

BP 6700 USE OF FACILITIES

References:

Education Code Sections 82537 and 82542 Title
5 Sections 59601 et seq.

Use of the District's facilities shall be granted as provided by law. The Chancellor shall establish procedures regarding the use of District property, including but not limited to facilities, equipment and supplies, by community groups and other outside groups or organizations.

The administrative procedures shall reflect the requirements of applicable law, including Education Code Sections referenced above, regarding use of District facilities. The procedures shall include reasonable rules regarding the time, place, and manner of use of District facilities. They shall assure that persons or organizations using District property are charged such fees as are authorized by law. Public use of District property shall not interfere with scheduled instructional programs or other activities of the District on behalf of Students.

No group or organization may use District property to unlawfully discriminate on the basis of race, color, religion, ancestry, national origin, military or veteran status, pregnancy, disability, gender, gender identity, gender expression, genetic information, or sexual orientation, or the perception that a person has one or more of the foregoing characteristics, or because a person associates with a person or group with one or more of these actual or perceived characteristics or on any basis prohibited by law.

Use of the District's facilities will be only for the purposes described by the California Legislature in Education Code Section 82537(a). These purposes include use by associations "formed for recreational, educational, political, economic, artistic, or moral activities of the public school district" in order to "engage in supervised recreational activities" or "meet and discuss from time to time, as they may desire, any subjects and questions which in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside" (Education Code Section 82537(a)). In granting permission to use District facilities, the District will not discriminate on the basis of viewpoint with regard to organizations engaging in expressive activities on the topics and subject matters articulated above.

Date Adopted: March 17, 2009

(Replaces RCCD Policy 8005)

Revised: January 25, 2011

Revised: May 21, 2013

Revised: June 16, 2015

Revised: January 17, 2017 (reference only)

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References:

Education Code Sections 82537 and 82542;
Public Resources Code Section 42648.3;
Clark v. Community for Creative Non-Violence (1984) 468 U.S. 288, 104 S.Ct. 3065,
82 L.Ed.2d 221

I. GENERAL INFORMATION

District facilities are available for community use when such use does not conflict with District programs and operations. Facility use shall be limited to places and times identified by the College Chief Business Officer, or designee. Except as provided in these procedures, or as authorized by law, no organizations shall be denied the use of District facilities because of the content of the speech to be undertaken during the use.

Any approval to use District facilities may be revoked without previous notice where conflicting days have resulted, or where need of the facility for District purposes has subsequently developed. Approval may be revoked for other causes at any time upon reasonable notice. Approval to use District facilities is not transferable to any other individual or group. Where a conflict in scheduling exists, an alternative location will be offered to the user.

Permission to use District facilities shall not be granted for a period to exceed one fiscal year. No person or organization may be granted a monopoly on any facilities.

Representatives of the District shall have access to District property whenever it is being used for a non-college activity. These representatives shall have the responsibility to see that all rules, regulations, and laws are adhered to by the group using the facilities and that violations are reported.

The District reserves the right to enter into Joint Powers Agreements with other public agencies with respect to use of facilities. The terms of such Agreements will supersede the conditions of this procedure.

II. Civic Centers

Eligible persons or groups may use District buildings or grounds for public, literary, scientific, recreational, or educational meetings, or for discussion of matters of general or public interest, subject to these rules and regulations.

The non-profit organizations, clubs and associations identified in Education Code Section 82542(a), (student clubs and organizations, fundraising entertainments or meetings where admission fees charged or contributions solicited are expended for the welfare of the students of the District, parent-teachers' associations, school-community advisory councils, Camp Fire Girls, Girl and Boy Scout troops, senior citizens' organizations, and other public agencies, organizations, clubs, or associations organized for cultural activities and general character building or welfare purposes) will be permitted "when an alternative location is not available," as described in the statute, to use District facilities and may only be charged for the following:

- the cost of opening and closing the facilities, if no District employees would otherwise be available to perform that function as a part of their normal duties;
- the cost of a District employee's presence during the organization's use of the facilities if it is determined that the supervision is needed, and if that employee would not otherwise be present as part of his or her normal duties;
- the cost of custodial services, if the services are necessary and would not have otherwise been performed as part of the custodian's normal duties; and
- the cost of utilities directly attributable to the organization's use of the facilities.

