



**SAN JOSÉ STATE
UNIVERSITY**

PD 2011-01

Office of the President

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MEMO TO: Campus Community

FROM: Don W. Kassing
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SUBJECT: Presidential Directive 2011-01
Policy for Use of University Facilities and Outdoor Spaces for
Special Events, Activities, and Programs

The intent of the attached Presidential Directive is to outline the conditions under which San José State University permits the use of facilities and outdoor space – for the campus and external requestors – outside the context of regularly planned and scheduled educational or research programs. This policy is a living document and will be revised periodically as needed to accommodate changing environments and circumstances.

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Attachment

SAN JOSE STATE UNIVERSITY
Presidential Directive PD 2011-01

Policy for Use of University Facilities and Outdoor Spaces
for Special Events, Activities, and Programs¹

Background:

University facilities and outdoor space are governed by the policies of the Board of Trustees and San José State University, and exist for the primary purpose of serving a planned and scheduled program of educational activity on behalf of SJSU students, faculty and staff. When not required for regularly planned educational or research programs, facilities or outdoor space may be made available for use, via a facilities use lease, by campus units, student organizations, and non-SJSU affiliated entities.

The intent of this policy is to outline the conditions under which SJSU permits the use of facilities and outdoor space – for both campus and external requestors – outside the context of regularly planned and scheduled educational or research programs. This policy is a living document and will be revised periodically as needed to accommodate changing environments and circumstances.

As stated in the policy for Space Management and Allocation at San José State University, PD-2006-02 (<http://www.sjsu.edu/president/directives/current/pd0602.html>):

“Space is a university resource... [to be] deployed in the most efficient and effective manner to serve programmatic and strategic goals... [and] will change to achieve optimal utilization and respond to current and emerging needs.”

The university’s Space Management and Allocation policy further notes that “space is a central resource to the campus... [and is] an enormous asset crucial to the operations of the campus.” As a result, PD 2006-02 identifies the university’s principles, practices, and oversight for managing space and making space allocation decisions within the university broadly defined – i.e., state-supported and non-state-supported facilities.

Closely aligned with the university’s policy regarding internal allocation and management of space is the university’s policy on Time, Place and Manner Regulations, PD-2001-01 (<http://www.sjsu.edu/president/directives/current/pd0101.html>), also subtitled Use of Buildings and Grounds of San José State University. The intent of the Time, Place and Manner policy is to

¹ This policy incorporates the following California State University Executive Orders.

EO	802	Special Sessions	www.calstate.edu/EO/EO-802.pdf
EO	847	Policy Statement on Facility Maintenance	www.calstate.edu/EO/EO-847.pdf
EO	987	Policy Statement on Energy Conservation, Sustainable...	www.calstate.edu/EO/EO-987.pdf
EO	1000	Delegation of Fiscal Authority and Responsibility	www.calstate.edu/EO/EO-1000.pdf
EO	1006	Student Activities	www.calstate.edu/EO/EO-1006.pdf

ensure that use of university space and facility resources allow the university's mission of teaching, learning, scholarship, and research to be accomplished effectively.

In attempting to manage space and facilities, and to ensure their effective use towards the accomplishment of the university's mission, one dimension that is often complicated and sometimes controversial is the use of space for activities that are not necessarily part of or required for regularly planned educational or research programs. These activities can involve a wide array of programs, departments, attendees, and other stakeholders. They can range from activities that are offered directly by departments to current SJSU students, faculty, staff, and alumni, to activities that are offered by entities with no SJSU affiliation for attendees from entirely outside the university community, with a host of other possibilities between these extremes.

Towards this end, this use policy articulates operating definitions, policies, and practices that enable clear, consistent, and appropriate implementation of facilities use guidelines across the campus community and beyond.

A. Definitions

Campus Unit: Any officially recognized SJSU organizational unit (e.g., Division, College, School, Department) that exists within the university's defined organizational structure. State-funded campus units are funded by the CSU Operating Fund. Non-state-funded campus units are not funded through the CSU Operating Fund, but include programs or departments that are self-supporting through Revenue Trust funding² and units that are separately chartered 501(c)(3) auxiliaries of the university.³

Student Organization: Any club or other officially recognized group whose membership is comprised predominantly of current SJSU students, and that is registered with the Student Involvement (SI) office as active for the current semester.

