



**RULE-MAKING ORDER**  
**(RCW 34.05.360)**

**CR-103 (7/22/01)**

**Agency:** Clark College

- Permanent Rule**
- Emergency Rule**
- Expedited Rule Making**

**(1) Date of adoption:** January 28, 2002

**(2) Purpose:** To establish regulations governing the use of college facilities. Adopt new rules, Chapter 132N-150 WAC, College Facilities.

**(3) Citation of existing rules affected by this order:**  
**Repealed:** WAC 132N-144-010 and -020  
**Amended:**  
**Suspended:**

**(4) Statutory authority for adoption:** 28B.50.140 RCW  
**Other authority:**

**PERMANENT RULE ONLY (Including Expedited Rule Making)**  
Adopted under notice filed as WSR 01-22-016 on 10-26-01 (date)  
Describe any changes other than editing from proposed to adopted version:  
None.

**EMERGENCY RULE ONLY**  
Under RCW 34.05.350 the agency for good cause finds:  
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.  
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.  
Reasons for this finding:

**(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**  
 Yes  No If Yes, explain:

**(6) Effective date of rule:**  
**Permanent Rules**  
 31 days after filing  
 Other (specify) \_\_\_\_\_  
**Emergency Rules**  
 Immediately  
 Later (specify) \_\_\_\_\_  
\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**CODE REVISER USE ONLY**  
  
10:37  
02-04-068

**NAME (TYPE OR PRINT)**  
Tana L. Hasart  
**SIGNATURE**  
*Tana L. Hasart*  
**TITLE**  
President  
**DATE**  
1-28-02

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New \_\_\_\_\_ Amended \_\_\_\_\_ Repealed \_\_\_\_\_

The number of sections adopted on the agency's own initiative:

New 28 Amended \_\_\_\_\_ Repealed 2

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New \_\_\_\_\_ Amended \_\_\_\_\_ Repealed \_\_\_\_\_

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132N-144-010

Board policy statement--Rental regulations (campus facilities).

WAC 132N-144-020

Administrative procedures--Rental regulations (campus facilities).

Chapter 132N-150 WAC

COLLEGE FACILITIES

NEW SECTION

**WAC 132N-150-010 General. Use of college facilities.** The college is committed to providing quality educational and cultural services to the college district. On this basis, college facilities are made available for use by organizations conducting educational, cultural, civic, or community activities. College-related activities of public educational, cultural, civic, or community service nature are given first priority consideration for the use of college facilities.

College facilities may be rented by for-profit, private, or not-for-profit entities, provided that the activity does not conflict with college functions and that charges reflecting the full cost of the facility usage are paid.

College facilities may not be used in ways that interfere with the college's teaching, research, public service, or support programs; conflict with published rules or regulations; or interfere with the flow of pedestrian or vehicular traffic.

NEW SECTION

**WAC 132N-150-020 Nondiscrimination.** The college reserves the right to deny an application by any group, organization, or individual that discriminates in membership or limits participation in a manner inconsistent with the college's nondiscrimination policy.

NEW SECTION

**WAC 132N-150-030 Administrative control.** The board of trustees delegates to the president authority to establish policies and procedures for proper review and approval of the use of college facilities, to establish regulations governing such use, and to establish and revise fee schedules for facilities use. Such policies and procedures may include, but are not limited to, building security, advertising or promotion, signage, use of bulletin boards and display racks, and the sale or distribution of retail and public information materials.

NEW SECTION

**WAC 132N-150-040 Reservations/fees.** Reservations/fees and financial arrangements are made through the facilities use office and are not final until approved by that office. Exemptions to the published rental fee schedule may be authorized by the president or designee, if deemed to be in the best interests of the college, its faculty, staff, or students.

NEW SECTION

**WAC 132N-150-050 Responsibility/hold harmless.** All groups using college facilities must identify one person or representative who is legally responsible for theft, damage, or claims to college equipment and/or facilities. This representative must report any damage or claims to the facilities use office.

Permission to use college facilities is with the express understanding and condition that the individual or organization assumes full responsibility for any loss, damage, or claims resulting from such use and agrees to hold harmless and indemnify the college against any loss or damage claim arising out of such use.