Except as provided herein, other groups shall be charged an amount not to exceed the direct costs of District facilities. Direct costs shall include costs of supplies, utilities, custodial services, services of any other District employees, and salaries paid District employees necessitated by the organization's use of District facilities. Additionally, except for classroom-based programs that operate after school hours and organizations retained by the college or District to provide instruction or instructional activities to students during school hours, direct costs shall also include the costs for maintenance, repair, restoration and refurbishment of college facilities and grounds used by the group.

The following shall be charged Fair Rental Value for the use of District facilities:

- Any church or religious organization for the conduct of religious services, which may be conducted for temporary periods, where the church or organization has no suitable meeting place for the conduct of such services.
- Entertainments, events or meetings where admission fees are charged or contributions are solicited and the net receipts of the admission fees or contributions are not expended for the welfare of the students of the District or for charitable purposes.

Priority use of District facilities will be as follows:

1. Student clubs and organizations.
2. Fundraising entertainments, events or meetings where admission fees charged or contributions solicited are expended for the welfare of the students of the District.
3. Parent-teachers' associations.
4. School-community advisory councils.

5. Other groups and associations.

The American Red Cross or other public agencies may use District facilities, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, and the District will cooperate with these agencies in furnishing and maintaining services deemed by the Board of Trustees to be necessary to meet the needs of the community.

Fees for use of facilities are listed on Exhibit "A". The fees for any rooms or areas not listed on Exhibit "A", will be determined by the College at the time of application. The Chancellor or College President, or his/her designee, may waive fees if it is determined that doing so is in the best interest of the District/College.

III. RULES FOR FACILITIES USE

Any persons applying for use of District/College facilities on behalf of any group shall be a member of the group, and, unless he or she is an officer of the group, must present written authorization to represent the group. Each person signing an application shall, as a condition of use, agree to be held financially responsible in the case of loss or damage to District property.

All organizations identifying themselves as non-profit may be required to provide evidence of their non-profit status to the College at time of submission of their application for use of facility.

The District may require security personnel as a condition of use whenever it is deemed to be in the District's best interests. The District reserves the right to make that determination and assign the District's police officers or community service officers to any event. All applicants, including on-campus clubs, must pay for police services.

No person applying for use of District property shall be issued a key to District facilities.

Future facility requests may be denied on grounds including, but not limited to, abuse or misuse of District property and failure to pay promptly for any assessed fees and damage to District property.

No structures, electrical modifications, mechanical apparatus, or any staples, nails, screws or similar devices may be erected on, installed on, or attached to District property without specific written approval by the College Vice President of Business Services, or designee, in instances involving a campus location, or, the appropriate Vice Chancellor, or designee, in instances involving a District location.

All decorative materials, including but not limited to draperies, hangings, curtains, and drops, provided by the applicant, shall be made or treated with flame-retardant processes approved by the State Fire Marshall.

No alcoholic beverages, intoxicants or controlled substances, in any form, shall be brought onto the property of the District. Persons under the influence of alcohol, intoxicants, or controlled substances shall be denied participation in any activity.

Smoking is not permitted at the Moreno Valley College, the Norco College, or the Riverside City College. This is in accordance with Board Policy and Administrative Procedure 3570, titled Smoking on Campus.

Overnight camping on District/College facilities, including the designated public forum areas, is prohibited. No person or organization may use any District facility for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or using any tents or other structure for sleeping, or doing any digging or earth braking, or carrying on cooking activities. Sleeping in vehicles overnight on District/College facilities is also prohibited.

IV. HOURS, SUNDAY AND HOLIDAY USE

Hours of use may be as early as 6:00 a.m. and all functions must conclude and facilities be vacated by 10:00 p.m. Exceptions to these hours will be considered on a case-by-case basis by the administrator for the District location or college where the event will take place.

Generally, District facilities are not available for use on Sundays or holidays. Any requests to use District/College facilities on those days will be dealt with on a case-by-case basis.

V. APPLICATION FOR USE

Application for use of District facilities will be made on a form supplied by Riverside City College, 4800 Magnolia Avenue, Riverside, CA 92506-1299, phone number (951) 222-8498; Moreno Valley College, 16130 Lasselle Street, Moreno Valley, CA 92551-2045, phone number (951) 571-6256; Norco College, 2001 Third Street, Norco, CA 92860-2600, phone number (951) 372-7158.

Completed applications should be submitted at least fourteen (14) calendar days prior to the date on which the facility is to be used. Exceptions will be considered on a case-by-case basis. Use of audio systems, spots, dimmer boards, and other equipment must be arranged for at the time application is made.

