

WSR 22-13-141
PROPOSED RULES
WALLA WALLA
COMMUNITY COLLEGE

[Filed June 20, 2022, 5:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-10-077.

Title of Rule and Other Identifying Information: Chapter 132T-190 WAC, Policy on the use of [the] college facilities.

Hearing Location(s): On August 9, 2022, at 9:00 - 10:00 a.m., <https://wwcc-edu.zoom.us/j/85358430820>. Remotely via Zoom link.

Date of Intended Adoption: August 29, 2022.

Submit Written Comments to: Jean Hernandez, 500 Tausick Way, Walla Walla, WA 99362, email WACrevisions@gmail.com, by July 18, 2022.

Assistance for Persons with Disabilities: Contact Jean Hernandez, email WACrevisions@gmail.com, doreen.kennedy@wwcc.edu, by July 18, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amending chapter 132T-190 WAC to update with current statutes and align with Walla Walla Community College's rules and regulations.

Reasons Supporting Proposal: See purpose above. Also explains college's use of facilities regulations.

Statutory Authority for Adoption: Chapter 34.05 RCW; RCW 28B.50.140.

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

Name of Proponent: Walla Walla Community College, governmental.

Name of Agency Personnel Responsible for Drafting: Jean Hernandez, 500 Tausick Way, Walla Walla, WA 99362; Implementation and Enforcement: Office of the President, Walla Walla Community College, 509-527-1274.

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.

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; rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; and rule content is explicitly and specifically dictated by statute.

June 20, 2022
Jean Hernandez
Contract Consultant

OTS-3805.2

Chapter 132T-190 WAC
((POLICY ON THE)) USE OF THE COLLEGE FACILITIES

AMENDATORY SECTION (Amending Order 78-6, filed 10/24/77)

WAC 132T-190-010 Use of college facilities. ((Because the)) Walla Walla Community College ((is an educational institution provided and maintained by the people of the state, its campus, buildings, properties, and facilities shall be reserved at all times for those activities which either)) District 20 provides continued educational opportunities that are related directly to its educational mission or are justifiable on the basis of their contributions to the cultural, social, or economic development of ((the state)) its service district. In keeping with this general purpose, the college believes that facilities should be available for a variety of uses that are of benefit to the general public, provided said 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.

[Order 78-6, § 132T-190-010, filed 10/24/77.]

AMENDATORY SECTION (Amending Order 78-6, filed 10/24/77)

WAC 132T-190-020 Limitation of use to school activities. The college buildings, properties, and facilities, including those of the associated student body, may be used only for:

- (1) The regularly established teaching, research, or public service activities of the college and its departments or related agencies.
- (2) Cultural, educational, or recreational activities of the students ((or of the)), faculty, or staff.
- (3) 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.
- (4) 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)), official sponsorship, and active participation.
- (5) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies ((or)), civic groups, or community organizations whose activities are of widespread public service and of a character appropriate to the college.
- (6) College facilities may be assigned to college recognized student organizations for regular business meetings, social functions, and for programs open to the public. Any college recognized student organization may invite speakers from outside the college community to speak on campus subject to the availability of facilities and in compliance with administrative policies and procedures. The appearance of

an invited speaker on campus does not represent an endorsement by the college, its students, employees, or board of trustees, implicitly or explicitly, of the speaker's views.

(7) Reasonable conditions may be imposed to regulate the appropriateness of requests, of space assigned, time of use, and to ensure the proper maintenance of the facilities. Subject to the same limitations, individuals or groups within the college community may request use of college facilities. Arrangements by both organizations and individuals must be made through the designated administrative officer per the college's administrative policies and procedures.

(8) The college may restrict an individual's or group's use of college facilities if that person or group has, in the past, damaged or destroyed college facilities. Charges may be imposed for any damage or theft during the use of the facilities. The individual, group, or organization requesting space will be required to state in advance the general purpose of any meeting.

[Order 78-6, § 132T-190-020, filed 10/24/77.]

NEW SECTION

WAC 132T-190-025 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.

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AMENDATORY SECTION (Amending WSR 82-24-021, filed 11/22/82)

WAC 132T-190-030 Limitation of use. (1) Primary consideration shall be always 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, research, or public service programs.

(2) (~~In general, the~~) College facilities (~~of the college~~) shall not be rented to (~~the~~) or used by (~~the~~) private or commercial organizations or associations, nor shall the facilities be rented to persons or organizations conducting programs for private gain.

