

A1.200 GENERAL PROVISIONS -- LAND AND PHYSICAL FACILITIES

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A1.200 UNIVERSITY OF HAWAI'I -MANOA FACILITIES USE PRACTICES
AND PROCEDURES

1. Purpose

To implement Chapter 13 of the Board of Regents Bylaws and Policies on the Use of University-owned Facilities and to establish practices and procedures for the use of campus facilities at the University of Hawai'i at Mānoa in accordance with Executive Policy E10.201.

2. Objective

To regulate the short-term occasional use of campus facilities at the University of Hawai'i at Mānoa, including grounds, by organizations with and without university affiliation to insure compliance with Board of Regents policy.



3. Applicability/Responsibility

The established practices and procedures shall apply to organizations affiliated with the university and organizations without university affiliation.

4. Definitions. As used herein:

"PRESIDENT" means the chief executive officer of the University of Hawai'i at Mānoa or from the Board of Regents of the University of Hawai'i .

"CHARTERED ORGANIZATIONS" means organizations holding a charter from the University of Hawai'i at Mānoa or from the Board of Regents of the University of Hawai'i.

"DESIGNEE" means an individual of the University of Hawai'i at Mānoa specifically designated to act for an officer of the University.

"EDUCATIONAL ORGANIZATIONS or ACADEMIC ORGANIZATIONS" includes all learned, academic, and professional societies and similar organizations within higher education.

"DEPARTMENT" means any unit, program, or office authorized by the Board of Regents of the University of Hawai'i.

"EXTRAORDINARY CHARGES" means assessments for expenses not covered by formula.

"FACILITIES" means all buildings, grounds and waterways owned or controlled by the University of Hawai'i at Mānoa and includes the streets, sidewalks, malls, parking lots, roadways, canals, docks, and estuaries within the boundaries of property owned or controlled by the University of Hawai'i at Mānoa.

"GENERAL FACILITIES" means general assignment classrooms and auditoriums which are used on a campus-wide basis.

"RESTRICTED FACILITIES" means facilities not usually available for any use other than that for which the facilities were intended. Restricted facilities include, but are not limited to, residence halls, libraries, offices, laboratories, maintenance and storage areas, bookstores, food preparation areas and certain staff, faculty and student lounges.

"SPECIAL FACILITIES" means facilities for which separate procedures governing the use and scheduling have been developed. Special facilities include, but are not limited to, the Campus Center (reference Campus Center Complex Operational Policies for guideline), Hemenway Hall, Kennedy Theatre, Andrews Amphitheatre and the athletic facilities (indoor and outdoor).

"FREE PUBLISHED MEDIA" means newspapers for which no charge is made and which derive their income from advertising.

"FORMULA" means the method for determining charges to be assessed for the use of campus facilities by classification of facility, category of user, and type of activity. The charges derived by formula reflect actual costs to maintain and operate a facility during

"FUND RAISING" or "ADMISSION CHARGE EVENTS" means activities or events where individuals are required or requested to pay, contribute or donate in order to participate in or attend the event before goods or services are provided.

"REGISTERED ORGANIZATIONS" means organizations which function in a manner consistent with established policies and practices and which are registered by the Bureau of Student Activities.

"SCHEDULING OFFICERS" means those individuals, or their designees, with the assigned responsibilities for authorizing the use of facilities including the dates and times of use.

"SOLICITATION" means the sale or offer for sale of any goods or services.

"SPONSORSHIP" means the assuming of responsibilities by a University-affiliated organization for an organization without University affiliation.

"University" and "Campus" mean the University of Hawai'i at Mānoa.

5. User Categories

a. University-Affiliated Organizations

Organizations or individuals affiliated with the University of Hawai'i at Mānoa where such an affiliation confers rights and benefits. The responsibility and authority for on-campus activities of institutional users must reside with students or employees of the University of Hawai'i at Mānoa.

- 1) University departments, colleges, offices and programs.
- 2) Registered student, faculty or staff organizations.
- 3) Campus chartered organizations.

b. Organizations Without University Affiliation

The University of Hawai'i at Mānoa, as a public institution, is not in competition with other institutions or commercial enterprises in the rental of facilities. There are circumstances, however, in which the nature of the activity is particularly appropriate to a campus facility and in the best interest of the University. In these circumstances, the University of Hawai'i at Mānoa may enter into rental agreements with organizations without University affiliation.

