

POLICY ON FACILITY RENTALS

PURPOSE:

This Policy serves as a guide to the rental of facilities owned and controlled by Delaware Technical and Community College (hereafter “College”). While the mission of the College is to offer comprehensive educational opportunities, the College is also committed to meeting the needs of the community. Consistent with the College’s mission, all decisions pertaining to the rental of facilities under this Policy shall be made in an impartial manner and to ensure that the safe, normal and orderly operations of the College’s programs and activities are maintained. Although the Policy applies only to the rental of facilities owned or controlled by the College, the principles elicited here (e.g., nondiscrimination, viewpoint neutrality, priority use) are of general application to College property utilized by internal and external groups.

IMPLEMENTATION AND ADMINISTRATION OF POLICY:

The Vice President and Campus Director (“Campus Director”) shall be responsible for the implementation of this Policy on each campus and shall have the authority to make all decisions regarding the rental of College facilities in accordance with this Policy. The Office of Workforce Development and Community Education (“Workforce Development”) at each campus shall administer the rental of facilities at the College. All applicants desiring to rent College facilities are required to complete a standardized “Facility Request Form” available at each campus Workforce Development office and sign a “Facilities Use Agreement” as approved by the College’s Office of Legal Affairs. Requests for Multi-campus rentals shall be handled by the campus Workforce Development office at which the initial request was made, which will include the scheduling of facilities at the other campus location(s) and the preparation of the Facilities Use Agreement for signature by the President.

In addition, each campus Workforce Development office shall conduct an annual review of its internal procedures for renting College facilities. This review shall include an inventory of the facilities made available for rent under this Policy, including an evaluation of occupancy standards for all facilities made available for rent, to ensure that the College remains in compliance with federal, state and local laws at all times. To assess whether or not the administration of the Policy is in conflict with the College’s education mission, the annual review shall also examine facility rental fees, pricing schedules and other directives pertaining to the execution of the Policy.

POLICY GUIDELINES:

1. PRIORITY

College facilities shall be made principally available for use by College programs, activities and operations. Therefore, first priority for all facilities shall be given to College instructional programs, official College events and official College activities sponsored by

College-affiliated groups. Second priority for all College facilities shall be given to non-College groups, organizations and events.

While every attempt will be made to accommodate rental applicants, College facilities are to be made available on a first-come, first-serve basis. These priorities, however, are controlling in the event of conflict. At no time shall the rental of College facilities materially disrupt the College's learning environment, interfere with instructional programs, impede the normal operation of the College, or infringe upon the right of students or employees to learn to work in a safe environment.

2. *NONDISCRIMINATION*

In accordance with the College's Statement of Nondiscrimination Policy, decisions to rent College facilities, decisions not to rent College facilities, or decisions pertaining to the terms, conditions or location of a facility rental shall be made in a nondiscriminatory and impartial manner, and shall not be based on religious affiliation, non-affiliation, or belief or for any other reason related to the viewpoint of any person, entity, or organization seeking to rent College facilities. Notwithstanding the foregoing, the College reserves the right to impose reasonable, content-neutral restrictions on the time, place and manner of any College facility rental. Any such restriction shall be approved by the College's Chief Legal Counsel.

3. *CONDUCT*

All persons, entities or organizations shall submit a "Facility Use Agreement" signed by an individual with the authority to bind the applicant into a contractual relationship with the College. Pursuant to the "Facility Use Agreement" and this Policy, all persons, entities or organizations must adhere to all College policies and procedures and to federal, state and local laws, regulations or ordinances when renting College facilities. Failure to comply with any provision on the "Facility Use Agreement," "Facility Request Form," or this Policy shall result in the immediate termination of any rental agreement made under this Policy.

Furthermore, the Campus Director shall take any and all steps to maintain the College's learning environment to ensure the normal operation of the College and to uphold the rights of students and employees to learn or work in a safe environment, including but not limited to revoking the applicant's personnel. No such steps shall be taken where the result would represent an unnecessary and unreasonable barrier to access or expression at the College.

RENTAL FEES:

College groups or organizations shall not be charged a rental fee or the incidental costs for the rental of facilities in the rental is sought for regularly conducted College activities or programs within normal business hours. At the discretion of the Campus Director, College groups or organizations may be charged for costs incidental to the rental of facilities if the rental is sought for an activity or program that is not regularly conducted at the College or for activities and programs that fall outside normal business hours.

Non-College groups or organizations shall be charged rental fees and the incidental costs for the rental of facilities in accordance with a schedule approved by the President. College employees who seek to rent College facilities for activities that are not within the nature and scope of their employment with the College are considered to be non-College group for purposes of this Policy. Subject to the below, the College shall not waive rental fees or incidental rental costs for non-College groups or entities on the basis of non-profit status.

However, rental fees or incidental rental costs for non-College groups or entities may be waived for:

1. Any non-College group or entity which has a pre-existing relationship or affiliation with the College that directly advances the College's mission and purpose;
2. Any non-College group or entity in which the College reasonably anticipates will enter into a relationship or affiliation with the College that will directly advance the College's mission and purpose in the future;
3. Any event or program whose primary purpose serves to benefit the College community;
4. Members of Delaware's federal Congressional Delegation acting in their official capacities for the performance of their official duties as elected officials;
5. The Governor of the State of Delaware acting in his or her official capacities for the performance of his or her official duties as an elected official;
6. Members of the Delaware General Assembly acting in their official capacities for the performance of their official duties as elected officials; and for
7. The Delaware Department of Elections to administer federal, state and local election activity.

Rental fees or incidental costs for the Governor, members of the General Assembly and Delaware's Congressional Delegation shall not be waived for:

1. Campaign activities;
2. Events unrelated to their official duties and capacities as elected officials; or
3. Except as provided above, any organization, board or other entity with which the individual may be affiliated.

Nothing in this Policy prevents a Campus Director from inviting, without cost to the invitee, and organization, group or individual to participate in College sponsored activities and programs. Not shall the College impose rental fees and/or incidental rental costs where the imposition of such fees would violate state or federal law.

POLICY INTERPRETATION:

All inquiries concerning the interpretation or application of this Policy shall be resolved by the College's Chief of Legal Counsel.