

Chapter 132U-140 WAC
POLICY ON THE USE OF COLLEGE FACILITIES

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132U-140-010	Use of college facilities. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-140-010, filed 7/8/88.] Repealed by WSR 14-11-030, filed 5/13/14, effective 6/13/14. Statutory Authority: Chapter 28B.50 RCW.
132U-140-020	Limitation of use to school activities. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-140-020, filed 7/8/88.] Repealed by WSR 14-11-030, filed 5/13/14, effective 6/13/14. Statutory Authority: Chapter 28B.50 RCW.
132U-140-030	Statement of intentions. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-140-030, filed 7/8/88.] Repealed by WSR 14-11-030, filed 5/13/14, effective 6/13/14. Statutory Authority: Chapter 28B.50 RCW.
132U-140-050	Administrative control. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-140-050, filed 7/8/88.] Decodified by WSR 14-11-030, filed 5/13/14, effective 6/13/14. Statutory Authority: Chapter 28B.50 RCW. Recodified as § 132U-140-080.

WAC 132U-140-015 Definitions. (1) "College groups" shall mean 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 organization, employee organization, or the administration of the college.

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

(3) "Public use areas" means those areas of each campus that the college has chosen to open as places where nongroups may assemble for expressive activity protected by the First Amendment, subject to reasonable time, place or manner restrictions.

(4) "Expressive activity" 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 assemblies to share information, perspective or viewpoints.

(5) "Noncollege groups" shall mean 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: Chapter 28B.50 RCW. WSR 14-11-030, § 132U-140-015, filed 5/13/14, effective 6/13/14.]

WAC 132U-140-025 Statement of purpose. Whatcom Community College district 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.

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. 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: Chapter 28B.50 RCW. WSR 14-11-030, § 132U-140-025, filed 5/13/14, effective 6/13/14.]

WAC 132U-140-035 Priority use of facilities for college activities. When allocating use of college facilities, top priority shall be given to activities specifically related to the college's mission. No arrangements shall be made that may interfere with, or operate to the detriment of, the college's own teaching, research, rental, or public service programs. In particular, the college buildings, properties, and facilities shall be used primarily for:

(1) Regularly established teaching, research, or public service activities of the college and its departments.

(2) Cultural, educational, or recreational activities of the students, faculty, or staff.

(3) Short courses, conferences, seminars, or similar events conducted either in the public service or for the advancement of specific departmental professional interests, when arranged under the sponsorship of the college or its departments.

(4) Public events of a cultural or professional nature brought to the campus at the request of college departments or committees and presented with their active sponsorship and active participation.

(5) Public events, activities, or programs sponsored by the college and educational institutions, state or federal agencies, charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the college.

(6) College facilities shall be assigned to student organizations for regular business meetings, social functions and for programs open to the public. Any recognized campus student organization may invite speakers from outside the college community. In conformance with state guidelines, the appearance of an invited speaker on campus does not represent an endorsement by the college, its students, faculty, administration, or the board of trustees, whether implicit or explicit, of the speaker's views.

(7) The college may restrict an individual or group's use of college facilities if that person or group has, in the past, physically abused college facilities. Charges may be imposed for rental, damage,

or for any other unusual costs for the use of facilities. The individual, group, or organization requesting space will be required to state in advance the general purpose of any meeting. If any charge or collection of funds is contemplated, advance permission from the party giving authority for space allocations will be required.

[Statutory Authority: Chapter 28B.50 RCW. WSR 14-11-030, § 132U-140-035, filed 5/13/14, effective 6/13/14.]

WAC 132U-140-040 General policies limiting use. (1) Specific conditions shall 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 facilities. All requests for facilities use must be made through the designated administrative officer(s). Allocation of space shall be made in accordance with college regulations and on the basis of time, space, manner, and priority of the request. The college designates public use areas for college and noncollege groups for expressive activity on campus. The specific locations of these public use areas are identified on a campus map located on the college web site.

(2) Individuals and groups should notify the designated campus 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) College facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office, except for student-sponsored activities.

Approved student-sponsored activities of a political or commercial nature shall not permit promotional signs or posters on building, trees, walls, bulletin boards, or the distribution of samples outside the rooms or facilities to which access has been granted.

(4) Religious groups, not meeting as part of a recognized student club activity, shall not use the college facilities as a permanent meeting place. Use shall be intermittent only.

(5) The college reserves the right to prohibit the use of college facilities by groups, which restrict membership or participation in a manner inconsistent with the college's commitment to nondiscrimination as set forth in its written policies and commitments.

