

**WSR 24-09-064  
PROPOSED RULES  
PIERCE COLLEGE**

[Filed April 16, 2024, 10:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-05-067.

Title of Rule and Other Identifying Information: Expressive activities policy.

Hearing Location(s): On May 21, 2024, at 2:30 p.m., via Zoom <https://pierce-college.zoom.us/j/88284318058>.

Date of Intended Adoption: June 12, 2024.

Submit Written Comments to: Julie Draper Davis, 9401 Farwest Drive S.W., Lakewood, WA 98498, email [jdraperdavis@pierce.ctc.edu](mailto:jdraperdavis@pierce.ctc.edu), by May 23, 2024.

Assistance for Persons with Disabilities: Contact access and disability services, phone 253-964-6468, email [ads@pierce.ctc.edu](mailto:ads@pierce.ctc.edu), by May 7, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Pierce College is engaging with the rule-making process to establish procedures and reasonable controls for the use of college facilities to balance the college's responsibility to fulfill its mission as a state educational institution of Washington with the interests of college groups seeking to assemble in common areas of the campus for expressive activity.

Reasons Supporting Proposal: Establish procedures for the use of college facilities for expressive activity.

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

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

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

Name of Proponent: Public.

Name of Agency Personnel Responsible for Drafting and Implementation: Julie Draper Davis, Pierce College District, 253-912-2331; Enforcement: Vice president of learning and student success, Pierce College District, 253-840-8336.

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. The proposed rule will not impose any costs for the institution.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rule will not impose any costs for the institution.

April 15, 2024  
Julie A. White  
Chancellor and CEO

**OTS-5293.1**

**Chapter 132K-220 WAC**  
**EXPRESSIVE ACTIVITIES POLICY**

NEW SECTION

**WAC 132K-220-010 General policy.** Pierce 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. The public character of the college does not grant to individuals or groups an unlimited license to engage in activity which limits, interferes with, or otherwise disrupts the normal activities to which the college's facilities are dedicated. Accordingly, the college establishes the common areas of the college as a limited public forum dedicated to the use of college groups for expressive activity, subject to the college's time, place, and manner limitations and restrictions set forth in this policy or otherwise specified.

The purpose of the time, place, and manner regulations set forth in this policy is to establish procedures and reasonable controls for the use of college facilities. These regulations are intended to balance the college's responsibility to fulfill its mission as a state educational institution of Washington with the interests of college groups seeking to assemble in common areas of the campus for expressive activity. The college recognizes that college groups should be accorded the opportunity to utilize the facilities and grounds of the college to the fullest extent possible. The college has designated certain facilities as public use areas open to noncollege groups as set forth herein.

NEW SECTION

**WAC 132K-220-020 Definitions.** For purposes of this policy, the following definitions are used:

(1) "College facilities" means all college buildings, structures, grounds, office space, classrooms, and parking lots. This includes both physical and online/virtual version of these spaces.

(2) "College groups" means individuals or groups who are currently enrolled students or current employees of the college, or guests of the college who are sponsored by a recognized student organization, employee organization, or the administration of the college.

(3) "Common areas" means those indoor and outdoor areas of each campus established by the college where college groups may assemble for expressive activity, subject to the college's reasonable time, place, and manner restrictions.

(4) "Expressive activity" means activity protected by the first amendment and includes, but is not necessarily limited to, activities such as 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, or other types of assemblies to share information, perspective, or viewpoints.

(5) "Noncollege groups" means individuals or groups who are not currently enrolled students or current employees of the college and who are not officially affiliated or associated with, or invited guests of a recognized student organization, recognized employee group, or the administration of the college.

(6) "Public use areas" means those outdoor areas of each campus that the college has chosen to open as places where both college groups and noncollege groups may assemble for expressive activity, subject to the college's reasonable time, place, and manner restrictions.

#### NEW SECTION

**WAC 132K-220-030 Use of college facilities.** (1) Subject to the regulations and requirements of this policy, groups may use the campus common areas for expressive activities between the hours of 7:00 a.m. and 10:00 p.m.

(2) Any sound amplification device may only be used at a volume that does not disrupt or disturb the normal use of classrooms, offices, laboratories, or any previously scheduled college event or activity.

(3) Groups are encouraged to notify the campus public safety department no later than 24 hours in advance of an expressive activity. However, unscheduled expressive activities are permitted so long as the activity does not disrupt any other event or activity occurring at the college facility.

(4) All sites used for expressive activity must be cleaned up and left in their original condition and may be subject to inspection by a representative of the college after the activity. Reasonable charges may be assessed against the sponsoring organization for the costs of clean-up or for the repair of damaged property.

(5) All groups must comply with all fire, safety, and sanitation regulations, and any special requirements specified for the expressive activity. The college cannot and will not provide utility connections or hook-ups for purposes of expressive activity conducted pursuant to this policy.

(6) The expressive activity must not be conducted in such a manner to obstruct vehicular, bicycle, pedestrian, or other traffic or otherwise interfere with ingress or egress to the college, college buildings or facilities, or to college activities or events. The expressive activity must not create safety hazards or pose safety risks to people or property.

(7) The expressive activity must not interfere with educational or institutional 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 expressive activity must not materially infringe on the rights and privileges of college students, employees, or guests to the college.

(8) There shall be no overnight camping in or on college facilities. Camping is defined to include unauthorized: Sleeping, cooking activities, storing or use of personal belongings for habitation, and/or the erection of tents, shelters, or other structures used for purposes of habitation.

(9) 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, office, or recognized student organization.

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

#### NEW SECTION

##### **WAC 132K-220-040 Additional requirements for noncollege groups.**

(1) College buildings, rooms, and athletic fields may be rented by noncollege groups in accordance with the use of district facilities policy. Renting a college facility does not relieve individuals or groups from adhering to this policy.

(2) The college has established public use areas for use as limited public forums. These areas can be used by noncollege groups for expressive activity (i.e., speech and assembly) on campus. Areas identified as limited public forums can be found on the Pierce College website at <https://www.pierce.ctc.edu/maps>.

Public use areas may be scheduled. Scheduled groups have priority of use over unscheduled groups.

(3) Noncollege groups that seek to engage in expressive activity are encouraged to provide notice to the campus safety office no later than 24 hours prior to the expressive activity along with the following information to ensure the area is not otherwise scheduled, and to give the college an opportunity to assess any security needs:

(a) The name, address, and telephone number of a contact person for the individual, group, entity or organization sponsoring the expressive activity; and

(b) The date, time, and requested location of the expressive activity; and

(c) The nature and purpose of the expressive activity; and

(d) The estimated number of people expected to participate in the expressive activity.

#### NEW SECTION

**WAC 132K-220-050 Distribution of materials.** (1) College groups may post information on bulletin boards, and other display areas designated for that purpose, and may distribute materials throughout the common and public use areas of campus. Noncollege groups may distribute materials only in public use areas.

(2) All groups are encouraged to include the sponsoring organization's name and address on the distributed or posted information.

(3) Materials are subject to a posting time limit and require a date stamp prior to posting. Materials may be removed after the expiration of the date stamp time limit or if they do not have a date stamp.