A. INTRODUCTION

1. Purpose

The purpose of this policy is to set forth the policies and procedures regarding the appropriateness and priority of use of campus facilities at the CU Denver Campus and the CU Anschutz Medical Campus (“the university”) and services by university employees and students. The policy specifies the process for requesting and obtaining approval for such use and the conditions and limitations of use. University Administration (the Executive Vice Chancellor at the Anschutz Medical Campus and the Senior Vice Chancellor at the Denver Campus) have final approving authority.
2. **Applicability**

This policy applies to the use of all the university facilities and services by employees and students except for core laboratories. Use of core laboratories is addressed in the campus policy Internal Service Center & Core Laboratories. Use of space on the Auraria Campus is not governed by this policy.

B. **DEFINITIONS**

1. **Conflict of Interest** refers to situations in which financial or other personal considerations may compromise or have the appearance of compromising an employee’s professional judgment in administration, management, instruction, research, and other professional activities.
2. **Employee** is an individual who is employed by the University per Internal Revenue Service definitions.
3. **Facilities** mean any property, including buildings, ground, and equipment controlled by the university.
4. **Private Gain** is monetary or nonmonetary remuneration that is a benefit to an individual or outside entity rather than to the university.
5. **Service** is the act of providing assistance, expertise, or goods and products.
6. **Student** includes any individual who is registered or enrolled in a class or course offering of the university.
7. **Officers of the University** – include (president, university counsel, secretary of the Board of Regents, treasurer, and associate vice president of internal audit), and the Officers of the Administration (individuals who hold the title or interim/acting title of vice president, chancellor, associate vice president, assistant vice president, vice chancellor, associate vice chancellor, associate university counsel, and deans of the schools, colleges, and libraries).

C. **GUIDING POLICY PRINCIPLES**

1. **Mission**
   Facilities and services available at the university exist for the purpose of supporting the campus mission of education, research, public service, and patient care. The use of university facilities or services by employees and students may be provided on a limited basis subject to the criteria specified in this policy. Any use that is outside of the scope of employment or the student’s academic pursuit will always be secondary to the primary campus mission and in conformance with Federal, State and university statutes, rules, and regulations.

2. **Types of Facilities**
   The types of facilities governed by this policy include but are not limited to the following: *auditoriums*, conference rooms, common space, meeting rooms, *departmental conference rooms*, offices, technology-enabled facilities, laboratories, warehouse and storage space, animal-related space, internet access, roadways, parking facilities, grounds, shops, *infrastructure*, and *motor pool*, *infrastructure*, and equipment.
3. **Types of Services**
The types of services provided by the university that are governed by this policy include but are not limited to the following: library; animal research; information technology and telecommunications; facilities; grounds, and road maintenance; utilities; materials management; environmental health and safety; shuttle; mail; police; regulatory and safety compliance; facility project design, research, and management; public relations; events management; administrative support; media; printing; photography; graphics; training and educational support; bookstore; and service laboratories.

4. **Alcohol Beverages.**
Alcohol use is governed by the Campus Administrative Policy 3050, Alcohol Service and the CU System Administrative Policy Statement 4018, Alcohol Beverages Purchased for University Events and related procedural statements.

45. **Animals.**
Animals are not permitted on university property or in University buildings with the exception of service dogs for the disabled or animals associated with official university business. For purposes of this policy, the term “animal” includes any wild or domesticated, warm-blooded or cold-blooded animal. [See Campus Administrative Policy #3051, Animals on Campus] and the Institutional Animal Care and Use Committee, email - atiacuc@ucdenver.edu

D. **EMPLOYEE AND STUDENT USE OF FACILITIES AND SERVICES**

1. **Generally Prohibited**
Use of university facilities by university employees or students is prohibited for commercial, personal, or private financial gain or for commercial advertising except as expressly provided in this policy. Additionally, employees are also prohibited from using facilities for political purposes. The Laws of the Regents require that the “University shall conduct its affairs so no member of the University community shall derive private gain from their association with the University except as provided by explicit policies of the University as referenced in the Conflict of Interest & Commitment Policy.” The burden is on the employee or student to demonstrate that the conditions necessary for permissible use are met.

2. **Faculty Incidental-Use Exception**
Certain faculty-related activities may have commercial value and result in remuneration, royalties, or honoraria from sources outside the university. These activities are often consistent with the academic mission, part of the conditions of faculty employment, and part of normal faculty duties. These include the writing of texts, manuscripts, scholarly articles, and lectures. These activities may be carried
out using university facilities without any agreement to reimburse the university for such use, unless:

a. The university has provided special funding, technical supplies, facilities and/or equipment specifically to enable their development;
b. There is a material, incremental cost of the use of facilities and equipment that would be considered more than incidental by a reasonably prudent person;
c. The result has little or no relevance to, or connection with, normal teaching, research, or patient care responsibilities and the academic discipline of the faculty member; or
d. The project was funded specifically for this purpose by a grant or contract.

