



RULE-MAKING ORDER

CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Cascadia Community College

- Permanent Rule
 Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: Chapter 132Z 141-010-060

Cascadia Community College (CCC) and the University of Washington Bothell (UWB) share Washington State's only co-located higher education campus. The co-location agreement provides that the institutions have dedicated and joint building spaces. Cascadia Community College will govern operations of its dedicated campus facilities use under Chapter 132Z 140-010-110 Use of College Facilities. Chapter 132Z 141-010-060 will allow the institution to govern the use of shared spaces with UWB.

Citation of existing rules affected by this order:

Repealed:
Amended:
Suspended:

Statutory authority for adoption: **RCW 28B.50.140**

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 06-10-005 on 4/20/06 (date).

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- 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.
 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:

Date adopted: **June 21, 2006**

NAME (TYPE OR PRINT)

Dede Gonzales

SIGNATURE

TITLE

Executive Assistant to the President/Rules Coordinator

CODE REVISER USE ONLY

JUN 23 2006
 8:55
 06-14-013

**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	<u>6</u>	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	6	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	6	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	6	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Chapter 132Z-141 WAC

USE OF JOINT CASCADIA COMMUNITY COLLEGE AND UNIVERSITY OF
WASHINGTON, BOTHELL, FACILITIES

NEW SECTION

WAC 132Z-141-010 Purpose. The colocated campus of Cascadia Community College and the University of Washington, Bothell, operates joint facilities that provide benefits to each educational institution. The purpose of this chapter is to define the facilities jointly operated by the institutions and to ensure that these joint facilities are reserved primarily for activities related to the educational missions of the institutions. Further, the joint facilities may be used for a variety of activities, providing the primary function the facility or space was intended to serve is not compromised. Reasonable time, place, and manner restrictions may be placed on the use of joint facilities.

The rules set forth in this chapter have been jointly developed and agreed upon by the two institutions of higher education, and adopted and codified in separate chapters of the Washington Administrative Code by each of the institutions. Rules for the use of dedicated facilities of Cascadia Community College and the University of Washington, Bothell, are governed by chapter 132Z-140 WAC and chapter 478-136 WAC, respectively.

NEW SECTION

WAC 132Z-141-020 Definitions. (1) "College" shall mean Cascadia Community College.

(2) "Institutions" shall mean University of Washington, Bothell, and Cascadia Community College.

(3) "Joint facilities" shall mean those structures, spaces, campus grounds, and parking lots operated jointly by the institutions. Specific rules also apply to parking lots (chapters 132Z-116 and 478-117 WAC).

(4) "University" shall mean University of Washington, Bothell.

(5) "Use of facilities" includes, but is not limited to: The holding of classes, events, the posting and removal of signs, all

forms of advertising, commercial and community activities, and charitable solicitation.

(6) "Wetlands" shall mean campus grounds to the east of Campus Way N.E. and east of 110th N.E. between N.E. 185th and Beardslee Blvd., and the Chase House.

NEW SECTION

WAC 132Z-141-030 Administrative authority. (1) The board of trustees for Cascadia Community College and the board of regents of the University of Washington have delegated to the president of the college and the chancellor of the university, respectively, the authority to regulate the use of facilities on the colocated campus.

(2) Under this authority, the president of the college and the chancellor of the university designate the coordination for use of joint facilities to an appointed joint committee on facility use and designate the use of the wetlands to the wetlands oversight committee. The president of the college and the chancellor of the university shall each appoint representatives to the joint committee on facility use to develop suggested event procedures. Each designee shall review the use of the facilities; establish administrative procedures governing such use that are consistent with these rules; approve or disapprove requested uses and establish policies regarding fees and rental schedules unique to joint facilities as appropriate. Additionally, the joint committee on facility use shall act as an appeals board for decisions of the wetlands oversight committee regarding wetlands use requests. Inquiries concerning the use of joint facilities may be directed to:

Cascadia Community College
Finance and Operations Office
Director of Auxiliary Services and Capital Projects
18345 Campus Way N.E.
Bothell, WA 98011
(Phone: 425-352-8269 or 425-352-8000), and
University of Washington, Bothell
Office of Administrative Services
Facilities Use Coordinator
Box 358535
18115 Campus Way N.E.
Bothell, WA 98011
(Phone: 425-352-3556 or e-mail: facuse@uwb.edu).

(3) Preliminary approval of an event by an academic or administrative unit of the college or university implies that a responsible official has applied his or her professional judgment to the content of the program, the qualifications of the individuals conducting the event, the manner of presentation, and

has concluded that the event is consistent with the teaching, research, and/or public service mission of the institutions.

(4) Final approval of a joint facilities use request by the appropriate designee on the use of joint facilities implies that the designee has reviewed the proposed event with regard to: The rules in this chapter; the direct and indirect costs to the institutions; environmental, health and safety concerns; wear and tear on the facilities; appropriateness of the event to the specific facility; and the impact of the event on the institutions, surrounding neighborhoods and the general public.

