

**WSR 21-06-014
PERMANENT RULES
CASCADIA COLLEGE**

[Filed February 19, 2021, 10:43 a.m., effective March 22, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Adoption of expressive activities policy providing for the use of campus facilities by campus and noncampus groups for expressive activities, subject to reasonable time, place, and manner limitations.

Citation of Rules Affected by this Order: New WAC 132Z-142-010, 132Z-142-020, 132Z-142-030, 132Z-142-040, and 132Z-142-050.

Statutory Authority for Adoption: RCW 28B.50.140; and Administrative Procedure Act, chapter 34.05 RCW.

Adopted under notice filed as WSR 20-23-091 on November 17, 2020.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 5, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 17, 2021.

M. Lily Allen
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OTS-2641.1

**Chapter 132Z-142 WAC
USE OF COLLEGE FACILITIES FOR EXPRESSIVE ACTIVITY**

NEW SECTION

WAC 132Z-142-010 Purpose. This chapter contains the policies of Cascadia College concerning the use of campus facilities by campus and noncampus groups for engaging in free speech and other expressive activities. Cascadia College as an academic institution values freedom of inquiry and expression, civil discourse, and tolerance of competing viewpoints.

At the same time, campus facilities are intended primarily for use by campus groups for educational and related institutional purposes. The college intends to open the campus for expressive use by non-

campus groups to the extent that such usage does not substantially and materially interfere with institutional purposes.

It is further intended, both with respect to campus and noncampus groups, that these expressive activity policies shall be interpreted and applied consistently with applicable constitutional law.

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NEW SECTION

WAC 132Z-142-020 Definitions. (1) **Campus facilities - Grounds and buildings.** The term "campus facilities" as used in this chapter means the grounds and buildings owned, leased, operated, or controlled by Cascadia College.

(a) **Grounds.** The campus "grounds" consist of those outdoor areas of the campus that are generally open and accessible to the public, including any commons, public square, plaza, patio, pedestrian mall, thoroughfare or walkway, multipurpose field, lawn, or open space.

(b) **Buildings.** The "buildings" of the campus consist of any academic or administrative building, student union, library, museum or gallery, auditorium, theater, concert or recital hall, laboratory, dining or residence facility, athletic or recreational facility, conference or event center, maintenance or storage facility, parking lot, and any other structure reserved by the college for designated institutional uses.

(2) **Campus and noncampus groups.** The term "campus groups" means individuals or groups of individuals affiliated with the college as students, faculty or staff, or invited guests sponsored by a recognized student or alumni organization, academic department, or administrative office of the college. A "noncampus group" means individuals or groups of individuals who are not so affiliated with the college.

(3) **Expressive activity.** The term "expressive activity" means the exercise of those rights of speech, petition, and assembly protected under the federal and state constitutions including, but not limited to, public speech or other expressive conduct, the circulation of petitions or distribution of literature, protests, demonstrations, rallies, picketing, and other gatherings to share information, ideas, beliefs, or viewpoints.

(4) **Public forum - Designated or limited.** A "public forum" for purposes of this chapter is either "designated" or "limited." A dedicated public forum is available for expressive use both by campus and noncampus groups. A limited forum is available for expressive use only by campus groups and may be limited to designated purposes.

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NEW SECTION

WAC 132Z-142-030 Use of campus facilities for expressive activity. (1) **Campus grounds.** The grounds of the campus constitute designated public forums available for use for expressive activity both by campus and noncampus groups, as those terms are defined in WAC 132Z-142-020.

(2) **Campus buildings.** The buildings of the campus constitute limited public forums available for use for expressive activity only by campus groups, as those terms are defined in WAC 132Z-142-020, and may be limited to designated purposes. Campus buildings and other facilities are available for rent by noncollege groups in accordance with the college's facility rental policies.

(3) **Limits on usage.** The use of campus facilities by campus or noncampus groups for expressive activities is subject to reasonable time, place, and manner regulations as set forth in WAC 132Z-142-040.

(4) **Exception - Open public meetings.** Nothing in these rules is intended to apply to public participation in meetings of the college's governing board or associated student body that are required to be open to the public under the Open Public Meetings Act, chapter 42.30 RCW.

