

Purpose

Nashville State Community College (Nashville State or the College) regulates the use of its campus property and facilities in order to be consistent with the college mission and educational purpose through the implementation of reasonable, content/viewpoint neutral regulations. This policy, and all campus policies developed in compliance with the policy, shall be implemented and construed so as to ensure no undue disruption of that mission; to promote an educational atmosphere on campus; to prevent commercial exploitation of students; and to prevent use of campus property and facilities contrary to federal, state or local law, regulation, or the rules and policies of the Tennessee Board of Regents (TBR), its institutions and schools.

In establishing this policy and the related college policies, the Nashville State recognizes the importance to the educational process and environment for persons affiliated with the College, including officially recognized student organizations and other groups, to have reasonable access to, and use of the educational facilities on campus to hear various views.

Simultaneously, Nashville State also makes clear that its facilities are not open public forums but are instead intended solely for use consistent with the advancement and orderly administration of its educational mission for the benefit of its students, faculty, staff, and affiliated entities. As such, Nashville State does not ordinarily make its buildings or other facilities available to outside individuals or outside groups. Exceptions may be made only if the proposed use is consistent with this policy and institutional policy and mission.

Priority for the use of college facilities is in the following order: 1) credit and non-credit classes and programs, 2) college-sponsored activities, 3) all other requests for usage.

The use of certain Nashville State facilities by non-affiliated entities/individuals is allowed under the policies and guidelines prescribed in this policy.

Definitions

- Non-affiliated entities – any person, group, or organization which is not an affiliated entity or individual.
- Non-affiliated individual – any person who is not an affiliated individual.
- Affiliated entities – an official registered student, student group or student organization.
- Affiliated individuals – person officially connected with the institution including students, faculty, and staff.
- Student - a person who is currently registered for a credit course or courses, non-credit course or program at the institution, including any such person during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period.

Policy/Guideline

- I. Introductions
 - a. A list of the facilities available for rental and the rental charges are shown in Attachment I. Any facility not listed is unavailable for rental. To apply for use of these facilities, individuals must complete the Facility Usage Application (Attachment II) and submit it to the Facilities Management department as indicated on the application. Unless otherwise stated, applications must be received at least fourteen (14) business days prior to the requested rental date(s).
 - i. Where an application for an event involving an outside speaker involves payment of a total fee and/or expenses in excess of \$2,500.00 from institutional funds, the request must be submitted at least twenty (20) working days prior to the date of the proposed speaking engagement.
 - ii. The College will consider applications received later than the stated date but may not be able to accommodate late filed requests.
 - b. When applying to use any of the College's facilities, please be aware that: All non-profit groups will be required to provide proof of non-profit status. Local business and civic organizations may use college facilities for group activities that serve the community. Any activity that is scheduled must be consistent with college policies. Approval of a request for use of any Nashville State facility is at the sole discretion of the College.
- II. Scheduling of Facilities:
 - a. The Facilities Management department is responsible for receiving and processing all applications for use of any facilities by businesses and organizations not affiliated with the College and will make all necessary arrangements regarding security and cleaning. All applicants will be notified via the email address provided on the application within seven (7) business days of the completed application's receipt. If an application is denied, the reason will be provided and will be one or more of the reasons detailed in the Denial of the Use of Facilities section.
 - b. Any denial of a request will be based solely on factors related to reasonable regulations in light of the College's mission and the nature of the facility or property requested and rendered in a content/viewpoint neutral manner. In all cases where an application for access or use of campus facilities or property is approved, such use will be subject to the execution of an appropriate written agreement regarding the conditions applicable to the approved access/use, which shall include, but not be limited to, the terms and conditions set forth in this policy.
- III. Costs (see Attachment I): Exceptions to this policy can be made upon approval of the president of Nashville State Community College. All groups both profit and non-profit, must compensate the College (at the rates listed) for such products and services as, but not limited to, the following: space rental; damages to equipment or facilities; additional college

personnel needed for the event, including technical, custodial, electrical, and security staff; technical equipment and supplies; lighting and heating.

