

# Chapter 516-36 WAC

## USE OF UNIVERSITY PROPERTY—SCHEDULING AND GENERAL USE

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

516-36-005	Office of space and schedules. [Order 72-10, § 516-36-005, filed 11/17/72.] Repealed by Order 75-10, filed 11/10/75.
516-36-010	Auditoria. [Order 72-10, § 516-36-010, filed 11/17/72.] Repealed by Order 75-10, filed 11/10/75.

**WAC 516-36-001 Use of university property—General policy and purpose.** Western Washington University is an educational institution provided and maintained by the people of the state of Washington in order to carry out its broad missions of teaching, research, and public service. A state agency is under no obligation to make its public property available to the community for private purposes, and the university generally reserves its property, buildings, and grounds for its mission-related activities, including: Instruction, research, assembly, student activities, and recreational activities related to education. However, the university makes property available for a variety of uses that are of benefit to the general public under the conditions set forth in these regulations if such general uses substantially relate to, or do not interfere with, university missions.

The purpose of these regulations is to establish procedures and reasonable controls for the use of university property by nonuniversity groups or individuals, university affiliates, university groups or individuals, or students, faculty, or staff who desire to use university property for personal, private, or nonuniversity group related activity.

Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to ensure the proper maintenance of the property.

[Statutory Authority: RCW 28B.35.120(12). WSR 18-13-073, § 516-36-001, filed 6/15/18, effective 7/16/18. Statutory Authority: RCW 28B.35.120(12), 34.05.220 (1)(b), 34.05.250, 28B.15.600, 42.17.310, 42.30.070 - 42.30.075, chapters 69.41 and 43.21C RCW. WSR 90-10-042, § 516-36-001, filed 4/27/90, effective 5/1/90; Order 75-10, § 516-36-001, filed 11/10/75; Order 72-10, § 516-36-001, filed 11/17/72.]

**WAC 516-36-004 Freedom of expression and assembly activities not covered.** Use of university property for freedom of expression and assembly activities is governed by

(6/15/18)

rules set forth in chapter 516-35 WAC. This chapter does not apply to those individuals or groups using university property for freedom of expression and assembly activities.

[Statutory Authority: RCW 28B.35.120(12). WSR 18-13-073, § 516-36-004, filed 6/15/18, effective 7/16/18.]

**WAC 516-36-008 Definitions.** As used in this chapter, the following words and phrases mean:

(1) **Business day.** Any day, Monday through Friday (excluding holidays), during which university offices are open.

(2) **Freedom of expression and assembly.** Any activity protected by the first amendment to the Constitution of the United States and Article I, sections 4 and 5 of the Washington state Constitution. Such activities may include, but are not limited to, informational picketing, petition circulation, distribution of information leaflets or pamphlets, speechmaking, demonstrations, rallies, noncontracted appearances of speakers, protests, meetings to display group feelings or sentiments, and other types of constitutionally protected assemblies to share information, perspective, or viewpoints.

(3) **Limited public forum areas.** Areas of campus available as spaces for freedom of expression and peaceable assembly as protected by the Constitution of the United States and the Washington state Constitution, subject to reasonable time, place, and manner restrictions. The use of limited public forum areas for freedom of expression and peaceable assembly activities is governed by chapter 516-35 WAC. Limited public forum areas are identified in WAC 516-35-001. Limited public forum areas do not include property such as:

(a) Classrooms or academic buildings conducting scheduled educational programming with the exception that nothing herein shall be read to interfere between or with the academic freedom of the instructor and enrolled students to engage in educational programs;

(b) Reservable or scheduled property subject to the provisions of this chapter;

(c) Private administrative or academic offices;

(d) Lavatory or maintenance facilities;

(e) Roadways or sidewalks necessary to permit the free flow of pedestrian, vehicular, emergency responder, or maintenance traffic; or

(f) Any other university property, on a case-by-case basis, where the reasonable application of time, place, and manner restrictions render the location inappropriate for expressive activities.

(4) **Nonuniversity group or individual.** An individual or a collection of individuals who do not have a formal relationship with the university. The term also includes members of these groups who are individually affiliated with the uni-

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versity who desire to use university property for personal, private, or nonuniversity group related activities.

