

Chapter 132Y-136 WAC
FACILITIES SCHEDULING AND USE RULE

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WAC

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WAC 132Y-136-001 Definitions. (1) "Academic facilities" shall mean all college owned and/or operated facilities and realty located within the main campus area which are primarily used for classwork and classroom instruction, including all athletic and intramural facilities.

(2) "Accredited classes" shall mean those classes offered for credit by Edmonds Community College. They include but are not limited to:

(a) Course offerings which appear in current class schedule booklets, or

(b) Workshops, or

(c) Credit and noncredit courses offered through the division of continuing education.

(3) "College organizations" shall mean and include those committees or entities established under college policies, the academic units of the college, the associated students of Edmonds Community College and the student organizations recognized by the associated students of Edmonds Community College.

(4) "Laboratories" are rooms with special purpose equipment for student participation, experimentation, observation, or practice in a field of study. Such rooms include class laboratories, special class laboratories, individual study laboratories, and nonclass laboratories as defined in the higher education facilities inventory and classification manual.

(5) "Noncollege organizations" shall mean and include private entities and other individuals, associations and corporations not directly associated with Edmonds Community College.

(6) "Scheduling coordinator" shall mean the individual responsible for implementing this facilities scheduling and use rule.

[Statutory Authority: RCW 28B.50.140(7). WSR 82-04-018 (Resolution No. 82-1-4), § 132Y-136-001, filed 1/26/82.]

USE OF COLLEGE FACILITIES FOR FIRST AMENDMENT ACTIVITIES—EDMONDS COMMUNITY COLLEGE

WAC 132Y-136-010 Statement of purpose. Edmonds Community College 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 the right to substantially interfere with, or otherwise disrupt the normal activities for and to which the college's facilities and grounds are dedicated. Accordingly, the college is a designated public forum opened for the purposes recited herein and further subject to the time, place, and manner provisions set forth in these rules.

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 for both college and noncollege 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 college groups and noncollege groups who are interested in using the campus for purposes of constitutionally protected speech, assembly or expression.

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 intends to open its campus to noncollege groups to the extent that the usage does not conflict with the rights of college groups or substantially disrupt the educational process.

[Statutory Authority: RCW 28B.50.140. WSR 17-23-100, § 132Y-136-010, filed 11/15/17, effective 12/16/17.]

WAC 132Y-136-020 Definitions. (1) "College facilities" includes all land, buildings, facilities, structures, grounds, office space, parking lots and other property in the possession of, owned, controlled, or leased/rented by the college, and agencies or institutions that have educational agreements with the college, including associated websites and distance learning classroom environments.

(2) "College group" means individuals who are currently enrolled students or current employees of Edmonds Community College or guests of the college who are sponsored by a recognized student organization, employee organization, or the administration of the college.

(3) "First Amendment activities" includes, but is not 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 constitutionally protected assemblies to share information, perspectives or viewpoints.

(4) "Noncollege group" means individuals, or combinations of individuals, who are not currently enrolled students or current employees of Edmonds Community College or who are not officially affiliated with, or invited guests of a recognized student organization, recognized employee group, or the administration of the college.

(5) "Public forum areas" means those areas of the campus that the college has designated as places for expressive activities protected by the First Amendment, subject to reasonable time, place, or manner provisions.

(6) "Sponsor" means that when a college group invites a noncollege group onto campus, the college group will be responsible for the activity and will designate an individual to be present at all times during the activity. The sponsor will ensure that those participating in the sponsored activity are aware of the college's rules and policies governing the activity. This definition does not apply to noncollege groups that rent college facilities.

[Statutory Authority: RCW 28B.50.140. WSR 17-23-100, § 132Y-136-020, filed 11/15/17, effective 12/16/17.]

WAC 132Y-136-030 Use of facilities. (1) There shall be no camping on college facilities or grounds between the hours of 9:00 p.m. and 7:00 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.

(2) Any sound amplification device may only be used at a volume which does not disrupt the normal use of classrooms, offices or laboratories, or any previously scheduled college event or activity.

(3) College groups are encouraged to notify the center for student engagement/leadership no later than forty-eight hours in advance of the activity. However, unscheduled activities are permitted so long as the activity does not displace any other activities occurring at the college.

(4) All sites used for First Amendment activities should be cleaned up and left in their original condition and may be subject to inspection by a representative of the college after the activity. Reasonable charges may be assessed against the sponsoring organization for the costs of extraordinary cleanup or for the repair of damaged property.

(5) All college and noncollege groups must comply with fire, safety, sanitation or special regulations specified for the activity. The college cannot and will not provide utility connections or hookups for purposes of First Amendment activities conducted pursuant to this policy.

(6) The activity 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, college buildings or facilities, or college activities. The activity must not create safety hazards or pose safety risks to others.

