



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

Formerly, this subject was governed by the following: TASB Policy Manual, Policy GF, Student and Community Use of District Facilities, 10-16-89; Policy GFA, Student and Community Use of District Facilities: Conduct on District 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 as follows:

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*.

Finally, the college attorney does not recommend charging some users for use of college facilities and not charging others. To insure uniform treatment of all users and to avoid legal difficulties, the college attorney recommends charging a cost-recovery fee to *all* external groups.

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 members of the district 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 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.
 - a. Use of college facilities within the district shall adhere to the provisions of this regulation.
 - b. External groups' use of college facilities outside the district shall be strictly prohibited, but registered WCJC student organizations shall be permitted to use out-of-district facilities provided the policies and procedures of this regulation are followed.
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.
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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. Charge sheets shall be attached to this regulation and made available to the public upon request.
 - e. The Vice-President of Administrative Services or designée 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.

- f. The Vice-President of Administrative Services or designée shall create a Facilities Request Form and a Facilities Use Contract Form, copies of which shall be attached to this regulation. 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.
 - g. Events and activities cosponsored by the college with an external group shall not be subject to reimbursement charges.
5. 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.
 6. Any group or organization using college facilities shall be held responsible for any damage to property during its use of the facilities.
 7. 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.
 8. Requests from external groups or student organizations 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 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 proposal 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;
 - 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.
 9. Alcoholic beverages are prohibited on district property.
 10. The district shall make its facilities available for use as polling places in any in-district elections.
 - a. 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.

- b. 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.
11. 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 [Regulation 372].
- B. Use of Designated Areas: Students
1. The first floor of the Pioneer Student Union Building shall be considered a designated area for public discussion. 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 prior to the public assembly, discussion, or demonstration, and must not unreasonably disturb or interfere with normal operations and activities of the district.
 4. Any person who refuses to identify himself/herself fully in accordance with this regulation (formerly policy GFA in the TASB Policy Manual, 5-30-86) 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 District 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 district facilities under procedures for student groups.
 2. No organization or group, whether registered or not, shall use district facilities if it has a delinquent debt to the district.
- 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, Fine Arts Theater, 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.

- E. 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)

IV. PROCEDURES

- A. Normally, reservation requests from external groups are made 30 days in advance of the scheduled date of use on a Facilities Request Form.
- B. Authorization to use college buildings, facilities, or grounds must be in writing by the Vice-President of Administrative Services or designée, accepted in writing by the user organization, and contain such conditions and any further agreements deemed to be in the best interest of the college. The user organization is provided with a packet of information consisting of this regulation or relevant portions thereof encapsulated in a college brochure containing procedures and guidelines for external groups using college facilities and a campus map showing parking areas. (This information is attached to this regulation and is reviewed and updated as needed by the Vice-President of Administrative Services.)
- C. 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. Normally, 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. The imposition of higher fees may be permitted to outside users under special circumstances (such as those involving the employment of paid performers, stagehands, or musicians).
- D. Processing Requests
1. All facilities requests must be submitted on the college's Facilities Request Form to the Vice-President of Administrative Services or designée. No requests may be confirmed before the college calendar is established.
 2. Whether a request is approved or denied, the Vice-President of Administrative Services or designée uses a standard letter to respond in writing to all facility requests. (A copy of the standard response letter is attached to this regulation.)

3. If the request is approved, the vice-president or designée includes with his or her response copies of all pertinent literature describing the rules and regulations governing use of college facilities by outside groups and student organizations. A copy of this response letter is sent, along with billing information, to the Business Office to prepare an official invoice.
4. Checks for user groups are to be made payable to Wharton County Junior College.
- E. Consideration of Requests: Students
See Regulation 372.
- F. Consideration of Requests: Instructional/Educational Activities

Facilities requests to offer courses or programs or involving any educational or instructional service or activity are forwarded by the Vice-President of Administrative Services or designée to the Vice-President of Academic Affairs or to the Vice-President of Continuing Education, depending on the nature of the proposed activity, to determine if the proposed activity conflicts with college activities or is detrimental to college interests. Such requests are returned with a written response to the Vice-President of Administrative Services or designée within five working days.