(5) **Space administrator.** A university employee, appointed by the president, or the president's designee, who has the authority and responsibility for a designated subset of university property to create and enforce policies and procedures for space use, delegate space approval authority, and are responsible for university space being used in accordance with this chapter, chapter 516-35 WAC, and the university mission.

(6) **Space approval authority.** A university employee who has the authority, consistent with these regulations and approved campus policies and procedures, to review, approve, amend, or deny requests for rental or use of university property.

(a) The university shall maintain a list of the approving authorities.

(b) Requests for approval to lease space shall be governed by chapter 516-34 WAC.

(7) **Time, place, and manner.** Reasonable limitations on the exercise of expressive rights that are neutral as to the content of expression and leave open alternative channels of expression.

(8) **University.** Western Washington University.

(9) **University affiliate.** An entity that has a formal relationship with the university and also encompasses such entity's officers, agents, and employees. The term includes, but is not limited to, the office of the attorney general, contracted agencies, and 501 (c)(3) organizations with formal relationships to the university.

(10) **University group or individual.** An individual or collection of individuals that has a formal relationship with the university, such as a recognized employee group of the university, a recognized student group or organization, or an individual acting on behalf of the group or organization as well as an individual who is a currently enrolled student or current employee.

(11) **University property.** All buildings, grounds, or assets owned or controlled by the university and the streets, sidewalks, plazas, parking lots, and roadways within the boundaries of property owned or controlled by the university.

[Statutory Authority: RCW 28B.35.120(12). WSR 18-13-073, § 516-36-008, filed 6/15/18, effective 7/16/18.]

**WAC 516-36-020 Use of university property—Requests.** (1) Requests for rental or use of university property must be directed to the space approval authority.

(2) Requests for leasing of university property must be directed to the vice president for business and financial affairs, the university president, or the president's designee, and governed by chapter 516-34 WAC.

(3) If a requestor is uncertain where to direct a request to use university property, or if the approving authority for a particular university property is not on the university list, the requestor should address the request to the vice president for business and financial affairs or designee.

[Statutory Authority: RCW 28B.35.120(12). WSR 18-13-073, § 516-36-020, filed 6/15/18, effective 7/16/18. Statutory Authority: RCW 28B.35.120(12), 34.05.220 (1)(b), 34.05.250, 28B.15.600, 42.17.310, 42.30.070 - 42.30.075, chapters 69.41 and 43.21C RCW. WSR 90-10-042, § 516-36-020, filed 4/27/90, effective 5/1/90; Order 75-10, § 516-36-020, filed 11/10/75.]

**WAC 516-36-025 Scheduling and reservation practices—Duties of requestor.** (1) The primary purpose of university property is to serve the university's instructional, research, and public service activities. However, when not required for scheduled university use, property may be available for rental by nonuniversity groups or individuals in accordance with current fee schedules and other relevant terms and conditions.

(2) No university property may be used by individuals or groups unless the property, including buildings, equipment, and land, have been reserved. Reservations may not be required in limited public forum areas if the intended use of the property would not cause cost to the university or impact scheduled university activity.

(3) Requests to use university property are made to the space approval authority, as defined in WAC 516-36-008(6) and in accordance with WAC 516-36-020.

(4) The space approval authority may deny the request to use university property when such use would violate any of the limitations set forth in WAC 516-36-030 or where the requestor is unwilling to comply with university requirements for the use of property, as authorized by this chapter.

(5) The university may require an individual or organization to make an advance deposit, post a bond or obtain insurance to protect the university against cost or other liability as a condition to allowing use of any university property.

(6) When the university grants permission to an individual or organization to use its property it is with the understanding and on the condition that the individual or organization assumes full responsibility for any loss or damage resulting from such use and agrees to hold harmless and indemnify the university against any loss or damage claim arising out of such use.

(7) The university and/or government authorities may specify fire, safety, sanitation, and special regulations for activities occurring in, on or with university property. It is the responsibility of the user to obey those regulations, as well as to comply with other applicable university policies, procedures, rules, regulations, and state, local, and federal laws.

