

**Chapter 495C-141 WAC
USE OF COLLEGE FACILITIES**

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WAC

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WAC 495C-141-010 Administrative control. The board of trustees of Clover Park Technical College hereby delegates to the president of Clover Park Technical College authority to establish administrative rules and procedures governing the use of college facilities and to establish facility use schedules where appropriate.

[Statutory Authority: RCW 28B.50.140. WSR 19-16-095, § 495C-141-010, filed 8/1/19, effective 9/1/19.]

WAC 495C-141-020 Definitions. (1) "College groups" shall mean individuals or groups who are currently enrolled students of Clover Park Technical College or are a recognized student organization or a recognized employee group of the college, or are sponsored by a recognized student organization, employee group or the administration of the college.

(2) "Noncollege groups" shall mean individuals, or combinations of individuals, who are not currently enrolled students or current employees of Clover Park Technical College and who are not officially affiliated or associated with, or invited guests of, a recognized student organization, a recognized employee group, or the administration of the college.

(3) "College facilities" includes all buildings, structures, grounds, office space, parking lots, vehicles and equipment that are owned or controlled by the college.

(4) "Public use areas" means those areas of each campus that the college has chosen to open as places where noncollege groups may assemble for expressive activities protected by the first amendment, subject to reasonable time, place, or manner restrictions.

(5) "Expressive activities" includes, but is 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/or other types of constitutionally protected assemblies to share information, perspective or viewpoints.

(6) "Chalking" shall mean expressive speech produced by writing or drawing with washable or erasable chalk, or similar media, on a college owned or controlled walkway or pathway used for pedestrian traffic.

(7) "Administrator in charge" shall mean the person who in the absence of the president has the authority and responsibility to act on behalf of the president.

(8) "Approving authority" shall mean the president, vice president for finance and administration, or his or her delegate.

[Statutory Authority: RCW 28B.50.140. WSR 19-16-095, § 495C-141-020, filed 8/1/19, effective 9/1/19.]

WAC 495C-141-030 Statement of purpose. (1) Clover Park Technical College is an educational institution provided for and maintained by the people of the state of Washington. College facilities are reserved primarily for educational uses including, but not limited to, instruction, research, public assembly of college groups, student activities and other activities directly related to the college's educational mission. The college is under no obligation to make its public facilities available to the community for private purposes.

(2) The public character of the college does not grant to individuals an unlimited license to engage in conduct that limits, interferes with, or otherwise disrupts the normal activities for and to which the college's facilities and grounds are dedicated. Accordingly, Clover Park Technical College designates the common pedestrian walkways, pathways, thoroughfares, and grassy fields as a public use area and limited public forum dedicated to the use of college groups and noncollege groups may use for the limited purposes recited herein and that are further subject to the time, place, and manner limitations and restrictions set forth in this chapter.

(3) The purpose of the time, place, and manner regulations set forth in this chapter is to establish procedures and reasonable controls for the use of college designated public use areas for college and noncollege groups. These regulations are intended to balance the college's responsibility to fulfill its mission as a state educational institution with the interests of college groups and noncollege groups seeking to engage in constitutionally protected speech, assembly, or expression on campus. These regulations govern the use of designated public spaces by college and noncollege groups and are not intended to limit or otherwise infringe upon other expressive rights possessed by these groups.

[Statutory Authority: RCW 28B.50.140. WSR 19-16-095, § 495C-141-030, filed 8/1/19, effective 9/1/19.]

WAC 495C-141-040 Expressive activities—Use of facilities. (1) Clover Park Technical College designates the common pedestrian walkways, pathways, thoroughfares, and grassy fields as public use limited forum areas subject to the reasonable time, place, and manner limitations set forth in this chapter. Subject to the regulations and requirements of this chapter, both college and noncollege groups may use the campus limited forums for expressive activities Monday through Friday between the hours of 7:00 a.m. and 10:00 p.m.

(2) College groups that seek to engage in expressive conduct in a public use area are encouraged to notify the office of the approving authority no later than twenty-four hours in advance of the event.

(3) Noncollege groups that seek to engage in conduct in a public use area are encouraged to provide notice to the approving authority no later than twenty-four hours in advance of the event.

(4) Notification of a planned event should include:

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

(b) The date, time and requested location of the event;

(c) The nature and purpose of the event; and

(d) The estimated number of people expected to attend the event.

(5) Unscheduled events are permitted. Scheduled events shall have priority of use over unscheduled events.

(6) Sound amplification devices, musical instruments, and other noise generating devices must be used at a volume that does not disrupt or disturb the normal use of classrooms, offices, or laboratories, or any previously scheduled college event or activity.

(7) Public areas used for expressive activities shall be cleaned up by the sponsoring group 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 group for the costs of extraordinary cleanup or for the repair of damaged property.

(8) All applicable health and safety regulations shall be obeyed. The college cannot and will not provide utility connections or hook-ups for purposes of expressive activities conducted pursuant to this chapter.

(9) 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 the general public.

(10) The event must not materially 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 the general public.

