

Chapter 172-137 WAC

USE OF UNIVERSITY FACILITIES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

172-137-080	Facility use rules for first amendment/free speech activities. [Statutory Authority: RCW 28B.35.120(12). WSR 12-04-065, § 172-137-080, filed 1/30/12, effective 3/1/12.] Repealed by WSR 18-11-065, filed 5/15/18, effective 6/15/18. Statutory Authority: RCW 28B.35.120(12) and 42.56.070.
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WAC 172-137-010 Purpose. Eastern Washington University is an educational institution established and maintained by the citizens of Washington state in order to carry out the mission of teaching, research and public service. University facilities exist for the primary purpose of supporting that mission and related educational activities.

The university may impose reasonable conditions on the time, place, and manner in which facilities are used.

The purpose of these regulations is to facilitate the effective use and enjoyment of university facilities on the Cheney campus. Orderly procedures are necessary to promote the use of facilities by students and university-affiliated groups, to conserve and protect facilities for educational use, and to prevent interference with university operations.

[Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 18-11-065, § 172-137-010, filed 5/15/18, effective 6/15/18. Statutory Authority: RCW 28B.35.120(12). WSR 12-04-065, § 172-137-010, filed 1/30/12, effective 3/1/12.]

WAC 172-137-015 Scope. This chapter establishes standards and procedures for use of university facilities on the Cheney campus by individuals and entities other than the university itself, such as university employees, students, university-affiliated groups, nonaffiliated groups, and outside community members. The use of facilities for university activities is not subject to the requirements of this chapter. Use of open, outdoor areas on university property for first amendment activities is governed by chapter 172-138 WAC.

Use of university facilities is subject to all university regulations and policies. For example, in addition to these regulations, the university has specific rules about alcohol on campus (chapter 172-64 WAC), parking (chapter 172-100 WAC), drones and model aircraft (chapter 172-110 WAC), pets (chapter 172-115 WAC), recreational equipment (chapter 172-118 WAC), weapons (WAC 172-122-120), and use of tobacco, electronic cigarettes, and related products (WAC 172-122-310).

(5/15/18)

[Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 18-11-065, § 172-137-015, filed 5/15/18, effective 6/15/18.]

WAC 172-137-020 Definitions. (1) "Facility" or "facilities" includes all buildings, athletic fields, and parking lots owned or controlled by the university.

(2) "First amendment activities" includes, but is not necessarily limited to, informational picketing, petition circulation, the distribution of information 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 constitutionally protected assemblies to share information, perspectives, or viewpoints.

(3) "Nonaffiliated groups" is groups that are not affiliated with the university. Nonaffiliated groups include employee union organizations, businesses, nonprofit organizations, advocacy groups, and religious entities, as well as the individuals belonging to such groups.

(4) "Students" includes all people currently enrolled in classes at the university.

(5) "Outside community members" means individuals who are not employees, students, or part of a university-affiliated group.

(6) "University-affiliated groups" includes any group formally recognized by or a part of the university, such as ASEWU, student groups officially recognized by ASEWU, The Easterner, the faculty organization, academic senate, and any other group formally recognized by or directly associated with and a part of the university. It also includes external entities that have a close relationship with the university, including the EWU foundation, the EWU alumni association, and the attorney general's office. University-affiliated groups also include the individual members or employees of such groups when acting on behalf of the group.

[Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 18-11-065, § 172-137-020, filed 5/15/18, effective 6/15/18. Statutory Authority: RCW 28B.35.120(12). WSR 12-04-065, § 172-137-020, filed 1/30/12, effective 3/1/12.]

WAC 172-137-030 University priority. First priority for the use of campus facilities shall be given to regularly scheduled university activities. A facility may only be reserved by someone other than the university when the facility is not needed for a university activity. Use of university facilities may be subject to reasonable time, place, and manner restrictions that take into account, among other considerations, the general facilities policy; the direct and indirect costs to the institution; 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 campus community, surrounding neighborhoods, and the general public. In reviewing conflicting requests to use uni-

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iversity facilities, primary consideration is given to activities specifically related to the university's mission.

[Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 18-11-065, § 172-137-030, filed 5/15/18, effective 6/15/18. Statutory Authority: RCW 28B.35.120(12). WSR 12-04-065, § 172-137-030, filed 1/30/12, effective 3/1/12.]

WAC 172-137-035 Delegated responsibility. The board of trustees has delegated to the president of the university the authority to regulate the use of university facilities. Under this authority, the president has delegated to the vice president for business and finance (VP-BF) the authority to review the use of university facilities; to establish within the framework of this policy guidelines and procedures governing the use; to approve or disapprove requested uses; and to establish policies regarding fees and rental schedules where appropriate.

[Statutory Authority: RCW 28B.35.120(12). WSR 12-04-065, § 172-137-035, filed 1/30/12, effective 3/1/12.]