(5) The institutions will not make their joint facilities or services available to organizations that do not assure the institutions that they will comply with the terms of the Americans with Disabilities Act (ADA, 42 U.S.C. 12132, 12182) and the Rehabilitation Act of 1973 (RA, 29 U.S.C. 794). Uses must not impose restrictions nor alter facilities in a manner which would violate the ADA or RA.

(6) The institutions will not make their joint facilities or services available to organizations which do not assure the institution that they do not discriminate against any person because of race, color, religion, national origin, sex, sexual orientation, age, handicap, or status as a Vietnam era or disabled veteran, except where such organizations have been exempted from provisions of applicable state or federal laws or regulations.

(7) Individuals who violate the institutions' use of joint facilities regulations and approved users who violate the institutions' contract terms for use of joint facilities may be advised of the specific nature of the violation and individuals may be requested to leave the property or be refused future use of joint facilities. Failure to comply with a request to leave the property may subject such individuals to arrest and criminal prosecution under provisions of applicable state, county, and city laws.

NEW SECTION

WAC 132Z-141-040 Use of joint facilities. When allocating use of joint facilities, the highest priority shall be given to activities specifically related to the institutions' missions. No arrangements will be made that may interfere with or operate to the detriment of the institutions' own instruction, research, public assembly, and student activities. In particular, joint facilities are used primarily for:

(1) The regularly established instruction, research, public assembly, and student activities of the institutions and their departments.

(2) Cultural, educational, or recreational activities of the students, faculty, or staff of the college or university.

(3) Short courses, conferences, seminars, or similar events, when arranged under the sponsorship of the institutions or their departments.

(4) Public events of a cultural or professional nature brought to the campus at the request of institution departments or committees or institutionally sanctioned student organizations and presented with their active sponsorship and active participation.

(5) Activities or programs sponsored by other educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the institutions. However, joint facilities will not be made available for instructional or related purposes that compete with courses or programs offered by the institutions.

(6) Faculty, staff, registered or official student organizations of the institutions may use joint facilities to hold events for college or university faculty, staff and students provided such uses comply with these rules on use of joint facilities. These events do not, however, require either preliminary approval by an academic or administrative unit or final approval by the joint committee on facility use.

(7) Faculty, staff, registered or official student organizations of the institutions may use joint facilities to hold events to which the general public is invited when the event has preliminary approval by an academic or administrative unit of one of the institutions and final approval of the appropriate designee. The appearance of an invited speaker on campus does not represent an endorsement by the institutions of the speaker's views.

(8) Noninstitution organizations and individuals may use joint facilities to hold events which have received preliminary approval by an academic or administrative unit of one of the institutions and final approval of the appropriate designee. The general public may be invited to such events.

(9) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and proper maintenance of the facilities. Subject to the same limitations, joint facilities shall be made available for assignment to individuals or groups within the institutions. Arrangements by both organizations and individuals must be made through the appropriate facility designee. Allocation of space shall be made in accordance with these rules and on the basis of time, space, priority of request and the demonstrated needs of the applicant.

NEW SECTION

WAC 132Z-141-050 Limitations on use. (1) Freedom of expression is a highly valued and indispensable quality of college

and university life. However, joint facilities may not be used in ways that obstruct or disrupt the institutions' operations, the freedom of movement, or any other lawful activities. Additionally, use of joint facilities may be subject to reasonable time, place and manner restrictions.

(2) Joint facilities may be used for events and forums regarding ballot propositions and/or candidates who have filed for public office providing the event has received preliminary approval by an administrative or academic unit of one of the institutions and final approval by the appropriate facility designee. There are, however, certain limitations on the use of joint facilities for these political activities.

(a) First priority for the use of joint facilities shall be given to regularly scheduled college and university activities.

(b) Joint facilities may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office only when the full rental cost of the facility is paid. Use of state funds for payment of facility rental costs is prohibited.

(c) Forums or debates may be scheduled at full facility rental rates if all parties to a ballot proposition election or all candidates who have filed for office for a given position, regardless of party affiliation, are given equal access to the use of facilities within a reasonable time.

(d) No person shall solicit contributions on joint property for political uses, except in instances where this limitation conflicts with applicable federal law regarding interference with the mails.

(e) Public areas outside joint facility buildings may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office, excluding solicitation of funds, provided the other normal business of the institutions is not disrupted and entrances to and exits from buildings are not blocked.

(f) Joint facilities or services may not be used to establish or maintain offices or headquarters for political candidates or partisan political causes.

(3) Joint facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities are consistent with the institution's mission, as determined by the appropriate designee.

(4) Nothing in these rules is intended to alter or affect the regular advertising, promotional, or underwriting activities carried on, by, or in the regular media or publications of the institutions. Policies concerning advertising, promotional or underwriting activities included in these media or publications are under the jurisdiction of and must be approved by their respective management or, where applicable, advisory committees, in accordance with applicable state and federal laws.