(6) No person or group may use or enter onto college facilities having in their possession firearms, even if licensed to do so, except commissioned police officers as prescribed by law.

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

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

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

(8) The right of peaceful dissent within the college community shall be preserved. The college retains the right to ensure the safety of individuals, the continuity of the educational process, and the protection of property. While peaceful dissent is acceptable, violence or disruptive behavior is an illegitimate means of dissent. Should any person, group, or organization attempt to resolve differences by means of violence or perceived threat to health or safety, the college and its officials need not negotiate while such methods are employed and may involve local law enforcement authorities.

(9) Orderly picketing and other forms of peaceful dissent are protected activities in public use areas as outlined in this policy. However, interference with free passage through areas where members of the college community have a right to be, interference with ingress and egress to college facilities, interruption of classes, injury to persons, or damage to property, shall result in the sanctions outlined in this policy.

(10) Where college space is used for authorized function (such as a rental contract, class, or a public or private meeting under approved sponsorship, administrative function, or service related activities) groups must obey or comply with directions of the designated college administrative officer or individual in charge of the meeting.

(11) If a college facility abuts a public area or street, and if student activity, although on public property, unreasonably interferes with ingress and egress to college buildings, the college may choose to impose its own sanction although remedies might be available through local law enforcement agencies.

(12) Subject to the regulations and requirements of this policy, individuals and groups may use the campus limited forums for expressive activities between the hours of 8:00 a.m. and 9:00 p.m.

(13) Any sound amplification device may only be 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.

(14) 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.

(15) 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.

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

(17) 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.

(18) 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.

(19) 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: Chapter 28B.50 RCW. WSR 14-11-030, § 132U-140-040, filed 5/13/14, effective 6/13/14. Statutory Authority:

WAC 132U-140-045 Distribution of materials. (1) Handbills, leaflets, and similar materials, except those which are commercial, obscene, libelous, or advocate or incite imminent unlawful conduct, may be distributed only in designated areas on the campus where, and at times when, such distribution shall not interfere with the orderly administration of the college affairs or the free flow of traffic. Any distribution of materials as authorized by the designated administrative officer and regulated by established guidelines shall not be construed as support or approval of the content by the college community or the board of trustees.

(2) 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.

(3) 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.

[Statutory Authority: Chapter 28B.50 RCW. WSR 14-11-030, § 132U-140-045, filed 5/13/14, effective 6/13/14.]

WAC 132U-140-055 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 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. Noncollege groups may otherwise use college facilities for expressive activity as identified in this policy.

(2) 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 are located on a campus map on the college web site. The public use areas may be scheduled. Scheduled groups have priority of use over unscheduled groups.

(3) Noncollege groups that seek to engage in expressive activity on the designated public use area(s) shall provide notice to the designated campus 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;

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

(v) The type of sound amplification devices to be used in connection with the event, if any.

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 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: Chapter 28B.50 RCW. WSR 14-11-030, § 132U-140-055, filed 5/13/14, effective 6/13/14.]

WAC 132U-140-060 Criminal trespass and other sanctions for violations. (1) Noncollege groups who violate these regulations will be advised of the specific nature of the violation, and if they persist in the violation, will be requested by the campus 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 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 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: Chapter 28B.50 RCW. WSR 14-11-030, § 132U-140-060, filed 5/13/14, effective 6/13/14. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-140-060, filed 7/8/88.]

WAC 132U-140-070 Prohibited conduct at college facilities. (1) State law relative to public institutions 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 obviously under the influence of intoxicants, unlawful drugs or narcotics while in college facilities shall be subject to disciplinary action. Nonstudents obviously under the influence of intoxicants, unlawful drugs or narcotics while in college facilities may be subject to criminal trespass.

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

(3) Destruction of property is also prohibited by state law in reference to public institutions.

[Statutory Authority: Chapter 28B.50 RCW. WSR 14-11-030, § 132U-140-070, filed 5/13/14, effective 6/13/14. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-140-070, filed 7/8/88.]

WAC 132U-140-080 Administrative control. The board hereby delegates to the president or his or her designee(s), authority to set up administrative procedures for proper review of the use of college facilities; to establish, within the framework of these policies, regulations governing such use; and to establish rental schedules where appropriate.

[Statutory Authority: Chapter 28B.50 RCW. WSR 14-11-030, recodified as § 132U-140-080, filed 5/13/14, effective 6/13/14. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-140-050, filed 7/8/88.]