

## USE OF FACILITIES POLICIES AND PROCEDURES

No: S-23

Original: November 1988

Revised: October 2003

### Authority:

Wis. Admin. Code UWS Ch. 18, 21  
Regent Policy 89-1 Competition with the Private Sector  
UWM S-5, Guidelines for Serving Alcoholic Beverages  
UWM Administration

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### I. STATEMENT OF POLICY

It is the policy of the University of Wisconsin-Milwaukee (“university” or “UWM”) that its facilities are to be used primarily in furtherance of the university’s purposes, including its missions of teaching, research and public service, and consistent with the facilities’ intended functions.

This policy is not intended to limit the use of UWM facilities by the university for its own purposes. Instead, this policy is intended to describe the requirements and procedures for the use of UWM’s facilities for events that are not directed by the university. Such use must take into account the university’s overall resources and concerns for campus security, and be within the following parameters:

- A. University facilities may be used only if such use does not detract from the university’s purposes for the facility, the missions of the university, and the intended functions of the facility. Uses that promote the university’s missions of teaching, research, and public service will receive special consideration.
- B. The university shall recover appropriate costs associated with the use of a university facility and may charge additional rental charges if the use is revenue producing.
- C. The university shall manage the risks and potential liability associated with the use of each university facility.
- D. The university will not allow use of its facilities in a manner that unfairly competes with the private sector in violation of Regent Policy 89-1.
- E. The designated university officials responsible for each facility shall ensure that this policy is followed and that each facility develops individualized procedures consistent with this policy.

## **II. DEFINITIONS**

### **A. Space Assignment Authority or SAA**

The Space Assignment Authority (“SAA”) for each facility on campus is the individual who is designated to be responsible for ensuring that the facility is used in compliance with this policy and any other applicable laws or policies. A list of the designated SAAs is attached as Appendix A.

### **B. Organization Associated with the University**

An Organization Associated with the University is an officially recognized student or staff group, an administrative or academic unit of UWM, or a state agency. In order for a student organization to qualify as an Organization Associated with the University, it must be currently registered with the Office of Student Life and in good standing.

### **C. University-Directed**

A proposed use of UWM facilities is University-Directed when it is by an employee of the university and within the scope of his or her duties and responsibilities to the university, or when it is by an administrative or academic unit of the university in furtherance of its responsibilities to and functions for the university. University-Directed uses comprise the official business of UWM.

### **D. Direct Costs**

Direct Costs are the *additional* costs that the university incurs as a result of allowing the facility to be used for a particular event. For example, these may include set-up, additional maintenance or security costs, and equipment rental.

### **E. Indirect Costs**

Indirect Costs are the overhead or fixed costs (these are separate from the Direct Costs) that may be allocated to the use of a facility. For example, these may include utilities, maintenance on the facility, depreciation, and the costs of administering this policy.

### **F. Revenue Producing**

An event is revenue producing if the organization or group running the event intends to make a profit from the event (e.g., by admission charges or the sale of concessions).

### **III. RESPONSIBILITIES OF THE SPACE ASSIGNMENT AUTHORITY PRIOR TO ALLOWING NON-UNIVERSITY DIRECTED USE OF FACILITIES**

SAA's (defined in Section II, above) are strongly encouraged to facilitate the use of UWM facilities, consistent with this policy, by completing each of the following steps as soon as practicable after the effective date of this policy. An SAA must comply with each of the following steps prior to allowing a facility to be used in a manner that is not University-Directed. An SAA who allows the use of a facility without complying with each of the following may be acting outside the scope of his or her authority.

#### **A. Coordinating University-Directed Uses**

Each SAA is responsible for coordinating University-Directed uses of its facilities and may develop specific procedures for such use. This policy is not intended to enumerate specific rules or restrictions for the use of facilities for University-Directed purposes. For most facilities, University-Directed purposes take priority over other uses.

#### **B. Determining Whether it is Feasible for the Space to Be Made Available for Uses that Are Not University-Directed.**

Prior to allowing a facility to be made available for uses that are not University-Directed, an SAA should formally analyze and determine whether it is generally feasible for the space (or portions of the space) to be made available. For example, the SAA should review:

- (1) How extensively the space is being used in a manner that is University-Directed and whether any portions of the space are under- or over-utilized.
- (2) Whether the space is properly safe and accessible to the public (the SAA should consult with Physical Plant Services to make this determination).
- (3) Whether the SAA has adequate resources to supervise and monitor uses of the space that are not University-Directed.

#### **C. Establishing Written Rules for the Use of the Space.**

Prior to allowing a facility to be made available for uses that are not University-Directed, an SAA should establish written rules governing the use of the space. These rules are necessary because each facility has its own unique needs, restrictions, and limitations. The written rules should include:

- (1) The periods or times the space is available.

