

Superintendent Instruction 2016-01

UNITED STATES MERCHANT MARINE ACADEMY KINGS POINT, NEW YORK

13 May 2016

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Subj: USMMA Facility Use Policy

References:

- (a) 46 CFR 386 *et seq.* Regulations Governing Public Buildings and Grounds at the USMMA;
- (b) Superintendent Instruction 2012-11, “*Policy on Alcohol Consumption on Academy Grounds;*” and
- (c) Other federal, departmental, agency or Academy policies governing use of Academy facilities.

1. **Purpose:** To establish policy and procedures governing the use of Academy facilities by outside entities or by individuals.
2. **Applicability:** This policy applies to all non-Academy entities and to all individuals requesting the use of Academy facilities, including alumni organizations, parent organizations and individual faculty, staff, alumni, and parents. All facilities on the Academy grounds are covered by this Instruction including, but not limited to, all academic buildings, all athletic buildings and fields, all waterfront buildings and docks, Melville Hall, Land Hall, Wiley Hall, Delano Hall, the Mariners’ Chapel, Eldridge Pool, the American Merchant Marine Museum, all parking lots and all open spaces, whether developed or not.
3. **Supersedes:** Superintendent Instruction 1999-03, “Patten Hall Berthing Utilization,” Superintendent Instruction 1999-12, “Use of Academy Spaces by Outside Organizations,” Superintendent Instruction 11100.1, “Use of Academy Facilities for Athletic Camps and Clinics,” Superintendent Instruction 1987-19, “*Weddings – Mariners’ Chapel,*” and Superintendent Instruction 1989-14, “*Weddings-Mariners’ Chapel.*”
4. **Policy:**
 - a. The Academy facilities exist for the education, development and training of the Regiment of Midshipmen. In order to preserve the facilities for these purposes, the following criteria will be considered in determining whether a permit should be granted for the use of an Academy facility:
 - 1) Benefit, if any, to the Regiment of Midshipmen;
 - 2) Extent to which the requested use supports the Academy’s Mission or Strategic Plan Objectives;
 - 3) Potential conflicts with the Academy’s calendar;
 - 4) Potential wear and tear on the facility;
 - 5) Associated demands on the time and resources of Academy personnel for support;

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- 6) Relationship of the requestor to the Academy, with preference given to Academy personnel, Midshipmen, and alumni; and
 - 7) Benefit, if any, to the relationship between the Academy and external entities, including but not limited to alumni groups, parent groups, and the Kings Point or Great Neck community.
- b. Generally, the use of Academy facilities for commercial or financial gain or to host an event for which an admission fee will be charged will not be permitted. Upon evidence of direct benefit to the Regiment of Midshipmen, permission may be granted.
 - c. The fact that an entity or individual has used Academy facilities one or more times in the past does not automatically give that entity or individual a vested right to future use. No request for use is automatically approved; an advance request must be made for each event. Entities or individuals that do not comply with the conditions of use agreed upon will not be considered eligible for future use of Academy facilities.
 - d. Academy facilities and resources may not be used to conduct or support any revenue generating athletic camps or clinics.

5. Procedures:

- a. Except for requests to dock transient vessels at the Academy (see Para. 7, below), entities or individuals requesting use of Academy facilities must complete and return a facility request form at least 3 weeks in advance of the requested use. Facility request forms can be downloaded from the External Affairs page of the Academy's website, and returned via email to facilityrequest@usmma.edu, regular mail to the Office of the Superintendent, 300 Steamboat Road, Kings Point, NY 11024, or in person to the Office of the Superintendent. Submission of the form does **not** constitute approval.
- b. Upon receipt, the facility request form will be forwarded to the appropriate division/department head to determine the availability of the requested facility and for a recommendation as to whether the request should be granted. The facility request form will also be forwarded to Office of Public Safety for a similar recommendation.
- c. The recommendation shall be returned to the Superintendent's Office for final approval by the Superintendent or Deputy Superintendent, with concurrence from the Counsel to the Academy.

