

Commercial Activities of the University

University Operations – Financial Activities

EWU Policy 202-03

Authority: EWU Board of Trustees

Effective: July 13, 2012

Proponent: Vice President for Business and Finance

Summary: This policy prescribes standards for the conduct of commercial activities by Eastern Washington University.

History: This publication is a revision. It supersedes UGS Policy 140-200-020. It was adopted by the EWU Board of Trustees on November 20, 2009. This policy was republished on July 13, 2012 to include reformatting and housekeeping changes which do not constitute a material change in policy.

Applicability: This policy applies to all employees, departments and units of Eastern Washington University.

CHAPTER 1 – INTRODUCTION

1-1. Purpose

This policy prescribes standards for the conduct of commercial activities by Eastern Washington University (EWU) as required by Chapter 28B.63 RCW. It defines the legitimate purposes under which EWU shall conduct commercial activities and establishes standards for reviewing such commercial activities to ensure compliance with this policy and related statutes. This policy was developed in consultation with local business organizations and representatives of the small business community.

1-2. Policy

Eastern Washington University is expected to provide the campus community with appropriate goods and services which are necessary for the education of students, the performance of research and the provision of public service in accordance with the university's mission as established by the board of trustees. In accomplishing its mission, the university may engage in commercial activities which serve members of the campus community and/or members of the external community. Eastern Washington University will engage in such commercial activities in compliance with chapter 28B.63 RCW.

1-3. Definitions

For the purposes of this policy, the following definitions shall apply:

- a. "Campus community" means students, faculty, staff, and invited guests of EWU.
- b. "Commercial activity" means an activity which provides goods, services, and/or facilities for a fee which could potentially be obtained from a commercial source, except for those activities expressly excluded under section 2-6.
- c. "Fees" means any fees or charges imposed for goods, services, or facilities.
- d. "Invited Guests" includes:
 - (1) Those attending a workshop, training activity, seminar, or conference as part of the Conference Program or other official university program.
 - (2) Persons participating in or attending a program, activity, or event.

(3) Parents, relatives or guests of students.

(4) Alumni of the university.

(5) Those invited to the university as a public service to the community.

(6) Spouses, companions, and immediate family members of faculty and staff.

(7) Prospective students.

(8) Students, faculty, and staff visiting from other institutions.

e. "Vice President for Business and Finance" refers to the Vice President for Business and Finance or their designee.

CHAPTER 2 - CRITERIA

2-1. General

Eastern Washington University will not engage in a commercial activity unless such activity has been determined to be for a legitimate purpose and its conduct and associated fees take into consideration the interests of the local community.

2-2. Legitimate Purposes

The legitimacy of commercial activities which serve persons outside of the campus community shall be guided by the provisions of this section. Any commercial activity which is conducted or sponsored by EWU must meet at least one of the following 'legitimate purposes'.

- a. Instructional Mission. The activity relates substantially and directly to the instructional mission of the university. This includes activities related to the university marketing and recruiting of students. Also included are activities which provide the means for students to complete necessary components of their training or education programs, i.e. hands-on/experiential activities.
- b. Research Mission. The activity is integral to research activities of the university including sponsored grants, contracts, and/or individual faculty or department research activities.
- c. Public Service Mission. The commercial activity provides goods, services or facilities which relate directly and substantially to the university's public

service mission. The activities are provided primarily as a public service inasmuch as the goods, services or facilities involved are not practically available in the private marketplace. Examples include lease/rental/admission fees for the ice skating rink, indoor pool, planetarium, and other facilities not practically available elsewhere in the Cheney area.

2-3. Community Consideration

In conducting commercial activities, EWU will consider the impact of such activities on local private businesses. The University must be mindful that in providing goods and services for fees, the university may be competing with local private businesses.

2-4. Fee Determinations

Fees charged for commercial activities shall take into account the full direct and indirect costs, including overhead. Furthermore, fees charged in providing goods, services or facilities to persons other than students, faculty, staff and invited guests shall also take into account the price of such items in the private marketplace.

2-5. Additional Considerations

a. Activities Serving the Campus Community. When evaluating the legitimacy of providing goods, services, or facilities to members of the campus community, the following criteria shall be considered in addition to the provisions of sections 2-2, 2-3, and 2-4.

(1) Provision of the goods, services or facilities represents a special convenience to and support of the campus community or facilitates extracurricular, public service, or residential life.

(2) The adequacy of security procedures to ensure that the goods, services or facilities are provided only to students, faculty, staff, or invited guests. When an activity is restricted to students, faculty, staff or invited guests, and where unauthorized outside use is a material concern because of significant negative impact on the private marketplace, university identification may be required.

b. Activities Serving the External Community. When providing goods, services, or facilities to persons other than students, faculty, staff and invited guests, the goods, services, or facilities should represent a resource which is not practically available in the private marketplace and for which there is a demand from the external community.

2-6. Exclusions

This policy shall not apply to:

- a. The initiation of or changes in academic or vocational programs of instruction in Eastern's regular, extension, evening or continuing education programs, or the fees associated with such programs;
- b. Fees for services provided in the practicum aspects of instructional or research programs;

- c. Extracurricular or residential life programs, including residence halls, food services, athletic and recreational programs, and performing arts programs.

CHAPTER 3 – REVIEW AND ADMINISTRATION

3-1. Approval

Before any commercial activity may be implemented, the unit proposing the activity shall submit a request to the Vice President for Business and Finance for consideration. Requests will include pertinent information about the activity and will address the legitimate purpose criteria specified in chapter 2.

The Vice President for Business and Finance shall evaluate each commercial activity proposal to determine whether the proposal meets the criteria established by this policy and related state laws. No commercial activity shall be conducted by EWU without prior approval by the Vice President for Business and Finance.

In reviewing a proposed commercial activity, the Vice President for Business and Finance shall assess how the proposed activity affects the community, including local citizens and local private businesses, and the university community. This assessment may include an economic impact analysis. Whenever possible and appropriate, local business interests shall be given notice of the proposal and afforded an opportunity to be heard in regard to the proposal before it is acted on. The results of the assessment will be shared with the local community.

3-2. Periodic Review

Commercial activities will be periodically reviewed to assess continued compliance with this policy and state statutes. Reviews will include assessment of the local community to determine if changes in the private marketplace put any commercial activities of the university in a position of competition with local businesses. The Vice President for Business and Finance is responsible for periodic reviews.

3-3. Oversight

The Vice President for Business and Finance shall resolve matters concerning the application of this policy.

3-4. Involvement of Private Business

The Vice President for Business and Finance may request that representatives of local businesses confer periodically with representatives of the university regarding matters of common concern, particularly matters directly related to this policy. This will ensure that the university and private business are afforded the opportunity to share effectively in the responsibility of accomplishing the university's mission in the manner which promotes the greatest common benefit to all whom the university serves.

The Vice President for Business and Finance shall likewise address inquiries from members of the external community about specific commercial activities.