

Chapter 504-33 WAC
FACILITY USE RULES FOR FIRST AMENDMENT/FREE SPEECH ACTIVITIES

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

504-33-020	Use of limited public forum areas—Purpose. [Statutory Authority: RCW 28B.30.150. WSR 08-24-026, § 504-33-020, filed 11/24/08, effective 12/25/08.] Repealed by WSR 16-11-030, filed 5/9/16, effective 6/9/16. Statutory Authority: RCW 28B.30.150.
504-33-050	Posting of a bond and hold harmless statement. [Statutory Authority: RCW 28B.30.150. WSR 08-24-026, § 504-33-050, filed 11/24/08, effective 12/25/08.] Repealed by WSR 16-11-030, filed 5/9/16, effective 6/9/16. Statutory Authority: RCW 28B.30.150.

WAC 504-33-010 Title. This chapter is known as the Washington State University facility use rules for first amendment/free speech activities.

[Statutory Authority: RCW 28B.30.150. WSR 08-24-026, § 504-33-010, filed 11/24/08, effective 12/25/08.]

WAC 504-33-012 Use of university facilities for first amendment/free speech activities—General policy and purpose. The university believes that freedom of expression is an indispensable quality of university life, and that active participation in political and social expression both enhances the education of the individual and contributes to the betterment of society. The university is committed to respecting and promoting the rights afforded by the first amendment to the Constitution of the United States, including the right to free speech, petition, and assembly.

The university further recognizes that it has an obligation to maintain an atmosphere that allows it to carry out its broad missions of teaching, research, and public service in the course of the normal operations of the university.

To achieve the objectives of chapter 504-33 WAC, it is essential that free expression be accomplished in a manner that allows for the orderly function of normal university operations. Thus, the purpose of the time, place, and manner regulations set forth in chapter 504-33 WAC is to promote opportunities for exercise of the rights protected by the first amendment to the Constitution of the United States on the university campus and to ensure that these activities do not interfere with the furtherance of the university's mission-related responsibilities for which the university's buildings, facilities, and grounds are dedicated by the state of Washington.

[Statutory Authority: RCW 28B.30.150. WSR 16-11-030, § 504-33-012, filed 5/9/16, effective 6/9/16.]

WAC 504-33-015 Definitions. (1) "Nonuniversity group or individual," for the purposes of this policy, means a collection of individuals that is neither a university affiliate, a registered student organization, nor a recognized employee group. The term also includes the individual members of these groups, when acting on behalf of the group, and individuals who are not currently enrolled students, current university employees, or employees of a university affiliate.

(2) "University group or individual," for purposes of this policy, means registered student organizations as defined in WAC 504-28-010, or a recognized employee group of the university, and also encompasses the individual members of these groups when acting on behalf of the group. The term also includes individuals who are currently enrolled students or current employees.

(3) "University affiliates" or "affiliated entities" means those entities that have formal relationships with the university and also encompass those entities' officers, agents, and employees. The terms include, but are not limited to, the university foundation, the university research foundation, the office of the attorney general, the 4-H foundation, and the United States Department of Agriculture—Agricultural Research Service.

(4) "Limited public forum areas" means those areas of each campus available as places for expressive activities protected by the first amendment, subject to reasonable time, place, and manner restrictions.

At each university campus, the limited public forum areas are all university facilities, with the exception of the interior or immediate vicinity of university facilities used to support university research, academic instruction, or health services.

(5) "First amendment activities" refers to any activity protected by the first amendment to the Constitution of the United States. Such first amendment activities may include, but are not necessarily limited to, informational picketing, petition circulation, the distribution of information leaflets or pamphlets, speech-making, demonstrations, rallies, appearances of speakers in outdoor areas, protests, meetings to display group feelings or sentiments, and other types of constitutionally protected assemblies to share information, perspective, or viewpoints.

(6) "University facilities" means all buildings and grounds owned or controlled by the university and the streets, sidewalks, malls, parking lots, and roadways within the boundaries of property owned or controlled by the university.

[Statutory Authority: RCW 28B.30.150. WSR 16-11-030, § 504-33-015, filed 5/9/16, effective 6/9/16; WSR 08-24-026, § 504-33-015, filed 11/24/08, effective 12/25/08.]

WAC 504-33-025 Procedure for providing notice of use of limited public forum area for first amendment activities. (1) Groups and individuals may use the university's limited public forum areas for those activities protected by the first amendment to the Constitution of the United States, subject to the requirements set forth in chapter 504-33 WAC.

(2) Notice. The group or individual desiring to use a limited public forum area to engage in first amendment activities is requested to provide notice of the intended use of the desired limited public forum area as follows:

- (a) At the Pullman campus, notice to the campus police.
- (b) At the Spokane campus, notice to:
 - (i) The campus office of student affairs; and
 - (ii) The campus security office.
- (c) At the Tri-Cities campus, notice to:
 - (i) The campus office of student affairs; and
 - (ii) The campus security office.
- (d) At the Vancouver campus, notice to:
 - (i) The campus office of finance and operations; and
 - (ii) The campus police.
- (3) Content of notice. The notice of use of a limited public forum area for first amendment activities is to contain:
 - (a) The contact information for the group or individual that will conduct the event, including group name, contact person name, address, email address, and telephone number; and
 - (b) The date, time, and limited public forum area to be used for the first amendment activities; and
 - (c) The nature and purpose of the first amendment activities; and
 - (d) The estimated number of people expected to attend the first amendment activities, both as participants and as spectators.

