



FACILITIES USAGE BY STUDENT GROUPS

I. PURPOSE

Describes policies and procedures governing the reservation and use of college facilities by WCJC student organizations.

II. BACKGROUND and/or LEGAL REFERENCE

Formerly, this subject was governed by the following: TASB Policy Manual, Policy GF, Student and Community Use of College Facilities, 10-16-89; Policy GFA, Student and Community Use of College Facilities: Conduct on College Premises, 7-1-82. Both these policies have been combined in Regulation 371 (for community groups) and Regulation 372 (for student groups).

The following regulation amends these policies to conform with recent case law, as recommended by the college attorney. (See letter, dated 3-31-97, from Jeffrey J. Horner at the firm of Bracewell & Patterson, L.L.P.) In general, the major points of compliance with law are summarized in more detail in Reg 371; for present purposes, two points are worth repeating here for their applicability to student groups:

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

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. DEFINITIONS

The following definitions/descriptions apply to groups that are not part of the college's regular operating structure or organization. (For example, such groups as college committees, the President's Cabinet, the Faculty Council, the Board of Trustees, etc., are not addressed here since they are part of the college's operating organization.)

We distinguish three types of "college groups":

- A. *College groups* are those groups that are directly funded through the college's operating budget. For example, the Student Government Association (SGA) and Phi Theta Kappa (PTK) are college groups.
- B. *College-sponsored groups* are those groups for which the college from time to time provides funding, though not directly. Instead, college funds that are allocated to a budgetary unit of the college may be used to help support these groups or to provide sponsorship for some of their events. An example is the WCJC Booster Club, which receives some funding support through the funds budgeted to the Office of Marketing and Communications.
- C. *College-related groups* are those groups (a) that receive no funding, either directly or indirectly, from the college but are granted other special privileges (such as being allowed to use college facilities and space without charge, being allowed to engage in fund-raising activities on

campus) and (b) that deposit their funds with the college and are held and disbursed by the college through its usual procedures. Examples of college-related groups are all student organizations recognized as such according to the provisions of Regulation 552.

- D. All recognized student organizations (whether they are classified as "college groups" or "college-related groups") must comply with the provisions of Reg 372, Facilities Use by Student Groups.

IV. POLICY

A. Usage Policy: General

1. The grounds and facilities of the College 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 College facilities.
2. The grounds and facilities of the College shall be made available to members of the College community, including students and their respective registered organizations, 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 College, (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.

a. Use of college facilities shall adhere to the provisions of this regulation.

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. . . [not applicable to student groups; see IV.A.4.c].
 - a. 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 television or video equipment, projectors, screens), and shall pay for special set-ups and take-downs.
 - b. Registered WCJC student organizations shall not be required to pay the cost-recovery fee for use of facilities but shall be required to pay for any extra services or equipment rentals.
 - c. The Vice President of Administrative Services or designee 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. Charge sheets will be made available to the public upon request.

- d. The Vice President of Administrative Services or designee shall function as *facilities coordinator* and shall be responsible for contact with student organizations and external users and for reviewing and approving **all** requests to use district facilities in compliance with this regulation.
 - e. The Vice President of Administrative Services or designee shall create a Facilities Request Form, copies of which shall be available on the WCJC Intranet. User groups shall not be permitted access to College facilities until and unless these forms have been properly completed, received by the Vice President of Administrative Services or designee, and approved at least two weeks prior to the requested use date.
5. Any group or organization using College facilities shall be held responsible for any damage to property during its use of the facilities.
 6. Any group or organization using College facilities shall designate in writing one member of its group as its supervisor responsible for the group or organization's behavior and activities while using College facilities.
 7. Requests from student organizations to use College facilities shall be made through the Vice President of Administrative Services or designee. These requests shall be made in writing on the college's Facilities Request Form and shall include, but shall not be limited to, the following:
 - a. the name and address of the group;
 - b. the name, address, and phone number of the contact person who is representing the group and submitting the request;
 - c. the name, address, and phone number of the on-site supervisor who will be responsible for the group's conduct while on campus;
 - d. the facility (and, if appropriate, the portion of the facility) being requested;
 - e. the starting and ending times of the proposed use of the facility;
 - f. the approximate number of persons expected to use the facility;
 - g. a description of the proposed activity and how the facility will be used;
 - h. proof of insurance liability; not required for student organizations
 - i. the proposed method of payment for any additional expenses that might be incurred by the college as a result of the group's use of the facility.
 8. Alcoholic beverages by student groups are prohibited on College property.

9. Except for attendance at scheduled classes and excluding access to residence halls and rodeo facilities, individual students shall not be admitted to a College building after 5:00 p.m. on Mondays through Fridays or anytime over the weekend without the written approval of the building supervisor or unless an instructor or sponsor or other supervising employee is present. Student groups shall not be allowed to use College buildings without securing approval to do so according to the provisions of this regulation.

B. Use of Designated Areas: Students

1. The flag pole areas on the Wharton, Richmond, and Bay City campuses shall be considered a designated area for public discussion. On the Sugar Land campus, WCJC will follow the policy of UHSL. If any additional areas are to be so designated, the Vice President of Administrative Services shall be responsible for making these designations for use by registered student organizations and for posting signs identifying each designated area in conspicuous locations in and around each area.
2. During regular business hours when the college is open, a registered student organization may use an area designated under the above section for public discussion without prior permission and for peaceful public assembly or demonstration without prior permission.
3. Public assembly, discussion, or demonstration exercised in accordance with the above paragraphs must not disturb or interfere with a program, event, or activity approved by the Vice President of Administrative Services prior to the public assembly, discussion, or demonstration, and must not unreasonably disturb or interfere with normal operations and activities of the College.
4. Any person who refuses to identify himself/herself fully in accordance with this regulation and Penal Code 30.05 may be guilty of a misdemeanor or offense that, upon conviction, is punishable by a fine of not more than \$200. In addition to criminal penalties as allowed by law (see Penal Code 30.05), any student who refuses to identify himself/herself fully in accordance with this policy may be subject to discipline, including suspension or dismissal.

