

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. RESPONSIBILITIES AND PRIORITIES

- A. The use and scheduling of college facilities shall be under the control and supervision of the chief administrative officer, or his or her designee(s), of each college, including the University's central office, law school, and graduate school and university center, as well as its senior and community colleges.
- B. First priority of use of a college's facilities shall be given to college departments, divisions, programs and offices for curricular, administrative and other college purposes. Thereafter, priority shall be in the order set forth below. Colleges are not required to make their facilities available under all five categories, but shall permit use under categories 1 through 4, subject to the provisions of this policy.
 1. Users affiliated with the college, including:
 - a. recognized student organizations;
 - b. academic or professional organizations made up of persons on the college staff, provided each such organization is open to all members of the staff of such rank or ranks as are admitted to membership;
 - c. other recognized organizations drawing membership without restriction from the membership of the college staff; and
 - d. auxiliary enterprise corporations, college associations, child care centers, arts centers, foundations and alumni associations.
 2. Sister colleges at the University.

3. Other academic or professional organizations.
4. Government agencies and non-profit organizations of an educational, scientific, cultural, social, civic, religious, or similar nature.
5. All commercial, partisan political and other users.

Users in each category shall be treated on a uniform basis. Use by union organizations shall be governed by the applicable collective bargaining agreement with the University.

C. The University shall deny use of college facilities to:

1. Users that refuse to employ at their event the security personnel required by the host college. Users of college facilities must abide by the University's Private Security Policy (adopted by the Board of Trustees on March 21, 1994, Cal. No. 4), as it may be amended, which is incorporated into this policy.
2. Users that previously submitted a false application or that have previously violated the terms of a use agreement.
3. Users that plan to use college facilities in a manner that obstructs or disrupts college operations, interferes with freedom of movement on campus, exposes persons or property to safety hazards or risk of injury, or is unlawful.

D. Fees for the use of college facilities shall be determined as follows:

1. Each college shall establish and make available a fee schedule, approved by the chief administrative officer of the college, for those facilities on its premises that it makes available for use by others.
2. Colleges may vary the 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.
3. Additional services, such as extra housekeeping, special security, catering, technicians, and equipment shall be charged to the user at cost.
4. The amount charged to affiliated users and sister colleges should not exceed the host college's direct costs for use of the facility. If the affiliated user or sister college is co-sponsoring an event with one or more

outside organizations, the amount charged should be limited to that which may be apportioned to the outside organizations and which the host college would charge if it were the co-sponsoring college.

5. Fair market value must be charged for partisan political use.
- E. Use of college facilities may be subject to reasonable time, place and manner restrictions.

III. 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; the time(s) and date(s) for the requested use; and the amount of any admission fee to be charged and its intended use.
- 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, including but not limited to the Fiscal Handbook for Control and Accountability of Student Activity Fees, the July 14, 2003 regulations issued by the Office of the Senior Vice Chancellor regarding outside groups holding graduation ceremonies at college facilities, the October 14, 2004 Administrative Advisory Memorandum issued by the Office of the General Counsel regarding use of college facilities by candidates for public office, and 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.
 4. Indemnify, defend and hold harmless the University, the college, the Dormitory Authority of the State of New York, 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. Provide evidence of appropriate and adequate insurance protection 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 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.

Adopted by the CUNY Board of Trustees on February 28, 2005.