

Office/Contact: Facilities & Services

Source: SDBOR Policy 6.13; University Policies 2:29, 3:6 and 6:8

Link: <https://public.powerdms.com/SDRegents/documents/1723022>;

<https://www.sdstate.edu/sites/default/files/file-archive/2023-08/Non-Student%20Minors.pdf>

<https://www.sdstate.edu/sites/default/files/policies/upload/Reasonable-Accommodation-Involving-Animals.pdf>;

<https://www.sdstate.edu/sites/default/files/file-archive/2019-10/Use%20of%20Institutional%20Facilities%20and%20Grounds%20for%20Expressive%20Activity.pdf>

Associated Forms: SAARF; [Facilities Use Agreements](#); [Facilities Use Denial Appeal Form](#)

SOUTH DAKOTA STATE UNIVERSITY Policy and Procedure Manual

SUBJECT: Facilities and Grounds Use and Scheduling

NUMBER: 6:7

1. Purpose

This policy and its procedures implement SDBOR Policy 6.13 and set forth the guidelines for facilities and grounds use and scheduling at the University for students, employees, affiliated entities, and private parties. Classroom scheduling is covered in University Policy 2:2 and not included in this policy.

2. Definitions

- a. **Affiliated Entity:** includes organizations, such as the SDSU Foundation, whose legal purpose includes support of the University and its activities, organizations that have been authorized by the University to use its name and marks, and student organizations recognized by the University, as well as the State of South Dakota and its political subdivisions and their instrumentalities.
- b. **Commercial Purposes:** includes activities that involve the exchange of goods or services for valuable consideration and speech that relates solely to the economic interests of the speaker and audience and proposes a commercial transaction.
- c. **Events:** includes speeches, presentations, social gatherings, religious ceremonies, entertainments, youth camps, performances, or other activities that pose no substantial risk of injury to persons and property and that are generally consistent with the kinds of activity sponsored by the University itself.
- d. **Facilities and Grounds:** includes buildings, structures, internal streets and sidewalks, parking facilities, athletic facilities, landscaping, and grounds owned or occupied by the University, but excludes municipal streets or sidewalks or public highways or rights-of-way that abut or traverse the campus.
- e. **Facilities Use Agreement:** a contractual agreement that establishes the conditions of facilities use.

- f. Notice: communication provided in writing via email. Notice is deemed received the working day after it is sent by email.
- g. Private Party: includes any individual or group other than the University, its affiliated entities, or their officers, agents, faculty or staff when acting on their behalf.
- h. Working Day: Monday through Friday, except for holidays and other times when the University's administrative offices are closed.

3. Policy

- a. The University facilities and grounds are not open to the public in the same way or to the same extent as public streets, sidewalks, parks, or seats of government. Instead, facilities and grounds serve as a special type of enclave devoted to education, and public access to them is limited by University policy and practice.
- b. Purpose and Priority Use of University Facilities and Grounds
 - i. The primary purposes of the University facilities and grounds are to deliver instruction, conduct research, organize extension activities, administer the University and its records, carry out other such mission-related activities of the University, and support other University functions.
 - ii. In furtherance of its public service mission, the University may permit limited use of designated facilities and grounds for use by private parties so long as such use does not interfere, disrupt, or conflict with the operations and activities of its educational purposes or other University functions.
 - iii. Because University facilities and grounds are tax exempt public facilities, they are not generally available for use by private parties for commercial purposes. Exceptions may include the following:
 - 1. The University may contract with private parties to provide goods and services on its behalf, provide access to dedicated advertising venues, or engage in limited mission-related testing, research, or economic development activities.
 - 2. As part of its service to the state and its host communities, the University may designate specific venues while third parties may schedule occasional activities that may have incidental commercial purposes.
 - 3. The University shall identify which facilities are available for commercial purposes and shall indicate what kinds of commercial purposes may be pursued in the facilities. The University may also require that private parties enter into a facilities use agreement as a condition to using University facilities and grounds for commercial purposes.

c. Designation of University Facilities and Grounds and Map

- i. The University has designated facilities and grounds available for use by private parties and the maximum occupancy of the space, as well as facilities and grounds available for commercial purposes and the maximum occupancy of the space. The University shall differentiate between meeting rooms and classrooms appropriate for meetings involving up to one hundred persons and lecture halls, auditoria, outdoor areas and other places that are appropriate for larger events and gatherings.
- ii. The University maintains and publishes on its public website current campus maps identifying the designated facilities and grounds identified in sections 3.b.iii.3 and 3.c.i.
- iii. The University shall designate those days, including finals week and the week preceding it, when facilities and grounds will not be available for private meetings or events.
- iv. The Associate Vice President for Facilities & Services, successor, or designee, is responsible for maintaining a record which sets forth the facilities and grounds available for private use at the University. The Associate Vice President for Facilities & Services, successor, or designee shall work with each controlling area to ensure the information provided is current and accurate.