C. Groups Prohibited from Use of College Facilities

1. No organization or group that is not registered with the Office of Student Services as an officially recognized WCJC student organization shall use College facilities under procedures for student groups.
2. No organization or group, whether registered or not, shall use College facilities if it has a delinquent debt to the College.

D. 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.

2. Other Facilities

Such facilities as the Fitness Center, Gymnasium, Horton Foote Theatre, and the Outlar Auditorium may be subject to different restrictions from those outlined in this regulation, including designating these facilities as not available for independent access by external users, and are governed by procedures developed and implemented by the Office of Administrative Services. [See addendum to this regulation entitled "Rules Governing Special Facilities.]

(POLICY APPROVAL: 6-18-97, Board of Trustees, 10-17-17, Board of Trustees)

V. PROCEDURES

- A. Requests to use College buildings, facilities, or grounds must be submitted to the Vice President of Administrative Services or designee on a Facilities Request Form at least 30 days in advance of the scheduled date of use.
- B. The Vice President of Administrative Services or designee shall respond to each request in writing, and shall include in the response any such conditions and any further agreements applicable to the request that are deemed to be in the best interest of the College. The Vice President of Student Services (VP/SS) is responsible for assuring student organizations are provided with information relevant to the proposed use of the College facilities, including this Regulation.
- C. If the user proposes to charge any sort of registration, admission, tuition, or participant 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 designee. The amount of any such fee should be consistent with the educational objectives of the College and with admission fees currently approved for student activities.
- D. Consideration of Requests: Students
1. The Vice President of Administrative Services or designee shall not approve a request if he or she has reasonable grounds to believe that:
 - a. The College facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested.
 - b. The requestor is under a disciplinary penalty prohibiting the use of the facility.
 - c. The proposed use includes non-permissible solicitation. (See Regs 126 and 561.)
 - d. The proposed use would constitute an immediate and actual danger to the peace or security of the College.
 - e. The requestor owes a monetary debt to the College and the debt is considered delinquent.
 - f. The proposed activity would disrupt or disturb the regular academic program or would result in damage to or defacement of property.

2. If the Vice President of Administrative Services or designee denies a request under the above section, he or she shall provide a written statement of the grounds for refusal.

E. Consideration of Requests: Instructional/Educational Activities

Facilities requests by student organizations to offer courses or programs or involving any educational or instructional service or activity are forwarded by the Vice President of Administrative Services or designee to the Vice-President of Instruction to determine if the proposed activity conflicts with college activities or is detrimental to college interests. The Vice President of Instruction will provide a written response to the Vice President of Administrative Services or designee within five working days.

F. Special Provisions Pertaining to Student Groups

1. Student organizations operating dances and athletic events, when such events include persons from outside the college, are required to provide at least two commissioned police officers for security purposes, at the organization's expense. Other events operated by student organizations usually do not require such security coverage unless the Vice President of Administrative Services determines the nature of the function indicates otherwise.
2. If the participants at an event operated by a student organization are exclusively WCJC students, that event is treated under the provisions that apply to internal, college-sponsored events (including the use of the Facilities Request Form intended for internal use only).

VI. GUIDELINES

Budgeted Student Organizations

- A. The College provides direct funding to only two student organizations, the Student Government Association (SGA) and Phi Theta Kappa (PTK).
- B. The minimum criteria for a student organization to receive funding through the College's operating budget include, but are not limited to, the following:
 1. Must be a College-recognized student organization; that is, it must comply with all provisions of Regulation 552, Registered Student Organization.
 2. In its eligibility for membership, actual membership, purposes, and functioning, it must be an inclusive organization; that is, it must cross-cut the entire student body and represent all students. (An exception to this criterion is a student organization that fulfills all other requirements listed here but, while open to all students, limits membership to those students who have attained a specified level of academic achievement.)
 3. It must be a local chapter of a national, regional, or state organization or a registered, paying member of such an organization recognized by the college.



Policies and procedures regarding the use by student organizations of buildings owned or operated by WCJC are contained in Reg 372. The following addendum describes additional provisions for use of special facilities.

I. Facilities Rental or Use

- A. Usage Fees. Facilities used by college organizations are not charged usage fees.
- B. Other Requirements
 - 1. Use or possession of alcoholic beverages is prohibited.
 - 2. If any college regulations are violated, the offending group forfeits the right to future use of college facilities.

II. Horton Foote Theater

- A. Scheduling
 - 1. Fine Arts (theater, music, stage movement, art) activities have scheduling priority in the Horton Foote Theater (the "Theater").
 - 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 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.
 - 8. All exits must be clearly marked with lighted signs.
- 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 college organizations and other college programs are allowed “free” use of the Pioneer Student Center (“Center”); however, these groups are responsible for thoroughly cleaning the building after an event.
2. All scheduling of the 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 the 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.
2. The student organization advisor is responsible for checking out equipment and ensuring it is returned in appropriate working condition.

IV. Gymnasium

Organizations must follow all provisions of 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).