

WSR 25-07-074

PROPOSED RULES

BELLINGHAM TECHNICAL COLLEGE

[Filed March 17, 2025, 8:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-03-123.

Title of Rule and Other Identifying Information: Amending chapter 495B-140 WAC.

Hearing Location(s): On April 22, 2025, at 11:00 a.m., at Bellingham Technical College, College Services, Room 215, 3028 Lindbergh Avenue, Bellingham, WA 98225.

Date of Intended Adoption: May 15, 2025.

Submit Written Comments to: Ronda Laughlin, 3028 Lindbergh Avenue, Bellingham, WA 98225, email rlaughlin@btc.edu, fax 360-752-7134, by April 8, 2025.

Assistance for Persons with Disabilities: Contact Mary Gerard, phone 360-752-8576, fax 360-752-7376, email ar@btc.edu, by April 8, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To update language to provide clarity for students, employees, and visitors.

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

Statute Being Implemented: Chapter 28B.10 RCW.

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

Name of Proponent: Bellingham Technical College, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Ronda Laughlin and Chad Stiteler, CS 201 and CS 209, 360-752-8334; Enforcement: Chad Stiteler, CS 209, 360-752-8313.

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. Required by RCW 28B.10.293.

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 only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: To clarify and update language for students, employees, and visitors in chapter 495B-140 WAC.

Scope of exemption for rule proposal:

Is fully exempt.

March 17, 2025

Ronda Laughlin

Executive Assistant to the President

RDS-6176.2

AMENDATORY SECTION (Amending WSR 12-21-061, filed 10/17/12, effective 11/17/12)

WAC 495B-140-005 Definitions. (1) "Business day" means any day, Monday through Friday (excluding holidays), during which college offices are open.

(2) "College" means Bellingham Technical College.

(3) "College group((s)) or individual" shall mean ((individuals, or combination of individuals, who are)) an individual or group that has a formal relationship with the college, such as a recognized employee group, a registered student group or organization, or an individual acting on behalf of the group or organization, as well as an individual who is a currently enrolled student((s)) or current employee((s of Bellingham Technical College or who are affiliated with a recognized student organization or a recognized employee group of the college)).

((2)) (4) "College property" or "college facilities" ((include)) means all buildings, structures, grounds, office space, ((and parking lots)) or assets owned or controlled by the college, and the streets, sidewalks, parks, parking lots, and roadways within the boundaries of the property owned or controlled by the college.

((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.) (5) "Noncollege group or individual" means an individual or a collection of individuals who do not have a formal relationship with the college. The term also includes members of these groups who are individually affiliated with the college who desire to use college property for personal, private, or noncollege group related activities.

(6) "Public area" refers to spaces on BTC's campus and its grounds that are generally open to the public, such as primary entrance lobbies of buildings, exterior spaces, and lawns.

(7) "Nonpublic areas" include, but are not limited to, classrooms while classes are in session, offices, meeting rooms, labs, shops, closets, and other workspaces primarily dedicated to college operations, and other areas designated by the college as a restricted access area to protect safety, security, or confidentiality.

(8) "Restricted access areas" are locations that are not open to the public and may or may not be marked with signage or other indicators.

AMENDATORY SECTION (Amending WSR 12-21-061, 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. 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. 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,))~~ The college intends to open its facilities to non-college groups to a lesser extent as set forth herein, while acknowledging that 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.))~~ For groups and individuals seeking to use college property under rights afforded by the first amendment of the Constitution of the United States and Article I, Sections 4 and 5 of the Washington state Constitution, see chapter 495B-150 WAC for time, place, and manner restrictions.

AMENDATORY SECTION (Amending WSR 17-23-113, filed 11/16/17, effective 12/17/17)

WAC 495B-140-020 Limitation of the use ((to)) of college facilities for school 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 or related agencies;
- (b) Cultural, educational, or recreational activities of the students, ~~((faculty, or staff))~~ employees, or contracted partners;
- (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 sponsor-

ship of the college (~~(or)~~), its departments, associated student body, or contracted partners;

(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)~~) official sponsorship and active participation;

(e) 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.