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- d. The Superintendent's Office shall notify the requesting party whether the request has been granted. If the request is granted, the Academy will prepare a permit signed by the Superintendent or Deputy Superintendent that identifies the use permitted (facility, date and time) and sets forth the terms of use, including the insurance and indemnification requirements set forth below in Paras. 6(a) and (b).
- e. The requesting party must sign and return the permit and provide a certificate of insurance by the dates set forth in the permit to the Superintendent's Office. In the event the signed permit and certificate of insurance are not timely returned, or the certificate of insurance is deemed inadequate, the approval will be rescinded.

6. General Guidelines:

- a. **Insurance Requirements:** All approved users must submit a certificate of insurance evidencing comprehensive general liability insurance in the amount of \$1 million combined single limit for bodily injury and property damage per occurrence for the period of the proposed event. All certificates of insurance must name both the U.S. Merchant Marine Academy and the United States of America as additional insureds. All certificates of insurance must be reviewed and approved by Counsel to the Academy before an event can be held.

If more than one entity hosts, sponsors or participates in an event, each entity will be required to provide a certificate of insurance as set out above. In addition, the Academy reserves the right to request certificates of insurance from any vendors retained by the user, such as caterers and DJs.

At the discretion of the Academy, these insurance requirements can be waived in whole or in part, such waiver to be documented in writing.

- b. **Indemnification:** Users shall indemnify and hold harmless the Academy and the United States of America, their consultants (if any), employees, agents and other persons from and against all claims, costs, judgments, liens, encumbrances and expenses, including attorneys' fees, arising out of their use of the Academy's facilities or out of the acts or omissions or negligence of the user, its agents, employees or subconsultants in connection with the use of Academy facilities.
- c. **Catering:** Users requiring catering for an approved event may contract with the Academy's food service provider or may contract with a caterer unaffiliated with the Academy.
- d. **Reimbursement for Loss or Damage:** Users of Academy facilities shall promptly make payment for the loss of or damage to any Academy facility resulting from the user's use of the facilities. The Academy shall inspect the facilities before and after the event and, if applicable, will notify and bill the responsible organization of the payment due for any loss or damage. At the Academy's discretion, the Academy may require the user to provide a security deposit prior to the event.
- e. **Event Publicity:** Users may not commit to any expenditures, prepare or send invitations or notices, or make any public announcement of the event until it has

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received a permit from the Academy. In addition, any advertisement of the event must receive prior approval from the Academy's Office of External Affairs.

- f. **Academy's Right to Revoke:** The Academy reserves the right to revoke the permit granted for the use of any Academy facilities or to relocate the event to another appropriate facility should it be necessary to accommodate a change in the Academy's academic or activity schedule. Academy events shall always take precedence over requests from outside users.
- g. **Preservation of Order:** Users shall be responsible for the preservation of order at and during the event.
- h. **Smoking Prohibitions:** Smoking is prohibited at the Academy except in designated areas.
- i. **Alcohol Prohibitions:** No alcoholic beverages shall be brought to or consumed on Academy property, except beer and wine as specifically permitted under Superintendent Instruction 2012-11 "Policy on Alcohol Consumption on Academy Grounds." When so permitted, users are responsible for obtaining a special event license from the New York State Liquor Authority.
- j. **No Discrimination:** Events that exclude persons on the basis of race, color, national or ethnic origin, citizenship status, sex, religion, age, disability, marital status, veterans' status, sexual orientation or any other status protected by law or Academy policy are prohibited.
- k. **Academy's Right of Access:** The Academy shall have free and open access to all Academy facilities at all times.
- l. **Permits:** To the extent permit(s) from local, state or federal entities may be required for the function for which the Academy facility is sought, users are solely responsible for obtaining those permits and for paying any fees associated with obtaining them. Users will not be permitted to hold an event unless the Academy has received copies of all necessary permits at least two weeks prior to the event.
- m. **Weather-Related Cancellations:** The Academy reserves the right to cancel an event due to inclement weather.
- n. **Emergency Medical Coverage:** The Academy reserves the right to require organizations to provide emergency medical coverage for events held at the Academy. Requirements for such coverage shall be determined by the Academy on a case-by-case basis.
- o. **Incidental or Occasional Use:** Use of Academy facilities by non-Academy users is limited to incidental or occasional use. The Academy will reject any request that seeks to use Academy facilities on a continuous or permanent basis.

