FACILITY USE POLICY

Policy Preamble:

WHEREAS, Cape Cod Community College Board of Trustees, hereinafter referred to as the Board, is authorized and empowered under provisions of the General Laws to govern, manage, control and administer the affairs of the community college hereinafter referred to as the College; and

WHEREAS, the Board may, consistent with the provisions of the General Laws, enter into agreement with other governmental agencies, other colleges and universities, foundations, corporations and individuals where such agreements, in the judgment of the Board, will promote the objectives of the College; and

WHEREAS, the Board may delegate to the President of the College, hereinafter referred to as the College President, or other officials who are properly bonded and are designated in writing by the Board, authority to do and perform all acts reasonably necessary to accomplish the purposes of such agreements including the execution of any lease agreement or other legal instrument; and

WHEREAS, the Board maintains a policy of non-discrimination and affirmative action in fulfillment of the requirements of applicable federal and state laws which mandate offering the use of its college facilities impartially and without discrimination on grounds of race, color, religion, national origin, age or sex; and

WHEREAS, the Board and the College is mandated by the provisions of the General Laws to establish and conduct programs of adult education and community services; and

WHEREAS, the Board maintains a policy of encouraging the use of its facilities by the communities which its College serves on an impartial basis at a reasonable cost to its citizenry and without cost to the Commonwealth.

NOW, THEREFORE, the Board has in the exercise of its statutory powers authorized the College President to permit the use of the facilities in accordance with the Facility Use Policy set forth herein.

It shall be the policy of the Board of Trustees to:

A. Encourage broadest possible access to facilities on a fair, uniform and impartial basis at a reasonable cost to the Commonwealth’s citizenry consistent with the mission of the College and the Board’s established policy of non-discrimination and affirmative action by offering use of College facilities without discrimination on the grounds of sexual orientation, race, color, religion, national origin, age, sex or disabilities.

B. Ensure that facility use is without cost to the Commonwealth as required by state law; and that the College recover costs incurred for all direct or indirect expenses incurred beyond those ordinarily required for operation of such facilities.

C. Enhance the interests of the College’s educational and community service missions by permitting rent-free facility use by public and non-profit agencies and
organizations.
D. Establish facility use scheduling priorities to ensure non-interference with classes, related College activities and the needs of students, faculty and staff.

E. Require that all non-College users indemnify and hold the Board and the College harmless against any claim for personal injury to College employees, students, or agents, guests, etc., of the user or damage to College or user's property arising out of such facility use. Non-College users must also ensure all facilities are maintained in the same order and repair as they are in at the commencement of their tenancy.

F. The possession or consumption of alcoholic beverages on College property is prohibited. At his/her discretion, the College President may waive this prohibition as appropriate. However, if the President allows alcoholic beverages to be served, that in the instance of a waiver, a liquor liability insurance policy is required and a certificate of insurance must be delivered to the College prior to the event. The policy must name the user, Cape Cod Community College and the Commonwealth of Massachusetts as joint insured/loss payees. Applicable permits and licenses are the responsibility of the user.

G. Subject to the provisions of paragraph A above, use of College facilities for purposes other than those contained in the College's mission statement will normally not be approved. Approval for concessions and retail sales will be subject to applicable state procurement and bidding laws.

H. The President is hereby charged to ensure this policy is applied in a fair and consistent manner and shall become effective immediately.

Approved by Board of Trustees
March 26, 1992
FACILITY USE - PROCEDURES

The following are the procedures to be used in accordance with the Facility Use Policy approved by the Board of Trustees on March 26, 1992 and amended on September 23, 1993:

**Businesses and Other Profit-Based Private Entities and Organizations**

A. **Definition** - Any business corporation, partnership, sole proprietorship or other private entity, organization or individual whose functions, goals and/or activities are directed toward a profit-making enterprise.

B. **Rental Fee** - Rental fees shall be assessed in accordance with the provisions of the General Laws and implementing cost regulations promulgated by the Secretary of Administration and Finance governing rental charges for space used in state buildings.