- (2) Any particular restrictions on the use, such as:
  - (a) Whether amplification of sound is allowed in the space;
  - (b) Whether decorations are allowed in the space and if so, what type (as approved by Environmental Safety, Health and Risk Management); and
  - (c) Whether food or beverages are allowed in the space.
- (3) A description of priorities in the types of uses that are not University-Directed, if any. Stated priorities must be consistent with the intended purposes of the facility. For example, the SAA for the Union might specify that student organizations have priority; the SAA for a performance hall may specify that the space is to be used first for public performances; and the SAA for an athletics facility may specify that a space is to be used primarily for athletic competitions and secondarily for sports recreation.
- (4) A schedule of fees for the use of each space within the facility, consistent with Section V: *Charges*, below.
- (5) A procedure for reviewing individual requests for the use of a space, including the position of the person designated to process such requests.

The rules established by an SAA for any particular space should relate to a legitimate university interest. Also, the rules may not discriminate between user groups on the basis of their political, ideological, religious, or philosophical values. The Office of Legal Affairs should review an SAA's written rules prior to their implementation.

#### **IV. PROCEDURES FOR REQUESTING USE OF A FACILITY THAT IS NOT UNIVERSITY-DIRECTED**

##### **A. Directing the Request to the Space Assignment Authority**

Any individual or group that is interested in using a university space in a manner that is not University-Directed should direct the request to the SAA for that space. (See Appendix A for a list of SAAs.)

## **B. Sponsorship of Individual or Organization Not Associated with the University**

An individual or organization that is not an Organization Associated with the University must be sponsored by an Organization Associated with the University in order to use a university facility.

A sponsor is responsible for providing a written statement that describes (1) that the Organization Associated with the University is willing to act as a sponsor for the use, and (2) whether and how the use will promote the university's missions of teaching, research, and public service. This statement should be attached to the request. A sponsor is also responsible for helping the SAA to process the request and coordinate the event, as described in Section C below.

An SAA may act as a sponsor for an outside individual or organization's use of a facility.

## **C. SAA Review and Processing of Request**

The SAA or his/her designee is responsible for reviewing and processing each request for use of UWM facilities that is not University Directed. The SAA may require help from the Organization Associated with the University that is acting as the sponsor of the event. Specifically, the SAA must do or direct the sponsor to do each of the following:

- (1) Provide the requestor with a copy of this policy and the SAA's pre-established rules or direct the requestor to the appropriate web addresses for the policy and rules.
- (2) Review the request and the sponsor's statement (if provided by an individual or organization other than the SAA) to determine the use shall be approved. In making a determination as to whether to approve the request, the SAA should consider each of the following factors:
  - (a) Whether and how the use will promote the university's missions of teaching, research, and public service. In conducting this analysis, the SAA should consider that private uses (e.g. use by a private organization for an event that is not for university staff, students, or the general public) are generally not appropriate unless the SAA specifically determines that the proposed private use will further one or more of the university's missions. If the SAA questions whether a proposed use promotes the university's missions, he or she should consult with the Dean or Division Head overseeing the unit in which the facility is located.

- (b) Whether the use is consistent with the intended function of the facility and priorities in usage as established by the SAA's own rules for the facility.
  - (c) Whether the facility is available for use, after considering any University-Directed needs for the space.
- (3) Obtain the UWM Risk Manager's confirmation that the requestor's insurance is adequate. The SAA should obtain the requestor's Certificate of Insurance and discuss the insurance coverage indicated in the Certificate with UWM's Risk Manager no later than 2 weeks prior to the date of the event to ensure adequate time for consideration. The Risk Manager will consider the requestor's insurance coverage in light of the UWM and UW System policies on insurance (available at <http://www.uwm.edu/Dept/EHSRM/RISK/insure.html>). If the Risk Manager's approval of the requestor's insurance coverage is not obtained prior to the event, the SAA must cancel the event. If an SAA has concerns about a requestor's ability to obtain adequate insurance coverage for the event, the SAA should contact the Risk Manager as early as possible (preferably 30 days prior to the event) to discuss alternatives.
- (4) If the event will include service of food, direct the requestor to the list of approved food service providers published by the UWM Purchasing Department (available at: insert link).<sup>1</sup> Requestors are strongly encouraged to use a food service provider that is on the approved list. If a requestor wishes to use a food service provider that is not on the approved list, the requestor should ask the SAA to submit to the UWM Purchasing Department a request to consider a particular food service provider for addition to the list. Such a request must be made at least 30 days prior to the event and there is no guarantee that such a request will be granted or granted in time for the event.
- (5) If the event will include the service of alcohol, direct the requestor to UWM S-5, Guidelines for Serving Alcoholic Beverages. All sales and service of alcoholic beverages must be in compliance S-5.
- (6) Notify the university police department if the requested use will involve any of the following:
- (a) Service of alcohol;

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<sup>1</sup> All service of food is to be conducted by licensed, insured food service providers absent special approval from the Department of Environmental Health, Safety, & Risk Management.