7. Specific Guidelines Covering Transient Vessels

- a. Day visits for transient vessels are allowed on a space availability basis for parents, alumni and guests visiting for special occasions.

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- b. Military, Government, and non-profit / educational vessels are welcome for day and overnight visits on a space availability basis. Operators are encouraged to interact with Midshipmen for tours and joint training.
- c. The number of transient vessels is limited due to seasonal space and dedication of available resources. Transient vessels shall be limited based on total length and available berthing space so as not to interfere with Academy operations.
- d. All requests for reservations for transient vessel visits, other than Homecoming, shall be on a first-come, first-served basis, with priority given to Military and Government vessels. A waiting list maintained after available spots are full. Reservations for Homecoming shall be prioritized based on reunion year, and time from graduation- with preference to 50 year and 25 year reunion classes.
- e. Reservations must be made by phone to the Department of Waterfront Activities at 516-726-6050 at least ten (10) weeks in advance and must be confirmed no later than 2 weeks prior to visit date or the reservation will be cancelled. Operators should contact the Sailing Master at 516-726-6034 for berthing instructions.
- f. All visiting transient vessels must sign and return a Waiver / Release that will be provided by the Department of Waterfront. A person in charge for each visiting transient vessel must be designated and shall be responsible for all activities and actions regarding the visiting transient vessel and guests. All visiting transient vessels will be provided with a document outlining applicable Academy policies.

8. Specific Guidelines Covering Weddings at the Mariners' Chapel


- a. Permission to use the Mariners' Chapel does not obligate an Academy chaplain to officiate at the service. Academy chaplains officiate in accordance with the dictates of their respective faith groups. If a chaplain is not available to perform the ceremony, the couple is responsible to procure and remunerate clergy on their own.
- b. The couple shall present a valid New York State Wedding license prior to the wedding, to be signed by the officiating clergy.
- c. The Academy shall not be responsible for preparing, ordering, or printing programs, bulletins or any other materials for weddings.
- d. Any and all fees and expenses associated with the wedding are the responsibility of the couple and payment must be made directly by them.

9. Roles and Responsibilities:

- a. The **Superintendent or Deputy Superintendent** is responsible for the final approval or disapproval of all requests made under this Instruction.

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- b. The **Academic Dean** reviews and makes recommendations on all requests involving the use of academic facilities and/or requiring the involvement of academic faculty or staff.
 - c. The **Commandant of Midshipmen** reviews and makes recommendations on all requests involving the use of Regimental facilities and/or requiring the involvement of Midshipmen or Regimental staff.
 - d. The **Athletic Director** reviews and makes recommendations on all requests involving the use of athletic facilities, including athletic fields, and/or requiring the involvement of athletic staff.
 - e. The **Waterfront Director** reviews and makes recommendations on all requests involving the use of waterfront facilities, including vessels and equipment, and/or requiring the involvement of waterfront staff.
 - f. The **Director of Public Safety** is responsible for the enforcement of all applicable Federal, State, local and Academy rules and regulations for visitors and vehicles.
 - g. The **Director of Academy Financial Management** is responsible for preparing bills and collecting payment for the loss of or damage to any Academy facility resulting from the user's use of the facilities.
 - h. The **Director of External Affairs** is responsible for approving planned event publicity based on Academy, Maritime Administration and Department of Transportation public affairs and related external communication guidance.
 - i. The **Counsel to the Academy** is responsible for reviewing facility requests for compliance with this policy and for approving the terms of permits issued by the Academy and reviewing and approving the certificates of insurance and other required documentation from users.
10. **Expiration:** This Superintendent Instruction goes into effect immediately and remains in effect until superseded or rescinded.



JAMES A. HELIS
Rear Admiral, USMS
Superintendent

Dist. via Email

Responsible Official: Deputy Superintendent