C. **Administrative Fee** - An Administrative Fee of $40.00 per hour per individual space booked by profit making institutions/businesses shall be charged, based on the duration of the use of the facility. This fee, in addition to the rental fee and other normal College charges, shall be payable ten (10) days prior to the event.

D. **Disposition of Income** - The College shall remit all facility rental fees received under this policy to the General Fund on or before June 30th of each fiscal year.

E. **Insurance Coverage and Indemnification** - All profit based private users of facilities shall be required to obtain appropriate personal liability and property damage insurance coverage and to file with the College, upon request, certificates of insurance; provided that the College President may, depending on the nature of the activity in relation to the intended use, waive the requirement of insurance coverage.

**Non-Profit Service Organizations**

A. **Definition** - Any public agency or instrument and/or any non-profit corporation, organization or other entity whose primary mission is consistent with the educational and community service program of the College; and whose service offerings are of direct benefit to the educational purposes and the needs of the College's students, faculty and staff.

B. **Waiver of Rental Fee** - The College President or his/her designee may, upon request of a non-profit user, waive rental fees for facility use by such public agencies and non-profit organizations when, in his/her judgment, the purpose of such activity is in the best interest of the College in fulfilling its educational and community service missions.

C. **Cost Recovery** - The College shall insure recovery of all additional costs incurred for direct and indirect expenses for use of the facility beyond those normally required for operation of such facility.

D. **Insurance Coverage and Indemnification** - All users of facilities shall agree to indemnify and hold the College harmless from all loss or claims for loss arising out of the users activities on a standard indemnification/hold harmless form, and shall be required to obtain appropriate personal liability and property damage insurance coverage and to file with the College, upon request, certificates of insurance; provided that the College President may, depending on the nature of the activity in relation to the intended use, waive the requirement of insurance coverage.
Reporting:

The College President shall report to the Board annually (at the November Board meeting at the latest), a statement of revenues received from the use of facilities during the preceding fiscal year.

Scheduling Reservations and Payment

A. The following is the priority to be used when scheduling:

1. All regularly scheduled day, evening and summer division college classes.

2. All other scheduled college sponsored lecture, athletic and educational programs and related activities.

3. All scheduled student activities.

4. All non-profit service organizations.

5. Private and/or profit-making organizations, groups and individuals when their request is consistent with the mission of the College.

6. The above-listed scheduling priorities are subject to waiver by the College President or his/her designee.

B. Reservations and Cancellations:

All requests for use of College facilities shall be coordinated and arranged for by and through the College President or his/her designee (i.e., the Facilities Use Coordinator who maintains a master calendar for all College and community use). Final confirmation of reservations, if approved, shall be made by the College President or his/her designee, provided that the College reserves the right to cancel any facility reservation by notifying the person in charge of the activity and no liability is assumed by the College for any such cancellation. Requests shall be made by written application on a form prescribed by the College President or his/her designee. These forms, once prescribed, shall be available through and thereafter filed with the College President's office or the office of his/her designee.

C. Criteria for Rental Charges and Payment:

All facility use charges established herein are for rental only. Personnel, equipment, food, trucking, moving, special plowing, insurance and other charges are in addition to the rental fee. Stated charges assume that the facilities involved are in normal College operation. Special arrangements such as heating a building during certain College vacation periods or outside ordinary operating hours must include provision for recovery of additional costs.

Requirements for specially needed personnel when facilities are used shall be solely determined by the College President or his/her designee. The College President or his/her designee shall retain exclusive power and authority to assign the required personnel; provided, however, that the organization shall have the total
responsibility to pay the individuals involved.

All checks for rental of facilities and equipment or payment of College personnel shall be made payable to the Facilities Use Trust Fund and mailed to the College President or his/her designee. Food and beverage charges shall be made payable and mailed directly to the College's food concessionaire.

**Media Equipment:**

A. **Use** - When requested and to the extent practicable, the College shall use reasonable efforts to make available appropriate media equipment upon sufficient prior notice. Operation of such equipment must be by an approved College technician. Services of a College technician are subject to the availability of off-duty personnel and payment thereof is the sole responsibility of the using organization and/or individual, unless otherwise authorized by the College President or his/her designee.

