

**THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES  
NOTICE OF PROPOSED AMENDED REGULATION**

**REGULATION NUMBER AND TITLE:** FPU-1.003 Use of University Facilities and Property.

**SUMMARY OF THE REGULATION:** This proposed amended regulation sets the scheduling priorities for the use of University Facilities and Property and the applicable conditions that must be agreed to by those using the Facilities. This regulation is being revised primarily to reflect that the Government Relations staff must be consulted before contacting or inviting any elected official or candidate for political office to an event sponsored by the University or a University Affiliated Group.

**TEXT OF REGULATION:** The full text of the Proposed Regulation can be viewed below and on the Florida Polytechnic University Board of Trustees website, at <http://floridapolytechnic.edu/board-of-trustees/university-policies-and-regulations/>. If you would like a copy of the Proposed Regulation, please contact Melaine Schmiz, Assistant General Counsel at (863)874-8489.

**AUTHORITY:** Board of Governors Regulation 1.001(7)(g); Florida Statutes § 1013.10

**NAME OF PERSON INITIATING PROPOSED REGULATION:** Gina DeJulio, VP and General Counsel

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

**THE CONTACT PERSON REGARDING THIS REGULATION IS:** Melaine Schmiz, Assistant General Counsel at 4700 Research Way, Lakeland, Florida 33805-8531, Email: [mschmiz@fpoly.edu](mailto:mschmiz@fpoly.edu), Phone: (863)874-8489, Fax: (863)874-8716.

**DATE OF PUBLICATION:** November 4, 2017

THE FULL TEXT OF THE PROPOSED AMENDED REGULATION IS PROVIDED BELOW:

### **FPU-1.003 Use of University Facilities and Property.**

- (1) **Purpose.** Facilities are scheduled on a priority basis to serve university needs and, when available, to accommodate non-university groups and the general public. The purpose of this regulation is to set priorities for Facility use and to establish authority for determining scheduling procedures and setting charges.
- (2) **Definitions.**
  - (a) **Facilities.** Physical space and grounds that are under the University's operating authority.
  - (b) **Facility Administrators.** Individuals with designated responsibility for the management of one or more Facilities, appointed by the President or designee.
  - (c) **Student Group.** Student groups, clubs or organizations that have received official recognition from the Office of Student Affairs.
  - (d) **University Affiliated Groups.** The University's Direct Support Organizations, institutes, and centers.
  - (e) **Affiliated Organizations. University Departments or Units, University Affiliated Groups, Student Groups and University Partners.**
  - ~~(d)~~(f) **Affiliated Activities. Activities hosted by Affiliated Organizations that are related to University business.**
  - ~~(e)~~(g) **Unaffiliated Activities.** Activities hosted by Unaffiliated Groups or activities hosted by any other groups or individuals when such activities are not related to University business.
  - ~~(f)~~(h) **Unaffiliated Groups.** Groups or individuals other than University Departments or Units, University Affiliated Groups, Student Groups or University Partners.
  - ~~(g)~~(i) **University Departments or Units.** Component parts of the University.
  - (j) **University Partners.** Institutions and organizations with which the University has formal written agreements for mission-relevant joint efforts, for example: industry partners and state colleges.
  - ~~(h)~~(k) **Elected Official or Candidate. Individuals serving in, or running for, an elected position at the local, state, or national level.**
- (3) **Access.** There are some areas of the University where access of the Facilities by the general public is permitted, and in many cases, encouraged. However, in order to foster an atmosphere and environment in which the University's educational mission can be carried out, some areas such as classrooms, laboratories, academic offices, and other academic and research areas are not open to the general public. For the most part, the academic and research areas are limited to the use of faculty, staff, students, and invited guests who have business related to the mission of the University.
- (4) **Priority.** The following order of priorities will be observed by Facility Administrators when scheduling Facilities:
  - (a) **Credit Instruction.** The highest priority for the use of the Facilities is reserved for academic scheduling, i.e., the use of classrooms, laboratories, and other Facilities for teaching and instructional programs for credit.

