

Chapter 132I-140 WAC

USE OF FACILITIES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132I-140-130	Application procedures. [Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-140-130, filed 7/21/92, effective 8/21/92.] Repealed by WSR 12-16-111, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 28B.50.140.
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WAC 132I-140-010 Purpose. The trustees of Highline College believe that educational and community service opportunities are extended to the community when the college's buildings, grounds, and facilities are made available for use by the students, faculty, administration, staff, and the community. This use shall not interfere with regular college activities and shall be in accordance with the public interest and welfare, all applicable state and federal laws, and shall be in the best interest(s) of the college as interpreted by the administration of Highline College and/or the board of trustees.

College facilities are reserved primarily for educational use including, but not limited to, instruction, research, public assembly of college groups, student activities and other activities directly related to the educational mission of the college. The public character of the college does not grant to individuals an unlimited license to engage in activity that limits, interferes with, or otherwise disrupts the normal activities for and to which the college's facilities and grounds are dedicated. Accordingly, the college is a designated public forum opened for the limited purposes recited herein and further subject to the time, place, and manner limitations and restrictions set forth in this policy.

The purpose of the time, place, and manner regulations set forth in this policy is to establish procedures and reasonable controls for the use of college facilities for both college and noncollege groups. It is intended to balance the college's responsibility to fulfill its mission as a state educational institution of Washington with the interests of college groups and noncollege groups who are interested in using the campus for the purposes of constitutionally protected speech, assembly

or expression. The college recognizes that college groups should be accorded the opportunity to utilize the facilities and grounds of the college to the fullest extent possible. The college intends to open its facilities to noncollege groups to a lesser extent as set forth herein.

Intended or actual use in conflict with these policies or construed to be in any way detrimental to the college's best interests and/or original intent for that facility are strictly prohibited.

Nothing in this chapter is intended to alter the students' right of assembly as set forth in WAC 132I-120-315.

[Statutory Authority: Chapter 34.05 RCW et seq. and RCW 28B.50.140 [28B.50.140] (10) and (13). WSR 14-21-063, § 132I-140-010, filed 10/9/14, effective 11/9/14. Statutory Authority: RCW 28B.50.140. WSR 12-16-111, § 132I-140-010, filed 8/1/12, effective 9/1/12. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-140-010, filed 7/21/92, effective 8/21/92.]

WAC 132I-140-011 Definitions. (1) "College" means Highline College, Community College District 9.

(2) "College groups" means individuals who are currently enrolled students or current employees of the college who are affiliated with a recognized student organization or a recognized employee group of the college.

(3) "College facilities" includes all buildings, structures, grounds, office space and parking lots.

(4) "Limited public forum areas" means those areas of each campus that the college has chosen to open as places for expressive activities protected by the First Amendment to the United States Constitution, subject to reasonable time, place or manner restrictions.

(5) "First Amendment activities" includes, but is not necessarily limited to, informational picketing, petition circulation, the distribution of informational leaflets or pamphlets, speech-making, demonstrations, rallies, appearances of speakers in outdoor areas, protests, meetings to display group feelings or sentiments and/or other types of constitutionally protected assemblies to share information, perspective or viewpoints.

(6) "Noncollege groups" means individuals, or combinations of individuals, who are not currently enrolled students or current employees of the college or who are not officially affiliated or associated with a recognized student organization or a recognized employee group of the college.

[Statutory Authority: RCW 28B.50.140. WSR 12-16-111, § 132I-140-011, filed 8/1/12, effective 9/1/12.]

WAC 132I-140-012 Use of facilities. (1) Subject to the regulations and requirements of this policy, both college and noncollege groups may use the campus limited forums as specified in WAC 132I-140-013(2) for First Amendment activities between the hours of 7:00 a.m. and 11:00 p.m.

(2) Noncollege groups shall not affix or attach posters and signs to any college structure or equipment. Signs shall

be no larger than three feet by five feet and no individual may carry more than one sign.

