

Chapter: Facilities

Modification No. 002Subject: **Use of Facilities**

I. Primary Use of Facilities

The primary use of the College's facilities shall be to accommodate the educational programs and services of the College to advance intellectual inquiry and public discourse. Use of these facilities for educational purpose shall have priority over all other use. College facilities are defined as those physical spaces owned or leased by the College. A "user" is defined as an individual or group using College facilities for non-College (classroom or instruction) purposes.

II. Restrictions on Use of Facilities

- A. College facilities shall not be used for any purpose which is in conflict with the mission or programs of the College or in violation of any College policies or procedures except as may be approved by the President.
- B. College facilities shall not be used by any persons or organization for the purpose of private business activities not associated with the College or otherwise authorized by College policies and procedures.
- C. College facilities shall not be used for individual candidate political fund-raising. This prohibition does not exclude fund-raising activities or events for recognized charities and other organizations.
- D. All decisions on use of College facilities shall be guided by the principle of equal access and shall be content and viewpoint neutral.

III. Use of Facilities for Other than Instructional Purposes

- A. The Board of Trustees encourages appropriate use of its facilities by College and community organizations and groups during those times when such use will not interfere with the regular educational program or other bona fide College activities. Permission to use College facilities does not constitute endorsement of the user or user's activity.
- B. Some College facilities may not be available for community use.
- C. All properly designated spaces are to be made available to the community in an equitable and appropriate manner provided that such use does not interfere with the educational mission of the College.
- D. Users may use College facilities in accordance with this policy and with any procedures that may be approved by the President.
- E. Users making application for the use of College facilities shall be responsible for any damage to or loss of College property and for reimbursing the College for any expenses related to such property loss, damage, or replacement. The College may refuse all future applications by those users who damage College property or fail to reimburse the College for property damage or loss.

- F. The President is authorized to develop and implement a fee schedule for the use of the College's facilities, based on space type and time of usage, that will consider such costs as, utilities, normal wear and tear of College facilities, replacement/additional furniture and equipment requirements, and personnel expenses incurred by the College in managing the use of facilities. The fee may be waived, in whole or in part, in accordance with procedures approved by the President. The fee schedule does not include direct labor costs for additional service personnel or service personnel required outside of regular working hours. These costs may be charged.
- G. All user agreements shall require users to indemnify and hold harmless Montgomery College, its agents and employees, from any and all liability, damage, expense, cause of action, suits, claims, or judgment arising from injury to person or personal property or otherwise which arise out of or is anyway connected to the use. Additionally, all users with programs serving minors must register with the youth protection coordinator in accordance with and abide by 95005-Protection of Minors. In appropriate circumstances, insurance may also be required under terms that may be specified in the procedures.
- H. The President of the College, or designee, hereby is authorized to approve the sale and/or consumption of appropriate alcoholic beverages on the premises of College property, in accordance with applicable local ordinances and State laws and State regulations, and in accordance with approved College procedures. Responsibility to obtain permits and licenses is the responsibility of the user. Users may be required to use designated third-party providers.
- I. The president is authorized and directed to establish procedures necessary to implement this policy.

Board Approval: February 25, 1985; September 21, 2015.

Chapter: Facilities

Modification No. 004Subject: **Use of Facilities**

I. Primary Use of Facilities

The Senior Vice President for Academic Affairs, through the campus provosts, is charged with the primary responsibility for coordinating and scheduling the use of facilities to accommodate the educational programs and services of the College. Users may not change or modify any existing educational displays without the express consent of the College.

II. Restrictions on Use of Facilities

The following are prohibited in College-owned buildings, College grounds, and within leased College office space, except as may be authorized by the President or designee:

- A. Use or possession of alcohol/intoxicants (except as authorized for approved food service events or for authorized instructional purposes).
- B. Use or possession of weapons pursuant to College Policy and Procedure 97002-Prohibition of Weapons on Campus.
- C. Use or possession of tobacco or other smoking devices not authorized by 91008-Restrictions on Smoking, Tobacco, and the Sale of Tobacco Products.
- D. Gambling, (bingo, lotteries, etc.), except as specifically authorized by the President or designee.
- E. Fire/Grills/Open Flames/Combustible Materials (except as authorized for approved food service events, authorized instructional, maintenance or construction purposes, or approved theatrical performances).
- F. Personal/private parties or celebrations that are essentially private in nature. This includes birthday celebrations, anniversary celebrations, wedding receptions, and other similar activities. Appropriate employee celebrations are excluded.
- G. Excessive noise or any activity which may disturb the peace or threaten the safety of the surrounding community.
- H. Pets and animals are not allowed in College buildings, with the exception of those that provide or are in training to provide service to persons with disabilities, those that are a part of an emergency response organization, or those that are a part of an authorized instructional program or theatrical performance/event. Pets and animals on College grounds must be leashed or caged at all times and must not be left unattended. Animal waste must be picked up and disposed of properly.
- I. Use or riding of skateboards, in-line skates, scooters, hoverboards, bicycles, or other means of motorized or self-balancing conveyance is prohibited in College buildings; on College athletic fields; on court, track and trail surfaces; on sidewalks; and on exterior stairways, handrails, benches, retaining walls, decks

and ramps. Exceptions will be made if the use of such conveyances is required by law, college operations, or part of a supervised instructional course, youth camp or event.

- J. The possession or storage of hoverboards is prohibited on all College-owned or leased property.

III. Use of Facilities for Other than Classroom Instruction

- A. The Senior Vice President for Administrative and Fiscal Services, or designee, is charged with the primary responsibility for coordinating and scheduling the use of facilities for use other than instruction. Academics and instruction shall take priority over non-instructional use.
- B. The use of College buildings and facilities is authorized for the presentation and discussion of public questions, public speaking, lectures, or for other civic, educational, political, social, recreational, business or church affiliated civic purposes, provided however, that such gatherings or meetings shall:
 - 1. be open to the communications media, and,
 - 2. abide by all applicable College policies and procedures.
- C. College buildings and facilities may be used for religious activities, upon following appropriate College applications and conditions, while those buildings in which such activities are usually conducted are being renovated, repaired, or constructed, provided the use of such facilities is to be temporary only, not to exceed two years, and shall cease as soon as the buildings ordinarily used are renovated, repaired, or constructed.
- D. The Vice President of Facilities and Security shall develop and publish specific guidelines governing the use of facilities by College and community organizations or groups. Copies of these guidelines shall be available on the Facilities website and from the Facilities Office on each campus.
- E. A weekly list of scheduled events will be provided to the Vice President/Provost (or designee) by the Facilities Office and made available online.
- F. College Delays or Closings

Ordinarily, when the College is closed or delayed due to emergency reasons, all non-instructional use will be subject to a separate decision by the President, or designee.

G. Use by College and Community Groups or Organizations

- 1. All College users desiring to use a facility must submit the appropriate request [form provided by the Office of Facilities](#). This form requires that a member of the group be present and assume responsibility for the conduct and activity of the group as well as the responsibility for the costs associated with the use. This request is submitted directly to the campus Facilities Office. The form will be transmitted by the Facilities

Office to the Vice President/Provost (or designee) for review, if appropriate.

2. All community user groups or organizations desiring to use a facility must submit and acknowledge the [Community Use Contract agreement provided by the Office of Facilities](#). This agreement requires that the group indemnifies and holds harmless the College, and that a member of the group be present and assumes responsibility for the conduct and activity of the group as well as for any costs associated with the use. This request is submitted directly to the campus Facilities Office. The form will be transmitted by the Facilities Office to the Vice President/Provost (or designee) for review, if appropriate.
3. Additional forms may be necessary for non-facilities support services, such as information technology, food services, etc.
4. All users with programs serving minors must register with the youth protection coordinator in accordance with and abide by 95005-Protection of Minors.

H. Commercial Sales Use

The use of College buildings and grounds for private commercial sales or other profit-making enterprise is authorized only under all of the following conditions:

1. The enterprise is a business licensed, when appropriate, by the government of Montgomery County or other governmental entity having jurisdiction.
2. The service provided is required for the operation of the College or the sale or service does not compete with College activities or services.
3. The sale is approved by the Director of Auxiliary Services.
4. A formal legal agreement or contract is entered into between the College and the enterprise.

I. Denial of Use to College, or Community Groups, or Organizations

A College or community group, public agency, organization, or individual may be denied permission to use the College's facilities when any of the following conditions, including but not limited to, apply:

1. The activity or event is in conflict with the College's educational mission or would interfere with regular educational programs or College activities.
2. The space(s) for which the request is made has already been committed to another use.
3. The space may not be used for the purpose requested or the actual use is different from that requested.

