

## **FACILITY USE**

### **POLICY SUMMARY**

Any use of Northern Arizona University facilities must occur within the parameters defined by this policy and accompanying Procedures.

### **REASON FOR THIS POLICY**

Clear and consistently applied rules and standards are necessary for the effective administration of University Facilities and the mitigation of institutional risk.

### **ENTITIES AFFECTED BY THIS POLICY**

- All units that use or administer the use of University Facilities
- Capital Planning and Campus Operations
- External parties wishing to use University Facilities

### **WHO SHOULD KNOW THIS POLICY**

- Administrators responsible for facility use
- Persons or entities seeking to use University facilities

### **DEFINITIONS**

**Academic Activity:** educational activity by the University's instructors and students in pursuit of learning, the obtainment of degrees or certificates, or otherwise in furtherance of the University's educational and teaching mission.

**External User:** a third-party person or entity not controlled or administered by the University or under the University's authority. For purposes of this policy, alumni or alumni organizations, student groups or organizations not registered with the Office of the Dean of Students, and University employees engaged in nonwork-related or private activities are classified as External Users when seeking to use University Facilities.

**Event:** a planned gathering, whether in-person or virtual or both, of individuals for a pre-identified purpose, program, or agenda (e.g., presentations, performances, forums, rallies, dances, speakers, conferences, concerts, social functions, celebrations, protests, tailgates, etc.). For purposes of this policy, Events do not include the University's National Collegiate Athletic Association (NCAA) athletic activities (e.g., sports team practice sessions or games) or Academic Activities such as class meetings, faculty office hours, laboratory work, study groups, and similar routine instructional activities or occasions related to coursework.

**Internal User:** divisions, departments, colleges, schools, institutes, programs, Student Organizations, or any other element of the University that wishes to use a University Facility in furtherance of its official purposes or goals that broadly further the University's mission.

**Major Event:** a relatively large or significant Event where one or more of the following applies: i) coordination with local law enforcement or other external agencies is recommended or required; ii) substantial interference with the University's normal functions, activities, or campus operations may occur; iii) alcohol will be served, or iv) the University has made the determination, in its sole discretion.

**Student Organization:** academic, political, cultural, religious, spiritual, social, or recreational student groups or clubs officially registered by the University in accordance with the *Student Organizations* policy and as described in the *Student Organization Manual*.

**University Facilities:** all technology platforms or environments, buildings, grounds, or other properties owned, operated, managed, or controlled by the University wherever located.

**University Meeting:** regularly scheduled or occasional gatherings with the general focus or purpose of which is to conduct, accomplish, or advance University business (e.g., divisional, department, faculty, or staff meetings, presentations, Faculty Senate sessions, trainings, luncheons, presentations, holiday gatherings, etc.).

## POLICY

### A. Applicability

This policy applies to all University Facilities, all administrators responsible for their use, all University units that use or sponsor the use of University Facilities, and all External Users of University Facilities.

### B. Permitted Uses and Purposes

At all times, all uses of University Facilities must comport with all applicable legal, policy, and contractual requirements, including but not limited to, anti-discrimination, accessibility, clear bag, technology, parking, safety, security, and fire safety laws and policies. University Facilities are not available and may not be used for purposes or activities that discriminate against any person on the basis of race, sex, sexual orientation, gender identity, religion, national origin, age, veteran status, marital status, or disability.

### C. Facility Use Requests and Ticketing

1. Requests to use University Facilities shall be made in accordance with the *Requesting the Use of University Facilities* procedure that accompanies this policy.
2. The University will charge for use of University Facilities in accordance with rates approved by the President.
3. Events held pursuant to NAU Comptroller Policy [306](#) or if required by the University in its sole discretion, ticketing services shall be acquired in accordance with the *Requesting the Use of University Facilities* procedure that accompanies this policy.

### D. Reservation of Rights

As determined in its sole discretion, the University reserves the right to—

1. Manage or administer all University Facilities in furtherance of its educational mission and related business or administrative purposes;
2. Establish and enforce through policies and binding contracts reasonable and appropriate rules and requirements for the use University Facilities;
3. Enter all University Facilities at any time while being used to enforce applicable rules and requirements, to perform any assigned functions or duties, or for any other reasonable purpose; and

4. Reassign, substitute one University Facility for another, cancel permission to use, or terminate the active use of any University Facility when the University determines it is in the best interests of public safety or the University's interests to do so.

#### E. Use Priorities

University Facilities will be used or scheduled for use in order of the following priorities:

- First, normal or routine NCAA athletic programs and educational activities such as instruction, coursework, testing, study, laboratory work, performances, and similar events or activities with purposes that directly serve or further the University's teaching mission and related functions;
- Second, activities, exclusively funded by and promoted by, or in the service of University divisions, departments, colleges, schools, sports teams, institutes, offices, programs, or other internal units;
- Third, uses or activities requested by a Student Organization;
- Fourth, uses sponsored by an Internal User on behalf of an External User;
- Fifth, External User requests.

#### F. Internal User

1. As determined on a case-by-case basis, Internal Users may be assessed fees for the use of certain University Facilities.
2. When an Internal User sponsors the use of a University Facility on behalf of an External User, the use will be considered use by the External User, not the Internal User and the use must be generally related to the normal functions or purposes of the sponsoring unit.
3. Internal Users who sponsor the use of University Facilities by an External User are responsible for the use as set forth in Sections G and I.