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NEW SECTION

WAC 132Z-142-040 Limitations on use of campus facilities. Campus or noncampus groups using campus facilities for expressive activities shall be subject to the following rules governing the time, place, and manner of the expressive activity.

(1) **Disruption or interference.** The expressive activity must not substantially and materially disrupt or interfere with the college's essential academic or administrative functions or with the rights and privileges of the college's students, employees, or invitees.

(2) **Hours of activity.** Expressive activity on the campus grounds as defined in WAC 132Z-142-020 must be limited between the hours of 8:00 a.m. and 10:00 p.m. Expressive activity in campus buildings must be limited in accordance with the normal hours of operation and other rules applicable to the particular building.

(3) **Scheduling conflicts.** Campus facilities, including both "grounds" and "buildings" as defined in WAC 132Z-142-020, are not available for unscheduled expressive activities that conflict with previously scheduled uses of the facility.

(4) **Sound amplification.** Sound amplification, whether by artificial means or otherwise, must be maintained at a volume that does not substantially and materially disrupt or interfere with the college's essential academic or administrative functions.

(5) **Traffic obstruction.** The expressive activity must not be conducted in such a manner as to obstruct vehicular, bicycle, pedestrian, or other traffic including, but not limited to, access by emergency vehicles or personnel. The activity must not otherwise interfere with access to campus facilities or to other campus activities or events.

(6) **Health and safety - Protection of property.** The expressive activity must not create health or safety hazards, pose safety risks to others, or cause damage to college property or the property of others. The activity must be conducted in compliance with applicable fire, health, safety, and sanitation regulations.

(7) **Advance notice requested.** Campus and noncampus groups are requested to notify the college reasonably in advance of a planned or scheduled expressive activity. Such notice does not involve any permit application or approval process. Advance notice is requested for the purpose of avoiding scheduling conflicts and making appropriate secur-

ity and facility use arrangements. Groups providing the requested notice are encouraged to provide the name and contact information for their group; the date, time and place of the activity; and the estimated number of participants.

(8) **Cleanup - Repairs.** Campus and noncampus groups using campus facilities for expressive activities are expected to clean up after the activity and return the facilities to their original condition. Reasonable charges may be assessed against responsible parties for the cost of any extraordinary cleanup or for repairing damaged property.

(9) **Camping prohibited.** There shall be no overnight camping anywhere on or in campus facilities, except as expressly authorized by the college for designated institutional purposes. Camping is defined to include sleeping, cooking, or storing personal belongings, for personal habitation, or the erection of tents or other shelters or structures used for purposes of personal habitation.

(10) **Other applicable policies or rules.** The expressive activity must otherwise be conducted in compliance with any other applicable college policies and rules, local ordinances, and state or federal law.

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NEW SECTION

WAC 132Z-142-050 Solicitation—Distribution of materials—Posting. (1) **Solicitation.** Commercial solicitation generally is not permitted on college property. Solicitation by campus and noncampus groups for other than commercial purposes is permitted to the same extent applicable to the distribution of materials under subsection (2) of this section. Space in campus buildings may be rented to noncampus groups for commercial or noncommercial purposes in accordance with college policies applicable to the particular campus facility.

(2) **Distribution of materials.**

(a) **Definition.** The term "materials" for purposes of this subsection means free literature or other tangible items, other than commercial advertising including, but not limited to, handbills, pamphlets, petitions, surveys, questionnaires, and other printed matter that is otherwise lawful.

(b) **Distribution on campus grounds.** Campus and noncampus groups may distribute materials anywhere on the campus grounds as defined in WAC 132Z-142-020, provided such distribution does not substantially and materially interfere with essential college functions and is otherwise in compliance with applicable time, place, and manner regulations under WAC 132Z-142-040.

(c) **Distribution in campus buildings.** The distribution of materials in campus buildings as defined in WAC 132Z-142-020 is limited to campus groups in accordance with college policies applicable to the particular facility.

(d) **Littering - Parking lots.** Littering is prohibited. The general distribution of materials by placing them on vehicle windshields in college parking lots is deemed to constitute littering.

(3) **Posting.** The posting by campus groups of noncommercial advertising or other printed announcements is permitted in designated locations and for designated purposes in accordance with policies applica-

ble to the particular campus facility. Posting of noncommercial announcements by noncampus groups is permitted in areas designated for publicizing community events.

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