(3) Noncollege groups shall not use amplified sound systems nor shall they bring any other equipment such as, but not limited to, chairs, tables and staging.

(4) College groups are encouraged to notify the public safety department no later than forty-eight hours in advance of an event. However, unscheduled events are permitted so long as the event does not interfere with any other function occurring at the facility or college.

(5) College group events shall not last longer than eight hours from beginning to end unless permission is granted by the appropriate vice-president. Such permission must be made without consideration of the viewpoint of the activity.

(6) All sites used for First Amendment activities shall be cleaned and left in their original condition and may be subject to inspection by a representative of the college after the event. Reasonable charges may be assessed against the sponsoring organization for the cost of restoring the facility to its preevent condition and for the repair of damaged property.

(7) All fire, safety, sanitation, and special regulations specified for the event are to be obeyed. The college cannot and will not provide utility connections or hook-ups for purposes of First Amendment activities conducted pursuant to this policy.

(8) The event must not be conducted in such a manner that it obstructs vehicular, bicycle, pedestrian or other traffic or otherwise interferes with ingress or egress to the college, or to college buildings or facilities or to college activities or events. The event must not create safety hazards or pose unreasonable safety risks to college students, faculty, employees or invitees to the college.

(9) The event must not interfere with educational activities inside or outside any college building or otherwise prevent the college from fulfilling its mission and achieving its primary purpose of providing an education to its students. The event must not materially infringe on the rights and privileges of college students, employees or invitees to the college.

(10) There shall be no overnight camping on college facilities or grounds. Camping is defined to include sleeping, cooking activities or storing personal belongings or the erection of tents or other shelters or structures used for purposes of personal habitation.

(11) College facilities may not be used for commercial sales, solicitations, advertising or promotional activities unless:

(a) Such activities serve educational purposes at the college; and

(b) Such activities are under the sponsorship of a college department or office or officially chartered student club; or

(c) Such activities are licensed by the college by a facilities rental agreement or other contractual arrangement.

(12) The event must also be conducted in accordance with any other applicable college policies and regulations, local ordinance and state or federal laws.

[Statutory Authority: Chapter 34.05 RCW et seq. and RCW 28B.50140 [28B.50.140] (10) and (13). WSR 14-21-063, § 132I-140-012, filed 10/9/14, effective 11/9/14. Statutory Authority: RCW 28B.50.140. WSR 12-16-111, § 132I-140-012, filed 8/1/12, effective 9/1/12.]

WAC 132I-140-013 Additional requirements for noncollege groups. (1) College buildings, rooms and athletic fields may be rented by noncollege groups in accordance with the college's facilities policies and procedures. Noncollege groups may otherwise use college facilities as identified in this policy.

(2) The college designates the following areas as the sole limited public forum areas for use by noncollege groups for First Amendment activities on the Des Moines campus:

(a) The area west of the student services building (building 6) between the building's east entrance doors and the lecture hall (building 7).

(b) The south plaza of the library building (building 25 bounded by building 23 and building 26 and excluding the landscaped areas).

(3) Noncollege groups that seek to use the campus limited forum areas to engage in First Amendment activities shall provide notice to the chief student affairs officer (CSAO) or their designee no later than forty-eight hours prior to the desired time of the event along with the following information:

(a) The name, address and telephone number of the individual, group, entity or organization sponsoring the event (hereinafter "the sponsoring organization"); and

(b) The date, time and requested location of the event; and

(c) The estimated number of people expected to participate in the event.

Noncollege group events shall not last longer than eight hours from beginning to end.

[Statutory Authority: RCW 28B.50.140. WSR 12-16-111, § 132I-140-013, filed 8/1/12, effective 9/1/12.]

WAC 132I-140-014 Distribution of materials. Information may be distributed as long as it is not obscene or libelous or does not advocate or incite imminent unlawful conduct. The sponsoring organization is encouraged, but not required, to include its name and address on the distributed information. College groups may post information on bulletin boards, kiosks and other display areas designated for that purpose and may distribute materials throughout open areas of the campus. Noncollege groups may distribute materials only at the site designated for noncollege groups.