d. University Policies and Practices Regulating the Use of Facilities and Grounds

- i. The University requires prior reservations by private parties for the use of facilities and grounds.
 1. Private parties involving five hundred (500) or more people, or private parties that seek to use facilities or grounds for commercial purposes, must submit requests for use at least thirty (30) calendar days prior to the event and must assume responsibility to provide adequately trained personnel to supervise its activities and to cause its participants to observe all safety rules for the facility and the activity.
 2. Private parties with five hundred (500) or more people, or private parties that seek to use facilities or grounds for commercial purposes, must provide proof of event insurance in the amount of one million dollars (\$1,000,000), naming the State of South Dakota, the SDBOR, and the University and their officers, agents, and employees and additional named insureds.
 3. Private parties with five hundred (500) or more people, or private parties that seek to use facilities or grounds for commercial purposes, must accept an indemnification commitment consistent with the clauses recommended by the South Dakota Bureau of Administration, Office of Risk Management, for parties using state-owned facilities.
- ii. Private parties may be charged fees at published rates to cover the costs the University incurs to provide the private party access to the selected facilities or

grounds and to maintain and to repair such facilities. The University may also require a deposit in addition to any fees; however, any such fee(s) or deposit(s) must be based on definite and objective criteria that are not content based.

- iii. Private parties may be allowed to purchase at published rates University services to prepare the facilities for private use, to monitor use of the facilities during meetings or events, and to restore the facilities to their prior state.
 - iv. Private parties will agree to comply with limitations on the use of sound amplification equipment, lighting, and signage.
 - v. Private parties wishing to serve, or to offer for sale, food or beverages, must give the University food service provider, the right of first refusal before making such arrangements.
 - vi. Private parties may not use, possess, distribute, or permit the use or possession of controlled substances or marijuana (including cannabis used or possessed for medical purposes) on University property. Possession of alcohol on University property is governed by University Policy 4:7.
 - vii. Private parties may not reserve facilities or grounds for regularly scheduled meetings, thereby precluding University uses of the facility.
 - viii. Private parties shall agree to abide by all SDBOR and University policies and shall not publicize their meetings or events in ways that suggest co-sponsorship by the University unless such sponsorship is expressly given by a duly authorized University official.
 - ix. Private parties shall agree to restore facilities and grounds to the state of cleanliness and repair in which they found them or to pay for custodial or repair services at standard University rates and for extraordinary restoration or replacement expenses at cost.
 - x. Private parties shall agree to avoid actions that disrupt pedestrian or vehicular traffic on campus grounds and in its facilities, interfere with the instructional, research, service or administrative activities of the University or disrupt meetings or events sponsored by the University or by other private parties.
 - xi. Parties may not schedule events that conflict with major events at the University, including commencement or other events deemed major events at the University's discretion.
 - xii. The University, in its sole discretion, reserves the right to place limitations on group size or access restrictions to comply with fire and safety capacity standards and based on the availability of water, restrooms, and waste bins.
- e. Conditions for Approval of Use by Private Parties

- i. The University shall permit use of facilities and grounds by private parties as long as each of the following conditions have been satisfied:
 1. The private party has completed and submitted all required requests, forms, and attachments within the required timelines.
 2. The University has received payment of all required deposits.
 3. The proposed use by the private party is generally consistent with the ordinary and expected use of the facilities and grounds and with the kinds of activity sponsored by the University itself and located in the requested place.
 4. The University has designated the place requested for use as available for private parties for the requested purpose consistent with this policy.
 5. The place requested for use has not otherwise been reserved and is available.
 6. There is no conflict with activities taking place in proximate locations, whether these involve University use or other authorized use, including use of related infrastructure.
 7. The requesting private party has not previously violated University policy or made material misrepresentations in their prior applications for private use, has paid all outstanding debts to the University (including debts resulting from prior damage to the University), and has not violated rules of use by private parties, federal, state or local law during previous use of the University's facilities or grounds.
 8. The private party agrees in writing to abide by the requirements of SDBOR Policy 6.13, this policy, and the University's policies that implement both.
 9. A facilities use agreement is completed when the private party uses an indoor space, for all athletic and athletic-related activities, and anytime the administration determines it is beneficial.
 10. The SAARF or facilities use agreement does not contain a material falsehood or misrepresentation, and the applicant is legally competent to contract (e.g., eighteen years of age or older) or to sue and be sued.
- ii. If the University does not issue a denial by the third (3rd) working day after receipt of a completed application, the use is automatically approved.
- iii. Private parties whose prior conduct would justify denial of permission to use facilities or grounds may not avoid denial by creating new organizations, by associating themselves with other private organizations, or by otherwise associating themselves with others for the purposes of avoiding denial of permission under this section.

