

WSR 21-09-078

PROPOSED RULES

BELLEVUE COLLEGE

[Filed April 20, 2021, 1:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-03-043.

Title of Rule and Other Identifying Information: Revision of chapter 132H-140 WAC, Fees—Facility rental—Additional services for Community College District VIII.

Amending WAC 132H-140-020, 132H-140-025, 132H-140-030, 132H-140-050, 132H-140-065, 132H-140-070, 132H-140-085, 132H-140-110, and 132H-140-120; adding WAC 132H-140-022; and repealing WAC 132H-140-010 and 132H-140-040.

Hearing Location(s): On Wednesday, June 9, 2021, at 3:30 - 4:30 p.m., online via Zoom <https://bellevuecollege.zoom.us/j/83188568869?pwd=TG9EULFUeUFRUmFyRFFZU2pHQzU0UT09>, Meeting ID 831 8856 8869, Passcode 301761, Dial in +1 253 215 8782. Public hearing to be held remotely due to COVID-19.

Date of Intended Adoption: September 1, 2021.

Submit Written Comments to: Nadescha Bunje, Bellevue College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, email nadescha.bunje@bellevuecollege.edu, phone 425-564-5669.

Assistance for Persons with Disabilities: Contact Nadescha Bunje, phone 425-564-5669, TTY 425-564-6189, email nadescha.bunje@bellevuecollege.edu, by May 28, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Bellevue College plans to update its policy on college property use in order to clarify processes. Changes include updating titles, contacts, and roles of officials and offices. Out of date language is being brought into alignment with current rules, policies, procedures and ordinances.

Reasons Supporting Proposal: Chapter 132H-140 WAC has not been updated since 2005. Bellevue College intends to update college property use rules in order to more clearly and accurately communicate current processes.

Statutory Authority for Adoption: RCW 28B.50.140(13); chapter 34.05 RCW.

Statute Being Implemented: RCW 28B.50.140(13).

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: Bellevue College, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Nadescha Bunje, Bellevue College, K100F, 3000 Landerholm Circle S.E., Bellevue, WA 98007, 425-564-5669.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Bellevue College is not one of the enumerated agencies required to conduct cost-benefit analyses under RCW 34.05.328(5).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

April 20, 2021
Tracy Biga MacLean
Associate Director

OTS-3006.1

Chapter 132H-140 WAC
((FEES—FACILITY RENTAL—ADDITIONAL SERVICES FOR COMMUNITY)) COLLEGE
((DISTRICT VIII)) PROPERTY USE

AMENDATORY SECTION (Amending WSR 05-07-069, filed 3/14/05, effective 4/14/05)

WAC 132H-140-020 Statement of purpose. The purpose of this chapter is to establish procedures and reasonable controls for the use of college property by all college and noncollege groups. Bellevue ((Community)) College ((District VIII)) is an educational institution provided and maintained by the people of the state of Washington. The college reserves its ((facilities, buildings and grounds)) property for ((those)) activities that are related to its broad educational mission. ((At other times, the)) When not being used for those purposes, college ((facilities)) property 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)) college property should be available for a variety of uses which are of benefit to either the college community or 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)) property available to the ((community)) general public for private purposes.

When determining whether to authorize a particular use, 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, student programming, or ((public service)) other college-sponsored programs.

~~((Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to insure 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 commun-~~

ity. Such arrangements by both organizations and individuals must be made through campus operations.)

[Statutory Authority: RCW 28B.50.140. WSR 05-07-069, § 132H-140-020, filed 3/14/05, effective 4/14/05; WSR 02-14-007, § 132H-140-020, filed 6/20/02, effective 7/21/02; WSR 82-11-039 (Order 80, Resolution No. 149), § 132H-140-020, filed 5/12/82; WSR 79-10-051 (Order 64, Resolution No. 121), § 132H-140-020, filed 9/17/79; Order 28, § 132H-140-020, filed 3/7/75.]

NEW SECTION

WAC 132H-140-022 Definitions. For the purposes of this chapter, the following definition shall apply:

"College property" shall include, but not be limited to, all campuses of the college, wherever located, and all college-controlled land, buildings, facilities, vehicles, equipment, and any other property owned or used by the college, including study abroad, retreat, and conference sites.