(2) College facilities (~~(shall)~~) may be assigned to student organizations for regular business meetings, social functions and for programs open to the public. Any college recognized (~~(campus)~~) student organization may invite speakers from outside the college community to speak on campus, subject to the availability of facilities and in compliance with college policies and procedures on the use of college facilities and expressive speech. The appearance of an invited speaker on campus does not represent an endorsement by the college, its students, (~~(faculty, administration)~~) employees, or the board of trustees, implicitly or explicitly, of the speaker's views.

(a) (~~(Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and faculty if suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints.)~~) In case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal consideration for law and order and to the specific limitations imposed by the state constitution regarding religious worship, exercise, or instruction on state property.

(b) In order to ensure an atmosphere of open exchange and to ensure that the educational objectives of the college are not obscured, the president, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting including, but not limited to, the time, the manner, and the place for the conduct of such a meeting. Likewise, the president may require permission for comments and questions from the floor and/or may encourage the appearance of one or more additional speakers at a meeting or at a subsequent meeting so that other points of view may be expressed.

(3) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of requests, 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 may request use of college facilities. Arrangements by both organizations and individuals must be made through the designated administrative officer as per college policies and procedures. (~~(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)~~) damaged or destroyed college facilities, or through their own or other associated individual's actions which negatively impacted campus operations. (~~(Monetary)~~) Charges may be imposed

for any damage, theft, 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.

(5) (~~Commercial activities.~~) College facilities will not be used for any commercial solicitation, advertising or promotional activities, except when such activities clearly serve an educational objective including, but not limited to, the display of books of interest to the academic community or the display or demonstration of technical or research equipment and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of the college or the student association if such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of vehicular or pedestrian traffic. For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers, and similarly related materials as regulated in WAC 495B-140-045.

AMENDATORY SECTION (Amending WSR 93-05-018, 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.

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 use of a college facility be granted for a commercial activity at a rental rate or upon terms less than the full and fair rental value of the premises used.

AMENDATORY SECTION (Amending WSR 12-21-061, filed 10/17/12, effective 11/17/12)

WAC 495B-140-035 Additional requirements for noncollege groups.

(1) College buildings and rooms may be rented by noncollege groups or individuals in accordance with the college's facilities use policy. Noncollege groups or individuals may otherwise use (~~college facilities as identified in this policy~~) the campus' limited public forum area as identified in chapter 495B-150 WAC.

(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 and shall fall between the hours of 7:00 a.m. and 10:00 p.m.~~

~~((4)) (3) 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. The college president or designee may also specify reasonable additional fire, safety, law enforcement, sanitation, cleanup, insurance, and other risk- or impact-mitigating requirements for the use of college facilities, and the group or individual utilizing college facilities must meet those requirements.~~

AMENDATORY SECTION (Amending WSR 17-23-113, filed 11/16/17, effective 12/17/17)

WAC 495B-140-040 ((General policies limiting use.)) Restrictions on the use of college facilities. These rules shall apply equally to college and noncollege groups and individuals using college facilities.

(1) Primary consideration shall always be given to activities related to the college's mission. No arrangements shall be made that interfere with, or operate to the detriment of, the college's own teaching, research, or public service programs.

(2) 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 public forums ((as provided for in WAC 495B-140-020)).

~~((2)) (3) 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'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.~~

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

~~((3)) (6) 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)) (7) Use of audio amplifying equipment such as bullhorns, microphones, or loudspeakers is not permitted. Exceptions ((ean)) may be made by ((college administration)) the designated administrative officer in locations and at times ((which)) that 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. Possession, holding, wearing, transporting, storage or presence of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive devices, or any other weapon apparently capable of producing bodily harm is prohibited on the college campus, subject to the following exceptions:~~

~~(a) Commissioned law enforcement personnel or legally authorized military personnel while in performance of their duties;~~

~~(b) Individuals with a valid concealed weapons permit may store a pistol in his or her vehicle parked on campus in accordance with RCW 9.41.050 (2) or (3), provided the vehicle is locked and the weapon is concealed from view; or~~

