



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

<b>Agency:</b> Community College District VIII	<input checked="" type="checkbox"/> Permanent Rule
<b>(1) Date of adoption:</b> June 18, 2002	<input type="checkbox"/> Emergency Rule
	<input type="checkbox"/> Expedited Rule Making

**(2) Purpose:** This rule amends the several sections of WAC 132H-140 concerning facilities usage and related services at Bellevue Community College.

**(3) Citation of existing rules affected by this order:**  
 Repealed:  
 Amended: WAC 132H-140  
 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 02-09-071 on 4/16/2002 (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:

<b>(6) Effective date of rule:</b> <b>Permanent Rules</b> <input checked="" type="checkbox"/> 31 days after filing <input type="checkbox"/> Other (specify) _____*	<b>Emergency Rules</b> <input type="checkbox"/> Immediately <input type="checkbox"/> Later (specify) _____
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\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

<b>Name (Type or Print)</b> Elise J. Erickson	
<b>Signature</b> <i>Elise J. Erickson</i>	
<b>Title</b> Rules Coordinator	<b>Date</b> 6/19/02

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

JUN 20 2002

TIME 8:32 PM

WSR 02-14-007

**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:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

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

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

New	<u>3</u>	Amended	<u>6</u>	Repealed	<u>5</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>3</u>	Amended	<u>6</u>	Repealed	<u>5</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>3</u>	Amended	<u>6</u>	Repealed	<u>5</u>

Chapter 132H-140 WAC Fees – Facility Rental – Additional Services for Community College District VIII

AMENDATORY SECTION (Amending Order 82-11-039, filed 5/12/82)

**WAC 132H-140-020 Statement of purpose.** Bellevue Community College District VIII is an educational institution provided and maintained by the people of the state of Washington. The college reserves its facilities, buildings and grounds for those activities that are related to its broad educational mission. At other times, the college facilities ~~((with))~~ may be made available to other individuals and organizations.

The purpose of these regulations is to establish ~~((a basic facility fee structure and additional services regulations))~~ procedures and reasonable controls for the use of college facilities for non-college groups and for college groups where applicable.

In keeping with this general purpose, and consistent with RCW 28B.50.140(7) and 28B.50.140(9), facilities should be available for a variety of uses which are of benefit to the general public if such general uses substantially relate to and do not interfere with the mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes.

Primary consideration shall be given at all times to activities specifically related to the college's mission, and no arrangements shall be made that may interfere with, or operate to the detriment of, the college's own teaching, or public service programs.

Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to insure the proper maintenance of the facilities. Subject to the same limitations, college facilities shall be made available for assignment to individuals or groups within the college community. Such arrangements by both organizations and individuals must be made through campus operations.

AMENDATORY SECTION (Amending Order 79-10-51, filed 9/17/79)

**WAC 132H-140-030 Request for use of facilities.** Requests by non-college groups for utilization of college facilities shall be made to the director of campus operations ~~((and services))~~ or a designee, who shall be the agent of the college in consummating rental and use agreements. ~~((Application for use of college facilities Form BCC 040-026 is to be completed by noncollege groups requesting facilities or college groups which use facilities under circumstances where a service charge would be levied.))~~

AMENDATORY SECTION (Amending Order 82-11-039, filed 5/12/82)

**WAC 132H-140-040 Facility usage board policy.** The board of trustees of Bellevue Community College District VIII provides college personnel, students, ~~((faculty, staff,))~~ college ~~((formal and informal))~~ organizations and the general public ~~((other outside individuals and organizations for the purpose other than in connection with BCC's regular educational, public service or support programs))~~ the opportunity to use the college grounds and buildings subject to WAC 132H-140-010 through 132H-140-110 and in compliance with local, state and federal laws if

- (1) ~~((F))~~the individual or organization requesting the space is ~~((eligible))~~ approved to use it and
- (2) ~~((F))~~the space is available and has been reserved for the activity.

AMENDATORY SECTION (Amending Order 82-11-039, filed 5/12/82)

**WAC 132H-140-050 Scheduling and reservation practices.** The primary purpose of college facilities is to serve the instructional program of the college. However, the facilities, when not required for scheduled college use, may be available for rental by the public in accordance with current fee schedules and other relevant terms and conditions for such use.

No college facilities may be used by individuals or groups from outside the college unless the facilities including buildings, equipment and facilities land have been reserved. ~~((Facilities will be scheduled according to the following priorities:))~~

In determining whether to accept a request for the use of college facilities, the administration shall use the college mission statement and the following items, listed in priority order, as guidelines:

- (1) Bellevue Community College scheduled programs and activities.
- (2) Major college events.
- (3) Foundation related events.
- (4) Non-college (outside individual or organization) events.

Arrangements for use of college facilities must be made through the campus operations office.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132H-140-060 Limitations

NEW SECTION

**WAC 132H-140-065 Limitations and denial of use.** Bellevue Community College is a state agency and exists to serve the public. However, the college may deny use of its facilities to any individual, group or organization if the requested use would

(1) interfere or conflict with the college's instructional, student services or support programs;

(2) interfere with the free flow of pedestrian or vehicular traffic on campus;

(3) involve illegal activity;

(4) create a hazard or result in damage to college facilities; or

(5) create undue stress on college resources (e.g., a request for a major event may be denied if another major event is already scheduled for the same time period, because of demands for parking, security coverage, etc.).