- (b) Attendance of children or minor students outside of normal business hours (7:30 a.m. to 4:30 p.m.);
- (c) Attendance of more than 50 people; or
- (d) Any other factor that poses a security risk.

The police department shall determine, in consultation with the SAA, whether additional UWM security is needed for the event.

- (7) Draft a written contract for the use of the space and obtain the signature of the person responsible for the use. The contract must include, at a minimum, all of the provisions contained within the model contract attached as Appendix B. If the contract is significantly different from the model, the Office of Legal Affairs should review the contract. The contract should then be signed by a university official with appropriate signature authority.
- (8) Collect the fees for use.
- (9) Within two days after the event, determine whether the use has resulted in any damage to the facility or other harm to UWM which must be reported to UWM's Risk Manager and the Office of Legal Affairs.

## **V. CHARGES FOR THE USE OF THE FACILITY**

The SAA is responsible for developing a schedule of fees for the use of the facility. The schedules must be reviewed by the Business and Financial Services to ensure that the necessary costs have been recovered and that the accounting is appropriate. While each SAA has some flexibility in determining its fee schedule (within the parameters described below), it is important that each SAA develop its schedule of fees in advance so that like requests are handled consistently and that any differences in fees charged are based on legitimate reasons.

### **A. Use that Is University-Directed (including Instructional Purposes)**

The SAA should establish in its schedule of fees any charges that will be billed to other university departments for University-Directed use of the facility. Typically, there are no charges for a use of a facility that is University-Directed unless there are more than *de minimis* Direct Costs associated with the use.

### **B. Use by an Organization Associated with the University for Events for Staff, Students, or the General Public**

The SAA for a facility should establish in its schedule of fees the types of costs that will be charged to an Organization Associated with the University. For events for staff, students, or the general public, the SAA may charge a fee designed to cover direct and

indirect costs, direct costs only, or may waive the charges. If the event is Revenue Producing, the SAA may charge a fee in addition to the direct and indirect costs. If an event by an Organization Associated with the University is neither for staff or students nor open to the general public, the charges should be the same as those established for Organizations Not Associated with the University (see Section C, below).

**C. Use by an Organization Not Associated with the University**

The SAA should establish in its schedule of fees that it will charge an individual or group *not* an Organization Associated with the University for both the Direct Costs and Indirect Costs attributable to the use of the facility.

If the event is Revenue Producing, the SAA may charge a fee in addition to the Direct and Indirect costs.

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Policy Approved by Interim Chancellor Robert Greenstreet on October 17, 2003.

**UNIVERSITY OF WISCONSIN—MILWAUKEE  
SPACE ASSIGNMENT AUTHORITIES\***

**Space Description**

Kenilworth Building- Administration Areas  
 Hefter Conference Center, UWM Alumni Center  
 Academic (lecture halls, auditoriums, classrooms)  
 Rifle Range  
 UWM Grounds, Spaight's Plaza  
 Children's Center  
 Union  
 Residence Life  
 Klotsche Center and Engelmann Gym  
 Engelmann Field  
 Teaching & Research Facility  
 Structure labs, Mech. Eng. Lab, Center For Alternative Fuels  
 Industrial & Systems Ergonomics Lab  
 Water Research Hydraulics Lab  
 Dance studios, Theater space  
 The Arts Center  
 Helene Zelazo Performance Center  
 Vogel Hall (INOVA)  
 Kenilworth Building- Research Areas  
 Great Lakes Research Facility  
 Water Institute, Advanced Analysis Facility  
 ITS Teaching Facility, Cunningham Studio  
 Manfred Olson Planetarium  
 Field Station Properties  
 HRTEM Lab  
 Electron Microscope Lab, DNA Sequencing Lab  
 Spectrometer Lab, Glass Shop  
 Soils Lab, Cartography & GIS Center  
 Simultaneous Interpretation Facility  
 Golda Meir Library Conference Center  
 Information Technology Center  
 University Center, Computer Lab

