

BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES
ITEMS FOR DISCUSSION AND ACTION\FISCAL, FACILITIES AND AUDIT

ACTION: **First and Final Round Approval of Board Policy 9010; Non-Student Use and Deletion of Board Policy 9012; Non-Residence Halls; Operations, Contracts, Damage Deposits and Deletion of 9035; Revenue Bond; Use of Facilities, Fees and Charges**

Policy 9012 and 9035 both dealt with the use of Auxiliary System facilities for non-student purposes. The potential non-student uses identified in the policy are mostly for campus related functions or activities. The language from the two policies was moved to Policy 9010 as a starting point and then the changes were tracked.

There are a number of updates being made to the combined policies:

- The standard definitions used to describe the Auxiliary System are provided in the definitions section.
- The approved non-student uses have been updated and clarified.
- The policy continues to allow for non-college use of the facilities in an emergency or unusual circumstances. The Chancellor is to be notified prior to using the facilities under these circumstances.
- The colleges are to prepare a schedule of fees for non-student use and share that with the System Office. This schedule no longer has to be posted.
- The policy specifically addresses the housing of non-students. Individuals cannot be housed in the same living unit with students.
- The expectation that the colleges not utilize the facilities in a way that competes with private business remains, unless it benefits the community. The facilities are funded with tax-exempt bonds so private use must be limited, and private use can create a liability under federal Unrelated Business Income Tax regulations.
- Damage deposits are no longer required for non-student rentals. The Colleges control who rents the units and does not collect damage deposits.

The policies have been reviewed by the Council of Business Officers with appropriate input from residential life and student affairs. The policies have also had legal review including input from our bond counsel.

The System Office recommends approval of the Board Policy 9010; Non-Student Use and Deletion of Board Policies 9012 and 9035.

ATTACHMENTS:

- Board Policy 9010 (PDF)
- Deletion of Board Policy 9012 (PDF)
- Deletion of Board Policy 9035 (PDF)

Board of Trustees of the Nebraska State Colleges

Auxiliary Operations

POLICY
NAME: Non-Student Use

POLICY
NUMBER: 9010

A. PURPOSE

- A. To identify appropriate non-student uses of the Auxiliary System facilities.

B. DEFINITIONS

1. Auxiliary System: Facilities comprised of housing facilities, buildings and structures used for athletic and wellness purposes, student centers, medical centers and parking facilities that are pledged under a revenue bond resolution.
2. Bond Resolution: The legal document between the bond issuer and the bondholder(s) containing the details related to the bond issue, including the purpose, obligations of the issuer, rights of bondholders, and includes the Master Resolution.
3. Master Resolution: The Board adopted a Master Resolution on June 11, 2002, that created a combined system of housing and auxiliary facilities for the three Colleges. The Master Resolution contains the bond covenants and is also considered a Bond Resolution.
4. Revenue Bonds: A series of bonds issued to finance the construction, purchase, remodel, repair, furnish and equipping of Auxiliary System facilities.

C. POLICY

1. Purpose of Auxiliary System

The Auxiliary System revenue bond facilities, of the State Colleges have been provided to house and to otherwise to support the programs needed to provide a satisfactory campus environment for the students. However, periodically the Colleges may find it necessary and/or advantageous to provide space for non-college non-student uses that benefit the Colleges or the community. Use of the facilities for non-student purposes is prohibited if, in doing so, the students are unduly prevented from their normal, rightful and expected usage of them.

1.1. Emergency Use

The ~~Board authorizes the use of~~ Colleges may provide housing ~~or use other Auxiliary System facilities~~ for non-college functions in the case of an emergency or highly unusual conditions occurring in the region. The ~~Chancellor is to~~ System Office is to be notified prior to such use. is such circumstance arise.

1.2. Other Approved Uses

Other ~~non-collegenon-student~~ uses of the Auxiliary System revenue bond facilities, of a non-emergency nature, such as the following are authorized:

- Events hosted or co-sponsored by the College;
- Students from other institutions and ~~and~~ their sponsors who are visiting the campus on official business;
- Invited guests of the Colleges or person performing services for the college;
- Community "overflow" which cannot be satisfied by similar commercial housing facilities in the community;
- Temporary Housing of faculty or staff
- Prospective students and families
- Families of current students

1.3.2 Non-Student Use Rates

Each College shall develop a schedule of fees and charges for non-student college use of its Auxiliary System revenue bond facilities and provide the schedule. ~~A copy of the current fee and charge schedule shall be posted in appropriate places on the campus and be on file into the System Office.~~

2. Housing Facilities

The Colleges may rent housing to faculty, staff or other affiliated parties if housing is available. Individuals shall not be housed in the same apartment or residence hall room with students. The colleges shall not allow ~~revenue bond facilities~~ housing facilities to be used by persons who would normally use similar commercial facilities in their visit to the community unless deemed to be an emergency or unusual circumstance.

2.1. Housing Contract

Every person who rents ~~a non-residence hall any type of~~ housing unit from one of the State Colleges shall enter into a contract for the period of time during which ~~he/she will occupy the unit~~ will be occupied. The contract will identify who will be allowed to reside in the unit. A contract shall be provided to the ~~rentor tenant~~ and his/her signature affixed before occupying a College-owned housing unit. ~~If more than one person, not related by marriage, will be occupying the unit, each party shall sign the contract(s).~~

~~Each college shall establish the amount of damage deposit to be paid by the tenant which shall accompany execution of the housing contract. Upon notice of termination of tenancy, these deposits shall be refunded less any deductions for unnecessary wear or damage to the housing unit or furnishings, or for any unpaid rental owing to the college. At the time the tenant vacates the housing unit, the key to same must be returned to the Housing Office before a refund will be issued.~~

2.2 Delinquent or Unpaid Rent

In the event payment of rental is not made at the time stipulated in the contract, the Ccollege shall initiate campus proceedings for collection of debt owed according to collection procedures.

