

## **FACILITY NAMING RIGHTS**

There are two (2) circumstances in which naming rights may be granted: Naming Rights in Consideration and Naming Rights in Recognition. The Superintendent or designee shall create a committee to consider all requests for granting Naming Rights in Consideration or Naming Rights in Recognition in accordance with the criteria set forth below. Upon consideration, the Superintendent or designee shall make a recommendation to the Board of Trustees regarding the request for granting naming rights, based on the recommendation of the committee.

An application for requesting naming rights will be used.

The following criteria shall be considered when naming school facilities.

### **Naming Rights in Consideration:**

“Naming Rights in Consideration” are in consideration of significant financial contributions, sponsorship or other commercial transactions.

Naming Rights in Consideration require a significant monetary contribution (51% or more) of the cost of developing a facility, or establishment of a maintenance endowment of 51% or more of the projected maintenance cost for 20 years, and such donation is made with the stipulation that the name is a condition of the monetary donation.

Facilities may be named after major contributors to the District. The committee shall evaluate the financial value of naming rights based on a review of the market for naming rights. Before granting any Naming Rights in Consideration for a facility to be named after a company, group and/or product, the committee must consider whether the company, group, or product has and maintains an exemplary record, positive public opinion, and non-partisan image. The committee shall explain the financial market and public record and image of the company/group/product in making a recommendation to the Superintendent or designee. The Superintendent or designee shall explain the financial market and public record and image of the company/group/product in making a recommendation to the Board. The Board has the right to reject the recommendation of the Superintendent. The Board reserves the right to revoke the name should it discover information about the individual, company, group and/or product that would lead to not meeting the requirements set forth herein.

The Superintendent shall not recommend granting a naming right in consideration that will convert an outstanding bond issue for a facility into a private activity bond per 26 USC §103 and 26 USC § 141.

All Naming Rights in Consideration are subject to Board approval under the terms of this policy.

Naming Rights in Consideration shall be memorialized through a contract with the individual or entity, including but not limited to any heirs, representatives, or agents of the individual or entity, making a significant financial contribution, sponsorship, or other commercial transaction. The provisions of the Naming Rights for School District Facilities Policy.

All such agreements are subject to the district’s requirements for contracts, as set forth in Montana law (including but not limited to Titles 2, 18, and 20 of the Montana Code) and District policies, including but not limited to bidding requirements for district contracts (Policy 7010). Nothing herein or in the Naming Rights for School District Facilities Policy shall be construed as to provide a provider of goods, services or financial contribution as an automatic naming right.

Requests for Naming Rights in Consideration shall be made on the [Request for Naming Rights in Consideration Form](#).

### **Naming Rights in Recognition:**

“Naming Rights in Recognition” are in recognition of any significant contributions to the district that it wishes to honor. These contributions can be financial or other gifts from donors, or meritorious service.

District facilities shall not be named in recognition of living persons.

In order for the granting of Naming Rights in Recognition to be considered an individual must have been deceased for at least two years and fulfill at least one (1) of the five (5) criteria listed below.

Requests for Naming Right in Recognition shall be made on the [Request for Naming Rights in Recognition Form](#).

A committee, established by the Superintendent or designee, shall determine whether the individual for which naming rights have been requested, fulfills at least one (1) of the following five (5) criteria:

1. had a significant monetary contribution made “in memoriam” (51% or more) of the cost of developing a facility, and established a maintenance endowment “in memoriam” of 51% or more of the projected maintenance cost for 20 years, and such donation is made with the stipulation that the name is a condition of the monetary donation;
2. is a distinguished alumni or MCPS employee with significant achievement(s);
3. performed extraordinary or outstanding public service for the good of the community;
4. was an outstanding community leader who made significant civic contributions to the district and/or school;
5. was an outstanding regional, statewide, or national leader.

The committee shall explain how the individual meets or does not meet the criteria in making a recommendation to the Superintendent. The Superintendent shall explain how the individual meets or does not meet the criteria in making a recommendation to the Board. The Board has the right to reject the recommendation or to waive any criteria in exceptional circumstances.

The Board reserves the right to revoke the name should it discover information about the individual that would lead to the individual not meeting the requirements set forth herein. Names bestowed are intended to be permanent. Changes shall only be recommended to the Board in exceptional circumstances.