- (b) Other Academic Use (Research and Essential Support Services). These are mission-essential academic activities including sponsored and non-sponsored research projects and support services. These include but are not limited to library services, technology support, recruiting events, art exhibits, performances needed to fulfill the academic mission, registration services, counseling and tutoring, and Student Group meetings.
- (c) Non-Credit Instruction and Academic Outreach. This includes academic offerings that are not degree-related or credit-generating (i.e., certain continuing education programs).
- (d) Affiliated Organization and University Partner events related to the University mission.
- (e) Unaffiliated Activities. On a resources-available basis, the University may grant use of its Facilities for Unaffiliated Activities when such use:
  - i. Complies with University rules, regulations, policies and charge schedules;
  - ii. Does not compete with University programs;
  - iii. Does not interfere with other proper functions of the University; and
  - iv. Does not result in the deterioration of Facilities without reimbursement to the University.

Tax exempt organization activities will generally be given priority in scheduling over commercial activities.

- (5) **Scheduling.** When scheduling use of Facilities or equipment, priority shall be given to University programs and functions. Requests for scheduling events in Facilities, except for instructional space, should be directed to the appropriate Facilities Administrator for the Facility. Scheduling of instructional space shall be determined by the Registrar.

(6) **Charges.**

- (a) Rental Fees. The President or designee will establish standard Facility/Equipment Use Fees. These fees may correlate to the number of attendees per event and may include:
  - i. Space rental fee;
  - ii. Equipment use, maintenance or replacement fee;
  - iii. Cost recovery charges; and
  - iv. Processing fees.
- (b) Cost Recovery. Cost recovery may include, but is not limited to, expenses incurred for:
  - i. Event-specific security;
  - ii. Event-specific traffic control;
  - iii. Parking for event guests or visitors;
  - iv. Use of technology;
  - v. Set up;
  - vi. Clean-up; and
  - vii. Processing.
- (c) Distribution of Rental Fee and Cost Recovery. All fees collected will be distributed to the appropriate service areas and Facilities or as directed by the President or designee.
- (d) Facility/Equipment Use Fee. The President or designee will establish a standard Facility use fee schedule. The President or designee may waive or reduce fees for the use of Facilities when appropriate. Applicants requesting a Facilities/Equipment use fee waiver must submit written documentation with the basis for the waiver to the Facilities Administrator or Registrar, as appropriate, for consideration.

(7) **Conditions.**

- (a) **Laws and Policies.** All use of Facilities and equipment shall be governed by all applicable state and federal laws and by University rules, regulations, and policies. Security and traffic control for all events held on or in Facilities are under the jurisdiction of the University and all event attendees are subject to University traffic and parking rules.
- (b) **Licenses for the use of the Facilities** shall include appropriate insurance provisions. All non-governmental groups not directly a part of the University or Student Groups must provide proof of insurance coverage in the appropriate amount as determined by risk management.
- (c) If a University Department or Unit, Student Group, or governmental group holding an event utilizes an outside vendor to provide services for the event, the vendor must be required, by contract, to have and maintain types and amounts of insurance that cover the vendor's exposure in performing the services.
- (d) **Unaffiliated Activities Sponsored by University Departments or Units.** The University sponsor is responsible for:
  - i. Submitting all required applications for the proposed use as required;
  - ii. Being on site to supervise the activity or event;
  - iii. Assuring that the Facilities are used for the purposes for which they were scheduled;
  - iv. Being fiscally responsible for the event;
  - v. Ensuring that all (on-campus and off-campus) promotion and advertising of such events shall identify the University Department or group that is the sponsor and all groups involved in funding the event;
  - vi. Taking all reasonable steps to ensure that use of the Facilities complies with local, state, and federal laws, and University rules, policies and regulations.
- (e) Before contacting or inviting any Elected Official or Candidate to an event sponsored by the University or a University Affiliated Group, the Government Relations staff must be consulted.

(8) **Fronting.** A University Department or Unit or Student Group may not reserve space on behalf of or for the use by an Unaffiliated Group so that the Facility can be used at a reduced rate. This conduct constitutes "fronting" and is prohibited.

(9) **Refusal, Reassignment or Cancellation.** The reservation and use of Facilities or equipment is a privilege and not a right. The University reserves the right to refuse a request for use of Facilities or equipment or to reassign or cancel any reservation by any person or group. The requestor will be notified, as soon as practicable, of any decision refusing the request for use of space or equipment, or the reassignment or cancellation of a reservation.

(10) **Employees Protected Right to Engage in Concerted Activities.** This regulation in no way limits or restricts employees' protected rights to self-organization and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

*Authority: BOG regulation 1.001(7)(g); Fla. Stat. § 1013.10*

*History: New: 5.15.14. Amended:*