NEW SECTION

**WAC 132N-150-060 Proof of insurance.** When an event in or on college facilities or grounds involves physical activity, or otherwise increases the risk of bodily injury above the level

inherent in the facility to be used, the college may require users to furnish proof of liability insurance naming the college as an additional insured, with limits of not less than one million dollars per occurrence, prior to approval for the requested use.

#### NEW SECTION

**WAC 132N-150-070 Occupancy.** At no time may the occupancy of a college facility exceed the maximum occupancy as defined by the fire marshal; the fire, life, and safety code; or as posted by the college.

Building occupants are required to comply with all fire, health, and safety rules and regulations. When a building is occupied, required exits and aisles may not be blocked or rendered inoperable.

#### NEW SECTION

**WAC 132N-150-080 Student occupancy and use.** Students have the right of access to college facilities, subject to ordinary schedules, regulations, and administrative procedures governing each facility. When using college facilities, students have the responsibility to respect regulations and to comply with the spirit and intent of facilitating the educational purposes of the college. Students are subject to WAC 132N-120-065, Denial of access to Clark College.

#### NEW SECTION

**WAC 132N-150-090 Commercial use/solicitation.** The use of college grounds or facilities for commercial or private gain is prohibited except where commercial activity, such as the sale of books, instructional supplies, or food, directly supports an instructional program or purpose or where limited sale is specifically authorized by written permission of the president or designee for the benefit of an approved college activity.

The distribution of materials on college property is subject to reasonable limitations as to time, place, and manner that are consistent with applicable federal and state law. Material that contains or constitutes unprotected speech or expression is not

permitted on college property.

Solicitation in or on college-owned or college-operated facilities is expressly prohibited (unless at the specific request of the person or group being solicited) except by written permission of the president or designee, or when conducted pursuant to a contract, lease, or other formal arrangement with the college.

NEW SECTION

**WAC 132N-150-100 Bulletin boards.** The college intends bulletin boards to be an effective means of communicating to students and employees important information from the college, college organizations, or public agencies serving students. Bulletin boards are not ordinarily to be used for commercial advertising.

NEW SECTION

**WAC 132N-150-110 Campus building exteriors/promotional materials and banners.** Hanging signs, banners, or flyers on campus building exteriors and grounds, or otherwise marking campus surfaces for advertising or promotion, is prohibited. The facilities use office may authorize the use of outside banners at specified locations.

NEW SECTION

**WAC 132N-150-120 Responsibility for personal property.** The college is not responsible for loss or damage to personal property brought onto the campus.

NEW SECTION

**WAC 132N-150-130 Alcohol consumption.** Consumption of alcoholic beverages in or on college-owned or college-operated facilities is expressly prohibited unless approved by the president

or designee.

All groups qualifying for use of alcoholic beverages must adhere to the rules and regulations set forth by the Washington state liquor control board and the Clark College board of trustees.

#### NEW SECTION

**WAC 132N-150-140 Food and beverages.** Consumption of food and beverages may be prohibited in or on certain college facilities or grounds at the option of the administration.

#### NEW SECTION

**WAC 132N-150-150 Children on campus.** Other than usage associated with the college's services for children and families and other specific college-sponsored programs for children, the general policy of the college is that its facilities are not available for unrestricted usage by children under sixteen years of age. In no cases are children permitted in college-owned or college-operated facilities (including the library, food services areas, lounges, and study areas) without supervision by an adult.

Children are not to be left unattended on campus grounds or in vehicles.

Children are permitted in classrooms only with the specific approval of the faculty member responsible for the class, on an emergency basis and for a specified, limited period of time.

#### NEW SECTION

**WAC 132N-150-160 Animals on campus.** All animals (other than laboratory animals) on campus must be under the immediate physical control of the owner at all times, e.g., on leash or carried. Animals cannot be tied to buildings or fixtures, left unattended, or permitted to run at large on campus. Animals must remain outside campus buildings, with the exception of guide or service dogs and laboratory animals. Large animals are not allowed on campus grounds unless specifically approved by the president. A formal complaint may be filed with Clark County animal control authorities against violators of these rules.