[Statutory Authority: RCW 28B.50.140. WSR 12-16-111, § 132I-140-014, filed 8/1/12, effective 9/1/12.]

WAC 132I-140-015 Trespass. (1) Individuals who are not students or members of the faculty or staff and who violate these regulations 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.

(2) Members of the college community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accord with established college policies.

(3) Persons who violate a district policy may have their license or privilege to be on district property revoked and be ordered to withdraw from and refrain from entering upon any district property. Remaining on or reentering district property after one's license or privilege to be on that property has been revoked shall constitute trespass and such individual shall be subject to arrest for criminal trespass.

[Statutory Authority: RCW 28B.50.140. WSR 12-16-111, § 132I-140-015, filed 8/1/12, effective 9/1/12. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-140-015, filed 7/21/92, effective 8/21/92.]

WAC 132I-140-016 Prohibited conduct at college facilities. (1) State law governs the use or possession of intoxicants on campus or at college functions. The use or possession of unlawful drugs or narcotics, not medically prescribed, on college property or at college functions, is prohibited. Students, faculty, or staff obviously under the influence of intoxicants, unlawful drugs, or narcotics while in college facilities shall be subject to disciplinary action.

(2) The use of tobacco is restricted by law and by regulations of the smoking policy to designated smoking areas.

(3) Destruction of public property is prohibited by state law.

[Statutory Authority: RCW 28B.50.140. WSR 12-16-111, § 132I-140-016, filed 8/1/12, effective 9/1/12. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-140-016, filed 7/21/92, effective 8/21/92.]

WAC 132I-140-017 Posting of a bond and hold harmless statement. (1) When using college buildings or athletic fields, an individual or organization may be required to post a bond and/or obtain insurance to protect the college against cost or other liability in accordance with the college's facility use policy.

(2) When the college grants permission to a college group or noncollege group to use its facilities, it is with the express understanding and condition that the individual or organization assumes full responsibility for any loss or damage.

[Statutory Authority: RCW 28B.50.140. WSR 12-16-111, § 132I-140-017, filed 8/1/12, effective 9/1/12.]

WAC 132I-140-110 Right to deny use of facilities. (1) The trustees authorize the college to rent facilities to individuals or groups either affiliated or unaffiliated with the college. Procedures related to the rental of college facilities, including pricing and insurance requirements, are available in the conference services office.

(2) The trustees reserve the right to deny facility use to noncollege individuals or groups whose activities are inconsistent with the open and public nature of Highline College or where such use would conflict with the purpose of local state and federal laws.

(3) If at any time actual use of college facilities by the 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.

(10/9/14)

(4) Use of college facilities shall be conditioned upon compliance with all college rules and regulations. The college reserves the right to deny use of college facilities to any individual or group who violates or has a history of violating college rules and regulations.

[Statutory Authority: Chapter 34.05 RCW et seq. and RCW 28B.50.140 [28B.50.140] (10) and (13). WSR 14-21-063, § 132I-140-110, filed 10/9/14, effective 11/9/14. Statutory Authority: RCW 28B.50.140. WSR 12-16-111, § 132I-140-110, filed 8/1/12, effective 9/1/12. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-140-110, filed 7/21/92, effective 8/21/92.]

WAC 132I-140-120 Basis of fee assessment. (1) The basis for establishing and charging use fees reflects the college's assessment of the present market, the cost of operations, and the degree to which the proposed event advances the college's educational mission. Groups or organizations affiliated with the college should be permitted access to facilities at the lowest charge on the fee schedule which may include complimentary use. A current fee schedule is available at the conference services office.

(2) The college does not wish to compete with any private enterprise. Therefore individuals or groups not affiliated with the college shall be charged for facility use according to the fee schedule established by the board of trustees; provided that the president or his or her designee may grant a reduced rate when the presence of such individual or group advances the college's educational mission.