6. Types of Use

- a. Registered student, faculty and staff organizations and other University-affiliated organizations may use designated University facilities for activities and events related to their function and purpose.
- b. Organizations without University affiliation may use designated University facilities for charitable, civic, community, cultural, or educational activities which are operated on a not-for-profit basis and do not infringe upon, delay, or conflict with the normal operations of the University of Hawai'i at Mānoa.
- c. Organizations affiliated with the University and those without affiliation shall not be allowed to use facilities for political fund-raising/activity purposes and/or for the personal benefit of organizations or individuals where such use is in competition with other privately-owned facilities.

7. Use Priorities

- a. Campus facilities, including campus grounds, are provided primarily for the support of the regular educational functions of the University of Hawai'i at Mānoa and the activities necessary for the support of these functions. The functions of the University of Hawai'i at Mānoa shall take precedence over any other activities for the use of campus facilities.
- b. Registered student, faculty and staff organizations and other University-affiliated organizations shall have priority over organizations without University affiliation in the use of campus facilities.
- c. The availability of campus facilities for use by organizations without University affiliation shall be subject to the needs and the convenience of the University of Hawai'i at Mānoa. In the event of conflicting demands for use of particular facilities by organizations without University affiliation, scheduling priority shall be given to those activities which further the purposes and is in the best interest of the University of Hawai'i at Mānoa.

8. Rules, Regulations, and Responsibilities

- a. The President, in accordance with Executive Policy E10.101, has authority to develop and control implementation procedures governing the use of University owned and operated facilities at the University of Hawai'i at Mānoa.



- b. The President may grant exceptions to established procedures and practices when the good of the University of Hawai'i at Mānoa would be served by exception, except when Board of Regents policies take precedence.
- c. The President may delegate some or all his authority to grant exceptions, to interpret rules and practices, and to enforce policies and procedures to the Vice President for Finance and Operations as the President deems to be within the best interest of the University of Hawai'i at Mānoa.
- d. Nothing in these procedures and practices shall be interpreted to limit the authority of the President to restrict the frequency of use of any facility, the period of use or the availability of a facility, or to place restrictions as to the type of use to be allowed in a facility.
- e. No use shall be allowed in any campus facility which interferes with the instructional, research, community service, and/or formal co-curricular programs and activities of the University of Hawai'i at Mānoa in such a manner as to materially or substantially impair such programs and activities.
- f. The omission of any rules, practices, or procedures from this document does not mean they do not apply. Rules, practices and procedures in the University Catalog, Student Handbook, Housing Policies, Policies Governing University Registered Organizations, Campus Center Complex Operations Policies, University Administrative Policies and Procedures and all other official publications and documents shall apply to the use and scheduling of campus facilities whenever they are pertinent.
- g. The use of all campus facilities shall be in compliance with applicable City and County ordinances, State and Federal laws, and established University and campus rules and regulations.
- h. Failure to observe any statutes, ordinances, laws, rules and regulations shall result in suspension of scheduling privileges and payment for any or all damages and restorations.
- i. The use of University facilities for an event where food is to be consumed or distributed is prohibited without specific written approval of the Office of Environmental Health & Safety and from the Vice President for Finance and Operations or his/her designee, except when food is to be supplied by the Mānoa foods contractor.

- j. Prior written approval shall be obtained to distribute and consume alcoholic beverages at events and activities scheduled in campus facilities. An application shall be made and approval granted by the Vice President for Student Affairs or his/her designee.
- k. Organizations shall be responsible for the conduct of their members and guests at events and activities scheduled in campus facilities.
- l. Organizations shall be responsible for damages resulting from the use of campus facilities and/or equipment and furnishings, and for any loss of equipment and furnishings.
- m. Equipment and furnishings shall not be moved or rearranged without prior written approval.
- n. Smoking is prohibited in classrooms, conference rooms and other special facilities as may be designated.

