

College Operating Procedures (COP)



Procedure Title: Use of College Facilities
Procedure Number: 04-0601
Originating Department: Office of Financial Services

Specific Authority:

Board Policy **6Hx6:7.01**
Florida Statute **§1001.64 (4)(b); 1001.65(6); 1013.10**
Florida Administrative Code **6A-14.0261**

Procedure Actions: Adopted: 05/09; 06/09; 07/11/12; 03/30/15

Purpose Statement: To provide for consistent application of procedures, processes and risk management with regards to the use of College facilities outside of academic scheduling.

It is the College's intent to use College facilities as efficiently and effectively as possible, giving priority to events that are solely managed and coordinated by College faculty, staff or student groups for College business. The College has established event classifications and requirements related to facility use and service fees, contract and insurance requirements. The College will apply consistent procedures as they relate to the event classification requirements and board approved rate structures.

DEFINITIONS:

ACADEMIC SCHEDULING: Scheduling of instructional spaces, such as classrooms and laboratories, for credit courses of Florida SouthWestern State College. Academic Scheduling does not include the scheduling of Continuing Education programs.

COLLEGE/DEPARTMENT MISSION RELATED EVENT: Events that are managed and coordinated by an outside group but a College department feels the event supports the College or Department's mission. The external group is charged a discounted facility rental rate, all or a portion of which may be paid by the College department.

EVENT FEE FORM: Written cost of direct service charges associated with a College or a College/Department Mission Related event that will be charged via journal transfer to a College index.

EXTERNAL USER: Any outside person, group, organization or entity not affiliated with the College using College facilities OR any College employee, faculty, staff or student using College facilities for non-College activities.

FACILITIES: College-owned or operated buildings, grounds, equipment, or property, as well as direct services provided by the College.

FACILITY USE AGREEMENT: FORM BO-035: Agreement with the EXTERNAL USER for College/Department Mission Related or Outside Events.

FACILITY USE FEE: The fee charged for the use of College facilities. This fee includes administrative costs for event service coordination, basic room set up of tables and chairs, normal utility usage, basic custodial service. Depending on event needs, the College reserves the right to charge additional SERVICE FEES to cover event related costs.

GOVERNMENTAL ENTITY: Federal, state, county, city or other agencies and its affiliates.

NON-PROFIT ORGANIZATION: Group or entity with a valid 501(c)(3) certification.

EVENT & CONFERENCE SERVICES: The office within the Auxiliary Services Division that schedules facilities and coordinates services for all events and activities other than credit courses of Florida SouthWestern State College.

SERVICE FEES: Service Fees include any services provided and/or coordinated by Florida SouthWestern State College in support of an event.

GENERAL GUIDELINES

- I. Use of Florida SouthWestern State College facilities is the use of a public resource and as such is regulated through the following procedures. Florida SouthWestern State College is not obligated to permit use of facilities for any activity that the College President determines is contrary to the mission of the College or the safety of persons or property.
- II. This procedure does not include the Barbara B. Mann Performing Arts Hall, which comes under separate rental and use provisions. Requests for use of the Barbara B. Mann Performing Arts Hall by College departments should be made to the Event & Conference Services. Any requests for use by External Users shall be made directly to the Barbara B. Mann Performing Arts Hall management.
- III. Memoranda of Agreement may supersede this procedure.
- IV. Florida SouthWestern State College has the right to approve any advertising of events by External Users using College facilities. Any use of the College's trademarks and logos must be in accordance with College Operating Procedure 02-0203: Communications and Marketing – Use of College Logomark and Trademarks.
- V. Any delivery and removal of items into a College facility for use during an event must be coordinated through the Event & Conference Services. This will ensure that delivery and removal of such items does not conflict with any other events scheduled in and around College facilities. Items may include but are not limited to; audio-visual equipment, table/chair/equipment rental, catering and/or delivery of materials for an event.
- VI. External Users must obtain prior written approval from the Director of Auxiliary Services to

bring in any outside food and/or beverage or to operate any concession and/or sales activity while using facilities at Florida SouthWestern State College.