(7) The activity must not 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 activity must not substantially infringe on the rights and privileges of college students, employees or invitees to the college.

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

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

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

(9) The activity must also be conducted in accordance with any other applicable college policies and rules, college, local ordinances, state, and federal laws.

[Statutory Authority: RCW 28B.50.140. WSR 17-23-100, § 132Y-136-030, filed 11/15/17, effective 12/16/17.]

WAC 132Y-136-040 Additional requirements for noncollege groups.

(1) College facilities may be rented by noncollege groups in accordance with the college's facilities use policy. Noncollege groups may otherwise use college facilities as identified in these rules.

(2) The college designates on the campus map its grounds and outdoor spaces as the public forum area(s) for use by noncollege groups for First Amendment activities on campus. Nothing in these rules prohibits noncollege groups from engaging in First Amendment activities at open public meetings, subject to the requirements of RCW 42.30.050.

(3) Noncollege groups may use the public forum areas for First Amendment activities between the hours of 7:00 a.m. and 9:00 p.m., and for no longer than five hours from beginning to end.

(4) Before engaging in First Amendment activities, all noncollege groups are encouraged to provide notice to and register with campus safety and security no later than forty-eight hours prior to the activity of the noncollege group's presence on campus and to acknowledge receipt of these rules and to ensure that there are not scheduling conflicts. The notice does not involve any application or approval process, and therefore, the ability to use designated public forum areas will not be denied unless they are already reserved for use by another group. This notice is intended to provide the college with knowledge of the noncollege group's presence on campus so that the college can notify the appropriate members of its staff whose services might be needed or impacted by the use of the designated public forum area. When registering, the individual or group should provide the following information:

(a) The name, address and telephone number of the individual, group, entity or organization sponsoring the event (hereinafter "the sponsoring organization");

(b) The name, address and telephone number of a contact person for the sponsoring organization;

(c) The date, time and requested location of the activity;

(d) The type of sound amplification devices to be used in connection with the activity, if any; and

(e) The estimated number of people expected to participate in the activity.

[Statutory Authority: RCW 28B.50.140. WSR 17-23-100, § 132Y-136-040, filed 11/15/17, effective 12/16/17.]

WAC 132Y-136-050 Distribution of materials. Information may be distributed as long as it is not obscene or does not promote the immi-

ment prospect of actual violence or harm. The distributor is encouraged, but not required, to include its name and address on the distributed information. 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. Non-college groups may distribute materials only on the grounds and outside spaces of the campus designated as public forum areas.

[Statutory Authority: RCW 28B.50.140. WSR 17-23-100, § 132Y-136-050, filed 11/15/17, effective 12/16/17.]

WAC 132Y-136-060 Consequences for violation of provisions in this chapter. (1) Noncollege groups who violate these rules will be advised of the specific nature of the violation, and if they persist in the violation, will be subject to an order from the college public safety department to leave the college campus. Such a request will be deemed to withdraw the license or privilege to enter onto or remain upon any portion of the college premises of the person or group of persons requested to leave, and subject such individuals to the provisions of chapter 9A.52 RCW or municipal ordinance. Persons failing to comply with such an order to leave the college or reentering college property after one's license or privilege to be on college property has been revoked shall constitute trespass and such individual shall be subject to criminal trespass proceedings.

(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 department for action in accordance with established college policies.

[Statutory Authority: RCW 28B.50.140. WSR 17-23-100, § 132Y-136-060, filed 11/15/17, effective 12/16/17.]

WAC 132Y-136-101 Scheduling office—Duties of the scheduling coordinator. (1) The scheduling office is responsible for coordinating all arrangements relative to meetings, conferences, workshops, social functions and other events involving the use of campus facilities. Advance scheduling as far ahead as a full year is strongly recommended.

(2) Any organization, club or individual with an outstanding balance due the college will not be allowed to schedule until all bills are paid.

(3) In planning various group functions, requests for the following items should be directed to the scheduling office.

(a) Campus maps.

(b) Special arrangement of furniture, podiums, and other equipment, construction of special platforms.

(c) Audio-visual equipment such as movie projectors, tape recorders, public address systems, etc.

(d) Parking permits.

(4) Any division or college organization may obtain use of college facilities by filing with the scheduling office a request for the use of college facilities at least seven days before the event; provided, however, the time requirement shall be waived whenever reasonable cause is shown.

(5) Scheduling requests shall include the following information:

(a) The name of the organization or organizations sponsoring the program.

(b) The name of the speaker and the general topic of address and/or program.

(c) The number of persons expected to attend.

(d) Any special facilities or equipment required for the presentation of the program.

(e) The organization's preferences, if any, for specific facilities.

