



Best Practices for Use of Campus Facilities by Student Clubs, College Associations and Other Sponsoring Organizations

April 2012

I. Introduction

The purpose of this document is to supplement information provided in CUNY's Policy Regarding Use of College Facilities ("Facility Use Policy"), and the Administrative Advisory Memorandum regarding use of college facilities issued by the Sr. Vice Chancellor for Legal Affairs in August of 2009.

These best practices apply to short-term use of facilities by student clubs and organizations and related (e.g., college associations and auxiliary enterprise corporations) entities that wish to use college facilities for student activities such as meetings, lectures, recitals, and social events.

These best practices are not intended to address facility use by external groups, such as community groups, not-for-profit organizations, and commercial entities that need space for meetings, conferences and events. The Facility Use Policy and the Advisory Memorandum describe CUNY's procedures with respect to those entities.

II. Best Practices

A. Facility use by student groups and college related entities usually falls into one of two categories: club meetings and social events, and sponsored events.

1. Club meetings and social events. These events are small in size and attended principally by club members. If the club does not have its own office, or the office is small, the club may need to use college facilities to, for example, hold a club meeting or have a holiday party for club members. CUNY does not typically require clubs to enter into a formal facility use agreement or obtain insurance for these types of small, internal activities because they are low risk and viewed as part of the university's educational activities. However, as a best practice, colleges should require a club to complete a request form for use of the facility and provide pertinent information such as the name of the club, a contact person, the type of event and the proposed date(s) and time(s), and the expected number of participants. The attached model [Special Event Request Form](#)¹ may be used for this purpose.

Note that as a general rule, clubs should not make their offices or other college spaces available for use by outside individuals or groups. Any club that wishes to do so should follow the best practices set forth in Section A.2 below regarding sponsored events.

¹ This form is a template. Colleges may revise the form as needed to comply with college policies and procedures, keeping in mind the best practices set forth in this document.

2. Sponsored events. Examples of these types of events include lectures, comic and artistic performances, DJ'd college dances, sporting events such as celebrity basketball tournaments, and other events when a student club is hosting or sponsoring an outside individual or group. These events are typically open to the college community at large, and may also be open to the general public. Consequently, these events are riskier than club meetings and social events. The following are best practices:
 - a. Special Event Request Form. The sponsoring club and/or related entity shall complete a Special Event Request Form or similar document and return it to the Student Affairs or other office responsible for administering sponsored events.
 - b. Review of Special Event Request Form. Student Affairs or another office responsible for administering sponsored events, as well as the Office of Public Safety, shall review the Request Form to determine if additional information is needed and whether the request can be granted. Campus food service, campus facilities office, etc. should be involved in this decision as needed. If the performer or type of event is unfamiliar to the college, the sponsoring club and/or related entity should be asked to check references to determine the level of risk of the requested performance.
 - c. Approval. No event shall take place without the signed approval of authorized college and sponsoring related entity officials. Approval shall be based on submission of all required documents, including the Request Form.
 - d. Written Agreement. A written agreement is required for all approved events.
 - i. If the event involves services by a lecturer, performer, DJ or other outside individual or group who is chosen because of specific talents or knowledge, the college or the sponsoring related entity shall enter into a performance agreement with the individual or group. A model Performance Agreement is attached.
 - ii. If the event involves generic services where the vendor is chosen largely based on price, such as an outdoor carnival, a Performance Agreement is not required, although a purchase order and/or other written agreement with specifications, insurance and indemnity provisions is necessary.

- iii. The Performance Agreement or other written agreement shall be signed by an authorized signatory of the college (if the college is the sponsor) or the student association (if student activity fee funds or other association monies are being used) or other sponsoring related entity; it may not be signed by a club officer. In addition, pursuant to the CUNY Fiscal Handbook for the Control and Accountability of Student Activity Fees, Performance Agreements, as well as other written agreements for purchases of \$20,000 and over, require approval of the college official who has oversight responsibilities for student affairs.²
- e. InterCity Agency. Once the event has been approved, the college or the sponsoring related entity shall contact InterCity Agency, Inc. (718-279-7705) to add the event to the CUNY Special Events policy, unless:
 - i. the college or the sponsoring related entity has its own general liability policy that would cover the event and/or the event venue; or
 - ii. the performer or vendor to be engaged for the event has an acceptable general liability policy that will be endorsed to include the sponsoring club/related entity (if applicable), college, university, and the City and State of New York as additional insureds and the college has approved a waiver of CUNY insurance (see h. Insurance Waivers, below); or
 - iii. the performer or vendor to be engaged for the event does not have insurance and the college has approved a waiver of all insurance requirements (see h. Insurance Waivers, below). The college shall approve such waivers only in connection with low risk events.