SCHEDULING OF FACILITIES

- I. Florida SouthWestern State College classes, programs and activities for students, faculty and staff have priority over all external use. College events may be scheduled in non-instructional spaces up to two (2) years in advance. External Users may reserve non-instructional spaces up to six (6) months in advance. Instructional spaces may be reserved when released by the Academic Schedulers, generally on the first day of open registration for each term. Only the Director of Auxiliary Services may allow scheduling outside of these parameters.
- II. All use of College facilities must be scheduled through the Event & Conference Services. In order to provide for appropriate time to coordinate services associated with an event and to comply with the procedures outlined here, it is recommended that events be scheduled at least three (3) weeks in advance of the date of the event. All efforts will be made to accommodate events requested with less notice, but if Event & Conference Services determines that these procedures could not be accommodated in the lesser time frame, the event will not be scheduled.

EVENT CLASSIFICATIONS AND REQUIREMENTS

- I. **College Events:**
 - A. Events coordinated and managed solely by the College or a College department(s) conducting official College activities. These events must be pertinent to the daily operation and mission of the College, as determined by Event & Conference Services.
 - B. Events coordinated and managed solely by the Student Government Association and College Student Organizations officially registered through the Office of Student Life or those groups pending registration who have been authorized by the Office of Student Life.
 - C. Events coordinated and managed by the College or a College department in partnership with an External User. The College department must be actively involved in the planning and coordinating of the event, the sole contact for Event & Conference Services and be present during the entire event. The event attendance must intend to include at least 50% participation by FSW students, faculty and/or staff of the College. These events must be related to the mission of the College.
 - D. Events that fall under and comply with College Operating Procedure 03-1603: General Regulation for Community Public Service Events, where the event is planned and implemented by the College, pertains to the College's educational mission and whose intended audience includes internal and external community members. These events will require tracking and assessment as outlined in COP 03-1603.

Requirements:

- 1) A contact from the College must schedule and coordinate the event with Event & Conference Services. The College contact must be in attendance at the event. Event & Conference Services will not communicate directly with any outside entity or organization participating in the event.
- 2) Compliance with the College Operating Procedure 03-1603: General Regulation for Community Public Service Events, if applicable.
- 3) Proof of insurance for External Users, if any, involved in co-sponsoring/co-hosting the event.
- 4) If there are direct costs associated with an event, an Event Fee Form must be signed by the appropriate budget administrator no less than five (5) business days prior to the first date of the event. Payment for any fees will not be accepted by an External User.

II. College/Department Mission Related Events:

- A. Events coordinated and managed by an External User but the College or a College department(s) feels the purpose of the event and/or organization falls within the mission of the College and/or Department and will provide a benefit to the College or department. The College department may be responsible for all or a portion of the appropriate facility use and service fees as agreed upon between the College department and External User. Examples of Mission Related Events would include the following: meetings of professional organizations related to a staff member's role at the College, professional association conferences related to the staff member's role at the College, Academic Competitions that are related to a School, etc.
- B. Credit courses provided by regionally accredited University Partners that does not conflict with the academic programming of Florida SouthWestern State College. The Vice President of Academic Affairs approves all University Partners.

Requirements:

- Event & Conference Services can work directly with the External User; however, a contact within the College must be designated in the event that additional facilities and/or services are requested by the External User.
- The Request for Mission Related Event Form must be signed by the College department, appropriate budget administrator, and the External User. Auxiliary Services will provide a recommendation to the administration on whether the event qualifies as "mission-related."
- If there are direct costs associated with an event that the college department has agreed to pay, an Event Fee Form must be signed by the appropriate budget administrator no less than five (5) business days prior to the first date of the event.
- A Facility Use Agreement signed by the External User.
- Proof of Insurance, as defined by this procedure, by the External User.

- Any other applicable documents with regards to the External User including, proof of 501(c)(3) status or Certificate of Exemption from Florida Sales and Use Tax, if applicable.
- Facility Use and Service Fees as outlined in this procedure.

