

Chapter 132P-136 WAC

FACILITY USE FOR OTHER THAN FIRST AMENDMENT ACTIVITIES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132P-136-010	General. [Statutory Authority: RCW 28B.50.140(7), 93-19-073, § 132P-136-010, filed 9/13/93, effective 10/14/93; Order 72-2, § 132P-136-010, filed 12/4/72.] Repealed by 11-11-067, filed 5/16/11, effective 7/1/11. Statutory Authority: RCW 28B.50.140.
132P-136-020	Applications—Permits. [Statutory Authority: RCW 28B.50.140(7), 93-19-073, § 132P-136-020, filed 9/13/93, effective 10/14/93; Order 72-2, § 132P-136-020, filed 12/4/72.] Repealed by 11-11-067, filed 5/16/11, effective 7/1/11. Statutory Authority: RCW 28B.50.140.
132P-136-030	Rental fees. [Statutory Authority: RCW 28B.50.140(7), 93-19-073, § 132P-136-030, filed 9/13/93, effective 10/14/93; Order 72-2, § 132P-136-030, filed 12/4/72.] Repealed by 11-11-067, filed 5/16/11, effective 7/1/11. Statutory Authority: RCW 28B.50.140.
132P-136-040	Regulations. [Statutory Authority: RCW 28B.50.140(7), 93-19-073, § 132P-136-040, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28B.50.140(1)(7), 90-11-077, § 132P-136-040, filed 5/16/90, effective 6/16/90; Order 72-2, § 132P-136-040, filed 12/4/72.] Repealed by 11-11-067, filed 5/16/11, effective 7/1/11. Statutory Authority: RCW 28B.50.140.
132P-136-050	Restrictions—Exceptions. [Statutory Authority: RCW 28B.50.140(7), 93-19-073, § 132P-136-050, filed 9/13/93, effective 10/14/93; Order 72-2, § 132P-136-050, filed 12/4/72.] Repealed by 11-11-067, filed 5/16/11, effective 7/1/11. Statutory Authority: RCW 28B.50.140.
132P-136-060	Use of equipment. [Statutory Authority: RCW 28B.50.140(7), 93-19-073, § 132P-136-060, filed 9/13/93, effective 10/14/93; Order 72-2, § 132P-136-060, filed 12/4/72.] Repealed by 11-11-067, filed 5/16/11, effective 7/1/11. Statutory Authority: RCW 28B.50.140.

WAC 132P-136-100 Title. WAC 132P-136-100 through 132P-136-200 will be known as facility use for other than first amendment activities for Community College District 16.

[Statutory Authority: RCW 28B.50.140, 11-11-067, § 132P-136-100, filed 5/16/11, effective 7/1/11.]

WAC 132P-136-105 Statement of purpose. Yakima Valley Community College District 16 is an educational institution provided and maintained by the people of the state of Washington. The college reserves its facilities, buildings and grounds for those activities that are related to its broad

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educational mission. At other times, the college facilities may be made available to other individuals and organizations.

The purpose of these regulations is to establish procedures and reasonable controls for the use of college facilities for noncollege groups and for college groups where applicable.

In keeping with this general purpose, and consistent with RCW 28B.50.140(7) and 28B.50.140(9), facilities should be available for a variety of uses which are of benefit to the general public if such general uses substantially relate to and do not interfere with the mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes.

Primary consideration shall be given at all times to activities specifically related to the college's mission, and no arrangements shall be made that may interfere with, or operate to the detriment of, the college's own teaching or public service programs.

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. Subject to the same limitations, college facilities shall be made available for assignment to individuals or groups within the college community. Such arrangements by both organizations and individuals must be made through the designated reservation clerk.

The designated reservation clerk shall be the office within the organization of the college which has responsibility for scheduling a particular district facility. The designation of the reservation clerk shall be made by the college president or his/her designee(s).

[Statutory Authority: RCW 28B.50.140, 11-11-067, § 132P-136-105, filed 5/16/11, effective 7/1/11.]

WAC 132P-136-110 Facilities use for first amendment activities. This chapter does not apply to those individuals or groups using the college facilities for first amendment activities. Use of the campus for first amendment activities, as defined by law, is governed by the rules set forth in WAC 132P-142-010 through 132P-142-080.

