Chapter 495B-140 WAC
USE OF COLLEGE FACILITIES

WAC

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WAC 495B-140-005 Definitions. (1) College groups shall mean individuals, or combination of individuals, who are currently enrolled students or current employees of Bellingham Technical College or who are affiliated with a recognized student organization or a recognized employee group of the college.

(2) College facilities include all buildings, structures, grounds, office space, and parking lots.

(3) "Limited public forum areas" means those areas of each campus that the college has chosen to open as places for expressive activities protected by the first amendment, subject to reasonable time, place, or manner restrictions. This area is identified in the college facilities use policy and may change from time to time as decided by the college president.

(4) Noncollege groups shall mean individuals, or combinations of individuals, who are not currently enrolled students or current employees of Bellingham Technical College or who are not officially affiliated or associated with a recognized student organization or a recognized employee group of the college.

(5) "Expressive activity" includes, but is not limited to, informational picketing, petition circulation, the distribution of informational 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 assemblies to share information, perspective or viewpoints.

[Statutory Authority: RCW 28B.50.130. 12-21-061, § 495B-140-005, filed 10/17/12, effective 11/17/12.]

WAC 495B-140-010 Use of college facilities. Bellingham Technical College is an educational institution provided and maintained by the people of the state of Washington. College facilities are reserved primarily for educational use including, but not limited to, instruction, research, public assembly of college groups, student activities and other activities directly related to the educational mission of the college. In keeping with this general purpose, the college believes that facilities should be available for a variety of uses which are of benefit to the general public if such general uses do not interfere with the educational mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes.

The purpose of the time, place, and manner restrictions set forth in this policy is to establish procedures and reasonable controls for the use of college facilities for both college and noncollege 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 college groups and noncollege groups who are interested in using the campus for purposes of constitutionally protected speech, assembly, or expression. The college recognizes that college groups should be accorded the opportunity to utilize the facilities and grounds of the college. The college intends to open its facilities to noncollege groups to a lesser extent as set forth herein.

[Statutory Authority: RCW 28B.50.130. 12-21-061, § 495B-140-010, filed 10/17/12, effective 11/17/12. Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. 93-05-018, § 495B-140-010, filed 2/10/93, effective 3/13/93.]

WAC 495B-140-020 Limitation of use to college activities. (1) When allocating use of college facilities, the highest priority is always given to activities specifically related to the college's mission. No arrangements will be made that may interfere with or operate to the detriment of, the college's own teaching, research, or public service programs. In particular, college buildings, properties, and facilities, including those assigned to student programs, are used primarily for:

(a) The regularly established teaching, research, or public service activities of the college and its departments;

(b) Cultural, educational, or recreational activities of the students, faculty, or staff;

(c) Short courses, conferences, seminars, or similar events, conducted either in the public service or for the advancement of specific departmental professional interests, when arranged under the sponsorship of the college or its departments.

(d) Public events of a cultural or professional nature brought to the campus at the request of college departments or committees and presented with their active sponsorship and active participation;

(e) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the college.

(2) College facilities shall be assigned to student organizations for regular business meetings, social functions and for programs open to the public. Any recognized campus student organization may invite speakers from outside the college community. The appearance of an invited speaker on campus does not represent an endorsement by the college, its stu-

dents, faculty, administration, or the board of trustees, implicitly or explicitly, of the speaker's views.

(3) 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. Arrangements by both organizations and individuals must be made through the designated administrative officer. Allocation of space shall be made in accordance with college rules and on the basis of time, space, priority of request and the demonstrated needs of the applicant.

(4) The college may restrict an individual's or a group's use of college facilities if that person or group has, in the past, physically abused college facilities. Monetary charges may be imposed for damage or for any unusual costs for the use of facilities. The individual, group or organization requesting space will be required to state in advance the general purpose of any meeting.

[Statutory Authority: RCW 28B.50.130. 12-21-061, § 495B-140-020, filed 10/17/12, effective 11/17/12. Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. 93-05-018, § 495B-140-020, filed 2/10/93, effective 3/13/93.]

WAC 495B-140-030 Statement of intentions. The college neither intends nor desires to compete with any local agency or private enterprise in making its facilities available to the community. Privately operated facilities exist which are well qualified to best meet many community needs. The college encourages the community to patronize local businesses or agencies. With this approach, the college will work cooperatively with local private enterprise to the mutual benefit of all concerned.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. 93-05-018, § 495B-140-030, filed 2/10/93, effective 3/13/93.]

WAC 495B-140-035 Additional requirements for noncollege groups. (1) College buildings and rooms may be rented by noncollege groups in accordance with the college's facilities policy. Noncollege groups may otherwise use college facilities as identified in this policy.

(2) Noncollege groups that seek to use the campus limited forums to engage in first amendment activities shall provide notice to the campus public safety department no later than forty-eight hours prior to the event along with the following information:

(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 event;

(d) The nature and purpose of the event;

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

(f) Noncollege groups must have received a confirmation of the receipt of their notice.

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

(4) The college president or designee is authorized to make exceptions to the policies limiting use in the case of noncollege group events and/or activities.

