

Chapter 504-35 WAC

FACILITY USE RULES FOR OTHER THAN FIRST AMENDMENT/FREE SPEECH ACTIVITIES

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WAC 504-35-005 Title. This chapter is known as Washington State University facility use rules for other than first amendment/free speech activities.

[Statutory Authority: RCW 28B.30.150. 08-24-026, § 504-35-005, filed 11/24/08, effective 12/25/08.]

WAC 504-35-010 Use of university facilities—General policy and purpose. Washington State University is an educational institution provided and maintained by the people of the state of Washington in order to carry out its broad missions of teaching, research, and public service. A state agency is under no obligation to make its public facilities available to the community for private purposes, and the university generally reserves its facilities, buildings, and grounds for its mission-related activities, including: Instruction, research, public assembly, student activities, and recreational activities related to education. However, the university makes facilities available for a variety of uses which are of benefit to the general public under the conditions set forth in these regulations if such general uses substantially relate to, and do not interfere with, university missions.

The purpose of these regulations is to establish procedures and reasonable controls for the use of university facilities by individuals and entities other than the university itself, including university employees, students, and registered student organizations, as well as individuals and groups that are not related to or affiliated with the university.

In reviewing conflicting requests to use university facilities, primary consideration is given to activities specifically related to the university's mission. Additionally, no use will be allowed that may interfere with, or operate to the detriment of, the university's own teaching or public service programs. Additionally, reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to ensure the proper maintenance of the facilities.

[Statutory Authority: RCW 28B.30.150. 08-24-026, § 504-35-010, filed 11/24/08, effective 12/25/08.]

(11/24/08)

WAC 504-35-015 First amendment/free speech activities not covered. Use of university facilities for first amendment/free speech activities is governed by the rules set forth in chapter 504-33 WAC. This chapter does not apply to those individuals or groups using university facilities for first amendment activities.

[Statutory Authority: RCW 28B.30.150. 08-24-026, § 504-35-015, filed 11/24/08, effective 12/25/08.]

WAC 504-35-020 Definitions and powers. (1) "Affiliated entities" or "university affiliates" means those entities that have formal relationships with the university and also encompass those entities' officers, agents, and employees. Affiliated entities include, but are not limited to, the university research foundation, the university foundation, the 4-H foundation, the office of the attorney general, 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/>.

(2) "Approving authority" means a university employee who has authority, consistent with these regulations and with the procedures established by the campus use committee, to review, approve, or deny individual requests for use of facilities.

(a) The university maintains a list of the approving authorities for those facilities that are most frequently used on a short-term basis by individuals and groups. That list is available from the office of business and finance at the Pullman campus, 442 French Administration Building, or by going on-line to the campus use committee web site. The web site can be found by accessing the university's web site at: <http://www.wsu.edu/>.

(b) The approving authority for all long-term uses of facilities is the vice-president for business and finance, the university president, or designee.

(3) A "ballot proposition" means any measure, initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or of any municipal corporation, political subdivision, or other voting constituency from the time that proposition has been filed with the appropriate election officer of the constituency.

(4) The "campus use committee" is the group that is charged with establishing procedures for review of requests to use university facilities at the Pullman campus; to establish, within the framework of these regulations, procedures governing use of facilities throughout the university system; to review rental schedules where appropriate, and to review individual requests for use where such requests are not reviewed by another university unit or department under these rules. Review of requests to use facilities at the Van-

couver, Spokane, and Tri-Cities campuses will be reviewed by the campus use committees for those campuses.

(5) "Campus use committee—Vancouver," "campus use committee—Tri-Cities," and "campus use committee—Spokane" mean the groups responsible to review individual requests for use of university facilities operated under the oversight of the Vancouver, Tri-Cities and Spokane campuses where such requests are not reviewed by another university unit or department under these rules.

(6) A "candidate forum" means a forum where all registered candidates for a potential elected seat are invited to speak regarding their candidacy and position on issues.

(7) "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, perspectives, or viewpoints.

(8) An "issue forum" means a forum where supporters and opponents of a ballot proposition are invited to speak on their positions regarding the ballot proposition.

(9) "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 ("first amendment activities"), subject to reasonable time, place, or manner restrictions. The use of limited public forum areas for first amendment activities is governed by chapter 504-33 WAC. The provisions of this chapter govern the use of limited public forum areas for nonfirst amendment activities, such as student sponsored concerts or dances. Limited public forum areas are identified in WAC 504-33-015.

(10) "Long-term use" means the use of a university facility for a period of longer than five consecutive business days in any thirty calendar-day period or the use of a university facility for a period that will exceed ten days in any thirty calendar-day period.

(11) A "measure" means any question or proposition submitted to voters.

(12) "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.

(13) "Registered student organization" means a student group or association that has officially signed up with the university pursuant to WAC 504-28-010.