III. Outside Events

- A. Events that are managed and coordinated by any External User, defined as an outside person, group, organization or entity not affiliated with the College using College facilities OR any College employee, faculty, staff or student using College facilities for non-related College activities.

Requirements:

- 1) A Facility Use Agreement signed by the External User.
- 2) Proof of Insurance, as defined by this procedure, by the External User.
- 3) Any other applicable documents with regards to the External User including, proof of 501(c)(3) status or Certificate of Exemption from Florida Sales and Use Tax (if applicable).
- 4) Facility Use and Service Fees as outlined in this procedure.

IV. Elected Officials, Campaigning and Political Fundraising

- A. Events coordinated and managed by municipal, county, state and federally elected officials who are conducting business related to their elected office for the benefit of their constituents are permitted and will be coordinated through the Office of Event and Conference Services. These events will not require a Facilities Use Agreement, Facility Rental Fees or Insurance. They may require direct service costs.
- B. Campaigning and Political Fundraising: Section 106.15(4), Florida Statutes, provides that “No person shall solicit or knowingly accept any political contribution in a building owned by a governmental entity. For purposes of this subsection, “accept” means to receive a contribution by personal hand delivery from a contributor or the contributor’s agent. This subsection shall not apply when a government-owned building or any portion thereof is rented from a specific purpose of holding a campaign fundraiser.”

Events which fall in the category of campaign fundraiser will be classified as Outside Events; they must meet all requirements in Section III of this procedure and will be charged at the External User Rate with no discounts to be applied.

V. Voter Education, Registration, Get-Out-The-Vote Activities and Candidate Appearances and Debates

- A. Nonpartisan voter registration activities are permissible so long as they do not target voters of a particular party or transparently help specific candidate.

- B. When a candidate is invited to campus by the College or a College department, the College must provide an “equal opportunity” to other candidates for the same office. “Equal” must mean equal. In determining whether candidates are given an equal opportunity to participate the nature of the event to which the candidate is invited will be considered, in addition to the manner of presentation. For example, a department/organization that invites one candidate to speak at its well-attended annual banquet, but intends to invite the opposing candidate to speak at a sparsely attended general meeting, will likely be in violation. Political fundraising cannot occur at these events.
- C. Multi-Candidate Debates: When hosted by the College or College Department, the following must apply:
 - a. Questions for the candidates are prepared and presented in an independent nonpartisan panel.
 - b. Topics must cover a broad range of issues and are of interest to the public.
 - c. Each candidate is given equal opportunity to present his or her view on each of the issues discussed.
 - d. Candidates cannot be asked to agree or disagree with positions, agendas, platforms or statements of the College.
 - e. The moderator cannot imply approval or disapproval of the candidates by commenting on answers or editorializing.
- D. The College may invite a candidate to appear or speak in a non-candidate capacity.

VI. Facility Use and Service Fees

- A. Annually, during the budgeting process, the Florida SouthWestern State College Board of Trustees reviews and approves the SCHEDULE OF FACILITY USE AND SERVICES FEES. The College will charge internal and external users for use of facilities and services as per the approved schedule.
- B. College/Department Mission Related events are given a 75% discount on all facility use fees. Governmental agencies and non-profit organizations with proof of 501(c)(3) status are given a 50% discount on facility use fees. For all other entities no discount will be provided.
- C. The College will offer a discounted rate for customers who schedule and contract for multiple events on the same Facility Use Agreement within a six (6) month timeframe. Direct Service Fees will not be discounted and the events must be scheduled at least one (1) month in advance of the first scheduled event. Multiple Events means distinct events held on separate dates through the determined timeframe. One event which spans multiple days (i.e. two day conference) does not qualify as multiple events.
- D. Services Fees are not eligible for discounting.