B. **Costs** - Any electrical changes and/or connections requested by the organization and/or individual must be made under the supervision of the College and all costs involved are the sole responsibility of the requesting organization and/or individual, unless otherwise authorized by the College President or his/her designee.

**Food and Beverage Service:**

A. **Exclusivity** - All food and beverage service connected with the use of College facilities will be provided by the College food service or College-designated service (i.e. The Innkeepers Club, Hotel/Restaurant Management Program). Under no circumstances will an outside agency be permitted to serve food or beverages on the College campus without written prior approval.

B. **Service Arrangements** - Appropriate forms shall be made available for requesting food and beverage service by the concessionaire. Such arrangements should be confirmed in advance, particularly concerning locations, time frames and specifically required food or services.

C. **Payment** - All food and beverage costs are the sole responsibility of the requesting organization and/or individual and all bills must be paid immediately upon completion of the specific service being rendered and receipt of a bill from the concessionaire.

**Damage and Insurance:**

A. **Damage** - Three business days in advance of the use of any facility, the organization and/or individual must pay to the College a $100 damage deposit fee unless waived by the College President or his/her designee. Providing no damage occurs, this check will be returned directly to the organization and/or individual involved or mailed within three business days following completion of the event and payment of all bills. Inspection for damage shall be made by College staff and their judgment shall be final.

B. **Assessment of Costs** - Any damage incurred while the facility and/or equipment is being used shall be the sole responsibility of the organization and/or individual and...
costs will be deducted from the damage deposit fee check. Any excess costs exceeding the damage deposit will be billed to the organization and/or individual and must be paid immediately.

C. **Certificate of Insurance** - In addition to the indemnification/hold harmless form and damage deposit (unless waived by the College President), a certificate of insurance with limits of at least $300,000 personal liability and $100,000 property damage, must be on file with the College at least two business days before use of the facility. The name of the organization and/or individual, the College and the Commonwealth of Massachusetts must be listed as joint insured/loss payees.

**Special Criteria:**

A. **Requirements of Law** - All events must be operated in such a manner that they will in no way violate any Federal, State or local law, Board or College policy, collective bargaining agreements or concessionaire contracts. All users shall be responsible for obtaining any required additional permits and licenses and for payment of applicable fees and taxes.

B. **Additional Costs** - All additional costs involved in use of College facilities and equipment become the direct responsibility of the sponsoring organization and/or individual. This includes, but is not limited to, such costs as security, police, janitors, technicians, trucking, food, special equipment, insurance, special snow plowing at places or times not regularly scheduled.

C. **Special Arrangements** - Requests requiring special arrangements should be sought in time so that all scheduling can be done in a routine manner. Late requests may require payment by the organization for special help arrangements.

D. **Prior Approval** - Facilities can only be used when the organization and/or individual has prior written approval in its possession.

E. **Smoking** - Smoking is only permitted in limited areas and must be in conformance with fire and College regulations. Users should inquire as to designated areas for smoking if there is any doubt as to permissibility.

F. **Parking** - All parking on College-owned and/or controlled property must follow applicable College Parking Regulations; especially observing the handicapped areas.

G. **Rates** - Rates for services or personnel are available upon request at the time of scheduling of events and depend upon the wage schedule in effect at that time. Minimum charges shall be forwarded to the contractor in the event of late cancellation of events.

H. **Keys** - No keys will be furnished for use of facilities, unless otherwise approved by the College President or his/her designee. If keys are furnished, they must be returned to the College prior to the College's release of the damage deposit.

I. **Supervision for Athletic Facilities** - All gymnasium usage must have a College-approved athletic supervisor in attendance at all times who shall be paid by the using organization.
J. Policy Information Requests - Information concerning use of facilities or the application of this policy shall be available from the Office of the College President or his/her designee.

K. College Auspices - No organization and/or individual renting facilities or equipment may in any manner represent themselves or their activities as College sponsored activities or as sanctioned or otherwise recommended by the College. Any variance from this policy must be approved in writing by the College President or his/her designee.

(March 26, 1992, amended September 23, 1993)