- f. The scheduling of events at the University, including those outside of working days, shall be done through the applicable controlling area based on the desired facilities and grounds. Individuals with questions regarding the applicable controlling area may contact Central Reservations in the University Student Union for information.
 - i. The Associate Vice President for Facilities & Services, successor, or designee as well as the University Police Department must have access to all scheduling requests to ensure proper protocols regarding building maintenance and safety and security are put into place.
 - ii. All requests for free speech events shall be made to the Senior Director of the Student Union, successor, or designee.

- g. Individuals shall not bring any animal into University facilities and grounds except as follows; provided, however, that any such authorized animal brought into University facilities and grounds is properly licensed, vaccinated and tagged as required by applicable law:
 - i. Service Animals, as defined in 28 C.F.R. § 35.104, while they are assisting individuals with a disability, as defined by the Americans with Disabilities Act, as it may be amended from time to time, in accordance with University Policy 3:6, Reasonable Accommodation Involving Animals.
 - ii. Other Animals and Animals in the Workplace approved pursuant to protocols set forth in University Policy 3:6, Reasonable Accommodation Involving Animals.
 - iii. Animals under the control of a law enforcement officer acting in the course of their duties;
 - iv. Animals approved by the University for use in research or for instructional purposes are permitted only in authorized facilities;
 - v. Pets kept in University designated residence halls, student apartments, and family housing units pursuant to University policy as approved by the Vice President for Student Affairs, or designee;
 - vi. Animals required for an event sponsored by the University or a recognized student organization; provided, however, that the event has been approved in writing by the Vice President for the sponsoring department, or by the Vice President for Student Affairs, or designee, in the case of a recognized student organization; and
 - vii. Other animals when authorized in writing by the University President, or designee, or when required by law.

- h. Process for Denied Requests for Use by Private Parties
 - i. The University may deny requests for use for failure to comply with any of the requirements stated herein, but must issue the denial no later than the third (3rd) working day after receiving a completed application.

- ii. The decision to deny use may never be made for the purpose of suppressing expression merely because public officials oppose the private party's views.
 - iii. When the University denies or withdraws permission for use of facilities and grounds by private parties, it shall provide notice of the denial. Notice must include a written explanation for its decision, citing the applicable policy provisions. Notice will also include information regarding the party's right to appeal the denial.
- i. Appeals
 - i. Private parties whose requests for use of facilities and grounds have been denied may obtain a review of those determinations and appeal pursuant to SDBOR Policy 6.13. The appeal must be presented on the approved form to the Vice President for Student Affairs.

4. Procedures

- a. Students, employees, affiliated entities, and private parties wishing to use University facilities and grounds, unless otherwise authorized to use University grounds for spontaneous expression and assembly per SDBOR Policy 6.13.1 and University Policy 6:8, must contact the applicable controlling area to schedule the event no less than three (3) working days prior to the date on which they wish to use the facilities or grounds. If additional approval is required, as set forth herein, contact should be made with the appropriate individual to obtain the approval prior to scheduling the event.
- b. Individuals must complete a Special Activity Authorization Request Form (SAARF) from the University in order to schedule the event. As provided in the SAARF, individuals wishing to utilize equipment for their University event should inform the reservation authority as soon as possible so proper arrangements can be made. When required, individuals will also complete a facilities use agreement. Individuals shall submit these completed forms and all necessary attachments no less than three (3) working days prior to the date on which they wish to use the facilities or grounds.
- c. Individuals making requests for camps or conferences to be held at the University must ensure all participants sign University-approved liability waivers and permission to record and use documents prior to the start of the camp or conference. Youth camps and youth activities must comply with University Policy 2:29.
- d. If the University denies a request for a meeting or event, it will provide the requestor with a written explanation for the denial, a copy of the appeal process set forth in SDBOR Policy 6.13, and a copy of the approved University form for taking appeals. The appeal will thereafter process as provided in SDBOR Policy 6.13.
- e. Where the University denies a request for meeting or event solely due to a conflict with the academic calendar or with previously scheduled activities, the University shall propose an alternative facility or place if available for the same time, or an alternative time, if available, for the same place.

- f. Individuals who wish to bring a Service Animal, Animal in the Workplace, or Other Animal into University facilities shall follow the protocols set forth in University Policy 3:6, Reasonable Accommodation Involving Animals.
 - i. Requests from students should be sent to the University Coordinator for Disability Services, successor, or designee.
 - ii. Requests from faculty, staff, and others should be sent to the Director for Human Resources, successor, or designee.

5. Responsible Administrator

The Associate Vice President for Facilities and Services, successor, or designee, is responsible for annual and ad hoc review of this policy and its procedures. The University President is responsible for approval of this policy.

SOURCE: Approved by President on 01/30/2019. Revised; Approved by President on 10/03/2019. Revised; Approved by President on 08/04/2021. Revised 01/30/2024 (clerical).