~~(c) The president may grant permission to bring a weapon on campus upon a determination that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to such terms or conditions incorporated in the written permission.~~

~~This policy does not apply to the possession and/or use of disabling chemical sprays when possessed and/or used for self-defense.)~~

~~(8) The college will not provide any utility connections or hook-ups.~~

~~(9) The right of peaceful dissent within the college community will be preserved. The college retains the right to take steps to ((insure)) 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 and may result in legal charges by the college against groups or individuals. 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)) (10) Orderly picketing and other forms of peaceful dissent are protected activities on and about college premises; however, 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)) Signs shall be no larger than three feet by five feet and no individual may carry more than one sign.~~

~~(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 and comply with directions of the designated college administrator, designee, or individual in charge of the ((meeting)) function.~~

~~((11))~~ (12) If a college facility abuts a public area or street, and if ~~((group))~~ an activity, although on public property, unreasonably interferes with ingress and egress to college ~~((buildings))~~ property, or creates a disruption for the neighbors bordering the college, the college may choose to impose its own sanctions on any individual on college property who violates this chapter, 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 or individuals are asked to obtain authorization from the designated administrator no later than ~~((twenty-four))~~ 24 hours in advance of an event. Events shall not last longer than eight hours from beginning to end.

~~(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 after use and may be subject to inspection by a college 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))~~ a group or individual for the costs of cleaning up the condition of the property beyond reasonable wear and tear or for the repair of damaged property.

~~((17))~~ (15) The event must not create safety hazards or pose unreasonable safety risks to college students, employees, or visitors to the college. 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, including off-campus facilities owned or leased by the college. 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. However, the college president or designee is authorized to make exceptions in the case of college sponsored events and/or instructional activities.

(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~~) (16) All activities shall be conducted in accordance with ~~((any other applicable college policies and regulations, college,))~~ local, ~~((ordinances, and))~~ state ~~((or)),~~ and federal laws including college policies.

~~((22))~~) (17) 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.

~~((23) Free movement on campus. The president is authorized to prohibit the entry of or to withdraw the privileges of any person or group of persons to enter onto or remain upon any portion of the college campus if he/she deems that an individual or group of individuals disrupts the ingress or egress of others from the college facilities. The president may act through the vice president of administrative services or any other person he/she may designate.)~~)

AMENDATORY SECTION (Amending WSR 17-23-113, filed 11/16/17, effective 12/17/17)

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 or individuals may distribute materials only ~~((at the site designated for noncollege groups and))~~ as authorized by the college. All postings must first be reviewed by a designated administrative officer as per college policy. 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.

~~((1) Handbills, leaflets, newspapers and similar materials may be distributed free of charge by any student or students, or by members of recognized student organizations at locations specifically designated by the vice president of student services, provided such distribution does not interfere with the ingress or egress of persons or interfere with the instructional process or the free flow of vehicular or pedestrian traffic.~~

~~(2) Such handbills, leaflets, newspapers and related matter must bear identification as to the publishing agency and distributing organization or individual.~~

~~(3) All nonstudents shall register with the vice president of student services prior to the distribution of any handbill, leaflet, newspaper or related matter. Such distribution must not interfere with the instructional process or the free flow of vehicular or pedestrian traffic.~~

~~(4) Any person or persons who violate provisions of subsections (1) and (2) or (3) of this section will be subject to disciplinary action.)~~)

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-140-050 Administrative control. The college board hereby delegates authority to the college president (~~((authority))~~) to set up administrative policies and procedures for 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.

AMENDATORY SECTION (Amending WSR 17-23-113, filed 11/16/17, effective 12/17/17)

WAC 495B-140-060 Trespass. (1) Individuals who are not students (~~((or members of the faculty or staff))~~), employees, or contracted partners 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 (~~((r))~~) or (~~((his or her))~~) designee (~~((r))~~) 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))~~), and subject 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)) employees, and contracted partners) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accordance with these rules, chapter 495B-121 WAC, and college policy.))~~

(5) (3) Any person((s)) or group((s)) who violates ((the)) or is in violation of a college policy or local, state, or federal 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.