Non-SJSU Affiliated Entity: Any individual, group, or organization that is not affiliated with SJSU in any official or unofficial capacity.

University Sponsor: Any campus unit, state-funded or not, that agrees to support, in writing, a space use request. A University Sponsor assumes responsibility for the event, including any consequences that arise from the event activities. A University Sponsor must be a campus unit as defined above; an individual may not serve as a University Sponsor.

University Facilities: Any grounds, buildings, structures, or other facilities owned and operated by San José State University or an affiliated auxiliary, including but not limited to Spartan Shops, Student Union, SJSU Research Foundation, Tower Foundation, Spartan Foundation, and Associated Students.

² Examples include International & Extended Studies (IES), Parking, Housing, Telecommunications, among many others.

³ Current SJSU auxiliaries are: SJSU Research Foundation; Tower Foundation; Spartan Shops, Inc.; Student Union, Inc.; and Associated Students, Inc.

Regularly Planned Educational or Research Programs: “Normal” state-supported university activities that are conducted during official business hours, which the university defines per this policy as M-Th. 7:00 a.m. – 10:00 p.m, F 7:00 a.m. – 5:00 p.m. for most units. Activities include regularly-scheduled instructional programs such as state-supported classes, laboratory, or other instructionally-related activities; on-going programmatic activities run through the university divisions; and professional scholarly activities that are instrumental to faculty scholarly endeavors.

Direct Costs: Out-of-pocket, incremental expenses that are readily identifiable and attributed to the event or activity. These include, but are not limited to, items such as additional staff time for custodial and safety services, incremental cost of utilities, cleaning service supplies, and other labor costs (e.g., contracted services, overtime, audio/visual or other equipment rental, movers, planners). Direct cost calculations and rates for custodial, utilities and other rate-based services are found at http://www.sjsu.edu/fdo/docs/facility_lease_direct_cost_rate_sheet.pdf. These rates will be reviewed annually by the university’s Space Advisory Committee.

Indirect Costs: “Soft costs” that the university incurs, but that do not necessarily result in direct, out-of-pocket expenditures that are attributable to a specific event or activity. Indirect costs are also referred to as room rates and cover, but are not limited to, items such as normal wear and tear, accrued maintenance costs, other set-up costs, and planning support. Room rates are shown found at http://www.sjsu.edu/fdo/docs/facility_lease_indirect_cost_rate_sheet.pdf. These rates will be reviewed annually by the university’s Space Advisory Committee.

B. Requesting Use of Facilities

University facilities and outdoor space are governed by the policies of the Board of Trustees and San José State University, and exist for the primary purpose of serving a planned and scheduled program of educational activity on behalf of SJSU students, faculty and staff. When not required for regularly planned educational or research programs, facilities or outdoor space may be made available for use, via a facilities use lease, by campus units, student organizations, and non-SJSU affiliated entities.

Use of university facilities or outdoor space must not interfere with the educational activities and mission of the university. The university’s right to use facilities at any time to advance the educational mission of the institution for its students always takes precedence over uses of university facilities and outdoor space for activities less or not related to the university mission. As a result, first priority for use of facilities or outdoor space shall go to campus units. The university reserves the right to modify or cancel reservations by non-SJSU affiliated entities accordingly. Requests for reservations by non-SJSU affiliated entities must be received no less than 30 days before the intended use date.

B.1. Campus Units may request to use university facilities for activities that are directly related to their unit’s core mission. The following categories describe requests for use of university facilities by campus units, the review and approval process required for each, and the respective costs that will be charged to the requesting units.

