



# BOARD POLICY

REG No.: 371

## FACILITIES USAGE BY COMMUNITY GROUPS

### I. PURPOSE

Describes policies and procedures governing the reservation and use of college facilities by external groups.

### II. BACKGROUND and/or LEGAL REFERENCE

The institution may legally bar all outside groups from its facilities, or it may create a limited open forum for some groups.

Public educational institutions are not traditional **public forums** and therefore may deny access to all persons or groups during noninstructional hours.

Once the institution allows such access, it creates a **limited public forum** and must open its facilities to all *similarly situated* persons or groups in a *similar manner*; that is, it may not discriminate *between similar groups* regarding the use of its facilities. For example, the Rotary Club must be treated the same, and given the same access, as the Lions Club and all other service organizations. But commercial, for-profit groups need not be treated the same as the service organizations, though they must be treated the same as each other.

The U.S. Supreme Court has determined that, under the Free Speech Clause of the First Amendment of the U.S. Constitution, an educational institution that has created a limited public forum may not deny access to student organizations (and other groups) on the basis of religious, political, philosophical, or other content of speech. To do so would constitute *content censorship*.

### III. POLICY

#### A. Usage Policy: General

1. The grounds and facilities of the district shall be used for the educational goals and purposes of the college as set forth by the Board. Such uses, as determined by the Board and the President, have priority over any other use of district facilities.
2. The grounds and facilities of the district shall be made available to the community, when such use (a) does not interfere with normally scheduled activities or with any use by the college itself, (b) does not conflict with any of the policies and procedures of the district, (c) is agreed to in writing by both the college and the user organization, (d) all college-required indemnification and insurance coverage by the user organization has been approved by the college, and (e) is conducted in an orderly manner without disturbing other persons or groups using college facilities.
3. Authorization to use college facilities shall not in any way imply approval or sanction by the college of either the organization authorized to use the facilities or the activity to be conducted therein; and a statement to this effect shall be included by the user in any advertising, promotional material, or literature. This statement shall read as follows:

Wharton County Junior College is providing space for this activity as a community service. Use of college facilities does not in any way imply approval or sanction by the college of the activity or the sponsoring organization.

4. The college shall charge a cost-recovery service fee for use of space or facilities as reimbursement for direct operating expenses, without any element of profit or loss for the college. No exceptions

shall be allowed; that is, all external users shall be required to pay a reimbursement fee to use district facilities or space.

5. The district shall make its facilities available for use as polling places in any in-district elections.
6. Nothing in this regulation shall preclude the college from entering into interlocal agreements or other similar reciprocal arrangements with external parties that allow such external parties defined use of college facilities in exchange for in-kind donations to, or services for, the college.

(POLICY APPROVAL: 6-18-97, Board of Trustees, amended 1-15-13)

#### **IV. PROCEDURES**

##### **A. Recovery Costs**

1. User groups shall pay all expenses incurred by their use of the facilities, including reimbursement to the college for costs associated with custodial and maintenance services, security, and utilities.
2. User groups shall reimburse the college for any extra services rendered by college personnel (such as technicians, security officers, student workers), shall pay a rental fee for the use of any college equipment (such as multimedia equipment.), and shall pay for special set-ups and take-downs.
3. The Vice-President of Administrative Services or designée shall be responsible for developing standard costs to be charged to all users to recover direct costs and for developing a schedule of charges for extra services and equipment rental. These charge sheets shall be submitted annually to the President by July 1 and, upon the President's approval, shall become effective on September 1 of each year.
4. The Vice-President of Administrative Services or designée shall function as *facilities coordinator* and shall be responsible for contact with external users and for reviewing and approving *all* requests to use district facilities in compliance with this regulation.
5. The Vice-President of Administrative Services or designée shall create a Facilities Request Form and a Facilities Use Contract Form. User groups shall not be permitted access to district facilities until and unless these forms have been properly completed, received by the vice-president or designée, and approved at least two weeks prior to the requested use date.
6. Events and activities co-sponsored by the college with an external group shall not be subject to reimbursement charges.

##### **B. General**

1. All rentals, rates, charges, and fees collected by the district shall be made with the stipulation that the district shall not be liable to anyone for any injury or claim arising out of the use of any district facility. The Facilities Use Contract shall contain a statement or statements to this effect.
2. Any group or organization using college facilities shall be held responsible for any damage to property during its use of the facilities.
3. Any group or organization using district facilities shall designate in writing one member of its group as its supervisor and responsible for the group or organization's behavior and activities while using district facilities.

