichever is higher, is required within seven (7) days after a formal approval is given by the University for the Event. The balance must be paid ~~three (3)~~ **seven (7)** business days prior to the day of the event. Additional charges for damages or losses shall be assessed and billed separately within three (3) working days after the event. Payment shall be made upon receipt of the bill.

A notice of cancellation of a scheduled event or activity shall be received by the University at least five (5) working days prior to the event date in order to receive a full refund of all amounts paid, less applicable charges, if any. After the cut-off date, the deposit will be forfeited when the cancellation notice is received by the University. The University reserves the right to cancel the event for non-payment of charges due.

Past due accounts will be referred to a credit bureau, Department of Taxation, collection agency and the Attorney General. The past due accounts may be charged interest in accordance with the guidelines promulgated by the Department of Accounts and at the underpayment rate prescribed in section 58.1-15 of the Code of Virginia. An additional amount, which shall approximate the administrative cost, attorney fees, and other reasonable collection costs incurred by the University, will be added to the outstanding balance.

All concessions shall be provided by the University for the Event. As such, the event sponsor shall be denied all rights to share in the net proceeds from the concessions.

#### Release and Indemnity

Applicant shall be liable for all damages resulting from the use of the facilities and services provided by the University. Applicant shall also reimburse the University for all damages to facilities and for the loss of services provided by the University.

The University retains the right to require applicant or any of its participants to leave the University premises when the University finds it necessary or appropriate to do so, and assumes no responsibility to the loss or theft of personal property of applicant or any of its participants. Applicant shall indemnify and hold harmless the University, its officers and employees against any and all claims for the loss, injury, or damages to persons or property, including claims of employees of applicants or their agents arising out of activities conducted by the University at the request of the applicant. The University assumes no liability whatsoever for any property placed by purchaser in University buildings or in University properties.

#### INSURANCE COVERAGE AND LIMITS REQUIRED AT THE OPTION OF THE UNIVERSITY:

- a. Worker's Compensation – Statutory requirements and benefits
- b. Employers Liability - \$100,000
- c. Commercial General Liability - \$1,000,000 per occurrence/ \$3,000,000 aggregate
- d. Pollution impairment liability (when appropriate)

The Commonwealth of Virginia is to be named as an additional insured with respect to the services being procured. This coverage is to include Premises/Operation, Liability, Products and Completed Operations Coverage, Independent Contractor's Liability, Owner's and Contractor's Protective Liability and Personal Injury Liability. Prohibited activities include but are not limited to:

1. Fireworks and pyrotechnics
2. Fire arms and personal weapons
3. Undomesticated animals
4. Motorized performance competitions

5. Sound levels potentially harmful to spectators and staff, or disturbing to neighbors.

For additional concerns or restrictions, please contact the University Police.

- e. Automobile Liability - \$1,000,000

## **PURPOSE**

This policy establishes the appropriate guidelines for the rental of NSU campus facilities to non-campus and campus organizations, departments, schools, divisions, offices and other entities of the University when requesting facility usage for revenue-generating events and activities.

All requests to Auxiliary Enterprises and Services for facility usage are processed for the facility only. Requests for equipment, supplies, and personnel services incur additional expenses.

## **PUBLICATION**

This policy shall be widely published and distributed to the University community. To ensure timely publication and distribution thereof, Auxiliary Services will make every effort to:

- Communicate the policy in writing, electronic or otherwise, to the University community within 14 days of approval;
- Submit the policy for inclusion in the online Policy Library within 14 days of approval;
- Post the policy on the appropriate Website; and
- Educate and train all stakeholders and appropriate audiences on the policy's content as necessary. Failure to meet the publication requirements does not invalidate this policy.

## **REVIEW SCHEDULE**

List the following:

- Next Scheduled Review 06/22/2021
- Approval by, date: President, 05/05/2015
- Revision History: 3/16/1995; 07/14/2014; 05/05/2015; 06/17/2016; 06/13/2017
- Supersedes: 46.012

## **RELATED DOCUMENTS**

There are no related documents associated with this policy.

## **FORMS**

Norfolk State University Auxiliary Services Facility Use Policies and Fees

<http://www.nsu.edu/auxiliary-services/forms>

Norfolk State University Application for Activities Sponsored By Non-Campus Organizations

<http://www.nsu.edu/auxiliary-services/forms>