WAC 172-137-040 Conditions of use. Use of university facilities by employees, students, university-affiliated groups, nonaffiliated groups, and community members is subject to the following restrictions:

(1) **Restriction of access.** The president of Eastern Washington University may restrict access to university facilities and may establish rules of conduct for persons while on university facilities, as prescribed under WAC 172-122-210.

(2) **No disruption to normal activities.** University facilities may not be used in ways which obstruct or disrupt university operations, the freedom of movement, or any other lawful activities. No activity may obstruct entrances, exits, staircases, doorways, hallways, or the safe and efficient flow of people and vehicles. The use of university facilities and any first amendment activities engaged in within university facilities must not substantially and materially interfere with university activities or otherwise prevent the university from fulfilling and achieving its primary purpose of educating students. Activities must not substantially and materially infringe on the rights and privileges of university employees, students, or university-affiliated groups.

(3) **Sound amplification.** The use of electronic sound amplification is only permitted in facilities designated by the VP-BF or designee. Use of audio amplifying equipment is permitted only in locations and at times that will not interfere with the normal conduct of university affairs. Use of sound amplification equipment must comply with all local ordinances.

(4) **Overnight use.**

(a) No person may use university facilities to camp, except as provided in subsection (b) of this section. "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.

(b) **Exceptions:**

(i) The use and occupancy of university housing in accordance with housing rules;

(ii) The use of facilities by a university employee or agent who remains overnight to fulfill the responsibilities of his or her position;

(iii) The use of facilities by a university student who remains overnight to fulfill the responsibilities of his or her course of study;

(iv) The use of facilities where overnight stays are specifically permitted in identified locations for attendees at special events designated by the university, such as during home football games, commencement, and special weekends.

(5) **Accessibility.** The university will not make its facilities or services available to organizations which do not assure the university that they will comply with the terms of the Americans with Disabilities Act and the Rehabilitation Act of 1973 while using university facilities. Users must not impose restrictions nor alter facilities in a manner which would violate the Americans with Disabilities Act or Rehabilitation Act.

(6) **Harassment.** EWU is committed to providing an educational and work environment in accordance with federal law. As such, EWU prohibits individuals and groups who are using its facilities from engaging in harassment while using university facilities. Harassment is defined as conduct by any means that is sufficiently severe, pervasive, or persistent, and objectively offensive so as to threaten an individual or limit the individual's ability to work, study, participate in, or benefit from the university's programs or activities.

(7) **Prohibited items and authority to inspect.** Within the limits of applicable laws, Eastern Washington University is committed to establishing and maintaining safe conditions for persons attending events in university facilities. Accordingly, some events have restrictions on items that may be brought into the event (i.e., beverage containers, noisemakers). Individuals possessing such items will not be admitted to, or will be removed from, university facilities until the items have been properly removed, discarded, or stored. All persons entering events at university facilities shall be subject to having all containers, bags, backpacks, coolers, or similar items visually inspected. Persons who refuse the visual inspection and refuse to dispose of the item shall be denied entry.

(8) **Cleanup and repairs.** All facilities must be left in their original condition and may be subject to inspection by a university representative after the activity. Reasonable charges may be assessed against an individual or group for the costs of cleaning up the condition of the property beyond reasonable wear and tear or for the repair of damaged property. If a nonaffiliated group or outside community member is sponsored by a university-affiliated group or department, the sponsoring group is responsible for the costs of repairs if the nonaffiliated group or outside community member fails to pay the costs.

(9) **Violations and trespass.** Individuals who violate the university's regulations and/or who violate university contract terms for use of facilities may be advised of the specific nature of the violation and, if continued, individuals may be requested to leave university property or be refused future use of university facilities.

Under WAC 172-122-200, the university president, or designee, may prohibit access to university facilities, give

notice against trespass, and/or order any person or group to leave university facilities.

Failure to comply with a request to leave university property could subject the individuals to arrest and criminal prosecution under the provisions of WAC 172-122-200 and other applicable state, county, and city laws.

(10) Safety and liability.

(a) Users must comply with all applicable university policies, procedures, rules and regulations; local, state and federal laws; and fire, health and safety regulations, to include any special regulations specified for the event by the university and/or government authorities.

(b) Users assume full responsibility for any loss, damage or claims arising out of use of a university facility.

(c) University facilities may not be used in ways that create safety hazards or pose unreasonable safety risks to students, employees, or invitees.

(d) University facilities may not be used in any manner that creates a hazard or results in damage to university facilities.

(e) Users shall complete a risk assessment as required or directed by the event planning office. Depending on the nature of the proposed event, the requestor may be required to provide its own liability insurance coverage at an amount determined by the VP-BF/designee naming Eastern Washington University as additionally insured for any events held in a university facility.

