

# Chapter 132N-153 WAC

## FIRST AMENDMENT ACTIVITIES FOR COMMUNITY COLLEGE DISTRICT 14

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132N-153-020	Statement of purpose. [Statutory Authority: RCW 28B.50.140. WSR 12-19-020, § 132N-153-020, filed 9/7/12, effective 10/8/12.] Repealed by WSR 18-23-120, filed 11/21/18, effective 12/22/18. Statutory Authority: RCW 28B.50.140.
132N-153-030	Definitions. [Statutory Authority: RCW 28B.50.140. WSR 12-19-020, § 132N-153-030, filed 9/7/12, effective 10/8/12.] Repealed by WSR 18-23-120, filed 11/21/18, effective 12/22/18. Statutory Authority: RCW 28B.50.140.
132N-153-040	Request for use of facilities. [Statutory Authority: RCW 28B.50.140. WSR 12-19-020, § 132N-153-040, filed 9/7/12, effective 10/8/12.] Repealed by WSR 18-23-120, filed 11/21/18, effective 12/22/18. Statutory Authority: RCW 28B.50.140.
132N-153-050	Additional requirements for noncollege groups. [Statutory Authority: RCW 28B.50.140. WSR 12-19-020, § 132N-153-050, filed 9/7/12, effective 10/8/12.] Repealed by WSR 18-23-120, filed 11/21/18, effective 12/22/18. Statutory Authority: RCW 28B.50.140.
132N-153-060	The role of the president in first amendment decisions. [Statutory Authority: RCW 28B.50.140. WSR 12-19-020, § 132N-153-060, filed 9/7/12, effective 10/8/12.] Repealed by WSR 18-23-120, filed 11/21/18, effective 12/22/18. Statutory Authority: RCW 28B.50.140.
132N-153-070	Criminal trespass. [Statutory Authority: RCW 28B.50.140. WSR 12-19-020, § 132N-153-070, filed 9/7/12, effective 10/8/12.] Repealed by WSR 18-23-120, filed 11/21/18, effective 12/22/18. Statutory Authority: RCW 28B.50.140.
132N-153-080	Posting of a bond and hold harmless statement. [Statutory Authority: RCW 28B.50.140. WSR 12-19-020, § 132N-153-080, filed 9/7/12, effective 10/8/12.] Repealed by WSR 18-23-120, filed 11/21/18, effective 12/22/18. Statutory Authority: RCW 28B.50.140.
132N-153-090	Disclaimer. [Statutory Authority: RCW 28B.50.140. WSR 12-19-020, § 132N-153-090, filed 9/7/12, effective 10/8/12.] Repealed by WSR 18-23-120, filed 11/21/18, effective 12/22/18. Statutory Authority: RCW 28B.50.140.

**WAC 132N-153-010 Title.** WAC 132N-153-010 through 132N-153-150 shall be known as use of Community College District 14 facilities by college groups and noncollege groups for first amendment activities.

[Statutory Authority: RCW 28B.50.140. WSR 18-23-120, § 132N-153-010, filed 11/21/18, effective 12/22/18; WSR 12-19-020, § 132N-153-010, filed 9/7/12, effective 10/8/12.]

**WAC 132N-153-100 Definitions.** (1) "College groups" means individuals or groups who are currently enrolled students or current employees of the college, or guests of the college who are sponsored by a recognized student organiza-

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tion, employee organization, or the administration of the college.

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

(3) "Expressive activity" includes, but is not necessarily limited to, informational picketing, petition circulation, the distribution of informational leaflets or pamphlets, speechmaking, demonstrations, rallies, appearances of speakers in outdoor areas, protests, meetings to display group feelings or sentiments and/or other types of assemblies to share information, perspective or viewpoints.

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

[Statutory Authority: RCW 28B.50.140. WSR 18-23-120, § 132N-153-100, filed 11/21/18, effective 12/22/18.]

**WAC 132N-153-110 Statement of purpose.** Clark Community College District 14 is an educational institution provided and maintained by the people of the state of Washington. 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 which limits, interferes with, or otherwise disrupts the normal activities to which the college's facilities and grounds are dedicated. Accordingly, the college designates the common areas of the college as a limited public forum dedicated to the use of college groups, subject to the time, place, and manner limitations and restrictions set forth in this policy. Groups or individuals who are invited or permitted to engage in first amendment activities at the college do not represent an endorsement by Clark College or the board of trustees.

The purpose of the time, place and manner regulations set forth in this procedure is to establish procedures and reasonable controls for the use of college facilities. 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 seeking to assemble in common areas of the campus for expressive activity. 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 has designated certain facilities as public use areas open to noncollege groups as set forth herein.