4. The user has a history of misuse of buildings or grounds. This determination will be made by the Vice President/Provost upon recommendation by the Campus Facilities Director.
5. The activity undesirably duplicates and/or conflicts with an activity or course offered by the College.
6. The user does not adhere to approved College Policies and Procedures and guidelines at the time of application.
7. The event is likely to provoke or add to a public riot, or breach of the peace, or create imminent lawless action that would endanger the peace and welfare of the College, county, or the State.

J. Priorities for Use

Facilities shall be scheduled on a first-come, first-served basis, except that educational purposes and College services take precedence over private groups and individuals.

K. Use of Athletic Facilities

1. Athletic Fields, Facilities, and Gymnasiums

- a. Athletic fields, facilities, and gymnasiums are available for use only by the College's instructional, intramural, intercollegiate and other College-sponsored programs and student activities. The facilities are not available for community or private use, except with the express written approval of the Senior Vice President for Administrative and Fiscal Services, in consultation with the Vice President of Facilities and Security.
- b. Agreements for use by non-College groups shall be subject to separate use agreements as designated by the President or designee.

2. Use of Pools

- a. In addition to the instructional program, the College will make the swimming pools available for wellness activities for faculty and staff and open swim times for the students, faculty and staff, at the College's discretion.
- b. The College may sell swim passes to the members of the community. These passes permit holders to use the pools during the published open swim times.
- c. After the Academic Calendar is set, the Vice President of Facilities and Security or designee shall coordinate the scheduling of the remaining time with the following groups in priority order: Montgomery County Public Schools, and with the Montgomery County Recreation Department, and the community.

- d. Agreements for use by non-College groups shall be subject to separate use agreements as designated by the President or designee.

3. Use of Running Tracks, Tennis Courts, and Walking Trails

- a. College running tracks, tennis courts, and walking trails are available for walk-on use from dawn until dusk on a first-come, first-served basis when they are not being used by the College. If coin-operated lighting is available, the tennis courts may be used until 10 p.m. Bicycles, skateboards, baby strollers, in-line skates or scooters are not permitted in these areas. Walk-on users must immediately relinquish use for College activities upon request.
- b. Agreements for use by non-College groups shall be subject to separate use agreements as designated by the President or designee.

L. Special Use Facilities

- 1. Notwithstanding any other provisions of this Procedure, the President may designate specific facilities, such as special event centers, conference centers, concert halls, theaters, or auditoria, as Special Use Facilities.
- 2. Priority in the reservation and use of Special Use Facilities shall be given to educational programs and services of the College. Designation as a Special Use Facility does not constitute the facility a public facility, or forum that is open to use by individuals, groups, associations, or corporations on a first-come, first-served basis.
- 3. The Senior Vice President for Academic Affairs, through the campus Vice Presidents/Provosts and in consultation with the Senior Vice President for Administrative and Fiscal Services, is charged with the primary responsibility for coordinating and scheduling the use of campus Special Use Facilities to accommodate the educational programs and services of the College.
- 4. The appropriate instructional dean, Special Use Facilities manager, or Vice President/Provost's designee on each campus shall develop and publish specific guidelines governing the use of Special Use Facilities by College and community organizations or groups. Copies of these guidelines shall be made publically available.
- 5. Those who wish to use one of these facilities should contact the designated scheduler for the facility.
- 6. An electronic calendar of events will be maintained by the designated scheduler for each facility and will be made available for viewing by a limited number of authorized personnel.

M. Use of Information Technology Resources Equipment

When a College or community group, organization, or individual using a College facility desires to information technology equipment belonging to the College, arrangements should be initiated through the Office of Facilities ([Request for Services Form #8.113b](#)) at the time a space reservation is requested. Final approval cannot be given to such requests until the Office of Information Technology has approved the request. Any time that this equipment is used by a community group, a member of the Office of Information Technology staff shall be present (the cost of this service is not included in the consolidated fee charged to community groups, and will be assessed separately).

N. Use of Food Service

When a College or community user desires to serve food at an activity or event, arrangements for food services must be made through the Senior Vice President for Administrative and Fiscal Service, or designee, in compliance with existing contracts.