The granting of Naming Rights in Recognition is at the sole discretion of the Board, with the agreement of the party or their representatives.

#### **Granting Naming Rights:**

In granting Naming Rights, either in Consideration or in Recognition, due regard should be taken of the need to maintain an appropriate balance between commercial considerations and the role which names of buildings and space play in contributing to the District’s sense of identity as well as in assisting students, staff, and visitors to orient themselves within the campus/facility.

Any and all entitlements and attributions granted in conjunction with naming rights, including but not limited to signage, must be approved by the Board prior to installation in or on District property.

The granting of naming rights must always be consistent with the District’s vision, mission, and shared purpose. The long-term effects of the naming rights must be considered. The department/school affected by the naming right to be granted must be consulted before any decision is made.

The Board has the exclusive discretion to determine whether to pursue, accept or decline an opportunity to name facilities. In addition to the specific criteria identified for Naming Rights in Consideration and Naming Rights in Recognition, the committee in making a recommendation to the Superintendent shall consider the following factors and the Superintendent shall consider these factors in making a recommendation to the Board of Trustees on granting a naming right:

1. The extent to which a naming opportunity limits or restrains the District’s discretion or ability to pursue other opportunities;
2. The duration of the arrangement or agreement and the District’s ability/discretion to terminate the arrangement/agreement;
3. The extent to which the naming opportunity imposes any obligation on the District, either presently or in the future, financial or otherwise and whether the opportunity is subject to conditions acceptable to the District;
4. The extent to which the naming opportunity constitutes a conflict of interest or creates the appearance of or potential for a conflict of interest;
5. The extent to which the naming opportunity affects the appearance of District property or disrupts the operation of the District; and
6. Any other information that may be relevant to the decision to whether to grant a naming right.

The committee shall include an explanation of how the request for granting a naming right satisfies these factors in making a recommendation to the Superintendent. The Superintendent shall include an explanation of how the request for granting a naming right satisfies these factors in making a recommendation Board. The Board has the right to reject the recommendation of the committee.

#### **Transferability:**

Naming Rights in Consideration may be traded upon agreement of the individual/entity and the Board. Traded means “to exchange or swap one naming right for another.” For example, when a company changes its name, the naming right may be changed or “traded” to reflect the new name. Naming Rights in Recognition may not be traded. The District may, as it deems necessary, require the company to provide compensation for the costs of any such change. If the company refuses

to or does not provide compensation for such costs, the district reserves the right to remove the name due to the fact that it no longer represents the company who received the naming rights.

**Limit of Naming Rights:**

On the part of the District –

The District’s right to use the name and other brand elements of the named party shall only be permitted by express agreement with the named party.

On the part of the Named Party –

The named party after whom a building or facility is named shall have no rights to the purpose to which that building or facility is applied unless provided for in the specific contract between the individual/entity and the District. The contract shall not unnecessarily limit the following: progress towards the District’s mission and purpose, statutory obligations, or the authority or control of the District or Board.

In turn, the named party shall bear no liability in respect of that building or facility unless provided for in the specific contract between the parties. Any such limits must be included in any naming right agreement.

**Early Termination of Naming Rights:**

Termination by the District –

The District shall have the authority to revoke the naming of a facility for compelling reasons as determined by the Board at any time. Any prepaid financial contributions will be proportionally refunded except in the case of termination prompted by a company or product’s tarnished image.

Termination by the Named Party –

The named party may without refund of consideration, at its sole discretion, terminate its acceptance of the naming rights prior to the scheduled termination date upon request to the Board.

**Prohibited Commercial Activities:**

The above procedures notwithstanding, no naming rights shall be granted to support commercial activity associated with tobacco, alcohol, illegal drugs, or weapons; which contains vulgar and plainly offensive, obscene, or sexually explicit language; advocates the violation of law or District policy; advances any religious or political organization; promotes supporting or opposition of a candidate for elected office or a ballot measure; which is associated with any company or individual whose actions are inconsistent with the District’s mission and goals or community values; is libelous; inhibits the functioning of the school and/or District; or is otherwise in violation of law.