[]

AMENDATORY SECTION (Amending WSR 05-07-069, filed 3/14/05, effective 4/14/05)

WAC 132H-140-025 ((Facilities use for first amendment activities-)) Applicability to expressive activity. Use of ((the campus) college property for ((first amendment activities, as defined by law,)) expressive activity is governed by the rules set forth in chapter ((WAC 132H-142-010 through 132H-142-060. This chapter does not apply to those individuals or groups using the college facilities for first amendment activities)) 132H-142 WAC.

[Statutory Authority: RCW 28B.50.140. WSR 05-07-069, § 132H-140-025, filed 3/14/05, effective 4/14/05.]

AMENDATORY SECTION (Amending WSR 05-07-069, filed 3/14/05, effective 4/14/05)

WAC 132H-140-030 Request for use of ((facilities)) college property. Requests by ((noncollege)) individuals or groups ((for utilization of college facilities)) from outside the college shall be made to the ((director of campus operations)) vice president of administrative services or a designee, who shall be the agent of the college in consummating rental and use agreements.

[Statutory Authority: RCW 28B.50.140. WSR 05-07-069, § 132H-140-030, filed 3/14/05, effective 4/14/05; WSR 02-14-007, § 132H-140-030, filed 6/20/02, effective 7/21/02; WSR 79-10-051 (Order 64, Resolution No. 121), § 132H-140-030, filed 9/17/79; Order 28, § 132H-140-030, filed 3/7/75.]

AMENDATORY SECTION (Amending WSR 05-07-069, filed 3/14/05, effective 4/14/05)

WAC 132H-140-050 Scheduling and reservation practices. The primary purpose of college ~~((facilities))~~ property use is to ~~((serve the instructional program))~~ advance the mission of the college. However, ~~((the facilities))~~ college property, when not required for scheduled college ~~((use))~~ purposes, may be available for ~~((rental))~~ use by the public in accordance with current fee schedules and other relevant terms and conditions ~~((for such use))~~ developed and maintained by the vice president of administrative services.

No college ~~((facilities))~~ property may be used by individuals or groups from outside the college ~~((unless the facilities including buildings, equipment and facilities land have been reserved))~~ without first executing a written contract, signed by the vice president of administrative services or designee, reserving the property and setting forth the fees, terms, and conditions of use.

In determining whether to accept a request for the use of college ~~((facilities))~~ property, the administration shall use the college mission statement and the following items, listed in priority order, as guidelines:

(1) Bellevue ~~((Community))~~ College scheduled programs ~~((and))~~ activities, and events.

(2) ~~((Major college events.~~

~~((3))~~ Foundation related events.

~~((4))~~ (3) Noncollege (outside individual or organization) events.

Arrangements for use of college ~~((facilities))~~ property must be made through the ~~((campus operations))~~ office of the vice president of administrative services.

[Statutory Authority: RCW 28B.50.140. WSR 05-07-069, § 132H-140-050, filed 3/14/05, effective 4/14/05; WSR 02-14-007, § 132H-140-050, filed 6/20/02, effective 7/21/02; WSR 82-11-039 (Order 80, Resolution No. 149), § 132H-140-050, filed 5/12/82; WSR 79-10-051 (Order 64, Resolution No. 121), § 132H-140-050, filed 9/17/79; Order 28, § 132H-140-050, filed 3/7/75.]

AMENDATORY SECTION (Amending WSR 05-07-069, filed 3/14/05, effective 4/14/05)

WAC 132H-140-065 Limitations and denial of use. Bellevue ~~((Community))~~ College is a state agency and exists to serve the public. However, the college may deny use of its ~~((facilities))~~ property to any individual, group or organization if the requested use would:

(1) Interfere or conflict with the college's ~~((instructional))~~ mission including, but not limited to, instruction, student services ~~((or))~~ support programs, research, or public service programs;

(2) Interfere with the free flow of pedestrian or vehicular traffic on campus;

(3) Involve illegal activity or fail to comply with college policies, procedures, contracts, or the Washington Administrative Code;

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

(5) Create undue stress on college 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.))~~).

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 (~~(the designated administrative officer or individual in charge of the meeting)~~) college officials.

Any individual or group granted permission to use college (~~(facilities)~~) property shall agree in advance to abide by all college rules and regulations. Use of college property by college personnel, students, college organizations and the general public is also subject to local, state, and federal laws.

