

WSR 22-07-080

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed March 21, 2022, 9:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-04-054.

Title of Rule and Other Identifying Information: WAC 172-139-010
Commercial activities.

Hearing Location(s): On April 28, 2022, at 2:00 p.m., at Eastern Washington University (EWU), Tawanka 215A, Cheney, WA 99004.

Date of Intended Adoption: May 20, 2022.

Submit Written Comments to: Annika Scharosch, EWU, 211 Tawanka Hall, Cheney, WA 99004, email ascharosch@ewu.edu, fax 509-359-6724, by April 29, 2022.

Assistance for Persons with Disabilities: Contact Annika Scharosch, phone 509-359-6724, fax 509-359-2874, email ascharosch@ewu.edu, by April 25, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Clarifies that EWU's rules regarding commercial activities on campus apply both within facilities and on all university property.

Reasons Supporting Proposal: Clarifies the scope of the current rule.

Statutory Authority for Adoption: RCW 28B.35.120(12).

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

Name of Proponent: EWU, governmental.

Name of Agency Personnel Responsible for Drafting: Annika Scharosch, 211 Tawanka Hall, 509-359-6724; Implementation and Enforcement: Dr. David May, 214 Showalter Hall, 509-359-6362.

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. Pursuant to RCW 34.05.328 [34.05.328] (5)(a)(i), this agency is not an agency mandated to comply with RCW 34.05.328. Further, the agency does not voluntarily make that section applicable to the adoption of this rule pursuant to subsection (5)(a)(ii), and to date, the joint administrative rules review committee has not made the section applicable to the adoption of this rule.

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(4).

March 21, 2022
Annika Scharosch
Associate Vice President
for Civil Rights, Compliance
and Enterprise Risk Management

OTS-3646.1

AMENDATORY SECTION (Amending WSR 18-21-032, filed 10/5/18, effective 11/5/18)

WAC 172-139-010 Commercial activities. Eastern Washington University property and facilities shall not be used by any person or entity other than the university for commercial solicitation, advertising, or promotional activities except:

(1) By special permission granted by the vice president for business and finance or designee if a contract, lease, or other formal arrangement is entered into between the university and the person, corporation, or other entity desiring to engage in commercial activity;

(2) Regular advertising, promotions, or sponsorship activities carried on, by, or in any university media, *The Easterner*, or at intercollegiate events;

(3) In designated areas of the Pence Union Building as set forth in WAC 172-139-020; or

(4) When the activities clearly serve educational objectives. Examples of acceptable activities include the display of books of interest to the academic community, the display or demonstration of technical or research equipment, or other commercial activities that relate to educational objectives. In all cases, such commercial activities must be conducted under the sponsorship or at the request of a university department or of a vice president or authorized designee. Approved commercial activities shall not interfere with or operate to the detriment of the conduct of university affairs or the free flow of pedestrian or vehicular traffic.

[Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 18-21-032, § 172-139-010, filed 10/5/18, effective 11/5/18. Statutory Authority: RCW 28B.35.120(12). WSR 10-04-072, § 172-139-010, filed 2/1/10, effective 3/4/10. Statutory Authority: RCW 28B.35.120. WSR 92-21-043, § 172-139-010, filed 10/16/92, effective 11/16/92.]