



# **Facility Usage Terms & Conditions**

## **Appendix A**

### CONDITIONS OF USE

1. All advertisements (fliers, media, posters, etc.) for the activity must be reviewed by the West 40 Executive Director (or designee) prior to distribution. Such advertisements must include a disclaimer stating the activity or event is not sponsored by or affiliated with West40.
2. West40 has a non-smoking policy which must be observed by all participants. This policy prohibits the use of tobacco, which includes cigarette, cigar, pipe, e-cigarettes, or tobacco in any other form including smokeless tobacco which is loose, cut, shredded, ground, powdered, compressed or leaf tobacco that is intended to be placed in the mouth without being smoked.
3. No food or beverages are allowed on the premises, except by special permission at the time of application. Additional charges may be assessed for custodian services relating to food and beverage service. Charges will be based on estimated overtime required to clean the area.
4. Alcoholic beverages are prohibited by statute (School Code of Illinois).
5. Groups using the facilities are expected to leave the area clean and in order. All users shall be required to vacate the Facilities within 20 minutes after the approved ending time on the usage agreement.
6. Materials and equipment needed for the organization must be brought in. No equipment will be furnished by West 40, except for tables and chairs. These items must be requested at the time of application, and extra custodian time for set-up may be charged to Usage Groups #.
7. All groups that use our facilities will be required to staff the front entrance for arrival and dismissal of all participants of their events and activities. All doors must remain locked and closed at all times with no propping of the doors.
8. Adult supervision of the activity must be provided by the user group throughout the time the facilities are to be used. An additional identifiable supervisor must be on duty at the entrance to the building to admit members of the group. Any difficulty with unauthorized persons should be immediately reported to the person in charge of the group, who may in turn contact the West 40 onsite staff.
9. The user organization will assume liability for any damage to the building or its equipment caused by user members or by persons occupying the premises as a result of use of the premises by an organization.

10. It is understood and agreed that in consideration of use of West40 facilities, the organization holds West 40 harmless for any liability or property damage arising out of such use. Users will be required to sign the INDEMNITY FOR USE OF SCHOOL PROPERTY form (Appendix D)
11. A Certificate of Insurance is required prior to the use of facilities listing in writing West 40 ISC #2 as "Additional Insured". COI requirements can be found on pages 9 and 10 of this agreement.
12. All activities by non-school groups are expected to be concluded and the building cleared no later than 9:00 p.m. Users are also restricted to the room(s) they are assigned to by the Department of Facilities. When filling out an application, the time requested should note the time needed for set-up and clean-up.
13. Any problem arising from building use will be referred to the person(s) in charge of the group. Frequently occurring problems will be referred to the Executive Director or designee when applicable.
14. All publicity for events held in West 40 buildings must clearly state that the function is not sponsored by West 40.
15. No fireworks or use of any open flame.
16. No portable heaters of any kind.
17. No sharp objects (i.e., tent stakes, metal cleats).
18. Any equipment resting on the turf or blacktop must be pre-approved by West 40.
19. All groups should remove all debris from grass or blacktop at the end of use.
20. No marking of grass or blacktop by any outside group (including chalk or tape) will be permitted.
21. No gum, nuts, or seeds.
22. No pets or animals with the exception of service animals.
23. No controlled substances.
24. The use of Bouncy Houses and Inflatables is not allowed on West40 properties.
25. West 40 is unable to rent the Facilities for personal parties, including birthday parties, or events.

26. Groups providing programming that service West40 students or community children must comply with any and all requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, including but not limited to providing necessary supports and accommodations to disabled children in order for them to access the program in a manner similar to non-disabled children.
27. All organizations are responsible for following all West 40 mitigation strategies during building usage.
28. Once a booking is confirmed and a signed contract is issued, all other outside requests for that space for the requested date and time will be denied. Frequent cancellations or rescheduling may result in a cancellation charge.
29. Fees are subject to change at any time.

**Contact Resources:**

Director of Facilities, Jeanne Keane, [jkeane@west40.org](mailto:jkeane@west40.org)

**Appendix B**

**WEST 40 ISC #2 – West40 POLICY**

**8:20 Community Use of West40 Facilities**

The West40 school facility (1st floor) is available to community organizations during non-school hours when such use does not: (1) interfere with any school function or the safety of students or employees, or (2) affect the property or liability of West40. The use of West40 facilities for school purposes has precedence over all other uses unless those other uses have been approved by West40 via a written agreement with a local government or other organization that is not affiliated with the school or West40. The West40 Main Office facilities (2nd floor) are available when such use does not: (1) interfere with any West40 function or the safety of employees, or (2) affect the property or liability of West40. Persons on West40 premises must abide by West40's conduct rules at all times.

Recognized community groups may use West40 facilities free of charge when such use does not require West40 to incur costs for staff overtime. Otherwise, a fee shall be charged for the use of West40 facilities pursuant to schedules which shall be approved annually by the Executive Director or designee.

Community recreation organizations that charge fees for participation in their programs will also be expected to pay appropriate costs for using West40 facilities.

The Executive Director shall develop procedures to manage community use of West40 facilities. Use of West40 facilities requires the Executive Director's, or designee, approval and is subject to the procedures.

LEGAL REF.:

Boy Scouts of America Equal Access Act, 20 U.S.C. §7905

10 ILCS 5/11-4.1, Election Code

105 ILCS 5/10-20.41, 5/10-22.10, and 5/29-3.5.

Good News Club v. Milford Central School, 533 U.S. 98 (2001).