(14) "Short-term use" means a use of a university facility on a daily or hourly basis, not to exceed five consecutive calendar days, or ten calendar days in any thirty calendar-day period. Approving authorities may enter agreements authorizing sporadic use of facilities under their control for periods of up to one year, if the approving authority utilizes the template approved by the office of business and finance for such agreements and if the authorized use will not exceed ten days in any thirty calendar-day period.

(15) "University group," for purposes of this policy, means a registered student organization or a recognized employee group (an employee group created to further professional development of its members or the mission of the university) 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.

(16) "University facilities" means all buildings and grounds owned or controlled by the university and the streets, sidewalks, malls, parking lots, and roadways within the boundaries of property owned or controlled by the university.

(17) "Use of facilities" includes the holding of any event or forum, the posting of signs, all forms of advertising, commercial solicitation or the conduct of other commercial activities, the distribution of pamphlets or similar written materials, and the charitable solicitation or the conduct of other charitable activities on or using university facilities.

[Statutory Authority: RCW 28B.30.150. 08-24-026, § 504-35-020, filed 11/24/08, effective 12/25/08.]

WAC 504-35-022 Requests for use of facilities for other than first amendment activities.

(1) Requests for short-term use of university facilities must be directed to the approving authority who has authority to consummate rental agreements consistent with the rental rates established by the university, these facility regulations, and any guidelines developed by the campus use committee, including the requirement that the approving authority use university approved facilities use templates. A list of the individuals having authority to approve requests for short-term uses of identified university facilities is available in the university office of business and finance at the Pullman campus or by going on-line to the campus use committee web site. The web site can be found by accessing the university's web site at: <http://www.wsu.edu/>.

(2) Requests for long-term use of university facilities must be directed to the vice-president for business and finance, the university president, or designee.

(3) If a requestor is uncertain where to direct a request to use a particular facility, or if the approving authority for a particular facility is not on the university list, he or she should address his or her request to the campus use committee or to the vice-president for business and finance or designee.

[Statutory Authority: RCW 28B.30.150. 08-24-026, § 504-35-022, filed 11/24/08, effective 12/25/08.]

WAC 504-35-024 Scheduling and reservation practices for other than first amendment activities—Duties of requestor.

(1) The primary purpose of university facilities is to serve the university's instructional, research, and public service activities. However, facilities when not required for scheduled university use, may be available for rental by the public in accordance with current fee schedules and other relevant terms and conditions for such use.

(2) No university facilities may be used by individuals or groups unless the facilities, including buildings, equipment, and land, have been reserved.

(3) Requests to use university facilities are made to the approving authority, as defined in WAC 504-35-020(2) and in accordance with WAC 504-35-022.

(4) The approving authority may deny the request to use university facilities where he or she determines that such use would violate any of the limitations set forth in WAC 504-35-030 or where the requestor is unwilling to comply with university requirements for the use of facilities, as authorized by these rules.

(5) The university may require an individual or organization to make an advance deposit, post a bond and/or obtain insurance to protect the university against cost or other liability as a condition to allowing use of any university facility.

(6) When the university grants permission to an individual or organization to use its facilities it is with the understanding and on the condition that the individual or organization assumes full responsibility for any loss or damage resulting from such use and agrees to hold harmless and indemnify the university against any loss or damage claim arising out of such use.

(7) The university and/or government authorities may specify fire, safety, sanitation, and special regulations for the event. It is the responsibility of the user to obey those regulations, as well as to comply with other applicable university policies, procedures, rules, regulations, and state, local, and federal laws.

(8) When the university grants permission to an individual or organization to use its facilities it is with the understanding and on the condition that the individual or organization is responsible to clean the facility and leave it in its original condition at the conclusion of its use or event. The facility 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 extraordinary cleanup or for the repair of damaged property.

[Statutory Authority: RCW 28B.30.150. 08-24-026, § 504-35-024, filed 11/24/08, effective 12/25/08.]

WAC 504-35-026 Facility rental/use fees. (1) The university assesses fees based upon the actual cost, direct and indirect, of using a university facility. Fees for the short-term use of most facilities are set forth on a schedule available in the office of business and finance at the Pullman campus or by going on-line to the campus use committee web site. The web site can be found by accessing the university's web site at: <http://www.wsu.edu/>. The university reserves the right to make changes to fees without prior written notice, except that such fee changes do not apply to facility use agreements already approved by the university.

(2) In the event that the fee for the use of a particular facility has not been placed on the schedule, and if the university determines to allow the use of the facility, the university will assess a fee based upon the full cost, direct and indirect, of using the facility.

(3) Fees for the long-term use of facilities are individually negotiated between the requestor and the office of business and finance, with the fee charged reflecting the full costs of the use, as offset by any resulting university benefit.