- E. The user must provide a copy of a Certificate of Exemption from Florida Sales and Use Tax in order to remove sales tax from a Facilities Use Agreement and Invoice. The name on the certificate must match the name on the Facilities Use Agreement.
- F. Payment of all fees is due to Florida SouthWestern State College no later than five (5) business days prior to the first date of use provided in the Facility Use Agreement. If payment is not received by this date, the event may be cancelled and all facilities and services will be released.
- G. At the end of each month, any fees due by a College department will be transferred via journal transfer from the department's budget by Auxiliary Services.

V. Facility Use Agreement (Form BO-035)

- A. All College/Department Mission Related Events and Outside Events require a Facility Use Agreement to be signed by the External User. The Facility Use Agreement (Form BO-035) must be signed and returned no less than five (5) business days prior to the first date of use provided in the Facilities Use Agreement.
- B. The Office of General Counsel must review and approve all Facility Use Agreements.

VI. Proof of Insurance

- A. Insurance will not be required for College events or Events held by Elected Officials unless the event contains an activity which the Office of Risk Management deems requires different and/or additional insurance.
- B. Before any External User may use any College facility it must supply a certificate of insurance, evidencing the required insurance coverage, naming the Certificate Holder and Additional Insured as:

District Board of Trustees
Florida SouthWestern State College
Attn: Risk Manager
8099 College Parkway
Fort Myers, Florida 33919

- C. Governmental agencies will be required to supply a Certificate of Insurance as proof of coverage only; no additional insured requirements will apply.
- D. The Certificate of Insurance from the External User must show proof of comprehensive general liability insurance, insuring against liability for bodily and personal injury to; or wrongful death of persons, or damage or loss of property occurring in or about the facilities arising out of External User's use or occupancy thereof, in an amount not less than:

\$1,000,000	Bodily Injury
\$1,000,000	Personal Injury Liability
\$1,000,000	Property Damage Liability
\$1,000,000	Liquor Liability (if applicable)

- E. If a certificate of insurance cannot be provided as specified, the External User must purchase the required insurance either through a carrier of their choosing, or may elect to purchase the required insurance through the College's TULIP Program. The Tenants' and Users' Liability Insurance Policy (TULIP) provides low-cost special event insurance to the External User. TULIP is event-specific and protects both the External User and the College against claims by individuals who could be injured or experience damage to property as a result of participating in the event.
- F. The College's Office of Risk Management may determine that the activity for which the facility will be used requires other types of insurance coverage, or that additional or reduced levels of insurance are appropriate.
- G. Event classifications that have a "vendor style" component, that is, the event may have additional External User(s) that are participating in a "fair" or "tradeshow" style event; the College reserves the right to require insurance as specified in this procedure from any and all of those External Users. Any External User participating who may be providing food and/or beverage, as approved through this procedure, or is providing services of a medical nature, those External Users will be required, without exception to provide insurance as specified in this procedure.

VII. Procedures

- A. All use of College facilities outside of academic scheduling will be scheduled through Event and Conference Services and reserved through the College's central scheduling software system, Resource 25.
- B. Event and Conference Services will prepare and collect all relevant documents, including Event Fee Forms, Facility Use Agreements, Certificates of Insurance (with the exception of those provided by TULIP), and any other applicable documents including, proof of 501(c)(3) status or Certificate of Exemption from Florida Sales and Use Tax (if applicable).
- C. Event and Conference Services will monitor payment due dates and will notify External Users of cancellation of event if payment requirements are not met per this procedure. Payment will be submitted to the Cashier's office by Event and Conference Services with a Cash and Check Deposit Form (Form BO-042) with appropriate invoice number.
- D. Facility use fees charged to an External User or College department for the use of College facilities will be credited to the appropriate campus facility rental index and be available through approved budget procedures. Service Fees charged will be credited to the district facility rental services budget. Quarterly, fees collected for Instructional Technology, Facilities/Custodial and Security Services will be reviewed by the Vice

President of Administrative Services and may be provided to the respective campus departments via non-mandatory budget transfer.

- E. Any exceptions to this Operating Procedure must be reviewed and approved by the College's Vice President of Administrative Services.