Lamb's Chapel v. Center Moriches Union Free School District, 508 U.S. 384 (1993).

Rosenberger v. Rector and Visitors of Univ. of Va., 515 U.S. 819 (1995).

## **Appendix B1**

### **WEST 40 ISC #2 – West40 POLICY**

#### **8:30 Visitors to and Conduct on West40 Property**

The following definitions apply to this policy:

**School property** – West40 facilities, grounds, and parking areas; vehicles used for school purposes; and any location used for a West40 meeting, athletic event, or other West40-sponsored or West40-sanctioned events or activities.

**Visitor** - Any person other than an enrolled student or District employee.

All visitors to West40 property are required to report to the office and receive permission to remain on West40 property. All visitors must sign a visitors' log, show identification, and wear a visitor's badge. When leaving the school, visitors must return their badge. On those occasions when large groups of parents/guardians, friends, and/or community members are invited onto West40 property or when community members are attending meetings, visitors are not required to sign in but must follow West40 officials' instructions. Persons on school property without permission will be directed to leave and may be subject to criminal prosecution.

Except as provided in the next paragraph, any person wishing to confer with a staff member should contact that staff member to make an appointment. Conferences with teachers are held to the extent possible, outside school hours or during the teacher's conference/preparation period.

Requests to access a West40 building, facility, and/or educational program, or to interview personnel or a student for purposes of assessing the student's education needs, should be made at the appropriate building. Access shall be facilitated according to guidelines from the Executive Director or designee.

West40 expects mutual respect, civility, and orderly conduct among all people on West40 property or at a West40 event. No person on West40 property or at a West40 event (including visitors, students, and employees) shall perform any of the following acts:

1. Strike, injure, threaten, harass, or intimidate a staff member, Board member, sports official or coach, or any other person.
2. Behave in an unsportsmanlike manner or use vulgar or obscene language.
3. Unless specifically permitted by State law, possess a weapon, any object that can reasonably be considered a weapon or looks like a weapon, or any dangerous device.
4. Damage or threaten to damage another's property.
5. Damage or deface West40 property.
6. Violate any Illinois law, or town or county ordinance.
7. Smoke or otherwise use tobacco products.
8. Distribute, consume, use, possess, or be impaired by or under the influence of an alcoholic beverage, cannabis, other lawful product, or illegal drug.
9. Be present when the person's alcoholic beverage, cannabis, other lawful product, or illegal drug consumption is detectible, regardless of when and/or where the use occurred.
10. Use or possess medical cannabis.
11. Impede, delay, disrupt, or otherwise interfere with any West40 activity or function (including using cellular phones in a disruptive manner).
12. Enter upon any portion of West40 premises at any time for purposes other than those that are lawful and authorized by West40.
13. Operate a motor vehicle: (a) in a risky manner, (b) in excess of 20 miles per hour, or (c) in violation of an authorized West40 employee's directive.
14. Engage in any risky behavior, including rollerblading, roller-skating, or skateboarding.
15. Violate other West40 policies or regulations, or a directive from an authorized security officer or West40 employee.
16. Engage in any conduct that interferes with, disrupts, or adversely affects West40 or West40 function.

#### Convicted Child Sex Offender

State law prohibits a child sex offender from being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present, unless the offender is:

1. A parent/guardian of a student attending the school and has notified the Building Principal or Director of his or her presence at the school for the purpose of: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion; or
2. Has permission to be present from the Executive Director or Executive Director's designee. If permission is granted, the Executive Director or Executive Director's designee shall provide the details of the offender's upcoming visit to the Building Principal and Director.

In all cases, the Executive Director, or designee who is a certified employee, shall supervise a child sex offender whenever the offender is in a child's vicinity.

### Enforcement

Any staff member may request identification from any person on West40 property; refusal to provide such information is a criminal act. The Executive Director or designee shall seek the immediate removal of any person who refuses to provide requested identification.

Any person who engages in conduct prohibited by this policy may be ejected from West40 property. The person is also subject to being denied admission to West40 property, including West40 events or meetings, for a period of time to be determined by the Executive Director or his/her designee.

### Procedures to Deny Future Admission to West40 Events or Meetings

Before any person may be denied admission to West40 events or meetings as provided in this policy, the person has a right to a hearing before the Board. The Executive Director may refuse the person admission pending such a hearing. The Executive Director or designee must provide the person with a hearing notice, delivered, or sent by certified mail with the return receipt requested, at least 10 days before the Board hearing date. The hearing notice must contain:

1. The date, time, and place of the Board hearing; and
2. A description of prohibited conduct; and
3. The proposed time period that admission to West40 events will be denied; and
4. Instructions on how to waive a hearing.

### LEGAL REF.:

*Nuding v. Cerro Gordo Community Unit School Dist.*, 313 Ill. App.3d 344 (4th Dist. 2000).

20 U.S.C. §7181 *et seq.*, Pro-Children Act of 1994.

105 ILCS 5/10-20.5b, 5/22-33, 5/24-25, and 5/27-23.7(a).

115 ILCS 5/3(c), Ill. Educational Labor Relations Act.

410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.

430 ILCS 66/, Firearm Concealed Carry Act.

410 ILCS 705/, Cannabis Tax and Regulation Act.

720 ILCS 5/11-9.3.