1. **Campus Units Funded through the CSU Operating Fund.** Typically, there is no charge for facilities use requests for regularly planned educational or research programs as defined above. Exceptions will be reviewed on a case-by-case basis by the University Space Advisory Committee (SAC), and direct costs may be charged if the event sponsor receives fees or other revenue for the event, if the event is outside official business hours, or if other factors (e.g., estimated number of attendees, event duration) result in significant direct costs.
2. **Campus Units Funded through self-support activities** (i.e., non-CSU Operating Funds). Self-support Campus Units are required to pay direct and indirect costs per the room rate schedule shown in Appendix B. University programs and courses that are offered by state-supported units through International and Extended Studies (IES) may be reviewed by SAC to consider modification and/or exemption from this facility use charge.
3. **Requests from individual faculty and/or staff.** Individual requests to use university facilities must be sponsored by the individual's respective reporting unit, and must be reviewed by the unit's appropriate administrator for approval. Sponsorship of any event requires the signature of the Dean, the Vice President, or the President, respectively, as the appropriate administrator for the request. Costs charged for these events follow the guidelines in the two preceding paragraphs regarding the sponsoring Campus Unit. These activities are expected to be predominantly for attendees who are current SJSU students, faculty and/or staff. *Requests for use of facilities to host grant-funded activities that are directly related to employees' regular duties and assignments require further review, and as a result are not governed explicitly by this policy at this time; the policy will be revised and updated once that review is completed.*
4. **Requests from student organizations.** Requests from student organizations require the written approval of the organization's faculty or staff advisor. Requests from individual students must be made through an officially recognized student organization. If conducted outside of official business hours, registered student clubs and organizations hosting special events are required to pay the full direct costs, if any, required to support the event. If more than 50% of the expected attendees for the event are not university students, faculty, and staff, the event sponsor is required to pay the university's indirect costs. This provision does not apply to regular membership meetings or to informal student use of small group study or meeting spaces. Student groups that are not currently registered through the Student Involvement office are considered Non-SJSU Affiliated Entities.

B.2. Non-SJSU Affiliated Entities may request to use SJSU facilities for various events, programs, or other activities. Depending on the purpose, requestor, campus sponsorship (or lack thereof), and/or other factors, these requests may or may not be approved. If approved, organizations submitting these requests are required to pay, at a minimum, the direct and indirect costs. In some instances, an additional surcharge may also be required. In all cases, the university reserves the right to modify or cancel reservations by non-SJSU affiliated entities.

5. **Sponsored Requests from Non-SJSU Affiliated Entities.** External entities' requests to use university facilities that have a recognized University Sponsor will be considered for approval. University Sponsors for requests from Non-SJSU Affiliated Entities are expected to pay 25% of the facilities use charge.
6. **Non-sponsored Requests from Non-SJSU Affiliated Entities.** Requests from Non-SJSU Affiliated Entities that do not have a recognized University Sponsor require review and approval by SAC.

B.3. University facilities shall not be used by campus units, student organizations, non-SJSU affiliated entities, corporations, nor any other organizations or individuals to conduct private business, nor to raise money for projects not connected with a university purpose, except as permitted by university policy and specifically authorized by SAC.

All requestors of university facilities – campus units, student organizations, and non-SJSU affiliated entities – must agree to be financially responsible⁴ for damage or other unanticipated costs associated with the use. Following university risk management policies,⁵ all campus units hosting activities, events and programs understand that SJSU is self-insured and that the risk pool deductible will be drawn from the respective university division if a claim arises out of the specific activity for which the use is being requested. In other words, by agreeing in writing to serve as a University Sponsor, a campus unit accepts the risks associated with that event.

Non-SJSU affiliated entities are required to obtain appropriate insurance coverage and to indemnify the university, its officials and employees for any claims resulting out of the use of the university's facilities.

Non-SJSU affiliated entities are not allowed to reserve spaces and/or facilities during final examination periods, the first week of each academic semester, and all dates of any university Commencement-related activities.

C. Reservation Procedures

The following procedures apply to reservations requested by campus units (perhaps on behalf of faculty, staff or students), registered student organizations, and non-SJSU affiliated entities. Depending on the nature of the activity and/or the status of the requesting entity, proof of appropriate insurance coverage may be required at the time the request is submitted.