(11) There shall be no overnight camping on college facilities or grounds, unless specifically permitted by the college and within the specifications and limits prescribed by the college. 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.

(12) The event must be conducted in accordance with any other applicable college policies and regulations, local ordinances and state or federal laws.

(13) 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 or at the request of a college department or office or officially chartered student club or organization which are not in conflict with chapter 42.52 RCW.

[Statutory Authority: RCW 28B.50.140. WSR 19-16-095, § 495C-141-040, filed 8/1/19, effective 9/1/19.]

WAC 495C-141-050 Expressive activities—Distribution of written materials and chalking. (1) Written materials that are not obscene or libelous and do not incite imminent unlawful conduct may be distributed on campus subject to the following restrictions:

(a) Noncollege groups may distribute written materials on public use area subject to the reasonable time, place, and manner restrictions set forth in WAC 495C-141-070.

(b) College groups may distribute materials on the public use area and may post materials on kiosks and other display areas designated for that purpose.

(c) The sponsoring organization is encouraged, but not required, to include its name and address on the distributed materials.

(2) Only college recognized student groups may perform chalking. Such chalking shall be restricted to the college walkways and pathways used for pedestrian traffic.

(3) Bulletin boards, display cases, and brochure racks are not public forums and are reserved exclusively for use by college departments and offices in furthering the teaching and learning interests of the college.

(4) Trees, bushes, garden areas, outdoor learning labs, windows, doors, parking lots, median strips, buildings and similar spaces and edifices are not public forums. Therefore signs, posters, banners, placards, notices, announcements, and similar materials may not be posted on them except by a college office or department and then only for official college business.

[Statutory Authority: RCW 28B.50.140. WSR 19-16-095, § 495C-141-050, filed 8/1/19, effective 9/1/19.]

WAC 495C-141-060 Primary uses of college facilities. When allocating use of college facilities, priority shall be given to activities related to the college's mission. No arrangements will be made that may interfere with or operate to the detriment of, the college's own instructional, research, or public service programs. In particular, college buildings, properties, and facilities, including those assigned to student programs, are used primarily for:

(1) The regularly established instructional, 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; or

(5) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies or civic or com-

munity organizations whose activities are of widespread public service and do not violate requirements of chapter 42.52 RCW.

[Statutory Authority: RCW 28B.50.140. WSR 19-16-095, § 495C-141-060, filed 8/1/19, effective 9/1/19.]

WAC 495C-141-070 Use of facilities by recognized student organizations. College facilities shall be assigned to recognized student organizations for regular business meetings, social functions and for programs open to the public, subject to prior approval by the approving authority. Any recognized campus student organization may invite speakers from outside the college community. The appearance of such speakers on the campus does not represent an endorsement by the college, its students, staff, administration, or the board of trustees, implicitly or explicitly, of the speaker's views.

[Statutory Authority: RCW 28B.50.140. WSR 19-16-095, § 495C-141-070, filed 8/1/19, effective 9/1/19.]

WAC 495C-141-080 Facility use policy. Clover Park Technical College buildings, rooms, and athletic fields may be used by noncollege groups in accordance with the college's facilities use policy. When renting or using college buildings or athletic fields, an individual or organization may be required to post a bond and/or obtain insurance to protect Clover Park Technical College against cost or other liability in accordance with the college's facility use policy. When Clover Park Technical 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: RCW 28B.50.140. WSR 19-16-095, § 495C-141-080, filed 8/1/19, effective 9/1/19.]

WAC 495C-141-090 Facility use fees. The basis for establishing and charging facility use fees reflects the college's assessment of the present market, the cost of operations, and an evaluation of the intended purpose and its relationship to the purposes of this college.

(1) College groups shall be charged at the lowest charge on the rental fee schedule which may include complimentary use.

(2) Noncollege groups shall be charged at a facility use fee not less than the full and fair market commercial rental value of premises used.

(3) The current facility use fee schedule is available from the approving authority.

[Statutory Authority: RCW 28B.50.140. WSR 19-16-095, § 495C-141-090, filed 8/1/19, effective 9/1/19.]

WAC 495C-141-100 Rental application. (1) Usually, at least seven working days before the date of intended use of any college facility, an authorized representative of the requesting organization must

submit proper and complete written application, which may be obtained through the college's event services office.

(2) The college reserves the right to make pricing changes without prior written notice.

(3) Use of a facility is limited to the facilities specified on the agreement.

(4) College events and activities take priority in the use of college facilities.

(5) Organizations using Clover Park Technical College's facilities shall conduct all activities in accordance with applicable local, state, and federal laws including all rules and policies of the college.

[Statutory Authority: RCW 28B.50.140. WSR 19-16-095, § 495C-141-100, filed 8/1/19, effective 9/1/19.]

WAC 495C-141-110 Supervision. (1) An adult twenty-one years of age or older must sign a facility use agreement in order to use college facilities pursuant to these rules. Signatories of the facility use agreement as well as adult-age organization leaders are responsible for group conduct and are expected to remain with their group during activities.

