
COMMERCIAL USE POLICY

Category: Events and Facilities

Responsible Office: Finance and Management, VP Office

Date Established: 03/28/2012

Date Last Revised: 02/27/2015

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POLICY SUMMARY

This policy, as promulgated and passed on March 28, 2012, by the SUNY Board of Trustees, empowers SUNY Buffalo State and other SUNY 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.

POLICY

Policy Statement

Use of University Facilities for Commercial Purposes

It is the policy of SUNY to encourage the use of capital facilities of SUNY 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.

SUNY Buffalo State may authorize commercial use of its capital facilities subject to the following principles:

- Use of college facilities for instruction, research and public service take priority over the commercial use of college 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 college'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 Policy

- 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

The Vice President for Finance and Management/designee is responsible for authorizing commercial use at SUNY Buffalo State, facilities available for commercial use and costs to be charged for the use of such facilities.

As needed, SUNY Buffalo State shall enter into a written agreement with the public or private entity. Such agreement would authorize use by the public or private entity for a defined period of time and require the entity to:

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

Background

This commercial use policy replaces a 1979 State University of New York (SUNY) 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 SUNY facilities to a list of ten limited activities (e.g. bookstore, food, banking, and cultural activities).

RELATED INFORMATION

From the minutes of the March 28, 2012, SUNY 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

Commercial Use Policy

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)

Related Links:

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

CONTACT INFORMATION

Finance and Management, VP Office
Cleveland Hall 505
1300 Elmwood Avenue
Buffalo, NY 14222

Phone: (716) 878-4311
Fax: (716) 878-4350
Website: <http://financeandmanagement.buffalostate.edu>
E-mail: vpfm@buffalostate.edu

REVISION HISTORY

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APPROVAL

Approved prior to 2016