#### G. Sponsored Use

1. Use of University Facilities by External Users whose use of the facility is sponsored by an Internal User must comply with the following requirements:
  - a. The sponsored External User's use of the University Facility must be broadly consistent with the University's educational mission and purposes; and
  - b. The Internal User must be directly involved in and accountable for the planning and actual use of the University Facility by the External User.
2. The sponsoring Internal User will assume the following responsibilities:
  - a. Serves as the sole point of contact for all other University departments and officials supporting the Event or Major Event while coordinating all aspects of the Event with the appropriate University officials or authorities;
  - b. Enforces the requirement that appropriate sponsoring Internal User and External User representatives are onsite and ensuring compliance with all applicable rules and requirements throughout the Event; and
  - c. Provides an internal University account that will cover all applicable expenses payable to the University in relation to the Event via internal departmental billing and collection of funds from the External User as applicable.

## H. External Users

1. In its sole discretion and in accordance with the requirements set forth in this policy, the University may choose to make University Facilities available to qualified External Users for purposes that broadly comports with the University's mission and are consistent with all applicable rules and requirements.
2. Authorization to use a University Facilities may be provided to External Users solely in the form of a binding and enforceable contract approved by Contracting, Purchasing, and Risk Management and other University officials as may be appropriate, provided however, that all such contracts stipulate full recovery by the University all costs it incurs related to the use and adequately address all practical, logistical, maintenance, safety, security, liability, and insurance matters.
3. University Facility rental rates must be approved in advance and in writing by the President. When determining rental rates for specific University Facilities, the University will consider fair market rates charged for comparable facilities and the University's expenses in providing the space, including but not limited to, set-up and break-down, maintenance, safety and security, fire safety, liability, insurance, and overall administrative costs.
4. Any related promotional or advertising materials that list, indicate, or otherwise feature sponsorship by commercial entities must be approved by the University in advance of publication so as not to be in conflict with University policy or existing sponsorship and marketing agreements.
5. Absent a written agreement to the contrary, when using University Facilities, External Users must ensure that any related promotional or advertising materials do not state, suggest, infer, or imply sponsorship by the University of their organization or their Event or Major Event.
6. At its sole discretion, the University may provide discounted use rates for certain University Facilities to certified non-profit organizations.
7. Use of University Facilities by External Users must comply with the University Facility Use priorities set forth in Section E.

## I. Contracts

A properly executed University Facility use contract is required prior to any use of University Facilities by an External User (whether the External User is sponsored by an Internal User or not). Only the President may sign such contracts unless such authority has been properly delegated in accordance with the *Contract Signature Authority* policy. Officials without the necessary delegated signature authority must forward the draft agreement to Contracts, Purchasing and Risk Management with a completed Contract Signature Request Form.

## J. Host Responsibilities

Internal Users hosting an Event or Major Event or sponsoring an External User's Event or Major Event must—

1. Ensure that the External User enters into an approved contract with the University and arranges for any required insurance coverages prior to the use and be involved in the planning for, be present at, and be significantly accountable for the use;
2. Ensure that appropriate arrangements are made for adequate University event support resources including but not limited to parking and custodial services.

## K. Damages and Insurance

All Event and Major Event organizers, whether Internal Users or External Users, are responsible for all damages to University Facilities that result from the use. Additionally, the University may require damage deposits and/or proof of adequate insurance coverage as stipulated in Event and Major Event approvals or contracts.

## L. Major Events

Use of University Facilities for Major Events may require, in the University's sole judgement, additional multi-departmental review and approvals and/or resources. Such additional resources may include but are not limited to clear bag screening, security, parking assistance, shuttle services, technology services, and custodial services. The Internal User or External User will be responsible to pay any cost associated with additional resources.

## M. Use of University Facilities by Professional Sports Teams

The University may authorize use of its athletic facilities by professional sports teams in accordance with the following requirements:

1. The anticipated use must be and remain consistent with applicable National Collegiate Athletic Association (NCAA) and NCAA Conference rules in which the University holds membership;
2. Contracts for the use of University Facilities with a professional sports team must be approved as to form in advance in writing by the University's General Counsel, with the term of such contracts not to exceed three (3) years; and
3. Rental rates for University Facilities used by professional sports teams will be determined in the manner set forth in Section H.3.

## N. Compliance with Internal Revenue Service Requirements

In compliance with section 141 of the Internal Revenue Code of 1986 and applicable portions of Internal Revenue Service regulations sections 1.141-1 through 1.141-15, the use of University Facilities financed with tax-exempt bonds are to be dedicated to the primary mission and benefit of the University. Therefore, the use by any External Users (including those sponsored by Internal Users, professional sport teams or any other private or affiliate entities, including non-profit organizations), will be limited to a first-come, first serve basis and shall not exceed ten percent (10%) or less under certain circumstances (in the aggregate), use of space or time. The Comptroller's Office must advise on use of [bond-financed buildings](#) or other asset before any contract is signed.

# RESPONSIBILITIES

## Contracts, Purchasing, and Risk Management:

### External Users:

### Internal Users:

# PROCEDURES

[Requesting the Use of University Facilities](#)

# RELATED INFORMATION

## Forms or Tools

[Contract Signature Request Form](#)

[Student Organization Manual](#)

## Cross-References

[Accessibility](#)

Campus Food and Alcohol Service

[Clear Bags and Prohibited Items at Select Events](#)

[Campus Transit Regulations](#)

[Contract Signature Authority](#)

[Motor Vehicle Parking Regulations](#)

[Student Organizations](#)

[NAU Event Ticket Sales](#)

[Tobacco-Free Campus](#)

[Weapons on Campus](#)

## Sources

[Arizona Board of Regents Policy 7-207](#)

[Arizona Board of Regents Policy 7-209](#)

## APPENDIX\*

[Contract Signature Form Request Frequently Asked Questions](#)

\*Disclaimer: all documents, links, or other materials included in this policy's appendix are provided solely for the user's convenience and are not part of official University policy.