

DRAFT

THE EVERGREEN STATE COLLEGE

August 10, 1981

M E M O R A N D U M

TO: Rita Cooper
FROM: Ken Winkley
SUBJECT: DTF - Use of Equipment or Facilities for Commercial Purposes

The DTF has ^{reviewed}~~received~~ the College's Facilities Usage policy (WAC 174-136-010/022) and we believe that it provides an appropriate structure for administering the use of College facilities.

The DTF members believe that the major difficulties that arise out of space useage result from a general lack of knowledge about the College's policy. We recommend that Facilities and the Personnel Office try to overcome these problems by engaging in an ongoing program of explaining the policy to staff and students. This may be a subject for new employee orientation.

The general conclusion regarding the use of space for commercial purposes is that the use must be in line with the College's mission. The Board of Trustees has broad authority in this regard, however, the full costs of the use of facilities must be paid by the user in advance.

This policy can be illustrated by applying it to the use of the Communication Building music rooms by faculty for teaching private music lessons for a fee. The laws and policies that govern the College permit this use providing the College recover the cost of that use from the respective faculty. If the College

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Administration approves of this use, it can be handled by establishing a rate that will recover cost. The music rooms could then be rented to the faculty but they would have to pay the rent in advance. The College cannot authorize the faculty to use them for free because it cannot provide fringe benefits that are not provided by law nor can it authorize the use of its resources in a way that aids private individuals.

One of the cautions that Jerry Anderson, Assistant Attorney General, expressed to us is that once we open the facility to the public we cannot pick and choose who can use the facility based on their message. Facilities and Conferences must keep this aspect of the law in mind when renting space.

A side question that captured a great amount of the DTF's attention was the issue of Patents, Copyrights, and Trademarks. This is another topic that is covered in the College Policy (EAC 174-168) but is not generally understood. Even though this is beyond the scope of the DTF's charge it is recommended that:

- (1) Faculty contracts include a reference to the College policy and
- (2) That the College catalog reference the policy and
- (3) That the person responsible for administering the residual rights policy announce this fact to the faculty and students at least once a year and
- (4) That some information about the policy be included in new employee orientation.

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The issue of space usage will never be solved to everyone's satisfaction. It's a scarce resource. Also, since we are a State institution, we are subject to legal constraints that do not exist in private institutions. However, with proper planning we can solve most space usage problems that fit within the scope of Evergreen's mission.

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