NEW SECTION

**WAC 132N-150-170 Climbing on college buildings.** College buildings, structures, and grounds may not be used for climbing, rappelling, jumping, or other such activities.

NEW SECTION

**WAC 132N-150-180 Electronic devices.** Radio transmitters, bull horns, amplifiers, and other electronic devices that disrupt college programs or operations are prohibited on college property.

NEW SECTION

**WAC 132N-150-190 Fireworks.** The use or discharge of fireworks as defined in RCW 70.77.126, Definitions--"Fireworks," is prohibited on or in facilities and grounds owned or operated by the college except in limited areas designated by the president or designee.

NEW SECTION

**WAC 132N-150-200 Overnight use.** No person shall remain overnight on or in college property or facilities without the express written permission of the president or designee. This policy does not apply to employees specifically directed by their supervisors to work a graveyard shift. Individuals remaining on or in college property or facilities overnight must contact the security/safety office.

NEW SECTION

**WAC 132N-150-210 Temporary structures.** The erection of tents, awnings, canopies, or similar structures must be cleared with the security/safety office.

NEW SECTION

**WAC 132N-150-220 Recreational devices.** The use of skateboards, snowmobiles, roller skates, snow sleds, snow boards, scooters, roller blades, and other recreational devices that present a safety hazard or have the potential to damage college property is prohibited.

NEW SECTION

**WAC 132N-150-230 Smoking.** The inhaling, exhaling, burning, or carrying of any lighted smoking equipment, including cigarettes, cigars, or pipes, is prohibited in the interior of all buildings and vehicles owned or operated by the college. The use of other tobacco products, such as smokeless or chewing tobacco, in college facilities is also prohibited. In addition, smoking is prohibited at any outside areas or locations that may directly or indirectly affect the air supply of buildings or carry smoke into buildings.

NEW SECTION

**WAC 132N-150-240 Weapons on campus.** Weapons, unless otherwise permitted by law, are not permitted on the college campus, at any other facilities leased or operated by the college, or at any activity under the administration or sponsorship of the college.

Exceptions to this policy are permitted when the weapon is used in conjunction with an approved college instructional program or is carried by a duly commissioned law enforcement officer or campus security officer.

NEW SECTION

**WAC 132N-150-250 Denial/revocation.** The college reserves the right to deny any application or to revoke any rental agreement at any time if actions resulting from the application or permission constitute unlawful activity or, in the judgment of the administration, present imminent danger or unlawful activity; or if a prospective user has previously violated the provisions of rules and regulations of the college; or if activities, in the judgment

of the president or designee, conflict with, directly compete with, or are incompatible with the programs or mission of the college.

NEW SECTION

**WAC 132N-150-260 Denial/trespass.** When faced with a situation that he/she judges to be disruptive to the order of the college, to impede the movement of persons or vehicles, or to interfere with the ingress and/or egress of persons from college facilities, the president or designee has the authority to: Advise individuals or groups of the specific nature of any violation; request such individuals to leave college premises; or prohibit the entry or withdraw the license, privilege, or permit of any individual or group to enter or remain in or on any portion of a college facility. Individuals who persist in disruptive or unlawful conduct or remain upon college premises will be subject to arrest under chapter 9A.52 RCW, Burglary and trespass.

NEW SECTION

**WAC 132N-150-270 Violation and/or termination of facilities use agreement.** The college, at its discretion, has the right to cancel and terminate a contract or revoke any permit for facilities use immediately and without notice upon its discovery of a violation of any term, condition, or provision listed within college procedures. Individuals in violation will be advised of the specific nature of the violation. If they persist in the violation, they will be requested to leave college property. Failure to comply with the request to leave may subject such individuals to arrest under provisions of the criminal trespass statute or other applicable laws and civil sanctions.

NEW SECTION

**WAC 132N-150-280 Appellant process.** A facilities use decision may be appealed to the vice-president of administrative services. This section applies only if a specific appeal procedure has not otherwise been provided, e.g., chapter 132N-156 WAC, Parking and traffic rules and regulations, or chapter 132N-120 WAC, Code of student conduct.

Upon receipt of an appeal, the vice-president will conduct a brief adjudicative proceeding.