(f) University facilities may not be used in furtherance of or in connection with illegal activity.

[Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 18-11-065, § 172-137-040, filed 5/15/18, effective 6/15/18. Statutory Authority: RCW 28B.35.120(12). WSR 12-04-065, § 172-137-040, filed 1/30/12, effective 3/1/12.]

WAC 172-137-050 Authorized and prohibited uses.

(1) Commercial activities.

(a) University facilities may not be used for commercial gain, including: Commercial advertising; solicitation and merchandising of any food, goods, wares, service, or merchandise of any nature whatsoever; or any other form of sales or promotional activity; except as allowed under chapter 172-139 WAC or in the following cases:

(i) By special permission granted by the university president, or designee, if an agreement, lease, or other formal arrangement is entered into between the university and the person, corporation, or other entity desiring to engage in commercial activity; or

(ii) To the extent it represents the regular advertising, promotional, or sponsorship activities carried on, by, or in any university media, *The Easterner*, or at university events;

(b) University facilities may not be used by faculty or staff in connection with compensated outside service, except that faculty or staff may use university facilities that are generally available to the public on the same basis, including payment of the same fees, as may other private citizens.

(c) Commercial advertising and/or solicitation which is deceptive or concerns an illegal product or service is prohibited on university facilities.

(2) Political activities. University facilities may be used for political activities when such use complies with chapter

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42.52 RCW, Ethics in Public Service Act. Permitted activities may include:

(a) University departments, ASEWU, or recognized student organizations may sponsor candidate forums as well as issue forums regarding ballot propositions;

(b) Candidates for office and proponents or opponents of ballot propositions may rent university facilities on a short-term basis for campaign purposes to the same extent and on the same basis as may other individuals or groups;

(c) Candidates for office and proponents or opponents of ballot propositions may use outdoor spaces pursuant to chapter 172-138 WAC, to the same extent and on the same basis as may other individuals or groups; and

(d) A registered student organization may invite a candidate or another political speaker to one of the meetings of its membership on university property, if it has complied with the scheduling procedures of WAC 172-137-070.

(e) Restrictions:

(i) When an event under this section involves the rental of a university facility, the full rental cost of the facility must be paid and university funds may not be used to pay rental costs or any other costs associated with the event.

(ii) University facilities may not be used to establish or maintain offices or headquarters for political candidates or partisan political causes.

(iii) All candidates who have filed for office for a given position, regardless of party affiliation, must be given equal access to the use of facilities within a reasonable time.

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

(v) Use of university facilities for political activities, as described in this section, must have prior approval of the vice president for business and finance or designee.

(3) Charitable organization use. University facilities may be used to benefit a charitable organization when such use complies with chapter 42.52 RCW, Ethics in Public Service Act. Examples of permitted use include, but are not limited to, the following:

(a) Charities that are licensed in the state of Washington may use university facilities that are generally available to the public on the same basis, including payment of the same fees, as may private citizens;

(b) Charities that are licensed in the state of Washington may use facilities without charge by special permission granted by the university president, or designee, or the vice president for business and finance where the university has determined that the charitable activity or use will serve an educational or public service purpose related to the university's mission; and

(c) ASEWU, registered student organizations, and university units that have followed university policies and procedures to conduct fund-raising activities and have adhered to all scheduling requirements and other university policies.

(4) Prohibited speech. The following types of speech or materials are prohibited in university facilities or on university property:

(a) Obscene material, as defined by state and federal law;

(b) Defamation or libelous material, as defined by state law;

- (c) Incitement of imminent lawlessness;
- (d) True threats, as defined by federal law;
- (e) Fighting words, as defined by federal law; and
- (f) Speech or conduct that will cause a material and substantial disruption of university activities.

[Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 18-11-065, § 172-137-050, filed 5/15/18, effective 6/15/18. Statutory Authority: RCW 28B.35.120(12). WSR 12-04-065, § 172-137-050, filed 1/30/12, effective 3/1/12.]

WAC 172-137-060 Solicitation, visual displays and advertising. (1) Solicitation, handbills, pamphlets, and similar materials.

(a) Anyone may personally distribute noncommercial announcements, handbills, pamphlets, or materials in any outdoor area of campus consistent with the orderly conduct of university operations, maintenance of university property, and the free flow of vehicular and pedestrian traffic. Efforts must be made to avoid litter. Solicitation, or distribution of handbills, pamphlets, and similar materials by anyone is not permitted in those areas of campus to which access by the public is restricted or where the solicitation or distribution would significantly impinge upon the primary business being conducted.

(b) No person shall place in or on any vehicle parked on the university campus, any solicitation devices.