9. Use Application Procedures

- a. The use of campus facilities by all organizations shall be by reservation on a first-come-first-served basis subject to the scheduling priorities listed in Section 7, Use Priorities.
- b. No reservation shall exceed one (1) week in length without prior written approval from the designated scheduling officer.
- c. Applications shall be submitted thirty (30) days prior to the scheduled event.
- d. University departments may reserve general facilities in advance without limit to the number of days prior to the event. Registered University organizations and organizations without University affiliation may not reserve general facilities in excess of one semester in advance.
- e. The scheduling of campus facilities for use by organizations is coordinated by the following scheduling officers:
 - 1) General Facilities Scheduling Officer, Facilities Planning and Management, Physical Plant Building.
 - 2) Campus Center Scheduling Officer, Bureau of Student Activities, Campus Center.

3) Athletics Scheduling Officer, Athletics Department,
Athletic/Physical Education Complex.

f. Organizations shall obtain and complete a use-application form to reserve campus facilities.

1) "Application and Agreement for Evening and Holiday Use of University Facilities" form shall be used by university departments, registered students, faculty and staff organizations, university-affiliated organizations and all organizations without university affiliation, reserving general and athletic/physical education facilities(Attachment A).

2) "Campus Center Complex Reservations and Arrangements" form shall be completed by all organizations, with or without university affiliation, reserving facilities within the Campus Center Complex. (Attachment B)

g. General procedures governing the application and reservation for use of campus facilities.



1) An organization requests the use of a campus facility by completing a use--application form and submitting it to the proper scheduling officer.

2) Scheduling officer shall determine the appropriateness of the application, the charges for use and services, and any special requirements, such as parking, security, utilities, custodial services and insurance.

3) The organization shall be notified as to the availability of the facility requested and the charges to be assessed.

4) Prior to the scheduled event, the organization shall be required to make a payment in full for the use and services. Checks are to be made payable to the "University of Hawai'i at Manoa."

5) The organization shall receive a copy of the completed application form which will list the charges and the arrangements made for the event with the scheduling officer. The organization shall not assume that a reservation has been confirmed until a copy of the completed application form has been received.

h. Denial of Use

- 1) An application which is not approved by the scheduling officer shall be returned to the organization. The reasons for the disapproval shall be stated on the form.
- i. The Campus Center Board is responsible for establishing policies and procedures governing the use and scheduling of facilities within the Campus Center Complex. Copies of policies and procedures are available at the Scheduling Office. The policies and procedures are incorporated herein by reference. (Attachment B-1)
- j. In addition to other requirements which may be imposed, organizations without University affiliation which have been authorized to use designated University facilities shall be required to:
 - 1) Observe established University and campus rules and policies.
 - 2) Indemnify, defend, and hold harmless the University of Hawai'i and the State of Hawai'i and all its agents and employees from any liability arising out of the actions of the organization or its agents arising out of the use of the facilities by the organization.
 - 3) Reimburse the University for any damage (normal wear and tear excluded) to the facilities resulting from their use.
 - 4) Compensate the University according to the terms provided in the agreement for the use of University-owned facilities.
 - 5) Provide evidence of appropriate and adequate insurance protection covering property damage, personal injury, or death arising out of the use of University-owned facilities. The President or a designee may waive this requirement upon an adequate showing of responsibility by the organization.

10. Charges for the Use of University-Owned Facilities

- a. In general, University departments are not charged for the use of University facilities when the meetings or activities are a direct part of their program. Departments, however, may be charged for air conditioning and extraordinary expenses associated with the use of a facility.
- b. University-affiliated organizations shall be charged according to a formula to cover direct and indirect expenses associated with

the use of a campus facility and any extraordinary expenses associated with use.

- c. Registered student organizations which must use general facilities because no suitable facilities are available in the Campus Center Complex shall not be charged according to the applicable rates for the use of general facilities. The Vice President for Student Affairs or his/her designee, however, must certify that suitable facilities are not available within the Campus Center Complex.
- d. Organizations without University affiliation shall be charged according to provisions in the contract or agreement covering their use of University facilities.
- e. When engaging in fund-raising/admission-charged activities, all University-affiliated organizations, including University departments, shall be charged according to a formula to cover the direct and indirect expenses and any extraordinary expenses associated with the use of the facility.
- f. The formula charges are subject to change at any time and without advance notice.
- g. The Vice President for Finance and Operations may at his/her discretion waive or reduce the charges for the use of University-owned facilities.

11. Public Forum Area

The Campus Center Forum area is designated as the public forum area for the University of Hawai'i at Mānoa where individuals may assemble and engage in public speech activities.

