

# WEST VIRGINIA BOARD OF REGENTS

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*Title 128  
Legislative Rule*

~~POLICY BULLETIN NO.~~

~~Serial 55~~

~~JUNE 12, 1984~~

## POLICIES ON USE OF INSTITUTIONAL FACILITIES

### *Section 2 Policy Introduction*

- 2.1 Facilities of institutions under the governance of the West Virginia Board of Regents are intended for use in the conduct of its educational programs. As such, first priority for the use of facilities will be given to the academic, administrative, and student functions at each institution.
- 2.2 In its many aspects of service to the public, the Board of Regents also recognizes the need and permits the use of facilities which may provide benefits otherwise not available in the community. Consideration of requests from campus and off-campus groups will be guided by the following policy statements.

### *Section 3 A. By Off-Campus Groups or Individuals (Non-State Employee)*

- 3.1 It is the policy of the Board of Regents to permit the use of facilities by the general community in a manner which does not compete with the ongoing programs of the colleges and universities of the State. The community use of a college or university facility must have an educational or cultural purpose and must have a campus sponsor. The facilities that will be made available to noncampus groups will tend to be of a nature which is unique in the community.
- 3.2 Use of campus facilities by noncampus individuals or organizations will be permitted within the following guidelines:

- A *R* Facilities and support services will be made available only to the extent that their proposed use is not in conflict with the regular programs of the institution.
- B *A* The nature of the activities of the noncampus users shall not be potentially physically disruptive of the campus. For instance, local noise ordinances must be obeyed. While this policy may not be construed to preclude use of facilities based on political philosophy, race, religion, or creed of the sponsor, the nature of the activities to be conducted on the campus shall not be illegal under the Constitution or laws of the State of West Virginia or the United States.
- C *R* A standard rental/lease agreement (attached) accompanied by evidence of such insurance protection as may be required to adequately protect the institution shall be executed by the campus sponsor and also be signed by a responsible officer of the noncampus organization desiring to use a campus facility.
- D *R* All charges assessed for the use of campus facilities shall be sufficient at least to cover all identifiable costs of both a direct and indirect nature except that charges for indirect costs may be waived at the discretion of the institution for nonprofit organizations and/or public bodies of the State of West Virginia, such as county school systems, etc. All charges must be reasonable, charged equally to all similar groups, and be published in advance. In turn, such groups using campus facilities may charge admission, but only for the purpose of covering the direct and indirect cost of the sponsored activities. All surplus revenue derived from the conduct of an event will accrue to the benefit of the institution, except for public or nonprofit groups for which this provision may be waived. An exception to the surplus revenue provision may be granted for certain programs offered during the summer months where the activity generates significant revenues to the Housing and Dining accounts of the institutions.

Section 4 *R*

B. By Campus Groups for Nontraditional Programs (State Employee)

To encourage the various colleges and universities to extend their offerings, it shall be the Board's policy to permit its facilities to be made available for use by recognized campus units to conduct educational or cultural programs, including youth camps, for which fees are charged and from which staff members may be paid beyond

their regular annual salary. The following guidelines will apply for these activities:

- A *✓* Faculty and staff members who conduct nontraditional programs may be compensated on the basis of the number of attendees, hours worked, or percentage of net revenue. The conditions for such payments are that: (a) extra compensation for the activity be paid from funds other than State appropriations allocated by the Board of Regents, and (b) the amount of combined non-traditional and consulting activity for which additional compensation is received is consistent with institutional policy and, where 12-month employees are involved, annual leave is taken. Institutional officials will be responsible for approval of employees' participation in programs covered by this policy and for maintenance of employees' records of annual leave and/or consulting time.
- B *✓* All revenues and expenditures shall be handled by the Business Office of the institution or the Business Office of the campus unit involved. All revenues from these programs shall be deposited into the appropriate State special revenue account. Charges for special services provided by the institution may be deducted from revenues; however, the institution may require that a deposit be made in advance for such services.
- C *✓* A formal agreement shall be developed and signed by an authorized representative of the group or unit responsible for the program and the President of the institution or his designee. Said agreement shall establish the responsibilities of the institution and the sponsor, including detailed financial obligations to the institution from revenues. All agreements must ensure that the institution will receive reimbursement for all identifiable direct and indirect costs.
- D *✓* Programs must be sponsored by the institution. The name to be used for the program is left to the discretion of the institution.
- E *✓* All personnel receiving compensation for involvement in the programs must be paid on a regular State payroll or a standard 48 or 48-A service agreement, as prescribed by the original contract agreement.
- F *✓* All publicity must indicate that checks for payment of fees are to be made payable to the institution and not to an individual or outside organization.