[Statutory Authority: RCW 28B.35.120(12). WSR 18-13-073, § 516-36-025, filed 6/15/18, effective 7/16/18.]

**WAC 516-36-030 Limitations on use.** The following limitations apply to all uses of any university property, unless specifically permitted by the university for special events:

(1) University property may not be used in ways which obstruct vehicular, bicycle, pedestrian, or other traffic or otherwise interfere with ingress or egress to the university, any university building or facility, or that obstruct or interfere with educational activities or other lawful activities on university grounds, university controlled property, or at university sponsored events unless approved by the president, or the president's designee.

(2) University property may not be used in ways that interfere with educational, research, or public service activities inside or outside any university building or otherwise prevent the university from fulfilling its mission and achieving its primary purpose.

(3) University property may not be used for the purpose of campaigning regarding a ballot proposition or by, for, or

against candidates who have filed for public office, except that:

(a) This provision does not apply to candidates for Western Washington University student offices or student ballot propositions;

(b) University groups may sponsor candidate forums as well as issue forums regarding ballot propositions;

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

(d) Candidates for office and proponents or opponents of ballot propositions may use the limited public forum areas using the procedures of chapter 516-35 WAC to the same extent and on the same basis as may other individuals or groups; and

(e) For informational purposes, a university group 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 516-36-025 and applicable university policy.

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

(5) University property may not be used for commercial purposes, including: Advertising, commercial solicitation, sales, or other activities to promote a product, except as allowed under WAC 516-36-040.

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

(7) University property may not be used in such manner as to create a hazard or result in damage to university property.

(8) University property may not be used where such use would create undue stress on university resources (e.g., a request for a major event may be denied if another major event is already scheduled for the same time period, because of demands for parking, security coverage, etc.); use of limited public forum areas for freedom of expression and assembly must be in accordance with chapter 516-35 WAC.

(9) Use of audio amplifying equipment or sound generation is permitted only in locations and at times that will not disturb the normal conduct of university operations. Advance permission by the president, or the president's designee, is required to use audio amplifying equipment or generate sound that may disturb the normal conduct of university operations.

(10) Alcoholic beverages may be served only as allowed under university policies. It is the responsibility of the event sponsor to obtain all necessary licenses from the Washington state liquor and cannabis board and adhere to their regulations, as well as all local ordinances, university rules, and regulations.

(11) No person may erect a tent or other shelter on university property or remain overnight on university property, including in a vehicle, trailer, tent, or other shelter, with the following exceptions:

(a) The use and occupancy of university housing in accordance with chapter 516-56 WAC;

(b) The use of property by a university employee or agent who remains overnight to fulfill the responsibilities of their position;

(c) The use of property by a university student who remains overnight to fulfill the responsibilities of their course of study;

(d) The use of property where overnight stays are specifically permitted in identified locations for attendees at special events designated by the university.

(e) The use of property during a university, local, state or federal declaration of an emergency as determined by the president, or the president's designee.

(12) Signs and posters and visual displays may be placed only at those locations authorized under, and in accordance with university policies.

(13) Handbills, leaflets, pamphlets, flyers, and similar materials may be distributed only in relation to university sanctioned activities or for purposes of freedom of expression. Materials may not be distributed in a manner that results in littering or requires university resources for disposal.

(14) Animals are only allowed on university property in accordance with WAC 516-52-010 and university policies.

(15) Smoking is not allowed in or on university property, except in accordance with chapter 70.160 RCW.

(16) Mopeds, Segways, skateboards, roller skates, roller blades, bicycles, and similar personal transportation devices may be used on campus in accordance with chapters 516-13 and 516-15 WAC.

[Statutory Authority: RCW 28B.35.120(12). WSR 18-13-073, § 516-36-030, filed 6/15/18, effective 7/16/18. Statutory Authority: RCW 28B.35.120(12), 34.05.220 (1)(b), 34.05.250, 28B.15.600, 42.17.310, 42.30.070 - 42.30.075, chapters 69.41 and 43.21C RCW. WSR 90-10-042, § 516-36-030, filed 4/27/90, effective 5/1/90; Order 75-10, § 516-36-030, filed 11/10/75.]

