

Chapter 504-33 WAC

FACILITY USE RULES FOR FIRST AMENDMENT/FREE SPEECH ACTIVITIES

WAC

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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. 08-24-026, § 504-33-010, filed 11/24/08, effective 12/25/08.]

WAC 504-33-015 Definitions. (1) "Nonuniversity group," 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," 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. A list of affiliated entities is available on the campus use committee web site. The web site can be found by accessing the university's web site at: <http://www.wsu.edu/>.

(4) "Limited public forum areas" means those areas of each campus that the university has chosen to be open as places for expressive activities protected by the first amendment, subject to reasonable time, place or manner restrictions.

(a) At the Pullman campus, the designated limited public forum areas are:

- (i) The Glenn Terrell Mall; and
 - (ii) The public sidewalks adjacent to public roads.
- (b) At the Spokane campus, the designated limited public forum areas are:

(11/24/08)

(i) The patio outside the main entrance to the Phase I Classroom Building; and

(ii) The public sidewalks adjacent to public roads.

(c) At the Tri-Cities campus, the designated limited public forum areas are:

(i) The Atrium Courtyard; and

(ii) The public sidewalks adjacent to public roads.

(d) At the Vancouver campus, the designated limited public forum areas are:

(i) The area of campus plaza directly east of the cafeteria extending to the stone wall; and

(ii) The public sidewalks adjacent to public roads.

(e) In addition to the public forum areas identified herein, the chancellors of the Spokane, Tri-Cities, and Vancouver campuses and the university president may designate additional areas of the campuses under their authority as public forums. Such additional public forum areas shall be set forth in the university's business policies and procedures manual.

(5) "First amendment activities" 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/or other types of constitutionally protected assemblies to share information, perspective or viewpoints.

[Statutory Authority: RCW 28B.30.150. 08-24-026, § 504-33-015, filed 11/24/08, effective 12/25/08.]

WAC 504-33-020 Use of limited public forum areas—Purpose. Freedom of expression is a highly valued and indispensable quality of university life, and the university desires to allow its students and employees the opportunity to utilize the facilities and grounds of the university to the fullest extent possible. The university commitment to this ideal does not, however, grant to individuals or groups an unlimited license to engage in activity which limits, interferes with, or otherwise disrupts the normal activities for and to which the university's buildings, facilities and grounds are dedicated. The purpose of these time, place, and manner regulations is to establish procedures and reasonable controls for the use of the university's limited public forum areas by both nonuniversity and university groups. It is intended to balance the university's responsibility to fulfill its mission as a state educational institution of Washington with the interests of nonuniversity groups or university groups who are interested in using the campus for purposes of constitutionally protected speech, assembly, or expression.

[Statutory Authority: RCW 28B.30.150. 08-24-026, § 504-33-020, filed 11/24/08, effective 12/25/08.]

WAC 504-33-025 Use of limited public forum facilities. Subject to the regulations and requirements of this policy, university and nonuniversity groups may use the university's limited public forum areas for those activities protected by the first amendment.

(1) Notice to use the limited public forum areas is to be provided as follows:

(a) At the Pullman campus:

(i) To the campus police; and

(ii) For requests to use the Glenn Terrell Mall, to the scheduling office.

(b) At the Spokane campus:

(i) To the campus office of student affairs; and

(ii) To the campus security office.

(c) At the Tri-Cities campus:

(i) To the campus office of student affairs; and

(ii) To the campus security office.

(d) At the Vancouver campus:

(i) To the campus office of business affairs; and

(ii) To the campus security office.

(2) Timing of notice. All groups must provide the required notice no later than fourteen calendar days in advance of use of the limited public forum. However, events may be permitted with less notice so long as the event does not interfere with any other function occurring at the facility.

(3) Content of notice. The notice to use the public forum areas is to contain:

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

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

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

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

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

(4) Sound amplification. The use of sound amplification devices for free speech purposes is not allowed.

(5) Duration of events. In order to allow for the expression of a wide range of viewpoints and discussion of an array of issues, university group events may not last longer than eight hours per day, and may continue no longer than five days from beginning to end. Nonuniversity events and university affiliate events may not last longer than five hours per day and may continue over no more than three days, from beginning to end. These limitations upon the duration of events will be excused, on a day-to-day basis, upon request when there are no competing requests to use the facility.

(6) Distribution of materials. Signs, posters, literature, handbills, leaflets, and pamphlets may be distributed in accordance with WAC 504-34-140. The sponsoring organization is encouraged, but not required, to include its name and address on the distributed information.

(7) Commercial transactions. Speech that does no more than propose a commercial transaction is prohibited in connection with the use of the facility or event.

(8) The limited public forum used by the group must be cleaned up and left in its original condition and may be subject to inspection by a representative of the university after the event. Reasonable charges may be assessed against the

sponsoring organization for the costs of cleanup or for the repair of damaged property.

(9) The use of the facility must comply with all requirements of WAC 504-35-030.

(10) The university and/or government authorities may specify additional fire, safety, sanitation, and special regulations for the event, and the user must obey those regulations.

(11) The university will not provide utility connections or hook-ups.

[Statutory Authority: RCW 28B.30.150. 08-24-026, § 504-33-025, filed 11/24/08, effective 12/25/08.]

WAC 504-33-030 Additional requirements for scheduling at times of university authorized or sponsored events. (1) The limited public forum may not be used on the same date as any previously scheduled university event or activity at the site (aside from regularly scheduled classes) where it is reasonably anticipated that more than five hundred people will attend the university event or activity.

(2) 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:

(a) The sidewalks adjacent to Martin Stadium may not be used for the three-hour period preceding a football game or other event at Martin Stadium until two hours after the game or event has ended, except that sidewalks opposite the stadium 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. Where the free speech activity is expected to draw a crowd of more than fifty people, the Glenn Terrell Mall may not be used during these time periods.

(b) The sidewalks adjacent to Beasley Coliseum may not be used for the two-hour period preceding a game or other event at Beasley Coliseum until two hours after the game or event has ended, except that sidewalks opposite the 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. 08-24-026, § 504-33-030, filed 11/24/08, effective 12/25/08.]

WAC 504-33-040 Grant and termination of license to use facilities. The university president or designee; any university vice-president; the chancellors of the Spokane, Tri-Cities, or Vancouver campuses or designees; or the designee of the vice-president for business and finance may authorize first amendment activities which are reasonably determined not to disrupt university activities, despite a literal violation of this policy statement. Such determinations will be made without consideration of the content or message of the first amendment activities.

The university president or designee; any university vice-president; the chancellors of the Spokane, Tri-Cities, or Vancouver campuses or designees; or the designee of the vice-president for business and finance may, at any time, terminate, cancel or prohibit the use of facilities if the event is disrupting normal university functions. Any of these individuals may refuse to allow a proposed use of facilities if they determine, after reasonable inquiry, that the use or event can-

not be conducted without disrupting normal university functions. Such determinations will be made without consideration of the content or message of the first amendment activities.

[Statutory Authority: RCW 28B.30.150. 08-24-026, § 504-33-040, filed 11/24/08, effective 12/25/08.]

WAC 504-33-050 Posting of a bond and hold harmless statement. When using university facilities, an individual or organization may be required to post a bond and/or obtain insurance to protect the university against cost or other liability.

When the university 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 resulting from that use.

[Statutory Authority: RCW 28B.30.150. 08-24-026, § 504-33-050, 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. 08-24-026, § 504-33-060, filed 11/24/08, effective 12/25/08.]