6.7. Adequate insurance must be underwritten by the sponsors of the program.

Section 5

Selling of Articles on College or University Campuses

All solicitation and selling of products and articles upon property under the jurisdiction of the West Virginia Board of Regents is prohibited except by organizations and groups directly connected with the institutions and upon written approval of the respective president or his designee.

Section 6

General

6.1. Each institutional President shall designate the administrator(s) of this policy. A standard rental/lease agreement approved by the Board of Regents or its representative shall be used by each institution, along with any other forms needed to execute this policy.

6.2 It is not the intent of this policy to cover noncredit instruction offerings, as identified in Policy Bulletin No. 50e Series 50

Adopted: West Virginia Board of Regents  
September 10, 1982

Revised: June 12, 1984

*leave out*

APPENDIX A

RENTAL/LEASE AGREEMENT

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, in the year One Thousand Nine Hundred and \_\_\_\_\_ (19\_\_\_\_), between \_\_\_\_\_ Lessor, and \_\_\_\_\_ Lessee.

WITNESSETH:

The facilities covered by this Agreement are described on the Facility Reservation Request Form, attached to and made a part of this Agreement.

IT IS UNDERSTOOD that the Lessee will pay the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) for said use. This sum shall be paid not less than one day prior to the commencing of said event. Failure to do so shall result in cancellation of said event. All payments must be made by check, payable to \_\_\_\_\_

IT IS FURTHER UNDERSTOOD AND AGREED that as a condition of this Agreement the Lessee shall deposit with \_\_\_\_\_, not less than one day prior to the commencing of said event, a certificate of insurance from a reputable insurance company licensed to do business in the State of West Virginia, conditioned to indemnify and save harmless the West Virginia Board of Regents from any and all liability, claims, or expenses of any kind by reason of personal and/or property injury caused by or growing out of the use of said facilities by Lessee. The required insurance policy shall have the following minimum coverages:-

1. One Hundred Thousand Dollars and no cents (\$100,000.00) coverage for property damage.
2. One Hundred Thousand Dollars and no cents (\$100,000.00) for each personal injury, with an aggregate of Five Hundred Thousand Dollars and no cents (\$500,000.00).

Said certificate of insurance meeting the above requirements shall be attached to and made a part of this agreement.

The undersigned have read the Board of Regents' Policy on Use of Facilities and understand that the provisions of this Policy are made a part of the agreement between the parties.

\_\_\_\_\_  
Sponsor

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
Lessee

By \_\_\_\_\_

\_\_\_\_\_  
Lessor

By \_\_\_\_\_  
(President)

**TITLE 128  
LEGISLATIVE RULES  
WEST VIRGINIA BOARD OF TRUSTEES**

**SERIES 55  
POLICIES ON USE OF INSTITUTIONAL FACILITIES**

**§128-55-1. General.**

1.1. Scope. -- This rule governs use of institutional facilities by persons or groups.

1.2. Authority. -- W. Va. Code §18-26

1.3. Filing Date. -- April 12, 1984

1.4. Effective Date. -- June 12, 1984

**§128-55-2. Policy Introduction.**

2.1. Facilities of institutions under the governance of the West Virginia Board of Trustees are intended for use in the conduct of its educational programs. As such, first priority for the use of facilities will be given to the academic, administrative and student functions at each institution.

2.2. In its many aspects of service to the public, the Board of Trustees also recognizes the need and permits the use of facilities which may provide benefits otherwise not available in the community. Consideration of requests from campus and off-campus groups will be guided by the following policy statements.

**§128-55-3. By Off-Campus Groups or Individuals (Nonstate Employee).**

3.1. It is the policy of the Board of Trustees to permit the use of facilities by the general community in a manner which does not compete with the ongoing programs of the colleges and universities of the State. The community use of a college or university facility must have an educational or cultural purpose and must have a campus sponsor. The facilities that will be made available to noncampus groups will tend to be of a nature which is unique in the community.

