



Category:
Facility Management / Safety

Responsible Office:
[University Counsel](#)

Policy Title:

Commercial Use Policy (Use of University Facilities for Commercial Purposes)

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5607

Effective Date:
March 28, 2012

This policy item applies to:
State-Operated Campuses

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Summary

This Commercial Use Policy replaces a 1979 policy, Resolution 79-100 (which was adopted on May 23, 1979 and was an amendment to Resolution 73-56 adopted on February 28, 1973, which was an amendment to the original Commercial use policy, Resolution 66-156, adopted on May 12, 1966). Resolution 79-100 restricted the use of University facilities to a list of ten limited activities (e.g. bookstore, food, banking, cultural activities).

This new Resolution, as promulgated and passed on March 28, 2012 by the Board of Trustees, empowers the campuses to utilize their facilities for commercial purposes as they deem fit. The intent of this policy is to encourage each campus to authorize commercial uses of its own facilities for entrepreneurial gain. The policy requires that each campus adopt a local policy that identifies who is responsible for authorizing commercial use, facilities available for commercial use, costs to be charged for the use of such facilities, and standards that identify when fair market appraisals shall be undertaken to determine use charges.

Policy

Use of University Facilities for Commercial Purposes

It is the policy of the State University to encourage the use of capital facilities of the University for appropriate commercial uses. For purposes of this policy, "commercial use" means use for profit or potential profit, including research, by public or private entities.

A campus may authorize commercial use of its capital facilities subject to the following principles:

- Use of University facilities for instruction, research and public service take priority over the commercial use of University facilities.
- Commercial use shall not be in conflict with, and shall advance the mission of, the campus, and shall not infringe upon, delay or conflict with the normal operation of the campus.
- Commercial use shall not be in conflict with and shall advance the University's strategic plan.
- Commercial use shall not have a significant potential for material adverse effect on the reputation of the campus

for academic integrity and independence.

- Commercial use shall not compete with or replicate activities of the campus auxiliary services corporation, campus foundation, or other campus-related entities.
- Commercial use shall not violate existing agreements between the campus, its auxiliary services corporation, foundation or other campus-related entities and vendors providing goods or services on campus.
- Commercial use shall conform to federal tax law restrictions on private use of facilities financed by tax-exempt bonds.
- Commercial use shall comply with Federal research guidelines, to the extent applicable.

Each campus shall adopt a local policy that identifies who is responsible for authorizing commercial use, facilities available for commercial use and costs to be charged for the use of such facilities. Each policy shall include standards pursuant to which fair market value appraisals shall be required for commercial use in excess of a certain value or for a period of time in excess of a specified number of years.

A campus shall enter into a written agreement with the public or private entity that authorizes use by the public or private entity for a defined period of time and that requires the entity to:

- comply with the regulations and policies of the University and campus
- indemnify the University from liability arising out of the entity's use
- provide evidence of appropriate insurance protection
- reimburse the University for damage or destruction to University facilities
- provide appropriate compensation to the campus.

Definitions

There are no definitions relevant to this policy.

Other Related Information

From the Minutes of the March 23, 2012 Board of Trustees Meeting where the Policy was adopted:

Use of University Facilities for Commercial Purposes

Whereas it is in the interest of the State University and compatible with the University's Strategic Plan 2010 and Beyond to expand the use of University facilities for entrepreneurial activities; now, therefore, be it

Resolved that the Policy for the Use of University Facilities for Commercial Purposes, copy of which is attached hereto, be, and the same hereby is, approved; and, be it further

Resolved that the existing policy on the use of University facilities by commercial enterprises, promulgated by Resolution 66-156, adopted May 12, 1966, as amended by Resolution 73-56, adopted February 28, 1973, and by Resolution 79-100, adopted May 23, 1979, be, and the same hereby is, repealed.

(2012-021)

Source: [Minutes of Meetings of the Board of Trustees of State University of New York March 28, 2012](#)

Procedures

There are no procedures relevant to this policy.

Forms

[This Policy does not have a corresponding Revocable Permit template. Please consult your campus Counsel.]

Authority

This policy was adopted by the Board of Trustees on March 28, 2012.

History

[State University of New York Board of Trustees' Resolution 2012-020, Use of University Facilities for Commercial Purposes, adopted March 28, 2012.](#)

This Commercial Use Policy replaces a 1979 policy, Resolution 79-100 (which was adopted on May 23, 1979 and was an amendment to Resolution 73-56 adopted on February 28, 1973, which was an amendment to the original Commercial use policy, Resolution 66-156, adopted on May 12, 1966). Resolution 79-100 restricted the use of University facilities to a list of ten limited activities (e.g. bookstore, food, banking, cultural activities).

Appendices

There are no appendices relevant to this policy.