[Statutory Authority: RCW 28B.50.130. 12-21-061, § 495B-140-035, filed 10/17/12, effective 11/17/12.]

WAC 495B-140-040 General policies limiting use. (1) College facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office except for student-sponsored activities or forums.

(2) Religious groups shall not, under any circumstances, use the college facilities as a permanent meeting place. Use may be intermittent only.

(3) The college reserves the right to prohibit the use of college facilities by groups which restrict membership or participation in a manner inconsistent with the college's commitment to nondiscrimination as set forth in its written policies and rules.

(4) Activities of a political or commercial nature will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards, or the distribution of samples outside the rooms or facilities to which access has been granted.

(5) These rules shall apply to college and noncollege groups using college facilities.

(6) Use of audio amplifying equipment such as bullhorns, microphones, or loud speakers is not permitted. Exceptions can be made by college administration in locations and at times which will not interfere with the normal conduct of college affairs as determined by the appropriate administrative officer.

(7) No person or group may use or enter onto college facilities having in their possession firearms or weapons, except as prescribed by law.

(8) The right of peaceful dissent within the college community will be preserved. The college retains the right to take steps to insure the safety of individuals, the continuity of the educational process, and the protection of property. While peaceful dissent is acceptable, violence or disruptive behavior is not a legitimate means of dissent. Should any person, group or organization attempt to resolve differences by means of violence, the college and its officials need not negotiate while such methods are employed.

(9) Interference with free passage of vehicles, cyclists, pedestrians, or other traffic through areas where members of the college community have a right to be, interference with ingress and egress to college facilities, interruption of classes, injury to persons, or damage to property exceeds permissible limits and is not permitted. The event must not create safety hazards or pose unreasonable safety risks to college students, employees, or invitees of the college.

(10) Groups must obey and comply with directions of the designated college administrator or individual in charge of the meeting.

(11) If a college facility abuts a public area or street, and if group activity, although on public property, unreasonably interferes with ingress and egress to college buildings, or creates a disruption for the neighbors bordering the college, the college may choose to impose its own sanctions although remedies might also be available through local law enforcement agencies.

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

(13) College groups are asked to obtain authorization from the designated administrator no later than twenty-four hours in advance of an event.

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

(15) The college has designated an area as the sole limited public forum area for first amendment activities on campus. This area is identified in the college facilities use policy and may change from time to time as decided by the college president.

(16) All sites must 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 extraordinary costs including, but not limited to, clean-up, security, or for the repair or replacement of damaged property.

(17) 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.

(18) Subject to the regulations of this policy, both college and noncollege groups may use the campus limited forums for first amendment activities between the hours of 7:00 a.m. and 10:00 p.m. throughout the year except during the following days of the year:

(a) The first week and the final exam week of each term;

(b) Advising day;

(c) Kickoff and convocation weeks, or in other words, the two weeks immediately preceding each quarter;

(d) Campus events.

(19) There shall be no overnight camping on college facilities or grounds. Camping is defined to include sleeping outside, sleeping in vehicles, 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.

(20) 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 or office or officially chartered student club.

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

(22) The college president or designee is authorized to make exceptions to the policies limiting use in the case of college sponsored events and/or instructional activities.

[Statutory Authority: RCW 28B.50.130. 12-21-061, § 495B-140-040, filed 10/17/12, effective 11/17/12. Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. 93-05-018, § 495B-140-040, filed 2/10/93, effective 3/13/93.]

WAC 495B-140-045 Distribution of materials. Information may be distributed as long as it is not obscene or libelous or does not advocate or incite imminent unlawful conduct. The sponsoring organization is encouraged, but not required, to include its name and address on the distributed information. College groups may post information on bulletin boards, kiosks and other display areas designated for that purpose, and may distribute materials throughout the open areas of campus. Noncollege groups may distribute materials only at the site designated for noncollege groups and as authorized by the college. Any distribution of materials as authorized by the designated administrative officer shall not be construed as support or approval of the content by the college community or the board of trustees.

[Statutory Authority: RCW 28B.50.130. 12-21-061, § 495B-140-045, filed 10/17/12, effective 11/17/12.]

WAC 495B-140-050 Administrative control. The board hereby delegates to the president authority to set up administrative procedures for the use of college facilities; and to establish rental schedules where appropriate.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. 93-05-018, § 495B-140-050, filed 2/10/93, effective 3/13/93.]

WAC 495B-140-060 Trespass. (1) Individuals who are not students or members of the faculty or staff and who violate these rules will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the president, or his or her designee, 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.

(2) Students who violate proscriptions within these regulations (chapter 495B-140 WAC) will be disciplined in accordance with the campus code of conduct (chapter 495B-120 WAC).

(3) Faculty and staff who violate proscriptions within these regulations (chapter 495B-140 WAC) will be disciplined in accordance with established college policies.

(4) Members of the college community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accordance with these rules.

(5) Persons or groups who violate the law, a college policy or rule may have their license or privilege to be on school property revoked and be ordered to withdraw from and refrain from entering upon any college property. Remaining on or reentering college property after one's license or privilege to be on college property has been revoked shall constitute trespass and such individual shall be subject to arrest for criminal trespass.

