

**RULES
OF
TENNESSEE TECHNOLOGICAL UNIVERSITY, COOKEVILLE**

**CHAPTER 0240-09-07
RENTAL OF TENNESSEE TECH PROPERTY**

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0240-09-07-.01 PURPOSE AND IMPLEMENTATION.

- (1) The purpose of this rule is to provide a uniform basis upon which Tennessee Tech can regulate and facilitate the rental of its Property.
- (2) This rule is intended to operate consistently with Tennessee Tech's educational and research purpose and mission through the implementation of reasonable and viewpoint-neutral restrictions related to rented Property.
- (3) This rule shall be implemented and construed so as to preserve the primacy of Tennessee Tech's educational and research purpose and mission, to protect the safety of persons and security of Property, and to prevent the use of Tennessee Tech's Property contrary to federal or state laws, rules, regulations, or Tennessee Tech policies.

Authority: T.C.A. § 49-8-203(a)(4). **Administrative History:** Original rules filed April 24, 2019; effective July 23, 2019.

0240-09-07-.02 SCOPE.

- (1) This rule does not apply to use of Tennessee Tech Property by affiliated users for Official Tennessee Tech Purposes or for free speech activities. Such use is subject to Tennessee Technological University Rules, Chapter 0240-09-06.

Authority: T.C.A. § 49-8-203(a)(4). **Administrative History:** Original rules filed April 24, 2019; effective July 23, 2019.

0240-09-07-.03 DEFINITIONS.

- (1) Official Tennessee Tech Purpose: Use of Tennessee Tech Property by student groups/organizations, administrative offices, and/or departments for events, programs, activities, etc. that primarily support Tennessee Tech's purpose and mission and/or are planned primarily for members of the Tennessee Tech community.
- (2) Renter: A person or entity who has received the appropriate approvals and has received a fully executed agreement for the rental of Tennessee Tech Property.
- (3) Tennessee Tech Property or Property: All facilities and property owned, leased, or controlled by Tennessee Tech.

Authority: T.C.A. § 49-8-203(a)(4). **Administrative History:** Original rules filed April 24, 2019; effective July 23, 2019.

0240-09-07-.04 GENERAL POLICY.

- (1) Tennessee Tech dedicates its Property primarily for use by its students and employees for purposes that promote its educational and research purpose and mission.
- (2) Consistent with its purpose and mission, priority of use, and pursuant to this rule, Tennessee Tech may make certain portions of its Property available for rent to students, employees, or the public for purposes other than for Official Tennessee Tech Purposes.
- (3) Tennessee Tech may establish and modify, in its sole discretion, rental fees and charges for use of Property and will publish those rates to the public.
- (4) Tennessee Tech may, in its sole discretion, deny or limit the use of any Property if:
 - (a) The requested Property has not been designated as available for rental;
 - (b) The requested Property has been previously reserved by another user or Renter with equal or higher priority;
 - (c) The requested Property is not available for rental during the time requested;
 - (d) The rental would be impractical due to scheduled usage prior to or following the requested rental;
 - (e) The applicant has knowingly provided inaccurate or false information in the rental application;
 - (f) The applicant or the applicant's invitees or guests violated federal or state law(s), rule(s), regulation(s), or Tennessee Tech policy or policies during a previous use;
 - (g) The use would constitute an immediate and actual danger to Tennessee Tech students and/or employees, or to the peace or security of Tennessee Tech that available law enforcement officials could not control with reasonable effort;
 - (h) The anticipated size or attendance of the activity or event exceeds building/fire codes, established safety standards, and/or the physical or other limitations of the Property;
 - (i) The anticipated nature or duration of the activity or event cannot be reasonably accommodated in the requested Property;
 - (j) The anticipated size and/or location of the activity or event would cause disruption or interference with normal Tennessee Tech activities, the educational use of other Property or services, or the flow of vehicular or pedestrian traffic;
 - (k) The rental conflicts with existing Tennessee Tech contractual obligations;
 - (l) Tennessee Tech does not have sufficient institutional resources available for the proposed use as determined by the appropriate Tennessee Tech official(s);
 - (m) The rental would be contrary to federal or state law(s), rule(s), regulation(s), or Tennessee Tech policy or policies; or
 - (n) Other extenuating circumstances exist that, in the sole determination of Tennessee Tech, prevent or limit rental of the Property.

(Rule 0240-09-07-.04, continued)

- (5) Renter must abide by all terms and conditions stated in the rental agreement, in addition to any requirements in federal or state laws, rules, regulations, or in Tennessee Tech policies.

Authority: T.C.A. § 49-8-203(a)(4). **Administrative History:** Original rules filed April 24, 2019; effective July 23, 2019.

0240-09-07-.05 PRIORITY OF USE AND FREQUENCY OF RENTAL.