(6) Upon receiving such information the scheduling office shall within 48 hours assign in writing an appropriate room or space, if available, for the meeting and shall assist the sponsoring organization or organizations in arranging for the special equipment that may be required. In assigning space the scheduling office shall consider the size of the facility required, other events scheduled by prior request, and the preferences of the requesting organization, unless the scheduling office deems the requested facilities to be inappropriate for the proposed use, otherwise unavailable. The scheduling office shall consider all facilities, and after consultation with the office authorized to schedule space in the particular facility, may assign any appropriate facility in the college for speakers or programs.

(7) Individual students, faculty members, and staff may form ad hoc organizations for the express purpose of inviting a particular speaker or program to address them and others on a specific occasion by filing with the scheduling office a statement of intention and sponsorship. The statement of intention and sponsorship shall be signed by at least three students, faculty members, or staff members and shall state the name of the speaker, the subject of his talk, and the purpose of the sponsors in inviting him. The statement shall also contain a certificate signed by the three sponsors stating that they are acting as individuals and not on behalf of any division or organization. The statement of intention and sponsorship shall be accompanied, when required, by payment in advance of the fee for use of the facility. Each signator is individually liable for any damages, costs, or charges incurred as a result of the scheduled event.

[Statutory Authority: RCW 28B.50.140(7). WSR 82-04-018 (Resolution No. 82-1-4), § 132Y-136-101, filed 1/26/82.]

WAC 132Y-136-201 Available space. The college property available for scheduling and use in accordance with the provisions of this policy shall be limited to:

1. Classrooms
2. Laboratories
3. Conference rooms
4. Gymnasium
5. Dining hall
6. Student lounge
7. Library
8. Playing field
9. Unassigned office space.

[Statutory Authority: RCW 28B.50.140(7). WSR 82-04-018 (Resolution No. 82-1-4), § 132Y-136-201, filed 1/26/82.]

WAC 132Y-136-204 Available space—Listing of space or premises available for leasing or renting. All college space or premises available for leasing or renting under these rules shall be listed in the scheduling coordinator's office, together with the corresponding lease fee or rental rate.

[Statutory Authority: RCW 28B.50.140(7). WSR 82-04-018 (Resolution No. 82-1-4), § 132Y-136-204, filed 1/26/82.]

WAC 132Y-136-208 Available space—Priority for use. Scheduling of academic facilities space shall be on a first in time of application basis: Provided, That where a lease has not been executed, college organizations shall have priority over noncollege organizations: And provided further, That the academic needs of the institution shall have first priority where a lease has not been executed.

[Statutory Authority: RCW 28B.50.140(7). WSR 82-04-018 (Resolution No. 82-1-4), § 132Y-136-208, filed 1/26/82.]

WAC 132Y-136-212 Available space—Classrooms. Classrooms may be made available for scheduling and use weekdays between the hours of 7:00 a.m. and 10:00 p.m. Monday through Thursday and 7:00 a.m. and 5:00 p.m. on Friday when not in use by accredited classes and weekends between the hours of 8:15 a.m. and 5:00 p.m.: Provided, The college has sufficient personnel available to open and close the facilities.

[Statutory Authority: RCW 28B.50.140(7). WSR 82-04-018 (Resolution No. 82-1-4), § 132Y-136-212, filed 1/26/82.]

WAC 132Y-136-216 Available space—Lease requirement. All non-college persons and organizations desiring to use space in accordance with these rules shall execute a lease with the scheduling coordinator for temporary or short-term use of college space. The lease may include a description of the premises or space leased, the rental rate, the names of the individuals responsible for the debts of the lessee, the nature and purpose of the intended use, time of use, number of people expected, price of admission, if any, amount of deposit, if any, food service charges, special use or set up charges, statement of responsibility for damages, verification of insurance coverage and other pertinent information, including but not limited to, a statement that the lessee agrees to adhere to and abide by all rules and regulations of Edmonds Community College.

[Statutory Authority: RCW 28B.50.140(7). WSR 82-04-018 (Resolution No. 82-1-4), § 132Y-136-216, filed 1/26/82.]

WAC 132Y-136-220 Available space—Leasing fee or rental rate. The leasing fee or rental rate for use of college space available in accordance with these rules shall be available in the office of the college scheduling coordinator. Lease fees or rental rates may be different for college organizations than for noncollege organizations.

The lease fee or rental rate shall be established by the president. The college reserves the right to change the rates without notice.

[Statutory Authority: RCW 28B.50.140(7). WSR 82-04-018 (Resolution No. 82-1-4), § 132Y-136-220, filed 1/26/82.]

WAC 132Y-136-224 Available space—Scheduling deadlines. All applications for the leasing or rental of space shall be submitted in writing, together with a written food service guarantee, if any, not less than ten calendar days in advance of the date requested and a lease or rental agreement shall be executed not less than ten calendar days prior to the date requested.