Where college space is used for an authorized function (such as a class or a public or private meeting under approved sponsorship, administrative functions or service related activities), groups must obey or comply with directions of the designated administrative officer or individual in charge of the meeting.

Any individual or group granted permission to use college facilities shall agree in advance to abide by all college rules and regulations. The college reserves the right to deny use of college facilities to any individual or group whose past conduct indicates a likelihood that college rules and regulations will not be obeyed. The college may also deny use to a requesting individual or organization which has used the facilities in the past and has damaged college property, left college buildings and grounds in excessive disorder, or failed to cooperate with college staff concerning use of the facilities.

No person or group may use or enter onto college grounds or facilities having in their possession firearms or other dangerous weapons, even if licensed to do so, except commissioned police officers as prescribed by law.

College facilities may be used for purposes of political campaigning by or for candidates who have filed for public office, directed to members of the public, only when the full rental cost of the facility is paid. Use of state funds to pay for facility rental costs for political campaigns is prohibited. No person may solicit contributions on college property for political uses, except where this limitation conflicts with federal law regarding interference with the mails.

Orderly picketing and other forms of peaceful dissent are protected activities on and about the college premises when such premises are open to public use. However, interference with free passage through areas where members of the college community have a right to be, interference with ingress and egress to college facilities, interruption of classes, injury to persons, or damage to property exceeds permissible limits. While peaceful dissent is acceptable, violence or disruptive behavior is not a legitimate means of dissent. If any person, group, or organization attempts to resolve differences by means of violence, the college retains the right to take steps to protect the safety of individuals, the continuity of the educational process, and the property of the state.

If at any time actual use of college facilities by an individual or group constitutes an unreasonable disruption of the normal operation of the college, such use shall immediately terminate, all persons engaged in such use shall immediately vacate the premises, and leave the college property upon command of the appropriate college official.

Advertising or promotional materials for any event being held in a college facility must follow the same procedure as applies to students outlined in WAC 132H-120-050.

Use of audio amplifying equipment is permitted only in locations and at times that will not interfere with the normal conduct of college affairs.

BCC facilities may not be used for private or commercial purposes unless such activities clearly serve the educational mission of the college, are either sponsored by an appropriate college unit or conducted by contractual agreement with the college. Commercial uses may also be made as noted in WAC 132H-133-050.

Alcoholic beverages will not be served without the approval of the president or his/her designee. It shall be the responsibility of the event sponsor to obtain all necessary licenses from the Washington State Liquor Control Board and adhere to their regulations, and those of Bellevue Community College.

AMENDATORY SECTION (Amending Order 82-11-039, filed 5/12/82)

**WAC 132H-140-070 Other requirements.** (1)~~((When deemed advisable by the dean of administrative services,))~~When using college facilities, an individual or organization may be

required to make an advance deposit, post a bond and/or obtain insurance to protect the college against cost or other liability.

(2) When the college grants permission to an individual or organization to use its facilities it is with the expressed understanding and condition that the individual or organization assumes full responsibility for any loss or damage resulting from such use and agrees to hold harmless and ((indemnity)) indemnify the college against any loss or damage claim arising out of such use.

## REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 132H-140-080 Basic facility fee structure
- WAC 132H-140-090 Services and equipment fees.
- WAC 132H-140-100 Delegation of authority

## NEW SECTION

**WAC 132H-140-085 Facility Rental/Use Fees.** Fees will be charged in accordance with a schedule available at the campus operations office. The college reserves the right to make pricing changes without prior written notice, except that such price changes shall not apply to facility use agreements already approved by the administration.

## AMENDATORY SECTION (Amending Order 82-11-039, filed 5/12/82)

**WAC 132H-140-110 ((Pet)) Animals policy.** ((Pets (dogs, cats, birds, etc.) are prohibited from entering buildings operated by Bellevue Community College.))

Pets on the grounds of Bellevue Community College shall be in the physical control of their owner in accordance with the city of Bellevue "leash law" ordinance, chapter 8.04.

((Exceptions to these regulations are animals used for the following purposes:

- (1) Assisting the visual or hearing impaired persons
- (2) As part of an authorized BCC program purpose requiring their use.
- (3) As part of a law enforcement agency in the performance of its duties.
- (4) Participation in authorized special events.

Animals found to be in violation of these regulations shall be impounded and turned over to the King County animal control or a citation issued and a fine imposed on the owner.

Exceptions to these regulations other than those listed above shall be directed to the dean of administrative services.)) Animals, except for service animals, are prohibited from entering buildings operated by Bellevue Community College.

## NEW SECTION

**WAC 132H-140-120 Trespass.** (1) Individuals who are not students or members of the faculty or staff and who violate these rules will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the president, or his or her designee, to leave the college property. Such a request prohibits the entry of and withdraws the license or privilege to enter onto or remain upon any portion of the college facilities by the person or group

of persons requested to leave. Such persons shall be subject to arrest under the provisions of chapter 9A.52 RCW. Individuals requested to leave college property may appeal that decision by submitting to the college president by certified mail, return receipt requested, a letter stating the reasons the person should not be barred from college facilities. The college president or designee shall respond in writing within 15 calendar days with a final decision of the college. Persons shall continue to be barred from college property while an appeal is pending.

(2) Students, faculty, and staff of the college who do not comply with these regulations will be reported to the appropriate college office or agency for action in accordance with this chapter or with other applicable rules, regulations, or policies.

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132H-140-900 Application for use of college facilities.