(c) For the purposes of this chapter, the following definition applies: A "solicitation device" is any printed or written matter, sample, or device which:

- (i) Advertises for sale any merchandise, product, service, or commodity; or
- (ii) Directs attention, either directly or indirectly, to any business or mercantile or commercial establishment, or other activity, for the purpose of promoting an interest in sales or use; or
- (iii) Directs attention to or advertises any meeting, performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit.

(2) **Signs, posters, tables, and visual displays.** To ensure that goals and objectives relating to the appearance of the campus are maintained, the university regulates the content, location, dimensions, and period of display time of posted materials. Posters must be approved by PUB administration, in accordance with university policy, prior to their placement in any campus location. Specific regulations are available to the public in the PUB administration office. An individual or organization must reserve space within a facility before setting up a table in such location.

[Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 18-11-065, § 172-137-060, filed 5/15/18, effective 6/15/18. Statutory Authority: RCW 28B.35.120(12). WSR 12-04-065, § 172-137-060, filed 1/30/12, effective 3/1/12.]

WAC 172-137-070 Procedures for reserving university facilities. This section prescribes procedures for the use of university facilities, by individuals and entities other than the university itself.

(1) Scheduling and reservation practices.

(a) The primary purpose of university facilities is to serve the university's instructional, research, and public ser-

vice activities. However, designated facilities, when not required for scheduled university use, may be available for rental by the public in accordance with current fee schedules and other relevant terms and conditions. Not all university facilities are available for reservation or request for noninstructional purposes. Information concerning reservation and request procedures for designated facilities available for noninstructional use may be obtained from events planning.

(b) Designated university facilities and services may be reserved in accordance with the procedures below. No university facilities may be used by individuals or groups unless the facilities have been reserved in accordance with this section. Reservations shall be made at least forty-eight hours in advance, excluding weekends and holidays, to events planning or another appropriate university office.

(c) The VP-BF/designee may deny a request to use university facilities when it is determined that the use would violate any of the limitations set forth in this chapter, when the request is for a space previously reserved, where the requestor is unwilling to comply with university requirements for the use of facilities, or for any other content neutral, legitimate business or educational reason.

(2) **Requests.** Requests for use of university facilities must be directed to the event planning office.

(3) Approval authority.

(a) University employees and university-affiliated groups may use university facilities to hold events for faculty, staff, and students without sponsorship by an academic or administrative unit, or approval by the VP-BF/designee, so long as the use complies with this policy and the policies of the specific facilities involved.

(b) University employees and university-affiliated groups may use university facilities to hold events to which the general public is invited when the event is sponsored by an academic or administrative unit and approved by the VP-BF or designee.

(c) All requests for the use of university facilities by students, nonaffiliated groups, and outside community members, whether sponsored or not, must be approved by the VP-BF or designee. Such requests are subject to the following additional limitations:

- (i) Use of the facility must benefit the university;
- (ii) The use must be pursuant to a written agreement setting forth the terms and conditions of the proposed use;
- (iii) The use by the requestor must be occasional rather than frequent;
- (iv) The use must not interfere with any organized university activity or event;
- (v) Students or other organizations/individuals with a campus affiliation shall be granted priority over other nonaffiliated groups and outside community members;

(vi) Consideration must be given to the availability of comparable nonuniversity facilities and services which could accommodate the proposed use.

(4) Facility rental/use fees.

(a) The university assesses fees based upon the actual cost, direct and indirect, of using a university facility. Fees for the use of most facilities are set forth on a schedule available on the event planning office web site. The university reserves the right to make changes to fees without prior writ-

ten notice, except that fee changes do not apply to facility use agreements already approved by the university.

(b) In the event that the fee for the use of a particular facility has not been placed on the schedule, and if the university determines to allow the use of the facility, the university will assess a fee based upon the full cost, direct and indirect, of using the facility.

(c) ASEWU and university recognized student organizations may be allowed to use space in many university facilities at no charge or at a reduced rate. The fees charged to ASEWU and university recognized student organizations for facilities are available through the event planning office.

(5) **Nontransferability of authorization.** A university-affiliated group must reserve university facilities or request services through one of its officers or authorized representatives. A university-affiliated group that reserves a facility or requests services on behalf of the group assumes responsibility for costs associated with the use of those facilities or services and for damage to the facility by group members or other attendees of the event. No group other than the reserving group may use the facility reserved. The reserving group may not transfer control of the event for which the facilities were reserved or the services requested to any other group or individual.

(6) **Denial of facility reservation.** Any applicant who is denied a reservation for use of a university facility may appeal in writing to the vice president for business and finance or designee. Any applicant who is denied a request on the basis that the event will include prohibited speech shall be offered the opportunity for prompt review upon submission of an appeal in writing to the president or designee.

[Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 18-11-065, § 172-137-070, filed 5/15/18, effective 6/15/18. Statutory Authority: RCW 28B.35.120(12). WSR 12-04-065, § 172-137-070, filed 1/30/12, effective 3/1/12.]