(2) If because of the nature of the event or of the facilities rented, the college determines it is necessary that it provide supervision or security, a college staff member and/or college security member will represent the college at the event. Such service shall be paid at the current rate, by the organization requesting use of the facility, and does not relieve the organization from safeguarding the college's property. College personnel will open and lock all rented facilities. Keys to buildings or facilities will not be issued or loaned on any occasion to any organization with the exception of keys to designated off-campus locations.

[Statutory Authority: RCW 28B.50.140. WSR 19-16-095, § 495C-141-110, filed 8/1/19, effective 9/1/19.]

WAC 495C-141-120 Weapons. Weapons: Possession, holding, wearing, transporting, storage or presence of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device, or any other weapon apparently capable of producing bodily harm is prohibited on the college campus, subject to the following exceptions:

(1) Commissioned law enforcement personnel or legally authorized military personnel while in performance of their duties;

(2) Persons with legally issued concealed weapons permits may store their weapons in vehicles parked in accordance with RCW 9.41.050 on campus provided the vehicle is locked and the weapon is concealed from view;

(3) The approving authority may grant permission to bring a weapon on campus upon a showing that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to any terms or conditions incorporated therein; or

(4) Defensive weapons used by college security officers.

[Statutory Authority: RCW 28B.50.140. WSR 19-16-095, § 495C-141-120, filed 8/1/19, effective 9/1/19.]

WAC 495C-141-130 Prohibited conduct. (1) The use or possession of unlawful drugs or narcotics, not medically prescribed, on college property or at college functions, is prohibited. Students under the influence of intoxicants, unlawful drugs or narcotics while in college facilities are subject to disciplinary action.

(2) The use or possession of marijuana, including medically prescribed marijuana, is a violation of federal law and is therefore prohibited.

(3) Clover Park Technical College facilities are smoke free. The use of tobacco, electronic cigarettes, and related products is prohibited on college premises or in any location where such use is prohibited, including twenty-five feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased or operated by the college. "Related products" includes, but is not limited to cigarettes, pipes, bidi, clove cigarettes, water pipes, hookahs, chewing tobacco, and snuff. The use of tobacco and electronic smoking devices is approved at designated outdoor sites.

(4) Destruction of college property is prohibited.

[Statutory Authority: RCW 28B.50.140. WSR 19-16-095, § 495C-141-130, filed 8/1/19, effective 9/1/19.]

WAC 495C-141-140 Prohibition of animals. Animals are not permitted in college owned or controlled facilities except service animals, animals performing a support function to law enforcement agencies, or animals approved by the president or designee. Animals that fail to meet the following conditions may be permanently or temporarily banned from campus:

(1) Animals shall be leashed or under the direct physical control of their handlers.

(2) Animal handlers are responsible to clean up after their animal.

(3) Animals that exhibit inappropriate social behavior such as:

(a) The animal is sick, unclean or malodorous; or

(b) The animal's behavior is disruptive, e.g., barking, growling, running loose, displaying aggressive behavior; or

(c) The animal does not meet all applicable city or county ordinances or requirements.

(4) If such circumstances or behaviors persist, college officials may direct the handler not to bring the animal onto campus. The handler may remain on campus and participate in activities, but the animal will not be allowed to return unless or until the issues have been resolved.

[Statutory Authority: RCW 28B.50.140. WSR 19-16-095, § 495C-141-140, filed 8/1/19, effective 9/1/19.]

WAC 495C-141-150 Violation of rules. (1) Where college space is used for an authorized function (such as a class or a public or private meeting under approved sponsorship, administrative functions or

service related activities), groups must obey or comply with the lawful directions of the designated administrative officer or individual in charge of the meeting.

(2) The administrator in charge shall make the decision to close down an event or activity that she or he deems to be in violation of these rules.

(3) 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 administrator in charge 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 trespass provisions of chapter 9A.52 RCW or municipal ordinance. If an event is canceled due to such violations, the organization is responsible for all college costs and expenses in preparing the facility for its use, as well as subsequent costs and expenses for cleanup and repair of college facilities.

(4) 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 accordance with established college policies.

(5) 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 has jurisdiction to act under the student conduct code, chapter 495C-121 WAC.

(6) Persons who violate college policies may be asked to leave the property by the approving authority. Remaining on or reentering the property after such event shall constitute trespass and such individual shall be subject to arrest for criminal trespass.

(7) The college may restrict an individual's or a group's use of college facilities, if that person or group has, in the past, violated provisions of this chapter, including owing a debt to the college for failure to pay for previous damages or leases. Such restriction shall be part of any no trespass or disciplinary proceeding as a result of such violation.

(8) The college reserves the right to request the assistance of appropriate law enforcement agencies in situations involving criminal actions in violation of this chapter.

(9) The college reserves the right to seek civil remedy for violations of this chapter.

[Statutory Authority: RCW 28B.50.140. WSR 19-16-095, § 495C-141-150, filed 8/1/19, effective 9/1/19.]