12. Practices and Procedures Governing Time, Place, and Manner of Public Speech Activities

- a. Speech and Assembly
 - 1) The use of the Campus Center Forum for public speech activities shall be on a first-come-first-served basis with proper clearance from the Campus Center Scheduling Officer.
 - 2) Public speech activities may be conducted in the public forum area provided that such activities are conducted in an orderly manner and do not interfere with classroom instruction, office or student privacy, study conditions,

meetings and ceremonies, pedestrian or vehicular traffic, or other functions of the University of Hawai'i at Mānoa.

- 3) Individuals utilizing the designated public forum area for public speech activities shall comply with University and campus rules and policies.

b. Sound Amplification Equipment

- 1) Sound amplification equipment may be used in the designated public forum area provided that it does not interfere with the educational functions and affairs of the University.

c. Distribution of Pamphlets and Other Written Material

- 1) The distribution of newspapers, notices, pamphlets, and other printed or written material is permitted in the public forum area and other campus areas provided that such distribution does not interfere with the orderly conduct of University affairs, the maintenance of University property and the free flow of traffic and persons.
- 2) Pamphlets, handbills, and other forms of written material should be designed for informational (not commercial) purposes and should not contain commercial solicitation advertisements.
- 3) The distribution of free published media containing commercial advertising which is found to be in competition with student newspapers is prohibited except newspapers, periodicals, and other materials published by the University or its authorized agents.
- 4) Handbills which are distributed to publicize projects and programs shall clearly indicate the organization sponsoring the project.
- 5) Organizations without University affiliation authorized to use campus facilities to present programs, activities, and events shall include the following statement in all publicity and informational material which are printed and distributed: "This is not a program of the University of Hawai'i at Mānoa and there is no endorsement, implicit or explicit, of this program by the University."

13. Posting and/or Display of Written Material

a. Posting of Notices and Other Written Material

- 1) The posting of notices, posters, and other printed and written material is permitted only on designated bulletin boards located in or at campus buildings. Bulletin boards are classified as general or reserved.
 - a) General boards may be used for all notices, posters, and other announcements and are located at such locations as the student services buildings, Hamilton Library, Sinclair Library and Kuykendall Hall.
 - b) Reserved boards are for use by a specific department or organization. These boards are located in departmental offices, Campus Center and Hemenway Hall.
- 2) Notices, posters, announcements and other printed and written material shall not be attached to any structure or natural feature on campus, including, but not limited to, the sides or doors of buildings, the surface of walkways or streets, posts, waste receptacles, benches and trees.
- 3) All notices, posters and announcements shall indicate the event, time, date, location, and the sponsoring organization.
- 4) Notices may be posted two (2) weeks prior to an event and shall be removed within twenty-four (24) hours after the event.
- 5) No poster shall exceed 14" x 22" in size. Oversized posters shall be removed unless prior written approval has been obtained. For registered organizations, including chartered organizations, requests must be made and approvals granted by the Director, Bureau of Student Activities. For all other University-affiliated organizations, approvals shall be obtained from the Vice President of Student Affairs or his/her designee.
- 6) Posters which are improperly identified or placed in unauthorized locations on campus shall be removed.

b. Banners and Displays

- 1) Banners, displays and large signs are permitted in Varney Circle and the Campus Center Complex to publicize major events.

a) Such banners may be erected not more than two (2) weeks prior to the event and shall be removed the day following the event. Approval to erect banners at the following location shall be obtained from:

(1) Varney Circle
Vice President of Student Affairs or his/her designee and Director of Facilities Management or his/her designee.

(2) Campus Center

In accordance with the current Banner Policy adopted by the CCB.

b) All banners and displays shall be adequately secured and shall not exceed 3'x 6' in size.

2) Requests for exceptions as to location and size are to be addressed to the Vice President for Finance and Operations.

14. Solicitation

a. No solicitation shall be conducted in any building, structure, facility, or on any grounds, sidewalks, or streets of the University of Hawai'i at Mānoa.

b. Student representatives of commercial enterprises and employees of the University of Hawai'i at Mānoa shall not post nor solicit business on campus.

c. The following activities shall not be deemed solicitations prohibited by this section:

1) Sale or offer for sale of any newspaper, magazine, or other publications by means of a vending machine in an area designated by the University of Hawai'i at Mānoa, or the sale or offer for sale of such materials by individuals which is conducted in compliance with the practices and procedures governing the time, place, and manner of such activities.