The college reserves the right to deny use of college (~~(facilities)~~) property 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)~~) that used ((the facilities)) college property in the past and (~~(has damaged college property)~~) caused damage, left college buildings and grounds in excessive disorder, or failed to cooperate with college ((staff)) officials concerning use of the (~~(facilities)~~) property.

~~((No person or group may use or enter onto college grounds or facilities having in their possession firearms or other dangerous weapons, even if licensed to do so, except commissioned police officers as prescribed by law.))~~

College (~~(facilities)~~) property may be used for purposes of political campaigning by or for candidates who have filed for public office, if the campaigning is directed to members of the public, and only when the full ((rental cost of)) fee for the ((facility)) property is paid. Use of state funds to pay for (~~(facility rental costs for political campaigns)~~) or subsidize a political campaign's use of college property is prohibited.

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

Advertising or promotional materials for any event being held on or in ((a)) college ((facility)) property must (~~((follow the same procedure as applies to students outlined in WAC 132H-120-050))~~) comply with college policies and procedures.

Use of audio amplifying equipment is permitted only in locations and at times that will not disrupt, or disturb, or interfere with the normal conduct of college affairs including, but not limited to, the use of classrooms, offices, libraries, and laboratories; and previously scheduled college events or activities.

~~((BCC 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. Commercial uses may also be made as noted in WAC 132H-133-050.))~~

Use of college property for commercial purposes must be preapproved by the vice president of administrative services and comply with WAC 132H-133-050.

Alcoholic beverages will not be served without the approval of the ((~~president~~)) provost or ((~~his/her~~)) designee. It shall be the responsibility of the event sponsor to obtain all necessary licenses from the Washington state liquor ((~~control~~)) and cannabis board and adhere to their regulations((~~r~~)) and those of Bellevue ((~~Community~~)) College.

[Statutory Authority: RCW 28B.50.140. WSR 05-07-069, § 132H-140-065, filed 3/14/05, effective 4/14/05; WSR 02-14-007, § 132H-140-065, filed 6/20/02, effective 7/21/02.]

AMENDATORY SECTION (Amending WSR 02-14-007, filed 6/20/02, effective 7/21/02)

WAC 132H-140-070 Other requirements. (1) When using college ((~~facilities~~)) property, an individual or organization may be required to make an advance deposit, post a bond and/or obtain insurance to protect the college against costs or other liability.

(2) When the college grants permission to an individual or organization to use its ((~~facilities~~)) property 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. WSR 02-14-007, § 132H-140-070, filed 6/20/02, effective 7/21/02; WSR 82-11-039 (Order 80, Resolution No. 149), § 132H-140-070, filed 5/12/82.]

AMENDATORY SECTION (Amending WSR 02-14-007, filed 6/20/02, effective 7/21/02)

WAC 132H-140-085 ((~~Facility rental/use~~)) College property use fees. Use fees will be charged in accordance with a schedule developed by the vice president of administrative services, which is available at the ((~~campus operations~~)) events office. 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.

[Statutory Authority: RCW 28B.50.140. WSR 02-14-007, § 132H-140-085, filed 6/20/02, effective 7/21/02.]

AMENDATORY SECTION (Amending WSR 02-14-007, filed 6/20/02, effective 7/21/02)

WAC 132H-140-110 Animals ((~~policy~~)) on campus. Pets on the grounds of Bellevue ((~~Community~~)) College shall be in the physical control of their owner in accordance with the city of Bellevue ((~~"leash law"~~)) dog leash and waste removal required ordinance, chapter ((~~8.04~~)) 8.05.

Animals(~~(, except for service animals,)~~) are prohibited from entering buildings operated by Bellevue ~~((Community))~~ College, with the exception of service animals or as approved as an accommodation for a disability in accordance with Bellevue College policies and procedures.

[Statutory Authority: RCW 28B.50.140. WSR 02-14-007, § 132H-140-110, filed 6/20/02, effective 7/21/02; WSR 82-11-039 (Order 80, Resolution No. 149), § 132H-140-110, filed 5/12/82.]

AMENDATORY SECTION (Amending WSR 02-14-007, filed 6/20/02, effective 7/21/02)

WAC 132H-140-120 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))~~ property 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))~~ property. The college president or designee 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.

(2) 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. WSR 02-14-007, § 132H-140-120, filed 6/20/02, effective 7/21/02.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132H-140-010 Title.

WAC 132H-140-040 Facility usage board policy.