- (1) Tennessee Tech will establish priority of use of Property that is consistent with its educational and research purpose and mission.
- (2) Tennessee Tech may set reasonable limitations on the frequency of rental, intermittent rental, or repeated rental of Tennessee Tech Property.

Authority: T.C.A. § 49-8-203(a)(4). **Administrative History:** Original rules filed April 24, 2019; effective July 23, 2019.

0240-09-07-.06 RENTAL REQUIREMENTS.

- (1) Renter and Renter's use of Property shall comply with federal and state laws, rules, regulations, and Tennessee Tech policies, including, but not limited to, applicable fire and safety codes and Tennessee Tech policies related to the safety of minors on campus.
- (2) Use of Tennessee Tech Property is limited to the declared purpose in the rental agreement.
- (3) Renters must comply with applicable Tennessee Tech contractual obligations, including but not limited to use of Tennessee Tech's contracted dining service vendor, beverage pouring rights exclusivity, etc.
- (4) Renter is solely responsible for ensuring that invitees and guests comply with federal and state laws, rules, regulations, and Tennessee Tech policies.
- (5) Tennessee Tech may assign and charge for additional services that Tennessee Tech determines, in its sole discretion, are necessary for any event considering the event's nature, size, location, or anticipated attendance.
- (6) To the extent allowed by federal or state law, Renter must agree to indemnify Tennessee Tech and hold it harmless from any and all liabilities arising out of Renter's use of Property, including, but not limited to, personal injury, property damage, court costs, attorney's fees, and any other damage, whether caused by Renter, invitees, guests, or by Renter's employees, agents, or contractors.
- (7) Renter must provide, upon request, proof of insurance of the types and coverages determined by Tennessee Tech to be appropriate for the intended use. Tennessee Tech may, in its sole discretion, require Renter to include the State of Tennessee, the Tennessee Tech Board of Trustees, and/or Tennessee Tech as additionally insured entities on Renter's insurance policy.
- (8) If requested, all persons on Property in conjunction with Renter's use shall provide adequate identification to appropriate officials and security personnel of Tennessee Tech. Persons who refuse to provide such identification may be subject to immediate removal from Tennessee Tech Property and/or arrest, as appropriate.
- (9) Renters and their invitees and guests are restricted to the area(s) approved for their use.

(Rule 0240-09-07-.06, continued)

- (10) Renter may not have overnight access to or use of Property unless specifically requested and approved by Tennessee Tech in the rental agreement or other written agreement.
- (11) Renter may not use Property to conduct profit-making activities unless specifically agreed upon in the rental agreement or in a separate agreement specifically addressing the profit-making activities.
- (12) Renter must return Property in the same condition it was in when made available to the Renter. Renter will be responsible for all expenses incurred by Tennessee Tech to remedy the condition of damaged Tennessee Tech Property.

Authority: T.C.A. § 49-8-203(a)(4). **Administrative History:** Original rules filed April 24, 2019; effective July 23, 2019.

0240-09-07-.07 APPLICATION AND AGREEMENT PROCESS.

- (1) Tennessee Tech will establish and publish an application process, which will result in an estimate of fees and charges for the rental of the requested Property.
- (2) Any such estimated amount is subject to change if the actual conditions related to the activity or event differ from those presented in the application. Renter will be responsible for all such charges.
- (3) Rental of Tennessee Tech Property is not approved until Renter and Tennessee Tech have fully executed a rental agreement.

Authority: T.C.A. § 49-8-203(a)(4). **Administrative History:** Original rules filed April 24, 2019; effective July 23, 2019.

0240-09-07-.08 PAYMENT BY RENTER.

- (1) All rentals are subject to applicable rental fees and charges for required services, including, but not limited to, maintenance, custodial, utilities, set-up, audio-visual, and security.
- (2) If rental includes the use of Tennessee Tech equipment, Tennessee Tech may limit the operation of that equipment to Tennessee Tech employees and may assess an additional charge for the use of such equipment and for the associated labor.
- (3) Renter must make payment as described in the rental agreement.

Authority: T.C.A. § 49-8-203(a)(4). **Administrative History:** Original rules filed April 24, 2019; effective July 23, 2019.

0240-09-07-.09 PENALTIES.

- (1) Tennessee Tech may immediately terminate Renter's permission to use Tennessee Tech Property and may deny future requests for rental if Renter or Renter's invitees or guests violate any provision of the rental agreement or any federal or state law, rule, regulation, or Tennessee Tech policy.

Authority: T.C.A. § 49-8-203(a)(4). **Administrative History:** Original rules filed April 24, 2019; effective July 23, 2019.

0240-09-07-.10 EXCEPTIONS.

- (1) The President or the President's designee may grant exceptions to this rule when, in his/her sole discretion, the requested exception is in furtherance of Tennessee Tech's educational and research purpose and mission.

Authority: T.C.A. § 49-8-203(a)(4). **Administrative History:** Original rules filed April 24, 2019; effective July 23, 2019.