2) Sale or offer for sale of any food or drink items by means of a vending machine operated by the University of Hawai'i at Mānoa or its subcontractor in an area designated by the University of Hawai'i at Mānoa.

- 3) The operation by the University of Hawai'i at Mānoa or its subcontractor of any bookstore, specialty store, laundry, cafeteria, bank, barber shop, or other service facility maintained for the convenience of the students, faculty or staff.
 - 4) The collection of tuition, fees, and charges in connection with the operation of the University of Hawai'i at Mānoa.
 - 5) The collection of membership fees or dues by registered student, faculty or staff organizations.
 - 6) The collection of admission fees for the exhibition of movies, speakers, or other programs that are conducted or sponsored by the University of Hawai'i at Mānoa, or a registered student, faculty or staff organization.
 - 7) Fund-raising activities sponsored by registered student, faculty/staff organizations or other University-affiliated organizations for the benefit of the University of Hawai'i at Mānoa.
 - 8) Fund-raising activities sponsored or co-sponsored by the University of Hawai'i at Mānoa.
 - 9) The sale or offer for sale of any publication of the University of Hawai'i at Mānoa or of any book or other printed material to be used in the regular academic work of the University of Hawai'i at Mānoa.
 - 10) The sale of goods or services, admission charges, fees, or other solicitation of funds in conjunction with an authorized activity by an organization without University affiliation when it is established to the satisfaction of the University of Hawai'i at Mānoa that the proceeds therefrom are to be used exclusively to defray the expenses of conducting that activity.
- d. The President or his/her designee may accept other forms of solicitation if the President determines this to be in the best interest of the University of Hawai'i at Mānoa.
- e. Procedures Governing Solicitation Activities
- 1) Organizations desiring to solicit funds or stage events for fund-raising purposes must receive express prior written approval. For registered organizations, prior application

shall be made and approval granted by the Vice President for Student Affairs or his/her designee. For all other university-affiliated organizations, approval shall be obtained from the Vice President for Finance and Operations or his/her designee. Where fund raising involves the sale of food products on campus, additional written approval shall be obtained from the campus Environmental Health and Safety Officer and the Vice President for Finance and Operations or his/her designee except when food is to be supplied by the Mānoa foods contractor. The sale and handling of food products shall be in compliance with state and local health requirements.

- 2) In all cases of fund raising, a written application shall be filed indicating the purpose(s) of the funds to be raised and the anticipated income and expenses.
- 3) At the time of scheduling, the organization shall show evidence of having obtained a State Tax License or Exemption and a commercial bank account to be used exclusively for the financial transactions of the organization.
- 4) Within ten (10) days of the conclusion of the fund-raising activity, registered organizations must file a complete income and expense statement with the Vice President for Student Affairs or his/her designee. For all other University-affiliated organizations, the income and expense statement shall be filed with the Vice President for Finance and Operations or his/her designee.
- 5) When admission fees are collected, numbered tickets shall be used for accountability and financial records shall be held for one year.
- 6) Organizations authorized to sell products or services shall comply with all state and federal rules and regulations.
- 7) Fund-raising activities shall be conducted entirely by members of the organization and all profits must accrue to the organization.
- 8) Arrangements for fund-raising activities shall be made at least three (3) weeks in advance.

15. Application for Affiliation with the University

- a. Organizations without University affiliation which operate charitable, civic, community, cultural, or educational activities on a not-for-profit basis and whose activities are deemed to be appropriate and beneficial to the University of Hawai'i at Mānoa, may apply for affiliation as a University-recognized organization.
- b. Organizations may petition the President for affiliation and shall provide in writing the following information of record:
 - 1) Name of organization
 - 2) Statement of aims and functions
 - 3) Constitution and by-laws
 - 4) List of officers
 - 5) Information about all sources of financial support
- c. The period of grant of affiliation may be less than, but shall not exceed twelve (12) months. Active organizations shall renew their applications for affiliation by September 30th of each year.
- d. The affiliation of an organization shall not mean that the University of Hawai'i at Mānoa supports or adheres to the views held or position taken by the organization.
- e. Affiliation with the University of Hawai'i at Mānoa shall signify the willingness of the organization to comply with University and campus rules and policies.
- f. The organization shall not represent or imply in any manner that it speaks for or in the name of the University of Hawai'i at Mānoa or that the University of Hawai'i at Mānoa is responsible for its actions or obligations. Responsibility for any actions which violate federal, state, or local laws and ordinances shall be assumed by the organization.
- g. The organization shall not practice discrimination based on race, color, creed, sex, or national origin, except as exempted by HEW guidelines.