(3) Any individual or group desiring to rent college facilities shall sign a rental agreement. In the case of a group, an authorized representative of the group shall sign the rental agreement. By a group signing the agreement, the signatory specifies he or she has authority to enter into agreement on behalf of the group and if the group fails to pay the amount due, the signatory becomes responsible for all charges arising from the rental agreement. Any such charges may include an interest payment for overdue accounts as specified on the rental agreement but not less than one percent per month.

(4) The college reserves the right to require an advance deposit up to one hundred percent of the rental fee.

(5) The college reserves the right to make pricing changes without prior written notice.

(6) The primary purpose of college facilities is to serve the instructional programs of the college including, but not limited to, college events and activities. The board of trustees reserves the right to cancel any permit and refund any payments for use of college facilities and equipment if the group's use of college facilities and/or equipment would violate any federal, state, local law, or college law, regulation, or rule or when the planned use could subject the college to any unreasonable risk of liability.

(7) In the event of a cancellation of a facility use permit by the applicant, that group is liable for all college costs and expenses in preparing the college facility for its use.

(8) All admission charges must be approved by the college prior to issuance of a facility use permit.

(9) Individuals or groups using the college's facilities shall conduct all activities in accordance with all applicable local, state, and federal laws including the rules and regulations adopted by the college in Title 132I WAC and as specified in the rental agreement. The college assumes no respon-

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sibility for consequences of any act or omission of any third party. The individual or group is responsible for damages incurred by third parties (including invitees, licensees, guests, employees, and members of the group) during their possession of the premises. The college assumes no liability for damage or loss of personal property or equipment left in any rental space during or after the event. The individual or group assumes full responsibility for the conduct of its invitees, licensees, guests, patrons, members, employees, or third parties hired to provide services for the individual or group.

[Statutory Authority: Chapter 34.05 RCW et seq. and RCW 28B.50.140 [28B.50.140] (10) and (13). WSR 14-21-063, § 132I-140-120, filed 10/9/14, effective 11/9/14. Statutory Authority: RCW 28B.50.140. WSR 12-16-111, § 132I-140-120, filed 8/1/12, effective 9/1/12. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-140-120, filed 7/21/92, effective 8/21/92.]

WAC 132I-140-134 Request for brief adjudicative proceeding over denial of facility use. (1) Upon the denial of a facilities use permit, the college must serve upon the individual or group a brief written statement explaining the reason(s) for the denial and information about the appeals process herein.

(2) Any individual or group that is denied use of college facilities or objects to the conditions under which use of college facilities is permitted may file an appeal as specified in WAC 132I-140-135(2) with the president or his or her designee.

(3) Upon receipt of such appeal, the president or his or her designee shall hold a brief adjudicative proceeding.

[Statutory Authority: RCW 28B.50.140. WSR 12-16-111, § 132I-140-134, filed 8/1/12, effective 9/1/12. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-140-134, filed 7/21/92, effective 8/21/92.]

WAC 132I-140-135 Appeal of denial of facility use.

(1) Any individual or group whose application for facility use has been denied or that objects to the conditions under which facility use is permitted may appeal such decision to the president or his or her designee.

(2) The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation that justify the appeal. The appeal must be filed within twenty-one days from the date of service upon appellant of the order denying use of facilities.

(3) The president's or his or her designee shall consider each party's view and shall issue a brief written statement of the reasons for his or her decision. The president's or his or her designee's determination shall be final.

[Statutory Authority: RCW 28B.50.140. WSR 12-16-111, § 132I-140-135, filed 8/1/12, effective 9/1/12. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-140-135, filed 7/21/92, effective 8/21/92.]

WAC 132I-140-140 Supervision during activity. (1) Signatories of the rental agreement as well as adult organization leaders are responsible for group conduct and are expected to remain with their group during all activities at college facilities. The trustees reserve the right to require a staff member to represent the college at any activity on college facilities. Such service shall be paid at the current rate, by the individual or group requesting use of the facility, and

does not relieve the individual or group from safeguarding the college's property.

