

## **WEST LIBERTY UNIVERSITY BOARD OF GOVERNORS**

### **POLICY 8: USE OF WEST LIBERTY UNIVERSITY FACILITIES**

#### **Section 1. General.**

1.1 Scope: This policy governs the use of institutional facilities by persons or groups.

1.2 Authority: West Virginia Code §18B-1-6, §18B-2A-4, §18B-10-15.

1.3 Effective Date: July 29, 2002. Revised TBD

#### **Section 2. Policy Introduction.**

2.1 Facilities of West Liberty University are intended for use in the conduct of educational programs. As such, first priority for the use of facilities will be given to the institution's academic, administrative, and student functions.

2.2 In its many aspects of service to the public, the Board of Governors also recognizes the need and permits the use of facilities which may provide benefits otherwise not available in the community. Consideration of requests from internal and external groups will be guided by the following policy statements. Internal groups are those recognized under the institution's organizational structure and accountability, e.g. departments and faculty, staff, and student organizations.

2.3 Use of facilities will be constrained or prohibited for groups whose presence would pose a threat to the safety of the University community or for activities that are wholly commercial or for private gain.

#### **Section 3. Use By Internal Groups or Individuals For Nontraditional Programs .**

3.1 To encourage the University to extend its offerings, the Board shall 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 employees may be paid beyond their regular annual salary. The following guidelines will apply for these activities:

3.1.1 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: extra compensation for the activity be paid from funds other than state appropriations allocated by the Board of Governors; and the amount of combined nontraditional and consulting activity for which additional compensation is received is consistent with institutional policy and, where twelve-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.

3.1.2 All revenues and expenditures shall be handled by the business office. 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.

3.1.3A formal agreement shall be developed and signed by an authorized representative of the group or unit responsible for the program and the president of West Liberty University or a 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 direct (rent, etc.) and indirect (equipment use, set-up, clean-up, staffing, police support, damages, etc.) costs.

3.1.4 Programs must be sponsored by West Liberty University. The name to be used for the program is left to the discretion of the institution.

3.1.5 All personnel receiving compensation for the 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.

3.1.6 All publicity must indicate that checks for payment of fees are to be made payable to West Liberty University and not to an individual or external organization.

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

#### **Section 4. Use By External Groups Or Individuals.**

4.1 The Board of Governors will permit the use of facilities by the general community in a manner which does not compete with the ongoing programs of the institution. Use of a facility by an external group must have an educational, charitable, or cultural purpose and must have a campus sponsor.

4.2 Use of campus facilities by external groups or individuals will be permitted within the following guidelines:

4.2.1 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.

4.2.2 The nature of the activities of the external users shall not be potentially physically disruptive to 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.

4.2.3 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 external organization desiring to use a campus facility. Any employee whose private venture event (for example, sports camp) operates through a relationship with the West Liberty University Foundation, Inc. shall provide the University's Chief Financial Officer proof that his/her event compensation has been properly reported to the Internal Revenue Service and to State tax authorities.

4.2.4 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 by the Chief Financial Officer 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. Neither direct nor indirect cost charges may be waived for private venture camps, etc., including those operated by employees (reference Policy 46, Use of University Property). 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. External groups may not charge event participants or the public fees for parking, etc. 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 institution.

#### **Section 5. Selling Of Articles On Campus.**

5.1 All solicitation and selling of products, articles, and services on any property maintained by West Liberty University is prohibited except by organizations and groups directly connected with or sponsored by the institution and upon written approval of the president or other appropriate administrator.

#### **Section 6. Miscellaneous.**

6.1 The president shall designate the administrator(s) of this policy. A standard rental/lease agreement approved by the Board of Governors or its representative shall be used, along with any other forms needed to execute this policy.

6.2 It is not the intent of this policy to cover noncredit instructional offerings.

Revision approved by the Board of Governors on February 8, 2012