[Statutory Authority: RCW 28B.50.140. WSR 18-23-120, § 132N-153-110, filed 11/21/18, effective 12/22/18.]

**WAC 132N-153-120 Use of facilities.** (1) Subject to the regulations and requirements of this policy, groups may use the college's limited forums for expressive activities between the hours of 7:00 a.m. and 10:00 p.m.

(2) Groups are encouraged to notify the college safety and security department no later than twenty-four hours in advance of an event. However, unscheduled events are permitted so long as the event does not materially disrupt any other function occurring at the facility.

(3) All sites used for expressive activity should be cleaned up 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 costs of extraordinary cleanup or for the repair of damaged property.

(4) All fire, safety, sanitation or 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 expressive activity conducted pursuant to this policy.

(5) The event must not be conducted in such a manner to obstruct vehicular, bicycle, pedestrian, or other traffic or otherwise interfere with ingress or egress to the college, or to college buildings or facilities, or to college activities or events.

(6) The event must not create safety hazards or pose unreasonable safety risks to college students, employees or invitees to the college.

(7) The event must not substantially and materially 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.

(8) The event must not materially infringe on the rights and privileges of college students, employees or invitees to the college.

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

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

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

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

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

[Statutory Authority: RCW 28B.50.140. WSR 18-23-120, § 132N-153-120, filed 11/21/18, effective 12/22/18.]

**WAC 132N-153-130 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 use policy. When renting 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. When the college grants per-

mission 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.

(2) Noncollege groups may otherwise use college facilities for expressive activity as identified in this procedure.

(3) The college designates the following area(s) as the sole limited public forum area(s) for use by noncollege groups for expressive activity on campus:

(a) The public use areas may be scheduled. Scheduled groups have priority of use over unscheduled groups:

(i) On the college's main campus, the limited public forum is located on the circle pad approximate to the sun dial.

(ii) A secondary location is available on the lawn area south of the Japanese garden.

(iii) The limited public forum at Clark College at the Columbia Tech Center is the circle pad west of the main entry door.

(iv) The limited public forum location at the Clark Center at WSU Vancouver will be determined by WSU Vancouver policy.

(b) Please contact the vice president of administrative services for more information.

(4) Noncollege groups that seek to engage in expressive activity on the designated public use area(s) are encouraged to provide notice to the college safety and security office no later than twenty-four hours prior to the event, along with the following information solely to ensure:

(a) The area is not otherwise scheduled; and

(b) To give the college an opportunity to assess any security needs:

(i) The name, address, and telephone number of a contact person for the individual, group, entity or organization sponsoring the event;

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

(iii) The nature and purpose of the event; and

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

(5) 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.

(6) When the college grants permission 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 18-23-120, § 132N-153-130, filed 11/21/18, effective 12/22/18.]

**WAC 132N-153-140 Distribution of materials.** College groups may post information on bulletin boards, kiosks and other display areas designated for that purpose, and may distribute materials throughout the open areas of campus. Noncollege groups may distribute materials only at the site designated for noncollege groups. The sponsoring organization is encouraged, but not required to include its name and address on the distributed information. Postings must be date stamped and may be displayed no longer than thirty calendar days.

[Statutory Authority: RCW 28B.50.140. WSR 18-23-120, § 132N-153-140, filed 11/21/18, effective 12/22/18.]

**WAC 132N-153-150 Trespass.** (1) Noncollege groups who violate these rules, any provision of the conduct code, or whose conduct jeopardizes the health or safety of others, will be advised of the specific nature of the violation, and if they persist in the violation, will be requested by the college president or designee to leave the college property. Such a request will be deemed to withdraw the license or privilege to enter onto or remain upon any portion of the college facilities of the person or group of persons requested to leave, and subject such individuals to arrest under the criminal trespass provisions of chapter 9A.52 RCW or municipal ordinance.

(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 accordance with established college policies.

(3) When the college revokes the license or privilege of any person to be on college property, temporarily or for a stated period of time, that person may file a request for review of the decision with the vice president of administration or designee within ten days of receipt of the trespass notice. The request must contain the reasons why the individual disagrees with the trespass notice. The trespass notice will remain in effect during the pendency of any review period. The decision of the vice president of administrative services or designee will be the final decision of the college and should be issued within five work days.

[Statutory Authority: RCW 28B.50.140. WSR 18-23-120, § 132N-153-150, filed 11/21/18, effective 12/22/18.]