(4) Student government organizations and registered student organizations may be allowed to use space in many university facilities at no charge or at a reduced rate. The fees charged to student government and registered student organizations for facilities are available in the university office of business and finance at the Pullman campus or by going on-

line to the campus use committee web site. The web site can be found by accessing the university's web site at: <http://www.wsu.edu/>.

[Statutory Authority: RCW 28B.30.150. 08-24-026, § 504-35-026, filed 11/24/08, effective 12/25/08.]

WAC 504-35-030 Limitations on use. The following limitations apply to all uses of any university facilities:

(1) University facilities may not be used in ways which obstruct vehicular, bicycle, pedestrian, or other traffic or otherwise interfere with ingress or egress to the university, any university building or facility, or that obstruct or disrupt educational activities or other lawful activities on university grounds, university controlled facilities, or at university sponsored events.

(2) University facilities may not be used in ways that interfere with educational, research, or public service activities inside or outside any university building or otherwise prevent the university from fulfilling its missions and achieving its primary purposes.

(3) University facilities may not be used for the purpose of campaigning regarding a ballot proposition or by, for, or against candidates who have filed for public office, except that:

(a) University departments, student government organizations, or registered student organizations may sponsor candidate forums as well as issue forums regarding ballot propositions;

(b) Candidates for office and proponents or opponents of ballot propositions may rent university facilities on a short-term basis for campaign purposes to the same extent and on the same basis as may other individuals or groups;

(c) Candidates for office and proponents or opponents of ballot propositions may use the limited public forum areas using the procedures of chapter 504-33 WAC to the same extent and on the same basis as may other individuals or groups; and

(d) A registered student organization may invite a candidate or another political speaker to one of the meetings of its membership on university property, if it has complied with the scheduling procedures of WAC 504-35-024.

(4) University facilities may not be used in ways that create safety hazards or pose unreasonable safety risks to students, employees, or invitees.

(5) University facilities may not be used for commercial purposes, including: Advertising, commercial solicitation, sales, or other activities to promote a product, except as allowed under WAC 504-35-050.

(6) University facilities may not be used in furtherance of or in connection with illegal activity.

(7) University facilities may not be used in such manner as to create a hazard or result in damage to university facilities.

(8) University facilities may not be used where such use would create undue stress on university resources (e.g., a request for a major event may be denied if another major event is already scheduled for the same time period, because of demands for parking, security coverage, etc.); except that the use of limited public forum areas for a first amendment activity may not be halted simply because the event may require additional university security or police costs.

(9) Advance permission by the approving authority is required to use audio amplifying equipment. Use of audio amplifying equipment is permitted only in locations and at times that will not interfere with the normal conduct of university affairs.

(10) Alcoholic beverages may be served only as allowed under university policies. It is the responsibility of the event sponsor to obtain all necessary licenses from the Washington state liquor control board and adhere to their regulations, as well as all local ordinances, university rules, and regulations.

(11) No person may erect a tent or other shelter on university facilities or remain overnight on university facilities, including in a vehicle, trailer, tent, or other shelter, with the following exceptions:

(a) The use and occupancy of university housing in accordance with chapter 504-24 WAC;

(b) The use of facilities by a university employee or agent who remains overnight to fulfill the responsibilities of his or her position;

(c) The use of facilities by a university student who remains overnight to fulfill the responsibilities of his or her course of study;

(d) The use of facilities where overnight stays are specifically permitted in identified locations for attendees at special events designated by the university, such as staying in the RV lots during home football games, commencement, and special weekends.

(12) Signs and posters and visual displays may be placed only at those locations authorized under, and in accordance with the restrictions of WAC 504-34-140.

(13) Handbills, leaflets, pamphlets, flyers, and similar materials may be distributed only in accordance with WAC 504-34-140.

(14) Animals are not allowed in or on university facilities, except in accordance with WAC 504-36-020.

(15) Smoking is not allowed in or on university facilities, except in accordance with chapter 70.160 RCW.

(16) Mopeds, Segways, skateboards, roller skates, roller blades, bicycles, and similar personal transportation devices may be used on campus only as allowed by WAC 504-14-250, 504-14-930, 504-15-250, 504-15-930, 504-19-250, and 504-19-930.

[Statutory Authority: RCW 28B.30.150. 08-24-026, § 504-35-030, filed 11/24/08, effective 12/25/08.]