[Statutory Authority: RCW 28B.50.140(7). WSR 82-04-018 (Resolution No. 82-1-4), § 132Y-136-224, filed 1/26/82.]

WAC 132Y-136-228 Available space—Prohibition. College organizations or members of the staff, faculty, students or administration of Edmonds Community College shall not be permitted to assume cosponsorship for another group or individual in order to affect favorable scheduling priority or to reduce the costs otherwise chargeable to such other group or individual.

[Statutory Authority: RCW 28B.50.140(7). WSR 82-04-018 (Resolution No. 82-1-4), § 132Y-136-228, filed 1/26/82.]

WAC 132Y-136-236 Available space—Authority of scheduling coordinator. The scheduling coordinator of Edmonds Community College may impose special conditions or additional requirements where necessary to meet proper health or safety standards, or to assure compliance with college rules, upon any organization as a condition precedent to the scheduling, leasing or renting of college facilities.

[Statutory Authority: RCW 28B.50.140(7). WSR 82-04-018 (Resolution No. 82-1-4), § 132-136-236 (codified as WAC 132Y-136-236), filed 1/26/82.]

WAC 132Y-136-304 Use of facilities for campaign purposes—Prohibited. College facilities or services may not be used to establish or maintain an office or headquarters for a political candidate or partisan political cause. Rules, regulations, policies, procedures and practices regarding the use of college facilities shall not discriminate or promote discrimination among political parties or groups solely on the basis of their particular political viewpoint.

[Statutory Authority: RCW 28B.50.140(7). WSR 82-04-018 (Resolution No. 82-1-4), § 132Y-136-304, filed 1/26/82.]

WAC 132Y-136-401 Business sales. The soliciting, selling, exposing for sale, or offering to sell of any goods, services, articles, wares, or merchandise of any nature whatsoever, within the boundaries of Edmonds Community College property is prohibited except by written

permission of the president unless between individuals where no general or public solicitation, exposure for sale or offer to sell is involved.

[Statutory Authority: RCW 28B.50.140(7). WSR 82-04-018 (Resolution No. 82-1-4), § 132Y-136-401, filed 1/26/82.]

WAC 132Y-136-404 Business sales—Restrictions. Edmonds Community College property and facilities may not be used for the activities set forth in WAC 132Y-136-401 unless such activities serve the purposes and needs of the college and are sponsored by a college department, agency, or recognized organization. Such activities should only be permitted where they complement the services provided by local businesses.

[Statutory Authority: RCW 28B.50.140(7). WSR 82-04-018 (Resolution No. 82-1-4), § 132Y-136-404, filed 1/26/82.]

WAC 132Y-136-501 Library materials and audio-visual equipment—Loans. (1) The Edmonds Community College library-media center (LMC) loans library materials and audio-visual equipment to various users. It does not rent or lease audio-visual equipment to organizations and individuals except as part of a facility rental agreement. The users include and are limited to:

(a) Currently registered students of Edmonds Community College. For audio-visual equipment loans students need an instructor's authorization.

(b) Current academic staff, classified staff, administrative staff, and members of the board of trustees.

(c) Students and staff from institutions that contract with Edmonds Community College for services and facilities. Students from these institutions must have an instructor's authorization before checking out equipment.

(d) Holders of currently valid community courtesy cards. This group includes community residents of District XXIII as well as other individuals who show a particular need for specialized items in the LMC collections which are unavailable elsewhere. Holders of community courtesy cards may not check out equipment, and must be at least sophomores in high school. There is no charge for courtesy cards.

(e) Students from other institutions with which the Edmonds Community College LMC has a reciprocal lending agreement. This group may not borrow equipment.

(f) Other libraries and organizations through the interlibrary loan process. Equipment is not loaned to other libraries or organizations unless the LMC has a reciprocal lending agreement.

(2) All borrowers are subject to certain loan periods, and to such restrictions as apply to reference books, reserve materials, and audio-visual items and equipment. Each borrower must present proper identification before checking out LMC resources.

[Statutory Authority: RCW 28B.50.140(7). WSR 82-04-018 (Resolution No. 82-1-4), § 132Y-136-501, filed 1/26/82.]

WAC 132Y-136-540 Library materials and audio-visual equipment—

Fines. (1) No fines are levied for material returned after the designated due date, except for reserved items. When materials are not returned, or fines not paid, holds are placed on the transcript records and registration for classes and further borrowing is not permitted for those involved until such deficiencies are cleared through the LMC.

(2) When damage or loss of materials and equipment occurs, the borrower is assessed the replacement cost, plus a processing fee.

[Statutory Authority: RCW 28B.50.140(7). WSR 82-04-018 (Resolution No. 82-1-4), § 132Y-136-540, filed 1/26/82.]