3.2. Use of campus facilities by noncampus individuals or organizations will be permitted within the following guidelines:

(a) Facilities and support services will be made available only to the extent that their proposed use is not in conflict with the regular programs of the institution;

(b) The nature of the activities of the noncampus users shall not be potentially physically disruptive of the campus. For instance, local noise ordinances must be obeyed. While this policy may not be construed to preclude use of facilities based on political philosophy, race, religion, or creed of the sponsor, the nature of the activities to be conducted on the campus shall not be illegal under the Constitution or laws of the State of West Virginia or the United States;

(c) A standard rental/lease agreement accompanied by evidence of such insurance protection as may be required to adequately protect the institution shall be executed by the campus sponsor and also be signed by a responsible officer of the noncampus organization desiring to use a campus facility;

(d) All charges assessed for the use of campus facilities shall be sufficient at least to cover all identifiable costs of both a direct and indirect nature except that charges for indirect costs may be waived at the discretion of the institution for nonprofit organizations and/or public bodies of the State of West Virginia, such as county school systems, etc. All charges must be reasonable, charged equally to all similar groups, and be published in advance. In turn, such groups using campus facilities may charge admission, but only for the purpose of covering the direct and indirect cost of the sponsored activities. All surplus revenue derived from the

conduct of an event will accrue to the benefit of the institution, except for public or nonprofit groups for which this provision may be waived. An exception to the surplus revenue provision may be granted for certain programs offered during the summer months where the activity generates significant revenues to the housing and dining accounts of the institutions.

**§128-55-4. By Campus Groups for Nontraditional Programs (State Employee).**

4.1. To encourage the various colleges and universities to extend their offerings, it shall be the Board's policy to permit its facilities to be made available for use by recognized campus units to conduct educational or cultural programs, including youth camps, for which fees are charged and from which staff members may be paid beyond their regular annual salary. The following guidelines will apply for these activities:

(a) Faculty and staff members who conduct nontraditional programs may be compensated on the basis of the number of attendees, hours worked, or percentage of net revenue. The conditions for such payments are that: (a) extra compensation for the activity be paid from funds other than state appropriations allocated by the Board of Trustees; and (b) the amount of combined nontraditional and consulting activity for which additional compensation is received is consistent with institutional policy and, where twelve (12) month employees are involved, annual leave is taken. Institutional officials will be responsible for approval of employees' participating in programs covered by this policy and for maintenance of employees' records of annual leave and/or consulting time;

(b) All revenues and expenditures shall be handled by the business office of the institution or the business office of the campus unit involved. All revenues from these programs shall be deposited into the appropriate state special revenue account. Charges for special services provided by the institution may be deducted from revenues; however, the

institution may require that a deposit be made in advance for such services;

(c) A formal agreement shall be developed and signed by an authorized representative of the group or unit responsible for the program and the President of the institution or his designee. Said agreement shall establish the responsibilities of the institution and the sponsor, including detailed financial obligations to the institution from revenues. All agreements must ensure that the institution will receive reimbursement for all identifiable direct and indirect costs;

(d) Programs must be sponsored by the institution. The name to be used for the program is left to the discretion of the institution;

(e) All personnel receiving compensation for involvement in the programs must be paid on a regular state payroll or a standard 48 or 48-A service agreement, as prescribed by the original contract agreement;

(f) All publicity must indicate that checks for payment of fees are to be made payable to the institution and not to an individual or outside organization;

(g) Adequate insurance must be underwritten by the sponsors of the program.

**§128-55-5. Selling of Articles on College or University Campuses.**

All solicitation and selling of products and articles upon property under the jurisdiction of the West Virginia Board of Trustees is prohibited except by organizations and groups directly connected with the institutions and upon written approval of the respective president or his designee.

**§128-55-6. General.**

6.1. Each institutional president shall designate the administrator(s) of this policy. A standard rental/lease agreement approved by the Board of Trustees or its representative shall

be used by each institution, along with any other forms needed to execute this policy.

6.2. It is not the intent of this policy to cover noncredit instruction offerings, as identified in Series 50.