

# Chapter 132P-142 WAC

## USE OF YAKIMA VALLEY COMMUNITY COLLEGE DISTRICT 16 FACILITIES FOR FIRST AMENDMENT ACTIVITIES

### WAC

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**WAC 132P-142-010 Title.** This chapter shall be known as Use of Yakima Valley Community College District 16 Facilities for First Amendment Activities.

[Statutory Authority: RCW 28B.50.140. 10-09-041, § 132P-142-010, filed 4/14/10, effective 6/1/10.]

**WAC 132P-142-015 Definitions.** For the purposes of this policy noncollege groups shall mean individuals, or combinations of individuals, who are not currently enrolled students or current employees of Yakima Valley Community College (YVCC) or who are not officially affiliated or associated with a recognized student organization or a recognized employee group of the college.

For purposes of this policy, college groups shall mean individuals who are currently enrolled students or current employees of Yakima Valley Community College or who are affiliated with a recognized student organization or a recognized employee group of the college.

The college is a limited public forum for noncollege groups. The limited public forum does not include college buildings or athletic fields. College buildings, rooms, and athletic fields may be rented in accordance with the college's facilities use policy.

[Statutory Authority: RCW 28B.50.140. 10-09-041, § 132P-142-015, filed 4/14/10, effective 6/1/10.]

**WAC 132P-142-020 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 public character of the college does not grant to individuals an unlimited license to engage in activity that limits, interferes with, or otherwise disrupts the normal activities for and to which the college's buildings, facilities, and grounds are dedicated and said buildings, facilities, and grounds are not available for unrestricted use by noncollege groups. While said buildings, facilities, and grounds are not available for unlimited use by college groups, it is recognized that Yakima Valley Community College students and employees should be accorded opportunity to utilize the facilities and grounds of the college to the fullest extent possible.

(4/14/10)

The purpose of these time, place, and manner regulations is to establish procedures and reasonable controls for the use of college facilities for both noncollege and college groups. It is intended to balance the college's responsibility to fulfill its mission as a state educational institution of Washington with the interests of noncollege groups or college groups who are interested in using the campus for purposes of constitutionally protected speech, assembly, or expression.

[Statutory Authority: RCW 28B.50.140. 10-09-041, § 132P-142-020, filed 4/14/10, effective 6/1/10.]

**WAC 132P-142-030 First amendment activities and protection of the college mission.** The college recognizes and supports the rights of groups and individuals to engage in first amendment activities. This policy shall be interpreted and construed to support such activities while simultaneously balancing the needs and interests of the college to fulfill its mission as an educational institution of the state of Washington.

[Statutory Authority: RCW 28B.50.140. 10-09-041, § 132P-142-030, filed 4/14/10, effective 6/1/10.]

**WAC 132P-142-040 Request for use of facilities.** Subject to the regulations and requirements of this policy, college or noncollege groups may use the campus limited forum for those activities protected by the first amendment. Examples of first amendment activities would include, but not be limited to, informational picketing, petition circulation, the distribution of information leaflets or pamphlets, speech-making, demonstrations, rallies, appearances of speakers in outdoor areas, mass protests, meetings to display group feelings or sentiments and/or other types of constitutionally protected assemblies to share information, perspective, or viewpoints.

Noncollege groups that intend to be on campus to engage in first amendment activities (hereinafter "the event") shall provide notice to the college security department no later than forty-eight hours prior to the event along with the following information:

- (1) The name, address, and telephone number of the individual, group, entity or organization sponsoring the event (hereinafter "the sponsoring organization"); and
- (2) The name, address, and telephone number of a contact person for the sponsoring organization; and
- (3) The date, time, and requested location of the event; and
- (4) The nature and purpose of the event; and
- (5) The type of sound amplification devices to be used in connection with the event, if any; and
- (6) The estimated number of people expected to participate in the event.

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

If more than thirty people are expected to participate in the event, the college shall specify the campus location.

The use of sound amplification devices is limited to the limited public forum area as long as the sound amplification device is used at a volume that does not disrupt or disturb the normal use of classrooms, offices, or laboratories or any previously scheduled college event or activity.

College groups are encouraged to notify the college security department no later than forty-eight hours in advance of an event. However, unscheduled events are permitted so long as the event does not interfere with any other function occurring at the facility.

Events shall be held within the college's hours of operation. College group events shall not last longer than eight hours from beginning to end. Noncollege events shall not last longer than five hours from beginning to end.

Information may be distributed as long as it is not obscene or libelous or does not advocate unlawful conduct. The sponsoring organization is encouraged, but not required, to include its name and address on the distributed information. To avoid excessive littering of the campus and/or greatly increased work requirements for college physical plant employees, groups are asked to cooperate with the college in limiting the distribution of information leaflets or pamphlets to the limited public forum site. Leafletting cars in YVCC parking lots is prohibited.

Speech that does no more than propose a commercial transaction shall not occur in connection with the event.

The limited public forum used by the group should be cleaned up and left in its 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.

All fire, safety, sanitation, or special regulations specified for the event are to be obeyed.

The college cannot and will not provide equipment, utility connections, or hook-ups for purposes of first amendment activities conducted pursuant to this policy.

The event must not 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.

The event must not interfere with college operations or educational activities inside or outside any college building or otherwise prevent the college from fulfilling its mission and achieving its primary purpose of providing 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.

The event must also be in accordance with any other applicable regulations and policies of Yakima Valley Community College, local ordinances and/or state or federal laws.

The use of intoxicants is prohibited on campus unless expressly authorized by the college. Smoking is not permitted, except in designated areas.

[Statutory Authority: RCW 28B.50.140. 10-09-041, § 132P-142-040, filed 4/14/10, effective 6/1/10.]

**WAC 132P-142-050 Additional requirements for noncollege groups.** The limited public forum may not be used on the same date as any previously scheduled college event or activity at the site (aside from regularly scheduled classes) where it is reasonably anticipated that more than one hundred fifty people on the Yakima Campus (one hundred at other college sites) will attend the college event or activity.

[Statutory Authority: RCW 28B.50.140. 10-09-041, § 132P-142-050, filed 4/14/10, effective 6/1/10.]

**WAC 132P-142-060 The role of the president in first amendment decisions.** The president of the college may authorize first amendment activities that are reasonably determined not to cause disruption of college activities despite a literal violation of this policy statement. Such determinations shall be made without consideration of the content or message of the first amendment activities.

The president of the college or designee may at any time, terminate, cancel, or prohibit the event if it is determined, after proper inquiry, that the event does constitute or will constitute a clear and present danger to the college's orderly operation.

[Statutory Authority: RCW 28B.50.140. 10-09-041, § 132P-142-060, filed 4/14/10, effective 6/1/10.]

**WAC 132P-142-070 Criminal trespass.** Any person determined to be violating these regulations is subject to an order from the college security department to leave the college campus. Persons failing to comply with such an order to leave the college campus are subject to arrest for criminal trespass.

[Statutory Authority: RCW 28B.50.140. 10-09-041, § 132P-142-070, filed 4/14/10, effective 6/1/10.]

**WAC 132P-142-080 Posting of a bond and hold harmless statement.** When using college facilities, an individual or organization may be required to post a bond and/or obtain insurance to protect the college against cost or other liability in accordance with the college's facility use policy.

When the college grants permission to a college group or noncollege group 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.

[Statutory Authority: RCW 28B.50.140. 10-09-041, § 132P-142-080, filed 4/14/10, effective 6/1/10.]