WAC 504-35-050 Private or commercial enterprise or charitable use. (1) University facilities may not be used for private or commercial gain, including: Commercial advertising; solicitation and merchandising of any food, goods, wares, service, or merchandise of any nature whatsoever; or any other form of sales or promotional activity; except that commercial activity is allowable:

(a) If the campus use committee has determined that the commercial activity or use will serve an educational or public service purpose related to the university's mission;

(b) By special permission granted by the university president, or designee, if an agreement, lease, or other formal arrangement is entered into between the university and the person, corporation, or other entity desiring to engage in commercial activity;

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(c) To the extent it represents the regular advertising, promotional, or sponsorship activities carried on, by, or in any university media, *The Daily Evergreen*, or at NCAA athletic events;

(d) In designated areas of each residence hall when related to the university's mission and approved by the university president, the vice-president for student affairs, or such other person as may be designated by the university president; and

(e) If the university purchasing department has authorized vendor representatives to solicit university departments, colleges, or business units, and where those representatives have appropriate university identification.

(2) University facilities may not be used by faculty or staff in connection with compensated outside service, with the following exceptions:

(a) Faculty or staff may use university facilities that are generally available to the public on the same basis, including payment of the same fees, as may other private citizens; and

(b) Faculty may make private use of facilities to encourage basic and applied research in accordance with the provisions of the university policy adopted pursuant to RCW 42.52.220.

(3) University facilities may not be used to benefit a charitable organization, with the following exceptions:

(a) Charities that are licensed in the state of Washington may use university facilities that are generally available to the public on the same basis, including payment of the same fees, as may private citizens;

(b) Charities that are licensed in the state of Washington may use facilities without charge by special permission granted by the university president, or designee, or the vice-president for business and finance where the university has determined that the charitable activity or use will serve an educational or public service purpose related to the university's mission and an agreement, lease, or other formal arrangement is entered into between the university and the person, corporation, or other entity desiring to engage in a charitable event; and

(c) Student government organizations, registered student organizations, and university units that have followed university policies and procedures to conduct fund-raising activities and have adhered to all scheduling requirements and other university policies.

[Statutory Authority: RCW 28B.30.150. 08-24-026, § 504-35-050, filed 11/24/08, effective 12/25/08.]

WAC 504-35-070 Outdoor dances, concerts, carnivals and fairs. Street dances, outdoor concerts, carnivals, or fairs may be held at approved locations when sponsored by student governments or registered student organizations on days and at times approved by the office delegated oversight responsibility for student government organizations and registered student organizations on each campus, following consultation with appropriate university departments.

[Statutory Authority: RCW 28B.30.150. 08-24-026, § 504-35-070, filed 11/24/08, effective 12/25/08.]

WAC 504-35-080 Parades. Permits for parades on university streets and roads on the Pullman campus may be obtained upon approval of the university chief of police. Per-

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mits for parades on university streets and roads at the Vancouver, Spokane, and Tri-Cities campuses may be obtained upon the approval of the person identified by the university, as set forth on the list of approving authorities available from the office of business and finance at the Pullman campus or by going on-line to the campus use committee web site. The web site can be found by accessing the university's web site at: <http://www.wsu.edu/>.

Parades must be scheduled so as not to interfere with rush-hour traffic or with university events or activities.

[Statutory Authority: RCW 28B.30.150. 08-24-026, § 504-35-080, filed 11/24/08, effective 12/25/08.]

WAC 504-35-150 Administrative control—Trespass.

Individuals who violate these regulations will be advised of the specific nature of violation. If they persist in the violation, they may be directed by a university official, university public safety or security officer, or any other public safety officer acting under the authority of a mutual aid agreement, to leave the university property. Such a direction withdraws the license or privilege to enter onto or remain upon an identified portion of, or all, university facilities by the individual told to leave. Persons who fail to heed the direction to leave university facilities, or who enter onto such facilities in violation of such direction, may be arrested under the provisions of chapter 9A.52 RCW. If the no trespass order is given for only one portion of campus for only a single day, the decision is not subject to appeal.

Individuals directed to leave university facilities for more than a single day may appeal that decision by submitting to the vice-president for business and finance, or such other person as the university president may designate, by certified mail, return receipt requested, a letter stating the reasons the person should not be barred from university facilities. The vice-president for business and finance, or the person who has been designated by the university president, shall respond in writing within fifteen calendar days with a final decision of the university. Persons will continue to be barred from university property while their appeal is pending.

University students, faculty, and staff may only be ejected pursuant to this protocol where the duration of the ejection is for no more than a single day or where the ejection applies to a portion of university property that the student or employee does not need to access to perform his or her studies or work (e.g., a student may be ejected, using this protocol, from Martin Stadium during a football game or from Beasley Coliseum during an event).

Students, faculty, and staff who do not comply with these regulations will be reported to the appropriate university office or agency for action in accordance with established university policies. Such action may include a decision to permanently bar them from entering onto, or remaining upon, all or a portion of the university facilities. The authority to bar students from all or a portion of campus under this section is separate from, and in addition to, the authority of student conduct officers or conduct boards to bar students as a disciplinary sanction.

[Statutory Authority: RCW 28B.30.150. 08-24-026, § 504-35-150, filed 11/24/08, effective 12/25/08.]