1. **Indoor Space:** The process for requesting space is shown in Appendix A. Requestors seeking to reserve an indoor university facility/space should first contact the building coordinator responsible for that location and follow any policies and procedures established for that site. If

⁴ Per SJSU Finance Department practices delineated in "Guidelines for the Delegation of Authority for Approval of Financial Transactions," the delegation of authority for approval of financial expenditures is limited to Approving Officials. Approval Officials are defined as management level staff consisting of MPP level employees and department chairs.

⁵ <http://www.sjsu.edu/president/directives/current/pd0501.html>; <http://www.calstate.edu/eo/EO-715.pdf>

FD&O determines that a Facilities Use Lease⁶ must be executed, the terms are not negotiable. The appropriate fees are to be paid in advance of the event to obtain final approval of the use. In the case of a government entity, school district, or non-profit organization, a purchase order may be accepted pending completion of event. For SJSU campus units, a valid account number is accepted.

Requestors seeking to reserve Morris Dailey Auditorium must contact the Student Union Event Services Office to obtain a request form for that facility. Requests to use Morris Daily Auditorium require written authorization from the Office of the President. If cash handling or other forms of financial transactions will take place on site, the requestor will be required to have and pay for University Police Department (UPD) presence for the duration of the event, with actual costs to be determined based on UPD's review of the security needs for the event.

2. Outdoor Space: Campus units and student organizations requesting a reservation of an outdoor university facility/space must complete a reservation form and submit the form, plus proof of insurance if needed. Campus units and external organizations must contact the Facilities, Development and Operations office to process the request. Student organizations must contact the Student Union Event Services Office. Non-SJSU affiliated entities requesting an outdoor facility/space must submit a Facility Use Application, plus proof of insurance, to FD&O for review no less than 30 days before the intended use date. A Facilities Use Lease³ must be executed, the terms of which are not negotiable, and the appropriate fees are to be paid in advance of the event to obtain final approval of the use.

In any outdoor event where tenting is involved and the number of participants (workers and attendees) is expected to exceed 300, the requestor must submit a drawing of the layout and request a permit from FD&O. FD&O will review the request and seek approval by the State Fire Marshall, including any stipulations for special conditions such as cooking, stage, seating, etc.

3. Security and Safety Assessment: If one or more of the following characteristics of the event exist, the organizer must contact SJSU University Police Department (UPD) prior to submitting the request for the facility use lease to enable an assessment of potential security needs, including estimated costs to the organizer.

- The event is expected to have 300 or more people in attendance.
- Admission fees are collected or other on-site cash handling will occur.
- In the opinion of the organizer, the event might require security.
- A security assessment is determined by a university official to be appropriate.

In all such instances, UPD must certify on the application form that this review has been completed prior to university approval of the space reservation. If UPD recommends that security be provided for the event, UPD will provide a brief description of the expected arrangements and estimated costs. Such costs shall be the responsibility of the event organizer as a condition of approval of the reservation, along with any other required costs.

⁶ Campus entities use this Facilities Use Lease: http://www.sjsu.edu/fdo/docs/facility_lease_sjsu_entity.pdf
Non-SJSU Affiliated Entities use this Lease: http://www.sjsu.edu/fdo/docs/facility_lease_outside_entity.pdf

4. Code Assessment: Facilities Development and Operations will review and approve and, when needed, coordinate State Fire Marshall approval for large congregations.

5. Approval Subject to Review: At all times, any reservation approval is contingent upon full compliance with all university policies and all reservation requirements. The university reserves the right to disapprove the request (or terminate the reservation) of any entity that fails to comply with university policies or state or federal law, or which has damaged university facilities at any time.

D. Additional Facility Use Policies

1. Unauthorized Events. Any campus unit found to be hosting an event using university space without authorization through procedures defined in this policy will be charged \$1,000, following the university's verification of the unauthorized event. In addition, retroactive direct and/or indirect costs associated with the event will be charged in most cases per procedures described above. Liability associated with such unauthorized events is described in item #6 below.

2. Organizer Presence Required: The organizer of an approved event must be present for the duration of the event with a copy of the approved reservation form, and must present the form to UPD if requested. The event may be terminated by UPD for failure to have a copy of the approved reservation form on the premises.