**Assignment Authority**

Kenilworth Building Chair  
 GEA - Development & Alumni  
 Director of Enrollment Services  
 University Police  
 Director of Physical Plant Services  
 Director of the Children's Center  
 Director of the Union  
 Director of Department of Residence Life  
 Director of Klotsche Center  
 Director of the Athletic Department  
 Associate Dean for Academic Affairs  
 Dean of College of Engineering and Applied Science  
 Chair, Industrial & Manufacturing Engineering  
 Chair, Civil Engineering  
 Dean of the Peck School of the Arts  
 Dean of the Peck School of the Arts  
 Dean of the Peck School of the Arts  
 Dean of the Peck School of the Arts  
 Assist. Dean of Graduate School & Research  
 Director of UWS/UWM Great Lakes Water Institute  
 Dean of the Graduate School  
 I & MT  
 Director of Planetarium  
 Field Station Resident Manager  
 Physics  
 Biological Science Chair  
 Chemistry Chair  
 Geography Chair  
 Director of Language Resource Center  
 Director of the Library  
 Assistant Dean - School of Information Science  
 University Outreach - Director of Conference Services

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\* This list was current as of the date of the policy signature but is subject to addition or change as needed. A current copy of the Space Assignment Authority list is available online on Business and Financial Services' webpage (<http://www.bfs.uwm.edu/budgets.htm>) as Attachment E to the Budget Section of the Administrative Services Manual.

**UNIVERSITY OF WISCONSIN—MILWAUKEE  
USE OF FACILITY AGREEMENT**

This Agreement is made by and between the Board of Regents of the University of Wisconsin System on behalf of the University of Wisconsin—Milwaukee (“UWM”) and the \_\_\_\_\_ (the “User”), effective as of the date of execution of this Agreement by both parties.

UWM and the User hereby agree that the User will use UWM’s facilities according to the following terms and conditions:

- 1. The basic details of the User’s use of facilities are as follows:
  - a. Facility to be used: \_\_\_\_\_
  - b. Date of use: \_\_\_\_\_
  - c. Purpose of use: \_\_\_\_\_
  
  - d. Starting time of event: \_\_\_\_\_
  - e. Ending time of event: \_\_\_\_\_
  - f. Is the event open to the public? \_\_\_\_\_
  - g. List any restrictions on the public’s access to the event: \_\_\_\_\_
  - h. Anticipated attendance: \_\_\_\_\_
  - i. Is the event catered? \_\_\_\_\_
  - j. Name of caterer \_\_\_\_\_
  - h. Individual in charge of event: \_\_\_\_\_  
(Address) \_\_\_\_\_  
(Daytime telephone number) \_\_\_\_\_
  - i. UWM Sponsoring Org.: \_\_\_\_\_
  - j. Contact at Sponsoring Org.: \_\_\_\_\_

- 2. The User agrees to pay the following costs and rental fees, as described below:
  - Direct costs: \_\_\_\_\_
  - Indirect costs: \_\_\_\_\_
  - Additional rental fee: \_\_\_\_\_
  - Total amount due: \_\_\_\_\_

The total amount due shall be paid no later than \_\_\_ days prior to the Date of Use, as described in section 1.b. above.

- 3. The following equipment and services are included in the fees described above:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

- 4. Both UWM and the User acknowledge and agree that neither the University Organization’s sponsorship of the requested use, nor UWM’s approval of the requested use, constitutes endorsement by UWM or the State of Wisconsin of the views, objectives, philosophy or ideology expressed or otherwise propounded by the User.

5. The User hereby assumes full financial responsibility for the use of the UWM facilities, and agrees to indemnify and hold harmless the Board of Regents for the University of Wisconsin System on behalf of the University of Wisconsin—Milwaukee, and all of its officers, employees, and agents from any actions or causes of action, claims, demands, liabilities, loss, damage, injury, cost or expense of whatever kind or injuries or the death of any person(s) or damage to any property caused by, arising out of, or in connection with the use of UWM's facilities.
6. No later than 14 days prior to the Date of Use, the User will provide proof of financial responsibility in the form of a certificate of insurance that names both the Board of Regents and UWM as named insureds, and that is deemed to be acceptable by the UWM Risk Management Office.
7. The User shall not cause or permit anything to be done to injure, mar or deface the premises. The User shall obtain prior approval for any decorations. The User shall leave the premises in the same condition as at the commencement of the use, excepting ordinary wear and use.
8. The User agrees that it is solely responsible for the payment of any federal, state, or local taxes which may be levied against the activity for which the facilities are being used.
9. The User agrees to comply with all applicable policies of the University of Wisconsin System and UWM, including any policies pertaining specifically to the use of the facilities named in this Agreement.
10. In connection with the performance of work under this Agreement, to the extent required by law, the User agrees: (a) not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in Wis. Stat. s. 51.05(5), sexual orientation or national origin, including in, but not limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship; (b) except with respect to sexual orientation, to take affirmative action to ensure equal employment opportunities; and (c) to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.
11. UWM hereby certifies and agrees that the above-described use does not detract from the university purposes for the facility, the missions of the university, and the intended functions of the facility.

**By the Board of Regents of the  
University of Wisconsin System  
on behalf of the University of  
Wisconsin—Milwaukee:**

**By the User:**

\_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_