~~Each State College shall adopt rules and regulations concerning the tenant's use, occupancy and vacating of the housing units as are deemed necessary by the individual campuses and a copy of such policies filed with the System Office. Such rules and regulations shall reflect the stipulations found in state statutes 76-1401 through 76-1449, titled Uniform Residential Landlord and Tenant Act.~~

3. Food Service Facilities

The food service facilities ~~on each campus~~ may be used for non-student college purposes whenever to do so is beneficial to the campus and the community and does not interfere with students' access to and use of the facilities. Each Ccollege, when establishing charges for non-student college use of its food service facilities, will take into consideration the costs involved and will establish rates that will assure that no financial loss will result to the Auxiliary System revenue bond fund. Such rates shall follow the posted cash prices offered by the food service operation ~~be submitted to the Board for approval or will be negotiated catering rates.~~

FORMS/APPENDICES:

"None"

SOURCE:

Legal Reference: ~~Neb. Rev. Stat.~~

~~RRS 25-2124 Ejectment; petition; allegations~~

~~RRS 25-21,220 Forcible entry and detainer; against whom proceedings may be had~~

~~RRS 25-21,221 Forcible entry and detainer; notice to leave premises; when~~

and how served

~~RRS 76-1401-1449~~ Uniform Residential Landlord and Tenant Act

~~RRS 85-301~~ State Colleges; official names, board of trustees,
appointment

~~RRS 85-304~~ Board of Trustees; powers, enumerated

~~RRS~~Neb. Rev. Stat. 85-408 Dormitories; housing facilities; other facilities; rates,
fees, or charges, pledge for payment of bonds; surplus;
approval by Legislature

~~RRS~~ Neb Rev. Stat. 85-314 Board of trustees; rules and regulations

Policy Adopted: March 1994

Policy Revised: September 1997, September 2023

~~REVENUE BOND – AUXILIARY OPERATIONS, NEBRASKA STATE COLLEGES~~

POLICY: ~~9012~~ ~~Non-Residence Halls; Operations,~~
~~Contracts, Damage Deposits~~

Page 1 of 1

BOARD POLICY

~~Every person who rents a non-residence hall housing unit from one of the State Colleges shall enter into a contract for the period of time during which he/she will occupy the unit. A contract shall be provided to the tenant and his/her signature affixed before occupying a college-owned housing unit. If more than one person, not related by marriage, will be occupying the unit, each party shall sign the contract(s).~~

~~Each college shall establish the amount of damage deposit to be paid by the tenant which shall accompany execution of the housing contract. Upon notice of termination of tenancy, these deposits shall be refunded less any deductions for unnecessary wear or damage to the housing unit or furnishings, or for any unpaid rental owing to the college. At the time the tenant vacates the housing unit, the key to same must be returned to the Housing Office before a refund will be issued.~~

~~In the event payment of rental is not made at the time stipulated in the contract, the college shall initiate campus proceedings for collection of debt owed.~~

~~Each State College shall adopt rules and regulations concerning the tenant=s use, occupancy and vacating of the housing units as are deemed necessary by the individual campuses and a copy of such policies filed with the System Office. Such rules and regulations shall reflect the stipulations found in state statutes 76-1401 through 76-1449, titled Uniform Residential Landlord and Tenant Act.~~

~~Legal Reference: RRS 25-2124 Ejectment; petition; allegations
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-1449 Uniform Residential Landlord and Tenant Act
RRS 85-301 State Colleges; official names, board of trustees, appointment
RRS 85-304 Board of Trustees; powers, enumerated
RRS 85-408 Dormitories; housing facilities; rates, fees, charges, pledge for payment of bonds; surplus~~

~~Policy Adopted: 9/26/97~~

REVENUE BOND – AUXILIARY OPERATIONS, NEBRASKA STATE COLLEGES

**POLICY: 9035 Revenue Bond; Use of Facilities,
Fees and Charges**

Page 1 of 1

BOARD POLICY

The revenue bond facilities of the State Colleges have been provided to house and to otherwise support the programs needed to provide a satisfactory campus environment for the students. However, periodically the colleges may find it necessary and/or advantageous to provide space for non-college uses. Use of the facilities for non-college purposes is prohibited if, in doing so, the students are unduly prevented from their normal, rightful and expected usage of them.

The Board authorizes the use of college housing for non-college functions in the case of emergency or highly unusual conditions occurring in the region. The System Office is to be notified if such circumstances arise.

Other non-college uses of the revenue bond facilities, of a non-emergency nature, such as the following are authorized:

1. Events hosted or co-sponsored by the college;
2. Students and their sponsors who are visiting the campus on official business;
3. Invited guests of the colleges or person performing services for the college;
4. Community "overflow" which cannot be satisfied by similar commercial housing facilities in the community;
5. The colleges shall not allow revenue bond facilities to be used by persons who would normally use similar commercial facilities in their visit to the community.

Each college shall develop a schedule of fees and charges for non-college use of its revenue bond facilities. A copy of the current fee and charge schedule shall be posted in appropriate places on the campus and be on file in the System Office.

The food service facilities on each campus may be used for non-college purposes whenever to do so is beneficial to the campus and the community and does not interfere with students' access to and use of the facilities. Each college, when establishing charges for non-college use of its food service facilities, will take into consideration the costs involved and will establish rates that will assure that no financial loss will result to the revenue bond fund. Such rates shall be submitted to the Board for approval.

Legal Reference: RRS 85-314 Board of trustees; rules and regulations

Policy Adopted: 3/11/94