BAM/FRV
6-19-97
Rev. 4-20-99



**Wharton County
Junior College**

**Facilities Request Form: EXTERNAL
Office of Administrative Services**

This form is for requests by **external groups and WCJC student organizations** to use college facilities. Please type or print clearly, complete all information, and submit in duplicate to the Executive Vice-President. Illegible or incomplete forms will not be processed.

To: _____ Date: _____

From: Name of Group/Organization: _____

Address: _____
_____ Phone: (____) _____

Name of Responsible On-Site Supervisor: _____

Address: _____
_____ Phone: (____) _____

Facility (or portion thereof) Requested: _____

Dates Requested: Start: _____ End: _____
Times Requested: Start: _____ End: _____

Number of Participants: _____

Describe activity and how facility will be used. (Any group or organization using college facilities is responsible for any damage to property during use. If food is to be served, you are responsible for arranging with the server to clean up and remove leftovers immediately after the event. If the server fails to clean up, you must do so.)

Proof of insurance attached: • Yes • No

List and explain charges user proposes (registration, admission, tuition, or participation fees): _____

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:

Requester's Signature: _____

Approvals:

Building Supervisor

Date

Executive VP or designée

Date

ExtReq.Frm

Reg 371 (7-23-99)



Wharton County Junior College

911 Boling Highway • Wharton, Texas 77488 • (409) 532-4560

Facilities Use Contract Form

In compliance with WCJC Regulation 371, Wharton County Junior College, hereinafter called "the College" does hereby agree to provide facilities as described below to:

Name: _____

Address: _____

City, State, Zip: _____

Telephone (incl area code): _____

who is hereinafter called "the User." Signature of the User affixed to this document signifies acceptance and agreement with all terms and conditions of this agreement.

FACILITY TO BE USED

Building: _____ Room: _____

Grounds: _____

Other: _____

Dates Requested: Start: _____ End: _____

Times Requested: Start: _____ End: _____

CHARGES FOR FACILITY USE

_____ Building Use (\$_____/day) x _____ days = \$_____

_____ Technician (\$15/first hr, plus min wage for add'l hr x _____ hrs) = \$_____

_____ Other: _____ \$_____

_____ Refundable Deposit:

Total Payment Due College: \$_____

WAIVER AND INDEMNIFICATION

The User hereby waives and forgives any claims against the College, its trustees, agents, and employees which may arise on behalf of the User as a result of the execution of this agreement or the use of the College's facilities.

The User agrees to assume any and all responsibility of any kind whatsoever from the use of the College facilities and indemnify, protect, defend, and hold harmless the College, its trustees, agents, and employees from and against any and all liability, claims, demands, suits, actions, damages, losses, and expenses, including any attorney fees necessary in the defense of any such action, arising out of or in any manner resulting from the User's use of, or presence on, the College property. It is the intention of the User that such indemnity shall apply whether or not the liability, claims, demands, suits, actions, damages, losses, or expenses arise from the negligence of the College or its trustees, agents, or employees.

This indemnification agreement is not to be construed as a waiver of the sovereign or governmental immunity from liability now possessed by the College and its agents or employees in performing this governmental function.

SIGNATURES

The terms and conditions listed above are agreed to by both parties as witnessed by our signatures on this _____ day of _____, _____.

For: Wharton County Junior College

For: _____

by: _____

by: _____



Schedule of Standard Charges for Facilities Use

Facility	Minimum Charges per Day			
	1999-2000	2000-2001	2001-2002	2002-2003
Classrooms	\$61			
Horton Foote Theatre	\$154			
Gymnasium	\$348			
Outlar Auditorium	\$97			
Pioneer Student Center (up to 100 participants)	\$428			
Pioneer Student Center (101 to 200 participants)	\$488			
Outdoor Restrooms	\$50			
Grounds	\$50			



***Wharton County
Junior College***

**Standard Response Letter
(Regs 371 and 372)**

(See attached.)



Policies and procedures regarding the use by external groups and student organizations 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 President or the Executive Vice-President.)

I. Facilities Rental

- A. Usage Fees: Facilities used by non-college organizations are charged according to the schedule attached to Reg 371.
- 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 Director of Accounting Services.
 - 4. Any rental terms that differ from the above must be approved by the President or the Board of Trustees.