(3) (~~College facilities may not be used for commercial sales, advertising or promotional activities except when such activities clearly serve educational objectives (as in display of books of interest to the academic community or in the display or demonstration of technical or research equipment) and when they are conducted under the sponsorship or at the request of a college department or office or of the associated student body.~~)

(~~4~~) 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. (~~Rules, regulations, poli-~~

~~cies, procedures and practices regarding the use of college facilities shall not discriminate or promote discrimination among political parties, groups or candidates solely on the basis of their particular political viewpoint.~~

~~(5) Activities of commercial or political 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 rooms or facilities to which access by be granted.~~

~~(6) Because of limitations imposed by the constitution of the state of Washington, the facilities of the college may not be used for the purpose of religious worship, exercise or instruction, except as provided in WAC 132T-190-030(7).~~

~~(7) College facilities are available to all recognized student groups and faculty or staff organizations, subject to these general policies, except as provided in WAC 132T-190-030(6), and to the rules and regulations of the college governing student, faculty and staff affairs.~~

~~(8) Handbills, leaflets and similar materials, except those which are commercial, obscene, or unlawful in character, may be distributed on the campus by regularly enrolled students, members of recognized student organizations or college personnel.)~~ (4) Religious groups shall not, under any circumstances, use college facilities as a permanent meeting place. Use may be intermittent only.

(5) These rules shall apply to students, employees, and recognized student groups using college facilities.

(6) Materials may be distributed only in designated areas on the campus where, and at times when, such distribution shall not interfere with the orderly administration of the ((college)) college's affairs or the free flow of traffic. 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 board of trustees. Persons and organizations not connected with the college may not distribute handbills and similar materials.

~~((9))~~ (7) Exterior audio amplifying equipment is permitted only in locations and at times that will not interfere with the normal conduct of college affairs as determined by the appropriate administrative officer. Any sound amplification device may only be used at a volume that does not disrupt the normal use of classrooms, offices, laboratories, or any previously scheduled college event or activity.

~~((10))~~ (8) No person or group may use or enter onto college facilities having in their possession firearms, even ((though)) if licensed to do so, except commissioned police officers as prescribed by law.

(9) The right of peaceful dissent within the college community will be preserved. The college retains the right to take steps to ensure 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.

(10) Orderly picketing and other forms of peaceful dissent are protected activities on and about the college premises; however, interference with free passage 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.

(11) 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, campus public safety officer, or individual in charge of the meeting.

(12) If a college facility abuts a public area or street, and if student activity, although on public property, unreasonably interferes with ingress and egress to college buildings, the college may choose to impose its own sanctions on the student(s) although remedies might be available through local law enforcement agencies.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-24-021 (Resolution No. 83-4), § 132T-190-030, filed 11/22/82; Order 78-6, § 132T-190-030, filed 10/24/77.]

NEW SECTION

WAC 132T-190-035 Use of facilities for expressive activities.

Walla Walla Community College District 20 provides guidelines for expressive activity on the college premises within this chapter and through its administrative policy and procedure on use of college facilities for expressive speech.

Students, employees, student organizations, and the public may use prespecified locations on college facilities for expressive activities between the hours of 7:00 a.m. and 10:00 p.m., Monday through Friday, when the college is open to the public and in accordance with the college's administrative policy and procedure on use of college facilities for expressive speech.

(1) The activity must be conducted in accordance with any other applicable board policies, college policies, and regulations at the college, including at the local, state, and federal levels.

(2) Expressive activities do not include obscene, lewd, or indecent conduct.

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AMENDATORY SECTION (Amending Order 78-6, filed 10/24/77)

WAC 132T-190-040 Administrative control. The board hereby delegates to the president authority to set up administrative policies and procedures for ((proper review of)) the use of college facilities; to establish, within the framework of these policies, regulations governing such use; and to establish rental schedules where appropriate. The college reserves the right to determine if an infraction of these rules has been committed.

[Order 78-6, § 132T-190-040, filed 10/24/77.]

AMENDATORY SECTION (Amending Order 78-6, filed 10/24/77)

WAC 132T-190-050 Trespass. (1) Individuals who are not students or members of the faculty or staff and who violate these regulations will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the ((campus)) president((,r)) or ((his)) designee((,r)) to leave the college property. Such a request ((will be deemed to)) prohibits the entry of, 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, and subject such individuals to arrest under the provisions of chapter 9A.52 RCW ((9.88.080)).

(2) 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 accord with established college policies.

(3) Any person who violates or is in violation of a district policy may have the license or privilege to be on district property revoked and ordered to withdraw from and refrain from entering upon any district property. Remaining on or reentering district property after one's license or privilege to be on district property has been revoked shall constitute trespass and such individual shall be subject to arrest for criminal trespass.

[Order 78-6, § 132T-190-050, filed 10/24/77.]

NEW SECTION

WAC 132T-190-060 Control of pets on college facilities. Pets on the grounds of Walla Walla Community College District 20 shall be in the physical control of their owner in accordance with local and state laws, on a leash, and all waste must be removed from the college premises. Animals are prohibited from entering buildings operated by the college, except for service animals as an accommodation for a disability in accordance with the college's administrative policies and procedures.

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NEW SECTION

WAC 132T-190-070 Fee schedule and application process. The college's fee schedule for use of facilities and application process are available on its website.

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