[Statutory Authority: RCW 28B.50.140, 11-11-067, § 132P-136-110, filed 5/16/11, effective 7/1/11.]

WAC 132P-136-120 Request for use of facilities. Requests to use college facilities shall be made to the designated reservation clerk, who shall be the agent of the college in consummating use agreements.

[Statutory Authority: RCW 28B.50.140, 11-11-067, § 132P-136-120, filed 5/16/11, effective 7/1/11.]

WAC 132P-136-130 Facility use board policy. The board of trustees of Yakima Valley Community College District 16 provides college personnel, students, college organizations and the general public the opportunity to use the college grounds and buildings subject to WAC 132P-136-100 through 132P-136-200 and in compliance with local, state and federal laws.

[Statutory Authority: RCW 28B.50.140. 11-11-067, § 132P-136-130, filed 5/16/11, effective 7/1/11.]

WAC 132P-136-140 Scheduling and reservation practices. The primary purpose of college facilities is to serve the instructional programs of the college. However, the facilities, when not required for scheduled college use, may be available for use in accordance with current fee schedules and other relevant terms and conditions for such use.

College facilities may not be used by individuals or groups from outside the college unless the facilities including buildings, equipment and land have been reserved.

In determining whether to accept a request for the use of college facilities, the designated reservation clerk shall use as guidelines the mission of the college and the following items, listed in priority order:

- (1) Yakima Valley Community College instruction, scheduled programs and activities.
- (2) Major college events.
- (3) Noncollege (outside individual or organization) events.

Arrangements for use of college facilities must be made through the designated reservation clerk. Application for the use of facilities and grounds shall be made no later than ten working days prior to the date the event is scheduled to occur.

[Statutory Authority: RCW 28B.50.140. 11-11-067, § 132P-136-140, filed 5/16/11, effective 7/1/11.]

WAC 132P-136-150 Limitations of use. (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 directions of an authorized representative of the college.

(2) If at any time actual use of college facilities by an individual or group constitutes an unreasonable disruption of the normal operation of the college, such use shall immediately terminate, all persons engaged in such use shall immediately vacate the premises, and leave the college property upon command of the appropriate college official.

(3) Any individual or group granted permission to use college facilities shall agree in advance to abide by all college rules and regulations. The college reserves the right to deny use of college facilities to any individual or group whose past conduct indicates a likelihood that college rules and regulations will not be obeyed. The college may also deny use to a requesting individual or organization which has used the facilities in the past and has damaged college property, left college buildings and grounds in excessive disorder, or failed to cooperate with college staff concerning use of the facilities.

(4) No person may enter onto college grounds or facilities possessing a visible firearm or other dangerous weapon, except specifically as allowed by law.

(5) College facilities may be used for purposes of political campaigning by or for candidates who have filed for public office, directed to members of the public, only when the full rental cost of the facility is paid. Use of state funds to pay for facility rental costs for political campaigns is prohibited.

(6) Promotional materials or posting for any event being held in a college facility must follow the same procedure as applies to students outlined in WAC 132P-33-130.

(7) Use of audio amplifying equipment is permitted only in locations and at times that will not interfere with the normal conduct of college affairs.

(8) YVCC facilities may not be used for private or commercial purposes unless such activities clearly serve the educational mission of the college, are either sponsored by an appropriate college unit or conducted by contractual agreement with the college.

(9) Alcoholic beverages will not be served without the approval of the president or his/her designee(s). It shall be the responsibility of the event sponsor to obtain all necessary licenses from the Washington state liquor control board and adhere to their regulations including all state and local regulations and laws, and those of Yakima Valley Community College.

(10) The use of tobacco products is prohibited at Yakima Valley Community College except in designated areas.

(11) Authorization for use of college facilities shall not be considered as endorsement of or approval of any group or organization nor the purposes they represent. The name of the college shall not be associated with any program or activity for which the college facilities are used without specific written approval from the president or his/her designee(s).

(12) Rental of college facilities carries no right of advertising on college premises other than the right to post a sign for the purpose of directing people to the place of assembly.