If any of these four exceptions applies, then the conditions outlined in the following paragraph must be followed.

3. **Conditions Necessary for Permissible Use**

In order for use of facilities or equipment to be permitted, each of the following conditions must be met in advance. If the conditions are defined in the Compensation Policy, Conflict of Interest Policy, and the Distribution of Technology Transfer Income Policy, which are defined in the recruitment process and confirmed via annual certifications. A question is asked on the EMS room request to verify that the event is for Official University Business, and in compliance with University policies. If can be met, this must be documented and the employee or student must obtain prior written approval from the officer over the department or unit.

**Conformance with One-Sixth Rule or a Practice Plan Member Practice Agreement.**

(See Campus Faculty Compensation Policies 1005 and 1006.)

a. The One-Sixth Rule (9-month faculty only) or the Member Practice Agreement - (CU Anschutz School of Medicine only) defines circumstances and conditions under which faculty members may engage in activities for which they receive additional remuneration. The One Sixth Rule (Regent Policy 5-E) provides that such activities cannot be conducted with the benefit of University facilities. Regardless of whether any material, incremental cost is incurred by the University, such use is prohibited except as expressly provided by this policy. If a faculty member is engaged in the use of facilities or equipment for private gain as provided in this policy, then he or she must also comply with all applicable requirements of the One-Sixth Rule and the applicable Member Practice Agreement.

b. Conformance with Policy on Intellectual Property. If an employee is engaged in the use of facilities or equipment as provided in this policy, then he or she must also comply with all applicable rules and policies governing patents, intellectual property, and royalties.
e. Conformance with Statutes and Policies Governing Unfair Competition.

Employee use of facilities for private gain must conform to the provisions of Article 113 of Title 24 of the Colorado Revised Statutes, concerning State government competition with private enterprise. Section 101 of this Article provides "it is the intent of the general assembly and the purpose of this article to provide additional economic opportunities to private industry and to regulate competition by State agencies, including institutions of higher education. To that end, it is the intent of the general assembly that neither the faculty nor administration of such institutions uses research equipment or facilities purchased or provided with State funds to provide goods or services to the public for a fee when such action is in direct competition with private companies that provide similar goods or services." University Legal Counsel has taken a very narrow interpretation of this statute, in that it only applies if the university is engaged in a competitive bidding process. Legal Advises that We may want to consider removing it from this policy.

f. Demonstration of Benefit to the University.

If an individual can clearly demonstrate that the university will derive significant benefit from the proposed activity, and if the benefit clearly outweighs any material, incremental cost to the university, then the activity may be permissible given that prior approval is obtained from the officer over the department or unit. In case of doubt, the decision will be weighed in favor of the university.

d. Non-Interference with Regular Job Responsibilities.

Activities for private gain as permitted under this policy must not interfere with the performance of normal job duties.

e. Conformance with Statutes and Policies Governing Conflict of Interest.

Employee use of facilities must conform to the provisions CRS 24-18-108, concerning standards of conduct for state employees, which provides that "a state employee shall not perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which he either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent." Contact the Office of Regulatory Compliance for help managing any potential conflict of interest. (See Campus Administrative Policy Statement 5012.)

g. A common example of such conflict of interest that needs to be managed is the Small Business Innovation Research (SBIR) initiative funded by the Federal government. SBIR awards to small businesses may result in a small business contracting for services with the University. In some cases, the principal investigator at the small business may be a faculty member of the University. Faculty having a role at both the small business and the University must be careful that all issues are addressed, including conflict of interest, and that all University costs are recovered under the SBIR, including facility and administrative costs.

4. Student Use

Use of university facilities by university students is prohibited for commercial,
personal, or private financial gain or for commercial advertising except as expressly provided in this policy. Students are allowed to host candidates on campus and endorse candidates or ballot issues. Student use of university facilities for political purposes is defined in the “Expressive Activities Policy.”

The Laws of the Regents require that the “University shall conduct its affairs so no member of the University community shall derive private gain from their association with the University except as provided by explicit policies of the University.”

Conflict of Interest & Commitment. The burden is on the student to demonstrate that the conditions necessary for permissible use are met.

While students are allowed to schedule student sponsored events on the campuses, all students are required to submit their requests via the EMS scheduling system and will be required to identify the Faculty/Staff Advisor for their respective organization and verify that their student organization is a registered affiliate or associate organization with the campus. The Student Services Office (Anschutz Medical Campus) or Student Life (University of Colorado Denver Campus) can verify if a student organization is registered or recognized by the campus. Student events scheduled during non-business hours (evenings or weekends), with 30 or more attendees may be subject to housekeeping or other ancillary fees. Student events may not include the serving/selling of alcohol.