- IV. Payment Policy: Unless stated otherwise herein, all payments of approved requests for facilities must be received at least seven business days prior to the rental date. If payment is not received at least seven business days prior to the rental date, the renting group may be denied access to the facility.
- V. Cancellation Policy: Unless stated otherwise, all cancellations of approved requests for facilities must be submitted at least seven business days prior to the event, or a \$25 administrative fee will be charged. Approved requests may be terminated without the above described notice upon grounds that the facility has been rendered unusable or the activity has been canceled due to an act of God. The Institution may also terminate this Agreement if it becomes aware of any threat to personal or public safety arising from the intended use. In all other events of cancellation of the activity, the User shall pay to the institution all actual costs and/or "out of pocket" expenses incurred by the Institution, including the expenses associated with any ticket refunds. Any deposit being held by the College will be refunded.
- VI. Miscellaneous:
 - a. The use and/or possession of alcoholic beverages on the College's property is prohibited, unless authorized by the College's President.
 - b. The College's Marketing and Communications Department must review all press releases and advertisements prior to release regarding events scheduled in college facilities to ensure accuracy of the information being provided as it relates to the College.
 - c. If there are audio/visual needs, the group requesting use of the facility must meet with a representative of Technology Services to determine technical requirements at least four (4) weeks prior to the date of the scheduled event. If it is determined more technical assistance is required above what is included in the facility rental rate, additional charges will apply. Such determination is at the sole discretion of the College.
 - d. If rental is of outdoor spaces and power is needed and available in the area, the group requesting use of the facility must meet with the College's Facilities Management to determine electrical requirements at least two (2) weeks prior to the date of the scheduled event. Additional installation and electrical usage charges will apply for any additional setup. Any electrical installation must comply with all applicable codes.
 - e. Proof of insurance will be required for all rentals. A minimum \$1 million commercial general liability policy will be required. Nashville State must be listed as an additional insured on the policy, and proof of coverage must be provided to the Facilities Management Department at least seven business days prior to the rental. The renting organization agrees to hold harmless the College in any instance involving damage

and/or theft. The renting organization will be liable for any damages to the College's facilities and equipment and will be required to reimburse Nashville State for all related expenses incurred, including, but not limited to, cost of repair or replacement.

- f. In the event that an affiliated or non-affiliated group wishes to perform or sponsor a performance of copyrighted musical compositions: The Applicant certifies that Applicant has obtained all necessary copyright and royalty licenses from ASCAP, BMI, SESAC, any other performing rights organization or the copyright owner for the performance(s) presented under the terms of this agreement. The Applicant agrees to indemnify, hold harmless, and defend the College and the State of Tennessee from and against any and all claims, demands or suits which may be brought for copyright infringement allegedly arising in the course of the performance(s) presented under the terms of this agreement. Such indemnification shall extend to both criminal and civil actions and shall include any loss, damage, penalty, court costs or attorneys' fees incurred by the College. The College and/or State shall promptly notify the Applicant of any such claim brought against the state. The settlement or compromise of any claim brought against the state shall be subject to the approval of the appropriate state officials, as required by T.C.A. § 20-13-103.
- VII. General Conditions for Use of Property or Facilities:
- a. Once an affiliated or non-affiliated individual or entity has permission to use college property or facilities the requirements outlined in this section, as well as all other requirements put forth in this policy and other College policies must be met. Violation of, or failure to comply with, the requirements set forth in this policy or other college policies may result in the immediate revocation of previously granted approval for access/use of campus facilities or property.
 - b. Building codes, fire codes, and safety standards applicable to a particular facility and/or property must be met.
 - c. All Nashville State and TBR rules and/or policies must be followed.
 - d. Sound amplification equipment may be used only when prior approval has been given by the appropriate official, considering the college mission and the nature of the facility or property requested, location, and time of day.
 - e. Any rental of college equipment must follow the appropriate college policy and procedure.
 - f. Nashville State is a tobacco-free campus and any group renting College facilities must abide by this policy.
 - g. All individuals and/or entities using college property and/or facilities must agree to indemnify the College and hold it harmless from any and all liabilities arising out of such use of the property and/or facilities, including, but not limited to, personal injury, property damage, court costs and attorneys' fees.
 - h. All persons operating motor vehicles in conjunction with an approved use/access of campus facilities and/or property shall be subject to college and TBR rules, regulations, policies and procedures regarding traffic and parking.