(13) Unless otherwise provided by contractual agreement, an authorized member of the college staff shall be required to be available at times when college facilities are in use by a group. If service beyond normal business hours is required as a result of any meeting, such time shall be paid by the using organization at the currently established rate. The college may require and charge users for security services at the college's discretion.

(14) Audio-visual equipment and materials are intended to support and supplement the college's curriculum. Equipment shall not be rented to external users, unless official prior approval has been granted and currently established rates are charged. The existence of equipment in a rented space does not mean the user has the right to use it.

[Statutory Authority: RCW 28B.50.140. 11-11-067, § 132P-136-150, filed 5/16/11, effective 7/1/11.]

WAC 132P-136-160 Denial of use. Yakima Valley Community College is a state agency and exists to serve the public. However, the college may deny use of its facilities to any individual, group or organization if the requested use would:

- (1) Interfere or conflict with the college's instructional, student services or support programs;
- (2) Interfere with the free flow of pedestrian or vehicular traffic on campus;
- (3) Involve illegal activity;

(4) Create a hazard or result in damage to college facilities; or

(5) Create undue stress on college resources.

The board of trustees hereby delegates to the president or his/her designee(s) the right to cancel the facilities rental agreement at any time and to refund any payment to the college for the use of college facilities. If imminent danger exists or unlawful activity is practiced by the using organization, or if there is any violation of any term, condition or provision of the use arrangement, the college may terminate an agreement immediately and without notice.

[Statutory Authority: RCW 28B.50.140. 11-11-067, § 132P-136-160, filed 5/16/11, effective 7/1/11.]

WAC 132P-136-170 Other requirements. When using college facilities, an individual or organization may be required to make an advance deposit, post a bond and/or obtain insurance to protect the college against cost or other liability.

When the college grants permission to an individual or organization to use its facilities, it is with the expressed understanding and 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 college against any loss or damage claim arising out of such use.

[Statutory Authority: RCW 28B.50.140. 11-11-067, § 132P-136-170, filed 5/16/11, effective 7/1/11.]

WAC 132P-136-180 Facility rental/use fees. Fees will be charged in accordance with the rates available from the designated reservation clerk. The college reserves the right to make pricing changes without prior written notice, except that such price changes shall not apply to facility use agreements already approved by the administration.

The college reserves the right to have trained college staff operate any and all technical equipment at the user's expense. Rates and fees for use of facilities are available from the reservation clerk.

[Statutory Authority: RCW 28B.50.140. 11-11-067, § 132P-136-180, filed 5/16/11, effective 7/1/11.]

WAC 132P-136-190 Animals on campus. Animals are prohibited from events on college grounds and from entering college buildings, with the following exceptions:

- (1) Service animals;
- (2) Events at which animals are participants;
- (3) When animals are part of an academic program.

Owners shall have immediate physical control of their animals (for example: Leashed, caged or carried) while on the grounds of Yakima Valley Community College.

Exceptions to this section may be authorized by the college president or his/her designee(s).

[Statutory Authority: RCW 28B.50.140. 11-11-067, § 132P-136-190, filed 5/16/11, effective 7/1/11.]

WAC 132P-136-200 Trespass. Individuals who are not students or members of the faculty or staff and who violate the rules set forth in this chapter will be advised of the specific nature of the violation, and if they persist in the viola-

tion, they will be requested by the president, or his/her designee(s), to leave the college property. Such a request prohibits the entry of and withdraws the license or privilege to enter onto or remain upon any portion of the college facilities by the person or group of persons requested to leave. Such persons shall be subject to arrest under the provisions of chapter 9A.52 RCW. Individuals requested to leave college property may appeal that decision by submitting to the college president by certified mail, return receipt requested, a letter stating the reasons the person should not be barred from college facilities. The college president or his/her designee(s) shall respond in writing within fifteen calendar days with a final decision of the college. Persons shall continue to be barred from college property while an appeal is pending.

Students, faculty, and staff of the college who do not comply with these regulations will be reported to the appropriate college office or agency for action in accordance with this chapter or with other applicable rules, regulations, or policies.

[Statutory Authority: RCW 28B.50.140. 11-11-067, § 132P-136-200, filed 5/16/11, effective 7/1/11.]