

Western New Mexico University
Policy and Contract for Use of the Fine Arts Center Theatre
by Non University Users

Western New Mexico University (WNMU) shall permit the use of the WNMU facility known as the Fine Arts Center Theatre (herein referred to as FACT) by non-University users pursuant to this policy.

A. Conditions of Use

Use of the FACT by non-University users (User) for an event is permitted only when the following conditions are met:

1. The event will not interfere with the primary WNMU purpose for which the facilities were intended, nor will it interfere with any other WNMU function;
2. The facility and any requested equipment is available on the dates and at the time requested by the User;
3. The User acknowledges that use of the facility for the event does not constitute WNMU or State of New Mexico endorsement of the User, or the event, or the views or objectives of the User or the event.
4. The event does not violate federal, state or local laws or WNMU policy.
5. No alcohol will be served or consumed during the event.
6. Illegal drugs are prohibited on campus.
7. All WNMU costs associated with the event will be covered by the User. Loss or damage to the FACT, any equipment or any other WNMU property, other than normal wear and tear, will be the financial responsibility of the User.
8. The User shall sign the Facilities Use Indemnification and Release or provide copy of a Certificate of Insurance that reflects Commercial General Liability coverage in the amount of \$1,500,000 (One million five hundred thousand dollars) and which names Western New Mexico University as an additional insured.
9. The event does not involve obscenity, as determined under applicable law. Obscene material can be material that is written, pictorial or recorded which, taken as a whole, appeals to the prurient interest in sex as judged by the average person applying a local contemporary community intolerance standard; describes or

depicts sexual conduct in a patently offensive way; and taken as a whole, lacks serious literary, artistic, political or scientific value.

10. The Technical Director of the FACT has determined that the facility can accommodate the equipment that will be used during the event, whether the equipment is provided by the User or rented from WNMU.

11. The Director of Campus Police has determined that the event does not create a safety/security risk that campus law enforcement officers could not control with responsible efforts.

B. Scheduling Requirements

1. Use of the FACT by a User is scheduled on a first-come-first-serve basis if no other WNMU related activity is scheduled for the FACT. All requests to schedule the FACT must be made to the Technical Director of the FACT as soon as possible but no later than 10 business days prior to the event.
2. All requests to schedule the FACT shall be made on the FACT Facilities Use Form and submitted to the Technical Director of the FACT no later than 10 business days prior to the event. All information requested on the form must be provided, including the facility requested, the equipment to be used during the event, the equipment to be rented from WNMU, the nature of the proposed event, the number of persons expected to attend the event, and the time(s) and date(s) for the event.
3. All requests should be accompanied by a Technical Rider specifying lighting and sound technical specifications for the event. The Technical Rider must be approved by the Technical Director of the FACT.
4. Upon receipt of the FACT Facilities Use Form and the Technical Rider associated with the event, the Technical Director of the FACT and the Director of Campus Police shall make determination whether to approve the event based on this policy.

5. The Technical Director of the FACT shall inform the User no later than 5 business days prior to the event whether the request to use the FACT has been approved.
6. If the event is approved, the FACT Technical Director shall forward to the User a Facilities Use Indemnification and Release form. This form, and/or the Certificate of Insurance described in Paragraph A.8 above, must be returned by the User to the Technical Director of the FACT no later than 72 hours before the event. Failure to return the Facilities Use Indemnification and Release form or to provide an appropriate Certificate of Insurance 72 hours before the event shall result in the cancellation of the event without notice to the User.
7. Upon receipt of the Facilities Use Indemnification and Release form and/or the Certificate of Insurance, if required, the User will receive a copy of the Facilities Use Form that has been signed by the Technical Director of the FACT.
8. The User agrees to provide arrival and rehearsal times to the Technical Director of the FACT at least 5 business days in advance of the event.
9. The User must give two business days prior written notice of the cancellation of an event to the Technical Director of the FACT. If the Technical Director of the FACT does not receive written notice at least two business days prior to cancellation of the event, the User will be billed in full.

C. Fees

A fee schedule detailing rental rates, as well as equipment rental rates, is available from the Technical Director of the FACT.

D. Other

WNMU reserves the right to deny use of the FACT to any User who has previously used any WNMU facility and failed to comply with the Conditions of Use, failed to timely pay the charges billed by WNMU or failed to comply with WNMU's Policy and Contract for Use of the Fine Arts Center Theatre by Non-University Users.

The Actual Charges billed by WNMU for setup/labor/janitorial and equipment rental may differ from the Estimated Charges, depending on the condition in which the facility was

left and whether late fees are assessed. User agrees to pay the Actual Charges billed by WNMU within 60 days of the invoice date.

E. Appeals Process

If a User is denied use of the FACT, the Campus Organization may appeal that decision within 2 business days of its notification of the denial by the Technical Director. Such appeals shall be in writing and submitted to the Vice President of Academic Affairs. The Vice President of Academic Affairs shall determine whether the denial was consistent with this policy and shall notify the User and the Technical Director within 2 business days of receipt of the appeal.

Signature of Authorized Representative of USER

Signature _____ Date: _____

Name of Non-University User

Approved: FACT Technical Director

Signature: _____ Date: _____

Approved: Director of Campus Police

Signature: _____ Date: _____

Approved by Policy Committee on April 15, 2010