(4) There shall be no overnight camping on college property. 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 purposes 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.

AMENDATORY SECTION (Amending WSR 17-23-113, filed 11/16/17, effective 12/17/17)

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 and employees obviously under the influence of intoxicants, unlawful drugs, or narcotics while (~~in college facilities~~) on college property are subject to disciplinary action.

(2) The use of tobacco is prohibited in accordance with health regulations. Tobacco, electronic cigarettes, and related products. The use of tobacco, electronic cigarettes, and related products in any building owned, leased, or operated by the college or in any location where such use is prohibited, including (~~twenty-five~~) 25 feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased, or operated by the college, except in designated areas in accordance with chapter 70.160 RCW. "Related products" include, but are not limited to, cigarettes, cigars, pipes, bidi, clove cigarettes, water pipes, hookahs, chewing tobacco, personal vaporizers, vape pens, electronic nicotine delivery systems and snuff.

(3) The use or possession of firearms, explosives (including fireworks), dangerous chemicals or other dangerous weapons or instrumentalities on college property is prohibited. This prohibition does not apply to exceptions outlined in WAC 495B-121-265 (22) (a) through (d).

(4) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on college property, is prohibited. Destruction of property is also prohibited by state law in reference to public institutions.

(5) Alcoholic beverages may be served only as allowed under college policy.

AMENDATORY SECTION (Amending WSR 17-23-113, filed 11/16/17, effective 12/17/17)

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 animals as an accommodation for a disability in accordance with state laws, Bellingham municipal codes, and college policy.

AMENDATORY SECTION (Amending WSR 12-21-061, filed 10/17/12, effective 11/17/12)

WAC 495B-140-090 Basis of fee assessment. (1)

A current fee schedule is available to interested groups or individuals from the administrative services office.

(2) 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~~) the college. The (~~board of trustees~~) college 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))~~ (3) 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)~~) reserves the right to make pricing changes without prior written notice.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-140-100 Application for facility use procedures. (1)

At least seven (~~(working)~~) business 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)~~) administrative services office. 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)~~) applicant shall sign the rental agreement. By affixing a signature as representing the (~~(using)~~) requesting organization, the signatory specifies (~~(he or she has)~~) they have 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 charges incurred through property damage, additional services required by the college, and/or 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)~~) 50 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)~~) college facilities shall be limited to the facilities specified (~~(on)~~) in the agreement.

(~~(6))~~ (5) The priorities for facility use place primary emphasis on regular college events and activities. The president or designee 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))~~ (6) 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))~~ (7) Any admission charge is to be specified and approved by the college in advance.

(~~(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.))~~

AMENDATORY SECTION (Amending WSR 12-21-061, filed 10/17/12, effective 11/17/12)

WAC 495B-140-105 Posting of a bond and hold harmless statement.

When using college facilities (~~and grounds, an individual or organization~~), a group or individual 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~~) this chapter and college policy.

When the college grants permission to a college (~~group~~) or non-college group or individual to use its facilities, it is with the express understanding and condition that the group or individual (~~or organization~~) assumes full responsibility for any injuries, loss, or damage.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

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~~) designated administrator 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(~~7~~) and does not relieve the organization from safeguarding the college's property.

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

NEW SECTION

WAC 495B-140-115 Dances, concerts, carnivals, and fairs. Street dances, outdoor concerts, carnivals, or fairs may be held at approved locations when sponsored by student government or registered student organizations on days and at times approved by the office delegated oversight responsibility for student government organizations and registered student organizations, following consultation with appropriate college departments and administrators.

NEW SECTION**WAC 495B-140-120 Parades and other street and road activity.**

Permits for parades, street/road runs, marches, or other events on college streets and roads may be obtained upon approval of the college president or designee.

Such events must be scheduled so as not to interfere with major traffic arterials or with college events and activities. For use of city streets on and adjacent to campus, permits must be obtained through the city of Bellingham.