5. Decision Making Authority/Dispute Resolution

The Office of Information Technology and/or the Registrar’s Office at the Denver campus will schedule events for faculty, staff or students based on this policy and established guidelines. University Administration (the Executive Vice Chancellor at the CU Anschutz Medical Campus and the Senior Vice Chancellor at the CU Denver Campus) have the authority to determine final decisions regarding whether a specific request for use violates the policies governing the use of the University Facilities.

Appeals should be submitted to:
The Executive Vice Chancellor for Administration and Finance
University of Colorado Anschutz Medical Campus
or
The Senior Vice Chancellor for Administration and Finance
University of Colorado Denver

46. Personal Use

Infrequent and incidental employee personal use of university facilities such as local telephone calls, offices, and office equipment is permitted, provided such use does not add any material, incremental cost to the university, does not interfere with the performance of regular job responsibilities, is not related to political activity,
and is not for the purpose of achieving private gain, except as otherwise authorized in this policy.

57. Pro Bono Use

In some limited instances, employee non-remunerative use of facilities or equipment, unrelated to their normal job responsibilities, on behalf of a non-profit organization may be in keeping with the public service goals of the university. Such use of facilities must be approved in advance and in writing by the applicable officer of the department or unit, must not be political in nature, must not subject the university to internal or external criticism or public embarrassment, must not interfere with the performance of regular job responsibilities, and must not result in any material, incremental cost to the university.

68. Rental Agreement

If there is any material, or incremental cost to the university for the use of facilities, then a rental agreement and an indemnification and hold-harmless agreement are required and a charge for use will be assessed. Use the Campus Administrative Policy 3036, “Facilities Use by External Entities” Exhibit “A” form; the cosponsor listed on the form should be the director or chair of the employee’s department.

E. ACCOUNTING

The rental proceeds shall be deposited to an appropriated revenue program as directed by the Finance Office. A speedtype has been established on both campuses specifically designated for the deposit of rental proceeds for the respective campus. If the use of space or equipment increases utilities, custodial, or maintenance expense, a portion of the revenue may be required to be deposited in a Central Services & Administration program to support the Facilities Management budget.

Notes

1. Dates of official enactment and amendments:
   July 1, 2010: Adopted/Approved Vice Chancellor for Administration and Finance
   January 1, 2012: Revised.
   October 2, 2018: Legal Review—no change
   October 12, 2018: Reformatted
   September 1, 2020 (Pending): Revised

2. History:

   October 12, 2018: Reformatted to reflect a 2018 Campus-wide effort to recast and revitalize various Campus policy sites into a standardized and more coherent set of chaptered policy statements organized around the several operational divisions of the university.
September 1, 2020 (Pending): This update added information regarding student use, which
was not delineated in the previous version of the policy, as well as the recommendation to
remove information about employee use concerning State government competition based
on input from the Legal Counsel. The addition regarding “student use” was in response to
numerous issues that have been raised related to use of university facilities where no
faculty advisor or sponsor was involved in larger student events. There was a consensus
that it was important to have faculty involved in these events for the purpose of oversight
and to address events with related costs. These changes can be easily implemented with
minor adjustments to the EMS scheduling process for students.

3. Initial Policy Effective Date: July 1, 2010

4. Cross References/Appendix:

- Auraria Higher Education Center Campus Event Services
- CRS 24-113-101 Legislative Declaration – Government Competition
- CRS 24-113-104 Competition with Private Enterprise by Institutions of Higher
  Education - Rules
- CRS 24-18-101 et seq. State Employee Code of Ethics
- CRS 23-20-123 Rents of Charges for Buildings and Facilities for Research
- CRS 24-50-116 Standards of Performance and Conduct
- CRS 24-50-117 Prohibited Activities of Employees
- CRS 1-45-101 et seq., Colorado Fair Campaign Practices Act
- CU Denver Facilities Management Film Request Form
- CU Administrative Policy Statement 5012, Conflict of Interest & Commitment.
- Campus Administrative Policy # 3050 Alcohol Service.
- CU Administrative Policy #4018 Alcohol Beverages Purchased for University Events
- CU Administrative Policy #3051 Animals
- CU Administrative Policy – Office of Research Committee (ORCS) Institutional Animal
  Care and Use Committee (Requirements for Conduct of Research Involving Animals)
- CU Administrative Policy -#1005 – Faculty Compensation – Anschutz Medical Campus
- CU Administrative Policy -#1006 – Faculty Compensation – University of Colorado Denver
- CU Administrative Policy - # 2040 – Distribution of Technology Transfer Income
  (Intellectual Property)
- CU Administrative Policy-#3018 – Expressive Activities
- CU Administrative Policy-# 6001 – Procedures for Evaluating Conflicts of Interest and
  Commitment
- Campus Administrative Policy-# 3036, Facilities Use by External Entities