4. Requests from external groups to use district facilities shall be made through the Vice-President of Administrative Services or designée. These requests shall be made in writing on the college's External Facilities Request Form.
5. Alcoholic beverages are prohibited on district property.
6. If more than one authority requests the use of district facilities for the same day and simultaneous use is impractical, the college President shall determine which, if any, authority may use the facilities.
7. No charge, including a charge for personnel, utilities, or other expenses incurred by the college before or after regular business hours, shall be made for the use of district facilities for a polling place if the day of the election is a day on which the college is normally open. If the day of an election is a day on which the college is not normally open, a cost-recovery charge for reimbursement (as outlined in this regulation) may be made for the use of college facilities.
8. If the user proposes to charge any sort of registration, admission, tuition, or participants fees, the amount of such fees must be indicated on the Facilities Request Form and must be approved in advance by the Vice-President of Administrative Services or designée.

C. Special Conditions Applying to Certain Facilities

1. Tennis Courts

The college's tennis courts on the Wharton campus are available without charge for any external or internal users between the hours of 7:00 AM and 10:00 PM for recreational use.

D. Processing Requests

1. Whether a request is approved or denied, the Vice-President of Administrative Services or designée responds to all facility requests.

E. Consideration of Requests: Students

See Regulation 372

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Policies and procedures regarding the use by external groups, student organizations, and other college programs, of buildings owned or operated by WCJC are contained in Regs 371 and 372. The following addendum describes additional provisions for use of special facilities. (In all cases, however, even for the special facilities listed in this addendum, the policies and procedures specified in Regs 371 and 372 must be adhered to unless a waiver is granted in advance by the Vice President of Administrative Services.)

**I. Facilities Rental or Use**

- A. Usage Fees: Facilities used by non-college organizations are charged according to the approved schedule as maintained by the VPAS.
- B. Other Requirements
  - 1. Any non-college organization using college facilities is required to furnish evidence of liability insurance covering the event or program.
  - 2. Educational organizations, charitable organizations, retired teacher groups, retired or senior citizen groups are not charged for meeting rooms if the event occurs during normal WCJC working hours. These meeting rooms do not include the Pioneer Student Center, Horton Foote Theatre, Outlar Auditorium, or Gymnasium.
  - 3. A facility rental is not recognized until payment has been received in full and a written contract has been completed in the office of the Vice President of Administrative Services.
  - 4. Any rental terms that differ from the above must be approved by the President or the Board of Trustees.
  - 5. Use or possession of alcoholic beverages is prohibited.
  - 6. If any college regulations are violated, the offending group forfeits the right to future use of college facilities.

**II. Horton Foote Theatre**

- A. Scheduling
  - 1. Fine Arts (theater, music, stage movement, art) activities have scheduling priority in the Horton Foote Theatre.
  - 2. Requests for use of the theater for any activity including rehearsals and classroom activities must be made in writing to the Building Supervisor of the Duson-Hansen Fine Arts Building at least two weeks in advance of the event.
  - 3. All scheduling of the theater for non-Fine Arts activities is accommodated on a first-come, first-served basis.
  - 4. Upon approval of the building supervisor, the Facilities Request Form: Internal, is forwarded to the Vice President of Administrative Services.

**B. Personnel and Equipment**

1. All activity in the theater requires the use of a custodian and theater technicians.
2. Theater technical services must be contracted.
3. Only individuals (faculty or students) trained in proper lighting and sound procedures may adjust, move, focus, or operate any of the electrical lighting and sound equipment that is a part of the theater.
4. Any group that utilizes the facilities of the theater is totally responsible for the theater, its contents and equipment, and is responsible for returning the theater to the condition it was in prior to the activity.

**C. Fire and Safety (Legal Restrictions)**

1. Maximum seating capacity is 288.
2. Maximum standing or extra seating capacity is 50.
3. Absolute combined maximum seating and standing capacity is 338.
4. All aisles and exit areas must be kept clear of seats and patrons.
5. All doors must be unrestricted at all functions so that they can be opened outward upon command.
6. The use of open flame on or off the stage is prohibited without specialized equipment and precautions.
7. Smoking in the theater, as in all college buildings, is prohibited at all times.

**D. Other Restrictions**

1. No eating or drinking is permitted in the theater at any time.
2. If any regulation for the operation of the theater is violated, the offending group forfeits the right to future use of the theater.

**III. Pioneer Student Center**

**A. Scheduling**

1. Approved student organizations and other college programs are allowed "free" use of the Pioneer Student Center; however, these groups are responsible for thoroughly cleaning the building after an event.
2. All scheduling of the Pioneer Student Center is on a first-come, first-served basis. Requests must be submitted to the Vice President of Administrative Services at least two weeks prior to an event.
3. No activities may be scheduled in the Center during any official college holiday.

**B. Equipment**

1. With the approval of the Vice President of Student Services, the following equipment may be requested: public-address system and carted computer/data projector system.

**IV. Gymnasium**

Organizations must follow all provisions of Reg 371 (external groups) or Reg 372 (student organizations), complete and have approved a Facilities Request Form (available on the Intranet or per request from the Office of the Vice President of Administrative Services).

**V. Fitness Center**

The WCJC Fitness Center is not available for rental by external groups.