



Campus Administrative Policy

Policy Title: Facilities Use by Employees and Students

Policy Number: 3035

Functional Area: **General Administration**

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Supersedes: Facilities Use by Employees and Students July 1, 2010

Approved by: Vice Chancellor for Administration and Finance

Prepared by: Deputy Controller
Reviewing Office: Executive Vice Chancellor for Administration and Finance
Responsible Officer: Executive Vice Chancellor for Administration and Finance

Applies to: University of Colorado Anschutz Medical Campus
University of Colorado Denver

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 University of Colorado Denver and Anschutz Medical Campus (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.

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.

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, offices, technology - enabled facilities, laboratories, warehouse and storage space, animal-related space, internet access, roadways, parking facilities, grounds, shops 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; facility, grounds, and road maintenance; utilities; materials management; environmental health and safety; shuttle; mail; police; regulatory and safety compliance; facility project design and management; public relations; events management; administrative support; media; printing; photography; graphics; training and educational support; bookstore; and service laboratories.

Alcohol Beverages. Alcohol use is governed by the campus Administrative Policy 3050, [Alcohol Service](#) and the CU Administrative Policy Statement 4018, [Alcohol Beverages Purchased for University Events](#) and related procedural statements.

4. 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.

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 his/her association with the University except as provided by explicit policies of the University.” 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 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.

- a. Conformance with One-Sixth Rule or a Practice Plan Member Practice Agreement.
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.
- c. 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."
- d. 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.
- e. 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.
- f. 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.

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. 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.

5. 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.

6. Rental Agreement

If there is any material, 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 “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. 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
2. History:

October 2, 2018: Legal review conducted to ensure compliance with newly updated Regents Article 1.E./Policy 1.D, Freedom of Expression.
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.
3. Initial Policy Effective Date: July 1, 2010
4. Cross References/Appendix:
 - a. [Regents Article 1.E/Policy 1.D, Freedom of Expression.](#)
 - b. Auraria Higher Education Center Campus Event Services
 - c. CRS 24-113-101 Legislative Declaration – Government Competition
 - d. CRS 24-113-104 Competition with Private Enterprise by Institutions of Higher Education - Rules
 - e. CRS 24-18-101 *et seq.* State Employee Code of Ethics
 - f. CRS 23-20-123 Rents of Charges for Buildings and Facilities for Research
 - g. CRS 24-50-116 Standards of Performance and Conduct
 - h. CRS 24-50-117 Prohibited Activities of Employees
 - i. CRS 1-45-101 *et seq.*, Colorado Fair Campaign Practices Act
 - j. CU Denver Facilities Management Film Request Form
 - k. CU Administrative Policy Statement 5012, [Conflict of Interest & Commitment.](#)
 - l. Campus Administrative Policy # 3050 [Alcohol Service.](#)