The college or sponsoring related entity shall obtain a certificate of insurance from InterCity Agency or other broker showing the coverage obtained for the event and the insured parties.

- f. Insurance. Prior to the event, the performer or vendor shall provide the college or the sponsoring related entity with evidence of insurance as required by the Performance Agreement or other written agreement. This should include workers' compensation coverage for the performer or vendor's employees (if any) to the extent required by law and general liability insurance. The performer or vendor's general liability insurance

² For more information regarding the Performance Agreement and purchasing by student associations, see the Handbook, in particular Sections V and VI.K and Exhibit N (http://www.cuny.edu/about/administration/offices/sa/advocacy-referral/fiscal_accountability_handbook.pdf).

should cover claims for property damage and/or bodily injury that may arise from the performer or vendor's operations in connection with the event, including injuries to spectators and participants at the event, and shall name the sponsoring club/related entity, college, university, and the City and State of New York as additional insureds. If the performer does not have insurance, the college may waive insurance as set forth in h. Insurance Waivers, below.

- g. Amount of Liability Insurance. The amount of liability insurance to require depends on the risks involved. A poetry reading expected to attract under 50 people is low risk and \$500,000 may be sufficient. An outdoor carnival, with vendor-provided attractions, or a sporting event that involves spectator participation, is much higher risk and limits in the \$2,000,000 (two million dollars) to \$5,000,000 (five million dollars) range may be appropriate. For most lectures, dance performances, music recitals, etc., \$1,000,000 (one million dollars) per occurrence and \$2,000,000 (two million dollars) aggregate is usually adequate.
- h. Insurance Waivers. A college may waive one or both of the insurance requirements described in e. and f. above upon a determination that the event presents minimal risk exposure to the college and the sponsoring related entity, if any.
- i. Minimal risk events might include those involving individuals, small not-for-profits, or religious organizations with a proven track record of safety and responsibility³ or similar situations. Events granted insurance waivers should normally be free admission events that are not open to the general public unless the college and sponsoring related entity, if any, have developed a plan for managing the risks, including without limitation adequate security.
- ii. A college shall not automatically waive reporting an event to InterCity Agency for coverage under the CUNY special events policy simply because the performer or vendor has provided a certificate of insurance; the college should still conduct a minimal risk analysis.
- iii. A determination to waive the insurance requirement for a sponsored event shall be made by a senior college administrator, as determined by college policy, such as the Vice President for Finance and Administration or the administrative head of the Office of Student Affairs, or their designee.

³ Track records of safety and responsibility should be proven by contacting references of the performer.

- i. Ticketed Events. When an event is sponsored by a student group or individual that receives funding from student activity fees, and the event involves an admission fee or tickets, the controls set forth in Section IV.D. of the CUNY Fiscal Handbook for the Control and Accountability of Student Activity Fees must be followed.
- B. The CUNY Policy on Drugs and Alcohol⁴ applies to all CUNY facility use by student groups and college related entities. Some colleges may have supplemental policies and/or prohibit alcohol service at club meetings, club social events and/or sponsored events. Student Activity Fee funds may not be used to purchase alcohol.
1. If a college allows alcohol to be served at these types of events, the college and the sponsoring related entity (if any) shall ensure that the proper permit or license from the New York State Liquor Authority has been obtained prior to serving alcohol. In many instances, the college food service provider will have the necessary license and should be responsible for obtaining and serving the alcohol. The contract with the food service provider requires the provider to have liquor liability insurance and to limit service to individuals age 21 or older. In other instances it may be necessary for the college or the sponsoring related entity to obtain a permit for the particular event.⁵
 2. In either case, the Office of Public Safety and other appropriate college offices should take steps to ensure that IDs are checked at the door at the event.
 3. Sponsoring clubs and/or related entities wanting to serve alcohol at their event should mark the appropriate box on the Special Event Request Form.
- C. The CUNY Tobacco Free Policy applies to all CUNY facilities. The Policy provides that effective no later than September 4, 2012, the following shall be prohibited at CUNY: (i) the use of tobacco on all grounds and facilities under CUNY jurisdiction, including indoor locations and outdoor locations such as playing fields; entrances and exits to buildings; and parking lots; (ii) tobacco industry promotions, advertising, marketing, and distribution of marketing materials on campus properties; and (iii) tobacco industry sponsorship of athletic events and athletes.

⁴ <http://www.cuny.edu/about/administration/offices/ohrm/cohr/drug-alcohol2011.pdf>

⁵ Note that the Alcohol Beverage Control Law limits the number of Temporary Beer and Wine permits that can be issued for a location to four permits during a 12-month period.