- i. Users of facilities or property and/or their sponsor(s) are responsible for all activities associated with the event.
 - j. Use of the requested facility and/or property shall be limited to the declared purpose in the application for use/access to campus facilities and/or property.
 - k. Access to, or use of, campus facilities shall not be permitted overnight unless specifically requested and approved pursuant to the requirements of this policy and/or other applicable college policies. Such use shall be limited to the specific time and location set forth in the notice of approval/registration document.
 - l. All persons on campus in conjunction with an approved application for use/access shall provide adequate identification upon request to appropriate officials and security personnel of the institution. Persons or groups who refuse to provide such identification may be subject to immediate removal from campus and/or disciplinary action. In appropriate circumstances, such persons may become subject to arrest and/or prosecution.
 - m. Nashville State shall have the right to terminate the use of campus facilities or property by any group, organization or individual which violates any provision of this policy, college policy, local, state, or federal law or regulation.
- VIII. Denial of the Use of Facilities: Nashville State may deny affiliated entities or individuals or non-affiliated entities or individuals the use of college facilities, including unassigned areas, for any one of the following reasons:
- a. The property or facilities have been previously reserved by another group, organization or individual with equal or higher priority.
 - b. Frequency of previous use during an academic period in comparison to that of a contemporaneous applicant.
 - c. Use of the property or facilities requested would be impractical due to scheduled usage prior to or following the requested use, or due to other extenuating circumstances.
 - d. The applicant or sponsor of the activity has not provided accurate or complete information required on the application for registration.
 - e. The applicant or sponsor of the activity has been responsible for violation of college or TBR policy during a previously registered use of campus property or facilities.
 - f. The applicant has previously violated any conditions or assurances specified in a previous registration application.
 - g. The facility or property requested has not been designated as available for use for the time/date.
 - h. The anticipated size or attendance for the event will exceed building/fire codes, established safety standards, and/or the physical or other limitations for the facility or property requested.
 - i. The activity is of such nature or duration that it cannot reasonably be accommodated in the particular facility or area for which application is made.
 - j. A determination that the size and/or location of the requested use would cause substantial disruption or interference with the normal activities of the institution, the

educational use of other facilities or services on campus or the flow of vehicular or pedestrian traffic.

- k. The activity conflicts with existing contractual obligations of the institution.
- l. The activity presents a clear and present danger for physical harm, coercion, intimidation, or other invasion of lawful rights of the institution's officials, faculty members, or students; for the damage or destruction, or seizure and subversion, of the institution's or school's buildings or other property; or for other campus disorder of a violent or destructive nature. In determining the existence of a clear and present danger, the responsible official may consider all relevant factors.
- m. A determination that the requested use would be contrary to local, state, or federal law, regulation, or the policies or regulations of the TBR or the institution.
- n. The College cannot accommodate the activity within the requested timeframe.

Sources

Tennessee Board of Regents Access to and Use of Campus Property and Facilities 1.03.02.50

Tennessee Board of Regents Approvals of Agreements and Contracts 4.02.01.00

Tennessee Board of Regents Lease Procedures and Guidelines B-026

T.C.A. §§ 49-8-203; 8-50-1001

Approved by President's Cabinet 1/10/22