(2) The public safety staff or some other authority of the college will open and lock all rented facilities. Keys to buildings or facilities will not be issued or loaned on any occasion to any individual or group not affiliated with the college.

[Statutory Authority: Chapter 34.05 RCW et seq. and RCW 28B.50.140 [28B.50.140] (10) and (13). WSR 14-21-063, § 132I-140-140, filed 10/9/14, effective 11/9/14. Statutory Authority: RCW 28B.50.140. WSR 12-16-111, § 132I-140-140, filed 8/1/12, effective 9/1/12. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-140-140, filed 7/21/92, effective 8/21/92.]

WAC 132I-140-150 Care and maintenance of facilities and equipment. (1) College-owned equipment shall not be removed from college facilities for loan or rental. Individuals or groups wishing to use equipment in connection with a rental should make arrangements through the conference services office at the time of application for a rental agreement. Further rental and operational restrictions may be outlined when the rental agreement is signed.

(2) Individuals or groups renting college facilities are responsible for providing special equipment and clothing that may be necessary to protect college property from damage (e.g., tennis shoes must be worn on gymnasium floors).

(3) Individuals and groups allowed use of college facilities are required to leave the premises in the same condition as when the individuals and groups were admitted to its use. After facility use, individuals and groups are required to arrange for proper disposal of decorations and other refuse when restoring the facility to its original condition.

(4) Custodial and other services beyond those regularly scheduled to support normal college activities may be required for specific activities by outside groups, based on the size of group, the complexities of the event, or the facilities being used. Needed custodial services beyond that normally scheduled will result in that individual or groups being charged at the established rate. All extra custodial time required as a result of the individual's or group's use of the facility will be charged to the individual or group, including those receiving complimentary usage.

(5) The public safety staff should be contacted for problems with facilities. The public safety staff will monitor any permit violations.

(6) Any moving of college equipment for facility use will be under permission and supervision of the college.

(7) Any decoration or use of a college facility that may result in permanent damage or injury to that facility is strictly prohibited.

[Statutory Authority: Chapter 34.05 RCW et seq. and RCW 28B.50.140 [28B.50.140] (10) and (13). WSR 14-21-063, § 132I-140-150, filed 10/9/14, effective 11/9/14. Statutory Authority: RCW 28B.50.140. WSR 12-16-111, § 132I-140-150, filed 8/1/12, effective 9/1/12. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-140-150, filed 7/21/92, effective 8/21/92.]

WAC 132I-140-160 Athletic facilities. (1) College playing fields may be used by community members and groups provided such use does not interfere with regular college activities and that proper permits for use of college grounds have been secured for such activities from the athletic department.

(2) The pavilion may be used by community organizations subject to the same restrictions and regulations governing the use of other facilities. Because of the size of the facility, most users will be required to have college personnel on site during usage. Cost of usage will include these employee's salaries and other personnel expenses.

[Statutory Authority: RCW 28B.50.140. WSR 12-16-111, § 132I-140-160, filed 8/1/12, effective 9/1/12. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-140-160, filed 7/21/92, effective 8/21/92.]

WAC 132I-140-170 Liability for damage. All individuals or groups renting or using college facilities, including agreement signatories and individual organizations leaders, shall be liable for any damage to college property occurring or having apparently occurred during the time the facility was being used by the individual or group. The individual or group also agrees to hold harmless and indemnify the college, its agents, employees, officers, trustees, students and/or attorneys for any claim made against the college as a result of the individual's or group's use of college facilities. The college reserves the right to require that any such individual or group purchase insurance, naming the college as the insured. The college may specify the amount of that insurance.

[Statutory Authority: RCW 28B.50.140. WSR 12-16-111, § 132I-140-170, filed 8/1/12, effective 9/1/12. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-140-170, filed 7/21/92, effective 8/21/92.]