O. Alcoholic Beverages

The Senior Vice President for Administrative and Fiscal Services, or designee, shall implement guidelines to authorize the use of alcoholic beverages at the College and is responsible, as the President's designee, for approving, or disapproving, all such requests.

P. Use of College Libraries

1. The Montgomery College Libraries serve the information needs of the College community. The services and collections provided by the Libraries are governed the educational and academic needs of the College's students, faculty, staff, and administrators, and the size of the Libraries' staff.
2. The primary purpose and focus of the College libraries is to support the information resource needs of the academic and instructional programming offered at the College as well as programs offered by Workforce Development & Continuing Education. The Libraries' staff cooperatively acquires and makes accessible collections available at the College campuses and online. The Libraries' staff provides orientation about its services and collections to students and faculty, reference and research assistance, and in-depth instructional programming in support of the College's academic and educational offerings.
3. The Montgomery County, Maryland, and Washington D.C. community are welcome to use the resources of the Libraries within its community patron program described in the Libraries' web pages. The Libraries' collections, which support the needs of the College's students, faculty, staff, and administrators, are available for circulation to those who identify themselves as residents of Maryland, or Washington, DC. Materials will be loaned and recalled following the procedures described in the Libraries' Borrowing Policy.

4. All library users are subject to the College's 76001-Acceptable Use of Information Technology policy with regard to computing and online resources.

Q. Postponement or Cancellation of Meetings

The President (or designee) may postpone or cancel any meeting scheduled in College facilities or scheduled by College groups if and when such a postponement or cancellation is necessary to fulfill the responsibilities or other scheduled commitments of the College or its campuses, or, if and when such a meeting would unduly interfere with, or prevent the fulfillment of the responsibilities, or other scheduled commitments of the College or its campuses.

IV. Reimbursement for Use of Facilities

A. Consolidated Fee Schedule

1. For reimbursement purposes there are three categories of users:
 - a. Group A includes College groups or organizations and/or College-sponsored groups or organizations. College groups are those recognized as legitimate subgroups of the faculty, staff or administrative functions or by the Dean of Student Services as legitimate student groups. College-sponsored groups are those which are hosting an event in conjunction with the College or whose events have been approved by the President or designee on an event-by-event basis as beneficial to the College's mission.
 - b. Group B includes all Public Agency users and documented non-profit users.
 - c. Group C includes all other users.
2. Reimbursement by Users
 - a. Group A users shall not be charged fees. These users may, however, be required to pay any direct costs associated with the activity or event.
 - b. Group B users shall pay a reduced fee as determined by the President, or designee. In addition, this group may also be charged all direct costs associated with the activity, or event, which are over and above those included in the fee.
 - c. Group C users shall pay 100 percent of the fee. In addition, this group may also be charged all direct costs associated with the activity, or event, which are over and above those included in the fee.

B. Consolidated Fee Schedule Waiver

1. The Campus Facilities Director shall send requests to waive the fee, and requests to use facilities by private individuals or groups, to the appropriate Vice President/Provost with a recommendation for action after consulting with the Vice President of Facilities and Security. If the Vice President/Provost does not concur with the Campus Facilities Director's recommendation, and the matter cannot be resolved with the Campus Facilities Director, the Vice President/Provost may make a request to the Senior Vice President for Administrative and Fiscal Services to waive the fee (in whole or in part) or to permit use of the facilities by the requesting private individual or group.
2. In making the request to the Senior Vice President for Administrative and Fiscal Services, the Vice President/Provost shall consider the value to the College of the proposed event/use; the ability of the requestor to pay the full fee; any direct or indirect financial impact on the College; other options available to the requestor; and any impact on other scheduled use.
3. The Senior Vice President for Administrative and Fiscal Services, in consultation with the Vice President of Facilities and Security, the Senior Vice Presidents for Academic Affairs, Student Services, and Advancement and Community Engagement (as appropriate), shall make the final decision.
4. For any persons, groups or organizations that are not required to reimburse the College for facilities or services, it shall be the responsibility of the person or persons making application for the use of College facilities for that group to restore the facilities to their prior state of cleanliness and orderliness. Failure upon the part of the concerned person or persons, to whom permission has been granted to hold a meeting, to leave the facilities reasonably clean and orderly after the meeting will be cause to refuse to allow any further use of the facilities by the same parties.

Administrative Approval: February 4, 1975; February 25, 1985; October 1, 2015; March 17, 2016.