Campus units that agree to serve as a University Sponsor for an outside entity are responsible for supervising the event or activity. If the campus unit does not have the ability to supervise the event, the event must be canceled. SJSU employees are prohibited from lending building/facility keys to any outside entity.

3. Alteration of university property: Alteration or physical modification of university property is not permitted. To prevent damage to university infrastructure or grounds, FD&O must approve the erection of tents or any temporary structures. No group is allowed to affix anything, temporary or permanent, that requires nails, screws, glue, paint, etc.

4. Decorations: The organizer must have decorations approved and/or facilities inspected for safety in advance by FD&O. Decorations must be removed by the event coordinators at the end of the event.

5. Property Damage: Any group or individual that causes damage to university property must pay any charges necessary to return the property to its original state. University employees, students or organizations may be subject to disciplinary action if university property is damaged during an event hosted or sponsored by the respective campus unit.

6. Liability Coverage. With an approved facilities use request and properly executed lease and insurance certificate as appropriate, a requestor's liability for the event falls within the university's defined liability and risk management policy,⁷ which holds divisions responsible for

⁷ <http://www.sjsu.edu/president/directives/current/pd0501.html>

a portion of the university's \$500,000 deductible per event. If the facilities use request has not been authorized by the university in advance and/or the lease and insurance certificate has not been fully executed, the liability and risk management for the event will charge the full actual liability, up to the maximum \$500,000 university deductible, to the division in which the activity was held.

7. Organizer Arrangements: The hosting campus unit shall be responsible for coordinating special power requirements, access to restrooms, adequate waste receptacles, and planning for inclement weather. Many campus buildings are closed after hours and on weekends/holidays; therefore, power and restrooms are not readily available when not appropriately scheduled and requested. If waste receptacles are overflowing after an event, then the requester or university sponsor group will be charged the additional cleanup costs incurred by the department that operates the facility/outdoor space.

8. The usage of port-a-toilets shall not normally be approved for use on the main campus of SJSU. In certain circumstances, especially for large outdoor events, port-a-toilets may be permissible, but must be emptied daily, have constant security, and be removed immediately following the end of the event.

9. Any event that involves food and drink (both alcoholic and non-alcoholic) must have an approved Student Union and Spartan Shops Food or Beverage Agreement⁸ approved and a copy submitted with the Facility Use Lease request.

E. Sound Regulations on Campus and Related University Space Use Policy

1. University entities and non-university entities must respect others' rights by not creating noise disturbances on the campus or around residences. The university sound regulations⁹ apply to outdoor campus events that may potentially cause noise disturbances regardless of whether or not amplified sound is used (e.g., outdoor music performances).

2. End of Semester Policy: Outdoor events which could create noise disturbances on campus will not be approved after the last day of classes through the end of finals each Fall and Spring semesters.

F. Filming and Photography on Campus

Other than occasional casual and personal photography, any use of university facilities or grounds for filming or photography purposes, requires the submission of a Facilities Use Request form.

1. The Associate Vice President for Public Affairs must approve all amateur, professional, or commercial photography, filmmaking, digital imaging, or videotaping on the university campus

⁸ http://www.union.sjsu.edu/SU/SU_Event_Services/PoliciesAndForms/FoodandDrink.pdf

⁹ See Presidential Directive 2001-01 SJSU "Time, Place & Manner" regarding use of buildings and grounds (<http://www.sjsu.edu/president/directives/current/pd0101.html>) for additional detail on time place and manner for use of university space.

that is not a SJSU class assignment. Such approval must be submitted with the Facility Use Lease.

2. If approved in advance via a lease/permit, commercial photography, videotaping, digital imaging or filming may be permitted on the campus or university-owned or managed property as long as such activity does not interfere with the educational and research mission and normal operations of the university. The use of the photography or filming must be consistent with the interests of the university.

3. Written permits are not required for regular television news coverage or filming or photography related to the academic work of students as part of their academic program.

4. Written permission is required for non-news coverage or non-instructional videotaping or photography of students, faculty or staff who are included and identifiable in any photograph in non-public areas. Model releases are to be signed by the individuals who are being filmed for this type of photography.