Applicants should estimate very carefully the hours and the days that they will want to use the facility. These estimates are to include time for rehearsals, set installation, and performance, and must include all the hours the facility is to be opened. Some facilities are very tightly scheduled, and so is the time of custodians and technicians who may be needed. It will be very difficult and in many cases impossible to permit access to the facilities at times other than those set forth in the application.

Hold Harmless/Indemnification Agreement - All user groups, including those outside groups sponsored by RCCD affiliated clubs/organizations, shall be required to provide the District with a hold harmless and indemnification agreement acknowledging that they will be financially responsible for any losses, damages, or injuries incurred by any person as a result of their use of the facilities. Vendors of authorized users will also be required to provide proof of insurance coverage and provide the District with a signed hold harmless and indemnification agreement.

Insurance - All applicants, and their vendors, other than RCCD student clubs and organizations, are required to supply evidence of public liability and property damage insurance policies in force and provide the District with a Certificate of Insurance that names Riverside Community College District as an additional insured. This policy shall be for a minimum of \$1,000,000 for injuries, including death, and property damages, as the result of any one occurrence. Additional coverage may be required for special use, as determined by the District. Proof of insurance coverage and the Certificate of Insurance are due five (5) business days prior to the event. Failure to provide within the time stated may result in the event being removed from the schedule.

Applicants using copyrighted materials must fill out a special form provided by the District whereby the applicant assumes full responsibility for complying with copyright laws.

VI. DEPOSIT AND PAYMENT POLICY

The District requires that all organizations using District facilities pay a deposit, which will be applied to the total invoice. An initial deposit is due upon acceptance of the facility use application and is required for facility reservation. The amount of the initial deposit will be equal to 10% of the estimated cost of all fees. A secondary deposit equal to 90% of the estimated cost of all fees will be due five (5) business days prior to the event. Failure to provide the deposits within the time stated may result in the event being removed from the schedule. Any charges accrued over and above the amount of the deposit will be invoiced and payment in full is due within thirty (30) days of receipt of invoice.

Additional charges may also be made for excessive cleanup costs and for the costs of replacing or repairing property damaged during the use of facilities.

Nonpayment will be sent to collections and will result in denial of subsequent applications for all future use of any District facilities.

Cancellation Policy - Events cancelled with less than 24 hours notice will forfeit 100% of the deposit. If cancelled with 24-48 hours notice, the forfeiture is 50% of the deposit and if more than 48 hours notice prior to the event, a full refund will be given.

VII. FOOD SERVICE

The service or sale of food or refreshment will not normally be permitted on District property except in the food service area. Any exception must be pre-approved by the College Food Services Department, or designee. Kitchen facilities may not be used by anyone other than the District staff.

Groups wishing to use College Food Services for catering an event may do so. Information on how to arrange catering will be provided at the time of booking. Use of outside caterers is prohibited unless specifically approved by the College Food Services.

VIII. USE BY ORGANIZATION RECOGNIZED BY THE ASSOCIATED STUDENTS ORGANIZATION (ASO) OF A COLLEGE (ASRCC, ASMVC OR ASNC)

A College organization recognized by the ASO of that College will have free use of facilities when all of the receipts are retained by the organization. All such receipts must be used for approved college related projects or activities.

IX. USE FOR PROGRAMS CO-SPONSORED BY ORGANIZATIONS RECOGNIZED BY THE ASO OF A COLLEGE (ASRCC, ASMVC OR ASNC)

Programs co-sponsored by a College organization recognized by the ASO of that College in which the ASO receives at least 50% of the gate receipts will not be charged fees except the costs incurred for the use of College staff and other services.

Co-sponsored programs where the ASO receives 25-49% of the gate receipts will be charged the Direct Cost rate.

Co-sponsored programs where the ASO receives less than 25% of the gate receipts will be charged the Fair Market Value rate.

X. ADVERTISING

Advertising on campus by off-campus or commercial interests must be in accordance with Board Policy/Administrative Procedure 5550, titled Speech: Time, Place and Manner.

XI. USE OF AQUATICS COMPLEX

For additional information on usage, rules, deposits and insurance for use of the Aquatics Complex, please see Administrative Procedure 6705, titled Use of Aquatics Complex.

XII. USE OF DESIGNATED PUBLIC FORUM/FREE SPEECH AREAS

For use of College designated public forum/free speech areas, please refer to Board Policy and Administrative Procedure 5550, titled Speech: Time, Place and Manner.

