

Policy 6.64 Use of College Facilities

I. GENERAL POLICY

The Board of Trustees of the Peralta Community College District recognizes that the Peralta Colleges are community institutions and are oriented to the educational, cultural, and recreational needs of all people of the District. The policy of the Board, therefore, is to permit and encourage the use of college facilities by community groups and organizations whose purposes and objectives contribute to the development and welfare of the community.

A. The Board of Trustees recognizes and directs that the District's educational and training programs have priority in the use of the college facilities at all times and that the organized activities of the college students follow in priority.

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B. The Board of Trustees also recognizes that in requests for the use of District's facilities, conflicts may exist between requesting groups and organizations. The policy of the Board, therefore, is to provide priority to organizations within the District over entities outside the District.

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C. The Board of Trustees also recognizes that there are costs involved in non-instructional use of facilities and that charges are necessary so that funds designated to support instruction are not diverted to the support of non-instructional activities and programs.

D. All uses and charges for the use of District facilities in accordance with this policy are governed by applicable sections of the California Education Code. Use by community groups, public agencies, private organizations or other organizations for public, literary, scientific, educational, matters or matters of general or public interest is governed by the provisions of the Civic Center Act (Education Code Sections 82537 through 82548). Recreational uses of facilities are governed by the Civic Center Act and the Community Recreation Act (Education Code sections 10900 through 10915). Use by religious organizations is governed by Education Code sections 82542(d) and (e). Finally, organizations not exclusively governed by the Civic Center Act may have an option to lease college facilities, at the discretion of the District (Education Code Sections 81378 and 81378.1).

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E. All uses of college facilities for activities other than regularly scheduled classes require written approval of the college president or his/her authorized representative. This requirement applies to any group of students or employees of the college or District as well as to outside groups. No District employee or student may use without charge District/college facilities or properties for personal financial gain or to engage in any business enterprise for personal profit.

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F. All prospective users of college facilities are required to provide proof of insurance with policy limits of not less than \$1,000,000 for public liability and \$500,000 in property damage. The prospective user may be eligible to purchase coverage through the District's special events coverage.

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Application forms to request permission to use facilities are available at the colleges and copies are included in the procedures section of this Manual.

II. FACILITY USER CLASSIFICATIONS

A. Use of facilities by recognized student clubs or organizations. College presidents and the Chancellor are authorized to grant free use of college facilities to recognized student clubs or groups organized for general character building or welfare purposes under the following conditions: The activity (1) directly supports the District or college goals, (2) is designed, planned and directed by a District or college-affiliated group, and (3) is scheduled at times when custodial, security and other personnel are regularly on duty so that the activity does not cause additional expense for the District. Student clubs or organizations who use college or District facilities, at times when custodial, security and other personnel are not regularly on duty shall be charged for personnel services and user charges as Preferred Users.

B. Use of facilities by public agencies and non-profit organizations. College presidents and the Chancellor are authorized to grant free use of college facilities to public agencies and non-profit organizations, clubs, and associations organized for cultural activities, general character building or welfare purposes. Free use of college facilities may be authorized so long as the event (1) does not result in any significant personnel and utility expense to the District and (2) does not charge admission fees for profit-making activity. These organizations shall be referred to as Preferred Users, and must comply with the District's policy against discrimination. If the activity of the Preferred User is scheduled at a time when custodial, security and other personnel are not regularly on duty, the Preferred User shall be charged for personnel services and user charges as a Preferred User.

C. Use of facilities by other organizations. College presidents and the Chancellor are authorized to grant use of college facilities to any organization not qualifying as a Preferred User above, so long as the intended use of the facilities is for public, literary, scientific, or educational matters, or matters of general interest. These organizations may apply for a permit to use the facilities for a period not exceeding five calendar days or portion of days in any fiscal year. The five-day use restriction applies on a District wide basis and may be waived in the discretion of the College president if the proposed use will involve matters of general or public interest and is open to all citizens of the District. These organizations shall be charged for personnel services and the fair rental value for use of the facilities.

