

WSR 24-15-114

PROPOSED RULES

COLUMBIA BASIN COLLEGE

[Filed July 22, 2024, 7:21 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-12-031.

Title of Rule and Other Identifying Information: Amend WAC 132S-400-115 for clarification on areas for gathering under the facility use for first amendment activities.

Hearing Location(s): On August 28, 2024, at 3:30 p.m., at 2600 North 20th Avenue, Pasco, WA 99301 (Human Resources Conference Room); or join Zoom meeting <https://columbiabasin.zoom.us/j/85038124971>, Meeting ID 850 3812 4971; or One-tap mobile +12532158782,,85038124971# US (Tacoma), +12532050468,,85038124971# US. Find your local number <https://columbiabasin.zoom.us/j/85038124971>.

Date of Intended Adoption: August 28, 2024.

Submit Written Comments to: Lindsey Carpenter, 2600 North 20th Avenue, Pasco, WA 99301, email LCarpenter@columbiabasin.edu, fax 509-544-2029, beginning August 1, 2024, by August 21, 2024.

Assistance for Persons with Disabilities: Contact Lindsey Carpenter, 2600 North 20th Avenue, Pasco, WA 99301, fax 509-544-2026, email LCarpenter@columbiabasin.edu, by August 21, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Columbia Basin College needs to amend WAC 132S-400-115 for clarity. WAC 132S-400-115 (12)(a)(iv) states the "Community bulletin board (located at the west entrance to the Thornton Building) is a public area for use." This bulletin board may be used for public publications and postings only. The area in which the bulletin board stands would create an obstruction of normal business if a gathering were to take place there.

Reasons Supporting Proposal: WAC 132S-400-115 (12)(a)(iv) must reflect the accurate purpose for the community bulletin board for first amendment rights.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 28B.10.900, chapter 42.30 RCW; First Amendment of the United States Constitution.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Columbia Basin College, public.

Name of Agency Personnel Responsible for Drafting: Lindsey Carpenter, 2600 North 20th Avenue, Pasco, WA 99301, 509-542-4740; Implementation and Enforcement: Corey Osborn, 2600 North 20th Avenue, Pasco, WA 99301, 509-542-4740.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis is not required for this proposed change because it constitutes a clarification of existing rules regarding the designation and use of first amendment public meeting areas on campus. This change does not introduce new regulatory requirements or significantly alter existing practices, and therefore, does not have a significant economic impact on the university, students, or the public. Additionally, under the Administrative Procedure Act, this type of interpretive rule is exempt from the requirement to conduct a cost-benefit analysis. The proposed clarification ensures that Columbia Basin Col-

lege's policies are clear and consistent with existing legal standards without imposing new costs.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Scope of exemption for rule proposal:

Is fully exempt.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. This change is not anticipated to impose any additional cost on business.

July 20, 2024

Corey Osborn, Vice President
Human Resources and Legal Affairs

OTS-5651.1

AMENDATORY SECTION (Amending WSR 20-03-046, filed 1/9/20, effective 2/9/20)

WAC 132S-400-115 Use of facilities. (1) Subject to the regulations and requirements of this policy, noncollege groups may use the college's designated public areas, as identified in subsection (12) of this section for first amendment activities between the hours of 7:00 a.m. and 10:00 p.m.

(2) Signs shall be no larger than three feet by five feet and no individual may carry more than one sign.

(3) 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.

(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 event. Reasonable charges may be assessed against the sponsoring organization for the costs of extraordinary clean-up or for the repair of damaged property.

(5) 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 first amendment activities conducted pursuant to this policy.

(6) 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.

(7) 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 pro-

viding 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.

(8) 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.

(9) 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 of office or officially chartered student club.

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

(11) College buildings, rooms, and athletic fields may be rented by noncollege groups in accordance with the college's facilities use policy.

(12) The college designates the following area(s) as the designated public areas for use by noncollege groups for first amendment activities on campus:

(a) With respect to the Pasco campus:

(i) Mural gathering area (concrete pad north of the A building);

(ii) A building gathering area (southeast corner near the arbor and seating area);

(iii) Gjerde Center gathering area (northeast concrete portion in front of the main entrance to the H building); and

(iv) Community bulletin board posting printed materials only (located at the west entrance to the Thornton Building).

(b) With respect to the Richland campuses:

(i) Public sidewalks for all campuses;

(ii) Richland Health Science Center located at 891 Northgate Drive, limited to the east or west side of the entrance concrete pad; and

(iii) Richland Original Campus located at 901 Northgate Drive, limited to the walkway space between buildings RB and RC, not to exceed the width of where the building ends immediately adjacent to the walkway.

(13) Noncollege groups that seek to use the designated public fora to engage in first amendment activities shall provide notice to the campus security office no later than (~~twenty-four~~) 24 hours prior to the event along with the following information, which shall be used for notification purposes only:

(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 event;

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

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

(14) Noncollege group events shall not last longer than five hours from beginning to end.