5. Anyone wishing to film on campus for commercial purposes must submit detailed information about the proposed project in writing, including locations; days and hours of shooting; number of people involved in each day's shooting; type of activity to be filmed; list of equipment and vehicles used in connection with the filming; and number, and size and composition of structures involved. This information and a script must be submitted to the Associate Vice President for Public Affairs for review at least 30 days before the filming. The request must be submitted as part of the facility use application and is subject, at a minimum, to the terms of the university lease form.

6. Filming requests should be referred to the Public Affairs office. The Associate Vice President for Public Affairs will evaluate the request and consider potential logistics issues in coordination with appropriate university offices. Whenever possible, productions should be scheduled on weekends and during vacation periods. First consideration will be given to those productions which best complement San José State University's role as Silicon Valley's premiere public university. The university encourages the use of students as extras and production assistants for film productions. The university also encourages representatives of production companies to make themselves available for discussion of their work with professors and students.

7. No identification of San José State University as the site of commercial filming will be permitted, whether for television commercials or movies, theatrical films, or still photography, except upon request made in a timely manner to the Associate Vice President for Public Affairs. The Associate Vice President may approve such a request when the proposed identification is determined to be in the university's interests. Such requests for San José State identification should clearly specify how the identification would be made and in what subject matter context.

8. No trademarked logos or icons, widely recognizable landmarks or sensitive locations of the university shall be filmed, photographed, or otherwise reproduced, including, but not limited to, university landmark signs.

9. All commercial filming will be charged a San José State University Film Permit Fee and a Location Management Fee that relates to the length of time of the project and amount of necessary university supervision. Fees are determined on a case-by-case basis by the Office of Public Affairs.

10. The Vice President for Administration & Finance will review all contracts to ensure that appropriate fees are established, and that a proper payment schedule has been established that includes deposits and fees.

11. Additional fees for university services requested or required, such as police, grounds restoration, traffic control, parking, and any other university services rendered shall also be charged to the user.

12. The university reserves the right to require production companies to make a damage deposit prior to the arrival of any production vehicles on campus. The damage deposit will be refunded in full when the shooting locations are inspected by university officials and found to be in satisfactory condition.

13. Weddings are considered to be amateur, professional, or commercial filming and are required to obtain approval from Associate Vice President for Public Affairs.

Appendix A: Facility Use Lease Process

Steps:

1. Contact events coordinator for your TENTATIVE Room/Facility Reservation
 - 408-924-2448 Academic Planning & Budget (for University Lecture Rooms);
 - 408-924-3046 Kinesiology (for Spartan Complex);
 - 408-942-1239 Athletics (for South Campus facilities)
2. Contact 408-924-2283 Risk & Compliance Group for liability insurance requirements.
3. Complete the appropriate Facility Use Lease Form and submit with Insurance determination from Risk to FD&O via Fax:408-92 4-7243 email: sylvia.sosa@sjsu.edu, or mail to: Facilities Development & Operations, One Washington Square, San Jose, CA 95192-0010.

http://www.sjsu.edu/fdo/docs/facility_lease_outside_entity.pdf

http://www.sjsu.edu/fdo/docs/facility_lease_sjsu_entity.pdf

http://www.sjsu.edu/fdo/docs/facility_lease_exhibit_a_special_provision.pdf (for outside entity)

http://www.sjsu.edu/fdo/docs/facility_lease_schedule_of_fees.pdf

- a.. Other items that may need to be submitted are:
 - i. Spartan Shops Agreement (if serving food)
 - ii. University Police Agreement (for assemblies over 300) for other than campus student groups
 - iii. Sketch of setup/layout with exits clearly marking for any type of outdoor tenting
4. FD&O will determine fees if applicable, verify insurance coverage, and submit to Campus Planning Board representative for approval.
5. When approved: A copy of the Authorization will be sent to Academic Scheduling Group and the Department/Requestor when approved and accepted and the rooms will be released for the event.
6. Support services will be determined and service requests submitted via FD&O Work Control.

NOTE: Allow a minimum of 30 days from receipt of form by FD&O to process including authorized approvals.