

**Date: 05/14/1992**

## **COLLEGE FACILITIES USE BY NON-COLLEGE GROUPS**

### **Northern New Mexico College**

#### **1. Purpose**

This policy is adopted to govern the uses of the buildings and other facilities of Northern New Mexico Community College (Northern) by non-college-connected persons and organizations. It does not apply to the College's own curricular or extracurricular activities, or to the use of College facilities by recognized student groups or by organizations that operate as recognized adjuncts to the College's programs, such as faculty committees. Such College-related uses are governed by Northern's internal operating policies and regulations. Nor does this policy apply to leases of College facilities that are not needed for College purposes, which are covered in individual lease agreements.

#### **2. Policy**

Facilities covered by this policy include general meeting areas, the theater in the Center for the Arts, the Grant Gymnasium, and the gymnasium and shower/locker rooms in the Espanola Campus Physical Education complex.

##### **2.1. Statement of General Policy**

The facilities of Northern are provided by the people so that the citizens of New Mexico may receive the benefits of a sound postsecondary education. However, a College may also enhance the quality of life in the communities it serves by making College facilities available to non-college-connected groups for appropriate community-oriented activities.

Under the laws of the state of New Mexico, the Board of Regents of Northern may establish fees to be assessed for the use of facilities by members of the general public. This authority is delegated to the President who may waive all or a portion of the rental fees.

It is, therefore, the policy of the Regents that the buildings and other facilities of the College may be available, subject to reasonable conditions, to non-school-connected persons and organizations for activities that foster the

educational, cultural, recreational, civic, moral, religious or social development of the community when the facilities are not otherwise needed for College related purposes. The Board believes that the provisions set forth below represent a reasonable accommodation between those community interests and the College's interest in protecting its property, preserving its limited financial resources for its primary mission, and preventing College facilities from being used for activities that pose undue risks of harm to persons or property or from being exploited for purely commercial purposes.

## **2.2. Allowable Uses of College Facilities**

Permissible Uses in General The College program and College Related Activities shall always have priority for the use of College facilities. Subject to those priorities and the further requirements set forth below, College facilities may be used by non-college-connected persons or organizations for the following types of activities:

- 2.2.1.** Nonprofit and noncommercial activities that are intended to promote the educational, cultural, recreational, civic, moral, spiritual, or social development or well-being of the participants or the community.
- 2.2.2.** Fundraising, profit-making, or commercially oriented activities if the entire net proceeds will be applied solely to support the types of activities described in (1) above or
- 2.2.3.** Profit-making or commercially oriented activities that the College President determines will also significantly enhance the educational, cultural, recreational, civic, or social development or well-being of the community or participants in the activity. Commercially oriented activities or activities conducted primarily for profit or gain are not permissible uses unless the President makes such a determination.

## **3. Limitations on otherwise Permissible Uses**

A requested use that would otherwise be permissible under the standards set forth above shall nevertheless be denied if the proposed activity involves any of the following.

- 3.1.** A reasonably foreseeable risk, above and beyond the normal risks accompanying any gathering of people in a public place, of harm to the health, safety, wellbeing, or property of non-participating members of the public or of students or College personnel assigned to the facility to be used.

- 3.2.** A reasonably foreseeable risk, above and beyond the normal risks accompanying any gathering of people in a public place, of harm to the health, safety, well-being or property of any participant in the activity, unless the applicant, in addition to complying with all other requirements of this policy, also provides satisfactory proof of adequate insurance coverage and of any other safeguards against liability on the College's part which the President may reasonably require under the circumstances of a given case.
- 3.3.** A reasonably foreseeable risk that College property would be damaged or that the carrying capacity of a requested facility would be exceeded by the proposed activity unless the applicant also makes additional arrangements which the President considers satisfactory under the circumstances
- 3.4.** A reasonably foreseeable risk that state or federal laws or applicable local ordinances would be violated by or in the course of the requested activity
- 3.5.** The consumption of alcoholic beverages or the use of other intoxicants as a planned part of the activity or
- 3.6.** For any other reason that the President or his/her designee can explain in writing and which (s)he considers administratively reasonable under the circumstances of a particular case.

#### **4. Further Conditions on Permissible Uses**

A proposed use of College facilities which is permissible under the standards described above may only take place if all of the conditions set forth below are also satisfied.

##### **4.1. Application for Use**

A non-college-connected group or entity desiring to use school facilities for a permissible purpose shall initiate a request for approval by completing a written application in a form prescribed by the President. The application shall provide such information as is required to assess the proposed activity in light of this policy and to ascertain what demands the requested use would place on College facilities, staff, and other resources.

The President or his/her designee may require the applicant to provide such additional information as is reasonably needed for these purposes. A request may be disapproved if an applicant refuses to provide sufficient information to permit an adequate assessment to be made.

The President or his/her designee may also require an applicant to provide such additional information and assurances as are contemplated under the standards set

forth above for the protection of the College, its property, participating individuals or members of the public. A request may be disapproved if, after the submission of sufficient information to permit an adequate assessment, the President or his/her designee believes in good faith that inadequate provisions have been made for protecting persons, property, or the College.

#### **4.2. Use Agreement**

As part of the application process, each applicant shall sign a written use agreement in a form approved by the President. At a minimum, the agreement shall include appropriate provisions to ensure that the applicant:

- ❖ will abide by all applicable Regents' policies and administrative regulations
- ❖ will pay an appropriate charge for the use of the facilities
- ❖ will provide adequate supervision and control to prevent injury to persons or loss of or damage to property
- ❖ will repair or otherwise make good for any loss of or damage to College property which results from the proposed activity;
- ❖ will defend and hold the College harmless from any claims for legal liability arising from the proposed activity
- ❖ will provide satisfactory proof of adequate insurance coverage, if required by the President under the standards set forth above, and will make such other arrangements as may be reasonably required by the College to satisfy the concerns addressed in the foregoing standards; and
- ❖ will regard any permission granted for a requested use as personal to the applicant and not transferable to any other person, group, or organization.

The agreement may also include any other provisions which the Board of Regents deems appropriate.

#### **4.3. Charges for Use**

The President shall develop and present for Board approval a schedule of charges to defray the College's estimated actual costs for various types of uses, including compensation of any custodial or other College staff whose services are required.

The schedule may provide that all or part of such charges may be waived for use by public agencies or entities. It may also provide for reimbursement through in

kind contributions of equivalent value to the College from nonprofit community groups whose resources do not reasonably permit cash reimbursement.

In addition to the required reimbursement of direct costs by all groups, the schedule may also provide for an additional charge as rent for the use of College facilities for primarily commercial as rent for the use of college facilities for primarily commercial or profit-making activities that have been certified for permissible uses by the President.

## **5. Procedures:**

### **5.1. Development of Regulations**

The President, by regulation, shall prescribe such administrative procedures, forms, and operational details as she/he deems desirable to implement this policy smoothly throughout the College. The regulations may authorize administrators or employees who have charge of College buildings or facilities to approve requests to use those facilities.

### **5.2. Advance Approval Required**

No requested use of College facilities may occur unless the President or his/her designee has first approved the request in writing. Applicants shall be responsible for submitting requests a reasonable time in advance to permit adequate review under any procedures or timetables outlined in applicable regulations and light of the nature of the proposed use.