(5) In accordance with WAC 132Z-141-010 the institutions will make their joint facilities available only for purposes related to their educational missions, including but not limited to instruction, research, public assembly, community programs, and

student activities. When permission is granted to use joint facilities for approved instructional or related purposes, as a condition of approval, the user of joint facilities agrees to include in all materials nonendorsement statements in the form approved by the appropriate designee. "Materials" includes all communications, advertisement, and any other printed, electronic, or broadcast/teletcast information related to the user's activities offered in joint facilities. The designee will determine the content, size of print and placement of the nonendorsement language. The institutions will not make their joint facilities available for instructional or related purposes that compete with courses or programs offered by the college or university.

(6) Solicitation, or distribution of handbills, pamphlets and similar materials by anyone, whether a member of the college and university community or of the general public, is not permitted in those areas of campus to which access by the public is restricted or where such solicitation or distribution would significantly impinge upon the primary business being conducted.

(7) Electronic amplification on the grounds of the campus shall not be permitted unless approved by the joint committee on facility use.

(8) No person may use joint facilities to camp. "Camp" means to remain overnight, to erect a tent or other shelter, or to use sleeping equipment, a vehicle, or a trailer camper, for the purpose of or in such ways as will permit remaining overnight. Violators are subject to arrest and criminal prosecution under applicable state, county and city laws. This provision does not prohibit use of joint facilities where a college or university employee remains overnight to fulfill the responsibilities of his or her position.

(9) The institutions are committed to maintaining a safe and healthful work and educational environment for all faculty, staff, students, and visitors. In accordance with the Washington Clean Indoor Air Act (chapter 70.160 RCW), the Cascadia Community College facility use (chapter 132Z-140 WAC) and Use of University of Washington facilities (chapter 478-136 WAC), the following smoking policy is intended to protect nonsmokers from exposure to smoke in their campus-associated environments and to protect life and property against fire hazards:

(a) Smoking is prohibited inside all college or university vehicles, inside buildings and parking structures owned or occupied by the college or university and/or used by college or university faculty, staff or students and at any outside areas or locations that may directly or indirectly affect the air supply of buildings or carry smoke into buildings.

(b) The institutions may designate specific outdoor locations as smoking areas. Signage will be placed to indicate the designated locations.

(c) Any student, staff, or faculty member who violates the smoking policy may be subject to disciplinary action. In addition, violations of the smoking policy may be subject to appropriate enforcement.

(10) Alcoholic beverages may be possessed, sold, served, and consumed at joint facilities only if the procedures set forth in

this section are followed.

(a) The appropriate permits/licenses for possession, sale, service, and consumption of alcohol must be obtained from the Washington state liquor control board.

(b) Permits/licenses must be displayed during the event and all other guidelines and restrictions established by the Washington state liquor control board must be followed.

(c) Alcoholic beverages may be possessed, sold, served, and consumed at joint facilities leased to a commercial tenant under a lease that includes authorization for the tenant to apply and hold a license issued by the Washington state liquor control board.

(d) Except as provided in (c) of this subsection, alcoholic beverages may be possessed, sold, served, and consumed at joint facilities only under permits/licenses issued by the Washington state liquor control board and only as follows:

(i) Events at which alcohol is to be sold must be approved by the joint committee on facility use and an application to the committee must be accompanied by a request for written authorization under (e) or (f) of this subsection or proof that the seller holds an appropriate license; and

(ii) A college or university unit or an individual or organization applying for a permit/license must have obtained approval under (e) or (f) of this subsection; and

(iii) Sale, service, and consumption of alcohol is to be confined to specified room(s) or area(s) specified on the license or permit. Unopened containers may not be sold or served. No alcohol is permitted to be taken off-premises.

(e) Written authorization to apply for a special occasion license to sell alcoholic beverages at joint facilities must be obtained from the joint committee on facility use prior to applying for a special occasion license from the Washington state liquor control board. Authorization should be requested through the facilities use coordinator for the joint committee on facility use sufficiently in advance of the program to allow timely consideration. (Note: Some license applications must be filed with the Washington state liquor control board at least thirty days or more before the event.) Written authorization to apply for such license shall accompany the license application filed with the Washington state liquor control board.

(f) Written authorization to apply for a banquet permit to serve and consume alcoholic beverages at joint facilities must be obtained from the college president or university chancellor prior to applying for the permit from the Washington state liquor control board. Authorization should be requested sufficiently in advance of the program to allow timely consideration. Written authorization to apply for such permit shall accompany the permit application filed with the Washington state liquor control board.

(g) Consumption, possession, dispensation, or sale of alcohol is prohibited except for persons of legal age.

NEW SECTION

WAC 132Z-141-060 Safety and liability. (1) It is the responsibility of any person or organization requesting the use of joint facilities to comply with all applicable policies, procedures, rules and regulations of the institutions, and applicable local, state and federal laws, including but not limited to fire, health and safety regulations.

(2) Permission to an organization not affiliated with one of the institutions or to a registered or official student organization of the college or university for the use of joint facilities is granted with the express understanding and condition that such organization assumes full responsibility for any loss, damage or claims arising out of such use.

When the event involves physical activity, or otherwise will increase the risk of bodily injury above the level inherent in the facilities to be used, proof of appropriate liability insurance coverage with limits of at least one million dollars per occurrence must be provided to the state office of risk management before approval for the requested use will be granted.