(6) There shall be no overnight camping on college facilities or grounds, including off-campus facilities owned or leased by the college. Camping is defined to include sleeping, sleeping in a vehicle, carrying on cooking activities, or storing personal belongings for personal habitation, or the erection of tents or other shelters or structures used for the purpose of personal habitation. However, the college president or designee is authorized to make exceptions in the case of college sponsored events and/or instructional activities.

[Statutory Authority: RCW 28B.50.130. 12-21-061, § 495B-140-060, filed 10/17/12, effective 11/17/12. Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. 93-05-018, § 495B-140-060, filed 2/10/93, effective 3/13/93.]

WAC 495B-140-070 Prohibited conduct at college facilities. (1) The use or possession of unlawful drugs or narcotics, not medically prescribed, or of intoxicants on college property or at college functions, is prohibited. Students obviously under the influence of intoxicants, unlawful drugs or narcotics while in college facilities are subject to disciplinary action.

(2) The use of tobacco is prohibited in accordance with health regulations.

(3) Destruction of property is also prohibited by state law in reference to public institutions.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. 93-05-018, § 495B-140-070, filed 2/10/93, effective 3/13/93.]

WAC 495B-140-080 Control of pets in college facilities. Pets are not permitted in campus buildings or on the grounds except guide or service dogs for the visually or hearing impaired.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. 93-05-018, § 495B-140-080, filed 2/10/93, effective 3/13/93.]

WAC 495B-140-090 Basis of fee assessment. (1) The basis for establishing and charging use fees reflects the college's assessment of the present market, the cost of operations, and an evaluation of the intended purpose and its relationship to the purposes of this college. The board of trustees has determined that groups or organizations affiliated with the college should be permitted access to facilities at the lowest charge on the fee schedule which may include complimentary use. A current fee schedule is available to interested persons from the business office.

(2) The college does not wish to compete with private enterprise. Therefore, the college reserves the right to deny applications for facility use when the administration and/or the board of trustees feel a commercial facility should be patronized. At no time will facility use be granted for a commercial activity at a rental rate, or upon terms, less than the full and fair rental value of premises used.

[Statutory Authority: RCW 28B.50.130. 12-21-061, § 495B-140-090, filed 10/17/12, effective 11/17/12. Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. 93-05-018, § 495B-140-090, filed 2/10/93, effective 3/13/93.]

WAC 495B-140-100 Application procedures. (1) At least seven working days prior to date of intended use of any college facility, an authorized representative of the requesting organization must submit proper and complete written application which may be obtained through the college's office of continuing education. A single application may be sufficient for a series of meetings by an organization unless those meetings vary significantly in some substantive way; if so, separate applications will be required.

(2) Upon approval of the application, an authorized representative of the using organization shall sign the rental agreement. By affixing a signature as representing the using organization, the signatory specifies he or she has authority to enter into agreement on behalf of the organization. If the organization fails to pay the amount due, the signatory becomes responsible for all charges, which may include interest payment for overdue accounts, as specified on the rental form but not less than one percent per month.

(3) For large events, events requiring expenditures on the part of the college, or where significant areas are blocked out for the renter, a minimum of up to fifty percent advance deposit may be required at the time of application.

(4) The college reserves the right to make pricing changes without prior written notice.

(5) Use of a facility is limited to the facilities specified on the agreement.

(6) The priorities for facility use place primary emphasis on regular college events and activities. The president and the board of trustees reserve the right to cancel any permit and refund any payments for use of college facilities and equipment when they deem such action advisable and in the college's best interests.

(7) In the event of a cancellation of a facility use permit by the applicant, that organization is liable for all college costs and expenses in preparing the facility for its use.

(8) Any admission charge is to be specified and approved by the college.

(9) Organizations using Bellingham Technical College's facilities shall conduct all activities in accordance with applicable local, state, and federal laws including all rules adopted by the Bellingham Technical College board of trustees.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. 93-05-018, § 495B-140-100, filed 2/10/93, effective 3/13/93.]

WAC 495B-140-105 Posting of a bond and hold harmless statement. When using college facilities and grounds, 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 injuries, loss, or damage.

[Statutory Authority: RCW 28B.50.130. 12-21-061, § 495B-140-105, filed 10/17/12, effective 11/17/12.]

WAC 495B-140-110 Supervision during activity. (1) Signatories of the rental agreement, as well as adult organization leaders, are responsible for group conduct and are expected to remain with their group during activities. When the use of special facilities makes it necessary that supervision be provided, the trustees reserve the right to require that a staff member represent the college at any activity on college facilities. Such service shall be paid at the current rate by the organization requesting use of the facility, and does not relieve the organization from safeguarding the college's property.

(2) The security staff, or some other authority of the college, will open and lock all rented facilities. Keys to buildings or facilities will not be issued or loaned on any occasion to any using organization with the exception of keys to designated off-campus locations.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. 93-05-018, § 495B-140-110, filed 2/10/93, effective 3/13/93.]