#### **WAC 516-36-035 University property rental/use fees.**

(1) The president or the president's designee shall have authority to establish a schedule of fees to govern the use of university property and to alter or modify the fee schedule whenever such action is deemed to be necessary or appropriate or in the best interests of the university. The fee for use of university property shall be sufficient to ensure the recovery by the university of all direct and indirect costs associated with the use of the university property, including all direct and indirect costs of goods or services furnished by the university in connection with the use of the property.

(2) The president or the president's designee may waive all or part of the normal fee for use of a particular university property by persons not affiliated with the university under the following circumstances:

(a) Members of the university community will receive a substantial benefit from the intended use of the university property and no person or group will derive profit from the intended use of the property; or

(b) The group requesting the use of the university's property is a subdivision or agency of the state of Washington; or

(c) The intended use of the property is transient and would not cause a cost to the university.

(3) In the event that the fee for the use of particular university property has not been placed on the fee schedule, and if the university determines to allow the use of the property,

the university will assess a fee based upon the full cost, direct and indirect, of using the property.

(4) The president or the president's designee reserves the right to create differential fee schedules for use of university property by university groups and university affiliates.

[Statutory Authority: RCW 28B.35.120(12). WSR 18-13-073, § 516-36-035, filed 6/15/18, effective 7/16/18.]

**WAC 516-36-040 Private or commercial enterprise or charitable use.** (1) University property may not be used for private or commercial gain, including: Commercial advertising; solicitation and merchandising of any food, goods, wares, service, company, organization, or merchandise of any nature whatsoever; or any other form of sales or promotional activity; except that commercial activity is allowable:

(a) If the president or the president's designee has determined that the private or commercial enterprise or charitable use will serve an educational or public service purpose related to the university's mission;

(b) By special permission granted by the university president or the president's 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 private, commercial or charitable activity;

(c) To the extent it represents the regular advertising, promotional, or sponsorship activities carried on, by, or in any university media, university bookstore, university athletic events, or other university authorized event, agent, or contractor;

(d) If the university purchasing department has authorized vendor representatives to solicit university departments, colleges, or business units, and where those representatives have appropriate university identification.

(2) University property may not be used by faculty, staff, or students to assist or promote a private or third-party commercial enterprise, with the following exceptions:

(a) Faculty, staff, or students may use university property that is generally available to the public on the same basis, including payment of the same fees, as may other private citizens; and

(b) Faculty may make use of university property to encourage basic and applied research in accordance with the provisions of the university policy adopted pursuant to RCW 42.52.220.

(3) University property may not be used to benefit a charitable organization, with the following exceptions:

(a) Charities that are licensed in the state of Washington may use university property that is 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 university property without charge by special permission granted by the university president or the president's designee 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 an agreement, lease, or other formal arrangement is entered into between the university and the person, corporation, or other entity desiring to engage in a charitable event; and

(c) Recognized student organizations may use university property to conduct fund-raising activities for charitable purposes pursuant to university policies, procedures and all scheduling requirements.

[Statutory Authority: RCW 28B.35.120(12). WSR 18-13-073, § 516-36-040, filed 6/15/18, effective 7/16/18. Statutory Authority: RCW 28B.35.120(12), 34.05.220 (1)(b), 34.05.250, 28B.15.600, 42.17.310, 42.30.070 - 42.30.075, chapters 69.41 and 43.21C RCW. WSR 90-10-042, § 516-36-040, filed 4/27/90, effective 5/1/90; Order 75-10, § 516-36-040, filed 11/10/75.]

**WAC 516-36-060 Parades or other street and road activity.** Permits for parades, street/road runs, marches, or other events on university streets and roads may be obtained upon approval of the university chief of police.

Such events must be scheduled so as not to interfere with major traffic arterials or with university events or activities. For use of city streets on and adjacent to campus, permits must be obtained through the city of Bellingham.

[Statutory Authority: RCW 28B.35.120(12). WSR 18-13-073, § 516-36-060, filed 6/15/18, effective 7/16/18.]