[Statutory Authority: RCW 28B.30.150. WSR 16-11-030, § 504-33-025, filed 5/9/16, effective 6/9/16; WSR 08-24-026, § 504-33-025, filed 11/24/08, effective 12/25/08.]

WAC 504-33-030 Limitations on use of limited public forum areas.

- (1) The use of a limited public forum area must comply with all requirements of WAC 504-35-030.
- (2) Duration of events. In order to allow for the expression of a wide range of viewpoints and to allow the utilization of university facilities for a wide range of purposes, the use of a limited public forum area for first amendment activities may not continue for longer than five calendar days from beginning to end.
- (3) Distribution of materials. Signs, posters, literature, handbills, leaflets, and pamphlets may be distributed in accordance with WAC 504-34-140.
- (4) The university will not provide utility connections or hook-ups.
- (5) The group or individual utilizing the limited public forum area must return the limited public forum area to its original condition after the use and is responsible for the costs of cleanup and the costs to repair damages to the limited public forum area and other university property that arise from such use.
- (6) The university and/or government authorities may specify reasonable additional fire, safety, sanitation, insurance, and impact-mitigating requirements for the use of the limited public forum area, and the group or individual utilizing the limited public forum area must meet those requirements.
- (7) Where more than five hundred people are expected to attend an event in Martin Stadium or Beasley Coliseum, or on the days of any football or basketball game, the following restrictions apply to uses of limited public forum areas for first amendment activities:
 - (a) The sidewalks and other outdoor areas and streets adjacent to Martin Stadium may not be used for first amendment activities during the period beginning three hours prior to a football game or other event at Martin Stadium and ending two hours after the game or event

has ended, except that sidewalks opposite Martin Stadium may continue to be used for first amendment activities during these time periods, so long as the first amendment activities do not unduly interfere with the flow of pedestrian or vehicular traffic. Where the first amendment activities are expected to include more than fifty total people as participants and spectators, the Glenn Terrell Mall may not be used for first amendment activities during these time periods.

(b) The sidewalks and other outdoor areas and streets adjacent to Beasley Coliseum may not be used for first amendment activities during the period beginning two hours prior to the start of a game or other event at Beasley Coliseum and ending two hours after the game or event has ended, except that sidewalks opposite Beasley Coliseum may continue to be used for first amendment activities during these time periods, so long as the activities do not unduly interfere with the flow of pedestrian or vehicular traffic.

[Statutory Authority: RCW 28B.30.150. WSR 16-11-030, § 504-33-030, filed 5/9/16, effective 6/9/16; WSR 08-24-026, § 504-33-030, filed 11/24/08, effective 12/25/08.]

WAC 504-33-035 Additional limitations on use of limited public forum areas by nonuniversity groups and individuals. Nonuniversity groups and individuals may use the university's limited public forum areas for those activities protected by the first amendment to the Constitution of the United States, subject to the requirements set forth in chapter 504-33 WAC and the following additional limitations:

(1) Nonuniversity groups and individuals may not use the interior of any university facility; and

(2) Nonuniversity groups and individuals must provide notice five business days prior to the intended use of the desired limited public forum area, in accordance with WAC 504-33-025 (2) and (3).

[Statutory Authority: RCW 28B.30.150. WSR 16-11-030, § 504-33-035, filed 5/9/16, effective 6/9/16.]

WAC 504-33-040 Policy exceptions; termination, limitation of license to use facilities. (1) Exceptions to policy.

(a) The university president or his or her designee (as to the Pullman campus), or each chancellor of the Spokane, Tri-Cities, or Vancouver campuses or his or her designee (as to such campuses) may, but are not required to, make reasonable exceptions to the policy set forth in chapter 504-33 WAC, provided he or she determines, after reasonable inquiry, that:

(i) The use of the limited public forum area that is the subject of the exception request will not interfere with any other function occurring at the limited public forum area or result in an unreasonable disruption of normal university functions or operations; and

(ii) Adequate impact-mitigating measures related to safety or university operations can be implemented prior to the start of the use of the limited public forum area.

(b) In order to allow for adequate time for review of the request, the group or individual seeking an exception under this subsection is requested to seek such exception at least five business days' prior to the intended use of the desired limited public forum area.

(2) Termination, limitation of license. The university president or his or her designee (as to the Pullman campus), or each chancellor of the Spokane, Tri-Cities, or Vancouver campuses or his or her designee (as to such campuses), may limit, terminate, cancel, relocate, or prohibit the use of a limited public forum area for first amendment activities, if he or she determines, after reasonable inquiry, that such action is reasonably necessary to prevent or stop:

(a) Substantial harm or threat of substantial harm to the safety of persons; or

(b) Substantial damage to property; or

(c) Substantial disruption of university functions or operations.

(3) Any determinations made under subsections (1) or (2) of this section are to be made without consideration of the content or message of the expressive activities.

[Statutory Authority: RCW 28B.30.150. WSR 16-11-030, § 504-33-040, filed 5/9/16, effective 6/9/16; WSR 08-24-026, § 504-33-040, filed 11/24/08, effective 12/25/08.]

WAC 504-33-060 Criminal trespass. Any person believed to be violating these regulations may be barred from campus in accordance with the procedures outlined in WAC 504-35-150.

[Statutory Authority: RCW 28B.30.150. WSR 08-24-026, § 504-33-060, filed 11/24/08, effective 12/25/08.]