Office of Primary Responsibility: District/College Chief Business Officers

Administrative Approval: November 15, 2010
(Replaces RCCD Regulation 8005)
Revised: February 28, 2011
Revised: February 25, 2013
Revised: February 23, 2015
Revised: August 17, 2015

EXHIBIT A

USE OF FACILITIES FEE SCHEDULE

The following is applicable to all Colleges: Additional fees for personnel or equipment may be applicable as determined by the College for each event. Some rooms assigned are Smart Rooms. A Smart Room is a classroom, conference or multi-purpose room which is permanently equipped with an LCD projector, screen, etc., User groups wishing to use a Smart Room and utilize the equipment in that room, will be charged the hourly facility use rate listed plus the cost of personnel required to operate the equipment as determined necessary by the College. Time will be billed from time facility is to be opened until time facility is to be closed. All rates are per hour, with a 2 hour minimum unless otherwise stated. Special requests for outdoor events (chairs, shade structure, etc.) will incur an additional charge.

RIVERSIDE CITY COLLEGE FEES

| <u>Specific Facility</u> | <u>Direct Cost</u> <u>Per Hour</u> | <u>Fair Market Value</u> <u>Per Hour</u> |
|--|---------------------------------------|---|
| Athletic Fields, Stadiums | | |
| Baseball & Softball Fields (4 hrs) | \$ 200 | \$ 300 |
| Huntley Gym | \$ 230 | \$ 460 |
| Huntley Dance Studio | \$ 52 | \$ 78 |
| Tennis Courts (4 hrs) | \$ 230 | \$ 460 |
| Wheelock Gym (4 hrs) | \$ 300 | \$ 450 |
| Wheelock Field Complex (4 hrs) | \$ 405 | \$ 605 |
| Auditorium/Theatres/Outdoor Areas Aguilar | | |
| Patio | \$ 20 | \$ 40 |
| Alumni House Outside | \$ 25 | \$ 50 |
| Alumni House Inside | \$ 48 | \$ 72 |
| Digital Library Auditorium | \$ 180 | \$ 270 |
| Landis Performing Arts Ctr (4 hrs) | \$ 570 | \$ 855 |
| Landis Art Gallery | \$ 62 | \$ 93 |
| Quad Courtyard | \$ 30 | \$ 60 |
| Quad Lecture Hall | \$ 130 | \$ 195 |
| Cafeteria | | |
| Student Dining Room (4 hrs) | \$ 180 | \$ 270 |
| Staff Dining Room | \$ 48 | \$ 72 |
| Classrooms/Multi Purpose Rooms | | |
| Classrooms <75 | \$ 48 | \$ 72 |
| Conference Room <30 | \$ 40 | \$ 60 |
| Conference Room >30 | \$ 62 | \$ 93 |
| Hall of Fame | \$ 130 | \$ 195 |
| Heritage Room | \$ 62 | \$ 93 |
| Board Room (Admin 122) | \$ 130 | \$ 195 |

NORCO COLLEGE FEES

| Facility | Direct Cost Per Hour | Fair Market Value Per Hour |
|---|---------------------------------|---------------------------------------|
| Classroom | \$ 48 | \$ 72 |
| Computer Lab | \$ 60 | \$ 90 |
| Little Theater | \$155 | \$235 |
| Student Success Dining Room | \$180 | \$270 |
| Student Success Lounge | \$180 | \$270 |
| Conference Center | \$130 | \$195 |
| Conference Room | \$ 40 | \$ 60 |
| Meeting Room | \$ 30 | \$ 30 |
| Activity Center | \$ 50 | \$ 75 |
| | | |
| Soccer Field Complex (4 hrs) | \$405 | \$605 |
| Baseball/Softball Field (4 hrs) | \$100 | \$150 |
| Amphitheater | \$ 75 | \$110 |
| Student Services/Student Success Patio | \$ 50 | \$ 75 |

MORENO VALLEY COLLEGE FEES

| Facility | Direct Cost Per Hour | Fair Market Value Per Hour |
|------------------------------|---------------------------------|---------------------------------------|
| Cross Country Track (4 Hrs.) | \$75 | \$150 |
| Soccer Field (4 Hrs.) | \$75 | \$150 |
| Coudures Jr. Plaza | \$ 50 | \$ 75 |
| Other Outside Spaces | \$ 50 | \$ 75 |
| Classrooms <75 | \$ 40 | \$ 70 |
| Classrooms >75 | \$ 60 | \$100 |
| Conference Room <30 | \$ 50 | \$ 75 |
| Conference Room >30 | \$ 65 | \$100 |
| Multipurpose Room | \$ 80 | \$120 |
| S.A.S - Assembly Room | \$180 | \$270 |