16. Sponsorship

- a. University-affiliated organizations may sponsor other organizations or individuals and thereby qualify for use of campus facilities at the University of Hawai'i at Mānoa.

- b. The sponsoring organization shall be responsible for all damages resulting from the use of the facility.
- c. The sponsored organization shall agree to comply with all University and campus rules and regulations.
- d. University-affiliated organizations may sponsor speakers for educational and lecture purposes.
 - 1) The sponsorship of a speaker shall not imply approval or endorsement of the views expressed by either the sponsoring organization or the University of Hawai'i at Mānoa.
 - 2) Scheduling procedures shall be followed prior to completing arrangements for the speaker.

17. Liability, Insurance, and Indemnification

- a. In accordance with Executive Policy E8.207 which establishes the University's risk management program, the University of Hawai'i at Mānoa is required to protect itself and the State of Hawai'i from claims and suits for personal injury, death, and property damage through use of University facilities by departments, organizations, and individuals.
- b. The following procedures and guidelines outlined in Administrative Procedures A8.370, "Risk Management" will apply to University-affiliated organizations and organizations without University affiliation using campus facilities for events and activities.
 - 1) In all advertised or negotiated formal contracts with inherent hazards and in similar negotiated services, performer, or consultant contracts with independent contractors, the Indemnity/Insurance clause shall be incorporated as a part of each such contract. (Attachment C).
 - 2) For University-sponsored activities involving large groups, e.g., spectators, etc., of 50 or more, liability insurance to protect the University of Hawai'i at Mānoa shall be obtained if the rates are not prohibitive and funds are available.
 - 3) For group events regardless of size, involving other institution(s) with participating staff and students, the



participants shall be required to execute an Assumption of Risk and Release. (Attachment D)

- 4) Registered organizations and organizations without University affiliation requesting and assigned the use of/or the right to sponsor events on University facilities shall be required to execute an agreement containing the following indemnification statement.



"Undersigned shall indemnify, defend and hold harmless the University of Hawai'i at Mānoa and the State of Hawai'i , its officers, agents, employees or any person acting on its behalf (1) from and against any claim or demand for loss, liability or damage, including but not limited to, claims for property damage, personal injury or death, by whomsoever brought, arising from any accident or incident arising out of or connected with the performance of this agreement and will reimburse the University of Hawai'i for all attorney's fees, costs and expenses in connection with the defense of such claims; (2) from and against all claims, suits, and damages by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms, covenants and conditions herein or the rules, regulations, ordinances and laws of the federal, state, municipal or county governments."

All non-affiliated organizations are required to provide evidence of adequate insurance protection.

- c. The President may waive the insurance requirement upon adequate showing of financial responsibility by the organization.

18. Security

- a. A minimum of two (2) security officers (one of which shall be a University of Hawai'i officer) is required at major events which are open to the public. The number of security officers required shall be determined by Campus Security.
- b. The cost for the services of the security officers shall be paid by the organization.

19. Extraordinary Charges

- a. Organizations shall be assessed the cost for special arrangements and/or extra staffing, e.g., electricians or custodians, which may be required to accommodate a program or event.
- b. The amounts and kinds of extraordinary expenses to be charged shall be determined by the scheduling officer.

20. Violation

- a. The violation of any University or campus rules and policies, any of the practices and procedures contained herein, or the terms of any executed use or rental agreement shall be grounds to terminate or deny the right of an organization or individual to use campus facilities at the University of Hawai'i at Mānoa.
- b. In the event a violation occurs, every effort shall be made to settle the question in consultation with the organization before any action is taken.

21. Severability

If any provision of these practices and procedures, or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the practices and procedures which can be given effect without the invalid provision or application, and to this end the provisions of these practices and procedures are severable.