D. Organizations charging admission fees: Includes organizations that conduct commercial or profit-making activities or organizations soliciting contributions that will not be used for the welfare of students or charitable purposes. College presidents and the Chancellor may authorize the use of facilities on a one-time only basis if such use will benefit the community at large. These organizations shall be charged the fair rental value for use of the facilities.

E. Use of facilities by religious organizations. College presidents and the Chancellor are authorized to grant use of facilities to religious organizations to conduct religious services for temporary periods not exceeding five days or portions of days in any fiscal year when the religious organizations have no suitable meeting place for the conduct of these services. Religious organizations shall be charged for personnel services and the fair rental value for the use of the facilities.

F. Use of facilities for recreational purposes. College presidents are authorized to grant use of college facilities to organizations for recreational purposes in accordance with the rules set

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forth below.

Preferred users may be granted free use of or charged for use of college facilities for recreational purposes, in accordance with the rules set forth in paragraphs numbers one and two of this section.

Non-preferred organizations may be granted use of facilities owned solely by the District for; recreational purposes, for a fee to be determined by the responsible college president.

G. Lease of District property. Organizations not qualifying as a user of facilities under the Civic Center Act, and all religious organizations, may lease available District facilities at the discretion of and at terms agreed upon by the District.

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III. TYPES OF CHARGES

A. Personnel Services

Preferred Users may be charged for personnel services where District employees are not otherwise available to perform their regularly scheduled duties. These personnel services are limited to opening and closing the facilities, supervision and janitorial services

Non-Preferred Users shall be charged for all personnel services necessitated by the organization's use of the facilities, including application processing, janitorial services, supervision, security, equipment operators, technicians, groundskeepers, building engineers, etc.

Charges for Personnel Services will be established annually by the District.

B. User Charges

Preferred Users may be charged for utilities directly attributed to use of the facility. User charges will be established annually by the District.

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C. Fair Rental Value

Non-Preferred Users shall be charged for utilities and supplies necessitated by the organization's use of the facilities and an amortized cost for use of the facilities.

Fair Rental Value charges shall be established annually by the District.

D. Special Equipment Fees

All organizations who need to use special equipment shall be charged for the use of special equipment in accordance with the fee schedule established by the District.

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Certain profit-making activities may be charged double the fair rental value
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IV. DEFINITION OF TERMS

A. "Recreation" means any voluntary activity which contributes to the physical, mental or moral development of any individual or group (music, drama, art, science, literature, nature study,

athletics, etc.).

B. An "organization" is a club, association, agency, or group of individuals organized for a specific purpose,

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V. PRIORITY FOR USE OF FACILITIES

A. To provide the maximum use of college facilities and to minimize the potential for conflict, the following priorities are made a part of this policy:

1. First priority is reserved for all colleges' educational programs and for college events.

2. Second priority will be given to college-chartered student clubs and/or organizations.

3. Third priority will be given to public agencies, schools and colleges, youth groups and civic and service groups organized for public, literary, scientific, recreation or educational activities, or organized for matters of general public interest who are located within the District.

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4. Fourth priority will be given to public agencies, schools and colleges, youth groups and civic and service groups organized for public, literary, scientific, recreation or educational activities or organized for matters of general public interest who are from outside the District.

5. Fifth priority will be given to private organizations and religious organizations.

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B. Priorities shall be maintained in such a way that no group will monopolize use of a facility. No organization shall ever assume that it will always receive priority over another organization.

C. Once an application has been approved by the college president or their representative, the use shall not be preempted by another applicant with a higher priority.

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D. From time to time, to balance the program of community services, it may be necessary to give special priority to a group wishing to present a program dissimilar to programs already scheduled.

Source of Law:

Education Code §§ 82537-48, 10900-12, 81378, 81378.1

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Approved by the Board of Trustees: September 13, 1994

Revised by the Board of Trustees: October 24, 1995

Revised by the Board of Trustees: November 18, 2008

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