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 Supervisor of the Duson-Hansen Fine Arts Building and must follow the provisions of Reg 371 (for external groups) or Reg 372 (for student organizations).
 - a. Any college organization that wishes to schedule an activity in the theater must submit a written request to the Supervisor of the Duson-Hansen Fine Arts Building prior to October 1 of each academic year.
 - b. Any college organization that decides after October 1 to sponsor an activity that requires the use of the theater must submit a written request two weeks before the event.
 - c. Emergency scheduling of the theater will be made depending upon the availability of the theater and the extent of the emergency.
 - d. All scheduling of the theater for non-Fine Arts activities is accommodated on a

first-come, first-served basis.

- e. No conflicting scheduling of the theater is processed without the permission of the director/adviser of the originally scheduled activity.
- f. The building supervisor completes the Facilities Request Form and forwards it to the Executive Vice-President.

B. Personnel and Equipment

- 1. All activity in the theater requires the use of a custodian and theater technicians.
- 2. Custodial services must be contracted with the Maintenance Department through the Business Office if the activity is scheduled outside regular college hours.
- 3. Theater technical services must be contracted if the activity is scheduled outside regular college hours.
- 4. 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.
- 5. 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 324.
- 2. Maximum standing or extra seating capacity is 50.
- 3. Absolute combined maximum seating and standing capacity is 374.
- 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. No cameras are permitted in the theater during a theatrical performance.

3. 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. Non-college organizations must adhere to Reg 371, and student organizations must adhere to Reg 372.
2. Approved college organizations are allowed "free" use of the Pioneer Student Center twice each semester; however, the student organizations are responsible for thoroughly cleaning the building after an event (or they may choose to pay the college's per-hour custodial fee). Additional uses of the building are treated in the same manner as non-college organizations.
3. *All* scheduling of the Pioneer Student Center is on a first-come, first-served basis. Requests must be submitted to the Coordinator of Student Activities and Multicultural Affairs and the Dean of Student Services at least seven (7) days prior to an event.
4. No activities may be scheduled in the Center during any official college holiday.

B. Equipment

1. Use of the Pioneer Student Center public-address system is not permitted for an individual student organization unless such use is approved in advance by the Coordinator of Student Activities and Multicultural Affairs and the Dean of Student Services.
2. All policies of WCJC concerning use or possession of alcoholic beverages on campus are in effect for use of Pioneer Student Center.
3. If any college regulations are violated, the offending group forfeits the right to future use of the Pioneer Student Center. (College organizations may appeal decisions to the Dean of Student Services; non-college organizations may appeal to the Director of Accounting Services.)

IV. Television Satellite Antenna and Equipment

Organizations requesting use of the television satellite receiving antenna and equipment are charged at the classroom-us rate. If only satellite videotaping services are requested and a room is not required, the charge rate remains the same. The requesting organization is responsible for the arrangement and cost of program license agreements, blank videotapes, and any auxiliary equipment necessary for reception of the program, such as de-coders or de-scramblers. The needs of the WCJC instructional program take precedence over requests from non-college organizations.

V. 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 from the Office of the Vice-President of Administrative Services, now the Executive Vice-President) prior to usage, and schedule the dates and times with the building supervisor (currently Gene Bahnsen at ext. 6369).

VI. Fitness Center

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



**Wharton County
Junior College**

**Facilities Request, INTERNAL ONLY
Office of Administrative Services**

This form is for **internal requests only**. Please type or print clearly, complete all information, and submit in duplicate. Illegible or incomplete forms will not be processed.

To: _____ Date: _____

From: Name: _____

Division or Unit: _____

Facility Requested: _____

Dates Requested: Start: _____ End: _____

Times Requested: Start: _____ End: _____

Number of Participants: _____

Describe Activity and Additional Needs. (If special services, room set-ups, or furniture configurations are required, you are responsible for making arrangements with Maintenance or Custodial Services via written work-order requests. If food is to be served, you are responsible for arranging with the server to clean up and remove leftovers immediately after the event. If the server fails to clean up, you must do so.)

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Requester's Signature: _____

Approvals:

Building Supervisor

Date

Executive VP or designée

Date

After approvals, send one copy to the Department of Safety and Security **at least 7 days prior to the date of the event** so that the activity can be placed on the college's schedule of activities.

IntReq.Frm
Reg 371 (3-8-96)