

# Chapter 495D-142 WAC

## FIRST AMENDMENT ACTIVITIES FOR LAKE WASHINGTON INSTITUTE OF TECHNOLOGY

### WAC

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**WAC 495D-142-010 Title.** WAC 495D-142-010 through 495D-142-080 shall be known as use of community and technical College District 26 facilities by college groups and noncollege groups for first amendment activities.

[Statutory Authority: RCW 28B.50.140(13). WSR 18-04-101, § 495D-142-010, filed 2/6/18, effective 3/9/18.]

**WAC 495D-142-015 Definitions.** For the purposes of this policy noncollege groups shall mean individuals, or combinations of individuals, who are not currently enrolled students or current employees of Lake Washington Institute of Technology or who are not officially affiliated or associated with a recognized student organization or a recognized employee group of the college.

For purposes of this policy, college groups shall mean individuals who are currently enrolled students or current employees of Lake Washington Institute of Technology or who are affiliated with a recognized student organization or a recognized employee group of the college.

The college is a limited public forum for noncollege groups. The limited public forum does not include college buildings or parking areas. College buildings, rooms, and parking areas may be rented in accordance with the college's facilities use policy.

[Statutory Authority: RCW 28B.50.140(13). WSR 18-04-101, § 495D-142-015, filed 2/6/18, effective 3/9/18.]

**WAC 495D-142-020 Statement of purpose.** Lake Washington Institute of Technology is an educational institution provided and maintained by the people of the state of Washington. 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 for and to which the college's buildings, facilities and grounds are dedicated and said buildings, facilities and grounds are not available for unrestricted use by noncollege groups. While said buildings, facilities and grounds are not available for unlimited use by college groups, it is recognized that Lake Washington Institute of Technology students and employees should be accorded opportunity to utilize the facilities and grounds of the college to the fullest extent possible. The purpose of these time, place and manner regula-

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tions is to establish procedures and reasonable controls for the use of college facilities for both noncollege and college 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 noncollege groups or college groups who are interested in using the campus for purposes of constitutionally protected speech, assembly or expression.

[Statutory Authority: RCW 28B.50.140(13). WSR 18-04-101, § 495D-142-020, filed 2/6/18, effective 3/9/18.]

**WAC 495D-142-030 Request for use of facilities.** Subject to the regulations and requirements of this policy, college or noncollege groups may use the campus limited forums for those activities protected by the first amendment. Examples of first amendment activities would include, but not necessarily be limited to, informational picketing, petition circulation, the distribution of information leaflets or pamphlets, speech-making, demonstrations, rallies, appearances of speakers in outdoor areas, mass protests, meetings to display group feelings or sentiments and/or other types of constitutionally protected assemblies to share information, perspective or viewpoints.

Noncollege groups that intend to be on campus to engage in first amendment activities (hereinafter "the event") are encouraged to provide notice to the campus safety and security department no later than forty-eight hours prior to the event along with the following information:

- (1) The name, address, and telephone number of the individual, group, entity or organization sponsoring the event (hereinafter "the sponsoring organization"); and
- (2) The name, address, and telephone number of a contact person for the sponsoring organization; and
- (3) The date, time, and requested location of the event; and
- (4) The nature and purpose of the event; and
- (5) The type of sound amplification devices to be used in connection with the event, if any; and
- (6) The estimated number of people expected to participate in the event.

However, unscheduled events are permitted so long as the event does not interfere with any other function occurring at the facility. Noncollege events are limited to the grounds outside of college buildings.

The use of sound amplification devices is limited to the limited public forum area as long as the sound amplification device is used at a volume which does not disrupt or disturb the normal use of classrooms, offices or laboratories or any previously scheduled college event or activity.

College groups are encouraged to notify the campus safety and security department no later than forty-eight hours in advance of an event. However, unscheduled events are per-

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mitted so long as the event does not interfere with any other function occurring at the facility.

Information may be distributed as long as it is not obscene or libelous or incite imminent lawless action. The sponsoring organization is encouraged, but not required, to include its name and address on the distributed information. To avoid excessive littering of the campus and/or greatly increased work requirements for college physical plant employees, groups are asked to cooperate with the college in limiting the distribution of information leaflets or pamphlets to the limited public forum site.

Speech that does no more than propose a commercial transaction shall not occur in connection with the event.

The limited public forum used by the group should be cleaned up and left in its 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.

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 first amendment activities conducted pursuant to this policy.

The event must not 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.

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

The event must not materially and substantially 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.

The event must also be in accordance with any other applicable college policies and regulations, regulations and policies of Lake Washington Institute of Technology, local ordinances and/or state or federal laws.

There shall be no first amendment activities and camping on college facilities or grounds between the hours of 10:00 p.m. and 6:00 a.m. Camping is defined to include sleeping, 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.

[Statutory Authority: RCW 28B.50.140(13). WSR 18-04-101, § 495D-142-030, filed 2/6/18, effective 3/9/18.]

**WAC 495D-142-040 Additional requirements for noncollege groups.** The limited public forum may not be used on the same date as any previously scheduled college event or activity at the site (aside from regularly scheduled classes) where it is reasonably anticipated that more than five hundred people will attend the college event or activity.

[Statutory Authority: RCW 28B.50.140(13). WSR 18-04-101, § 495D-142-040, filed 2/6/18, effective 3/9/18.]

**WAC 495D-142-050 The role of the president in first amendment decisions.** The president of the college or designee may at any time, terminate, cancel or prohibit the event if it is determined, after proper inquiry, that the event does constitute or will constitute a clear and present danger to the college's orderly operation.

[Statutory Authority: RCW 28B.50.140(13). WSR 18-04-101, § 495D-142-050, filed 2/6/18, effective 3/9/18.]

**WAC 495D-142-060 Criminal trespass.** Any person determined to be violating these regulations is subject to an order from the college campus public safety department to leave the college campus. Persons failing to comply with such an order to leave the college campus are subject to arrest for criminal trespass.

[Statutory Authority: RCW 28B.50.140(13). WSR 18-04-101, § 495D-142-060, filed 2/6/18, effective 3/9/18.]

**WAC 495D-142-070 Posting of a bond and hold harmless statement.** 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.

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(13). WSR 18-04-101, § 495D-142-070, filed 2/6/18, effective 3/9/18.]

**WAC 495D-142-080 First amendment activities and protection of the college mission.** The college recognizes and supports the rights of groups and individuals to engage in first amendment activities. This policy shall be interpreted and construed to support such activities while simultaneously balancing the needs and interests of the college to fulfill its mission as a state educational institution of Washington.

[Statutory Authority: RCW 28B.50.140(13). WSR 18-04-101, § 495D-142-080, filed 2/6/18, effective 3/9/18.]