

# Chapter 132H-142 WAC

## FIRST AMENDMENT ACTIVITIES FOR COMMUNITY COLLEGE DISTRICT VIII

**WAC**

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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

132H-142-080	First amendment activities and protection of the college mission. [Statutory Authority: RCW 28B.50.140. WSR 05-07-069, § 132H-142-080, filed 3/14/05, effective 4/14/05.] Repealed by WSR 12-24-044, filed 11/29/12, effective 12/30/12. Statutory Authority: RCW 28B.50.140.
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**WAC 132H-142-010 Title.** WAC 132H-142-010 through 132H-142-060 shall be known as use of Community College District VIII facilities by college groups and noncollege groups for first amendment activities.

[Statutory Authority: RCW 28B.50.140. WSR 05-07-069, § 132H-142-010, filed 3/14/05, effective 4/14/05.]

**WAC 132H-142-015 Definitions.** For the purposes of this policy noncollege groups shall mean individuals, or combinations of individuals, who are not currently enrolled students or current employees of Bellevue Community College or who are not officially affiliated or associated with a recognized student organization or a recognized employee group of the college.

For purposes of this policy, college groups shall mean individuals who are currently enrolled students or current employees of Bellevue Community College or who are affiliated with a recognized student organization or a recognized employee group of the college.

College facilities include all buildings, structures, grounds, office space and parking lots.

The college is a limited public forum for noncollege groups. The limited public forum does not include college buildings or athletic fields. College buildings, rooms, and athletic fields may be rented in accordance with the college's facilities use policy.

[Statutory Authority: RCW 28B.50.140. WSR 12-24-044, § 132H-142-015, filed 11/29/12, effective 12/30/12; WSR 05-07-069, § 132H-142-015, filed 3/14/05, effective 4/14/05.]

**WAC 132H-142-020 Statement of purpose.** Bellevue Community College District VIII is an educational institution provided and maintained by the people of the state of Washington. College facilities are reserved primarily for educa-

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tional 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 an unlimited license to engage in activity which limits, interferes with, or otherwise disrupts the normal activities for and to which the college's buildings, facilities and grounds are dedicated and said buildings, facilities and grounds are not available for unrestricted use by noncollege groups. While said buildings, facilities and grounds are not available for unlimited use by college groups, it is recognized that Bellevue Community College students and employees should be accorded opportunity to utilize the facilities and grounds of the college to the fullest extent possible. The purpose of these time, place and manner regulations is to establish procedures and reasonable controls for the use of college facilities for both noncollege and college 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 noncollege groups or college groups who are interested in using the campus for purposes of constitutionally protected speech, assembly or expression. The college intends to open its facilities to noncollege groups to a lesser extent as set forth herein.

[Statutory Authority: RCW 28B.50.140. WSR 12-24-044, § 132H-142-020, filed 11/29/12, effective 12/30/12; WSR 05-07-069, § 132H-142-020, filed 3/14/05, effective 4/14/05.]

**WAC 132H-142-025 First amendment activities and protection of the college mission.** The college recognizes and supports the rights of groups and individuals to engage in first amendment activities. This policy shall be interpreted and construed to support such activities while simultaneously balancing the needs and interests of the college to fulfill its mission as a state educational institution of Washington.

[Statutory Authority: RCW 28B.50.140. WSR 12-24-044, § 132H-142-025, filed 11/29/12, effective 12/30/12.]

**WAC 132H-142-030 Request for use of facilities.** Subject to the regulations and requirements of this policy, college or noncollege groups may use the campus limited forums for those activities protected by the first amendment. Examples of first amendment activities would include, but not necessarily be limited to, informational picketing, petition circulation, the distribution of information leaflets or pamphlets, speech-making, demonstrations, rallies, appearances of speakers in outdoor areas, mass protests, meetings to display group feelings or sentiments and/or other types of constitutionally protected assemblies to share information, perspective or viewpoints.

Noncollege groups that intend to be on campus to engage in first amendment activities (hereinafter "the event") are

encouraged to provide notice to the student programs office no later than twenty-four hours prior to the event along with the following information:

- (1) The name, address and telephone number of the individual, group, entity or organization sponsoring the event (hereinafter "the sponsoring organization"); and
- (2) The name, address and telephone number of a contact person for the sponsoring organization; and
- (3) The date, time and requested location of the event; and
- (4) The nature and purpose of the event; and
- (5) The type of sound amplification devices to be used in connection with the event, if any; and
- (6) The estimated number of people expected to participate in the event.

Signs shall be no larger than three feet by five feet (3' x 5') and no individual may carry more than one sign.

The use of sound amplification devices is limited to the limited public forum area as long as the sound amplification device is used at a volume which does not disrupt or disturb the normal use of classrooms, offices or laboratories or any previously scheduled college event or activity.

College groups are encouraged to notify the student programs office no later than forty-eight hours in advance of an event. However, unscheduled events are permitted so long as the event does not interfere with any other function occurring at the facility.

College group events shall not last longer than eight hours from beginning to end. Noncollege events shall not last longer than five hours from beginning to end.

There shall be no overnight camping on college facilities or grounds. Camping is defined to include sleeping, carrying on cooking activities, or storing personal belongings for personal habitation, or the erection of tents or other shelters or structures for the purposes of personal habitation.

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 designed for that purpose, and may distribute materials throughout the open areas of campus. Noncollege groups may distribute materials only at the site designated for noncollege groups. To avoid excessive littering of the campus and/or greatly increased work requirements for college physical plant employees, groups are asked to cooperate with the college in limiting the distribution of information leaflets or pamphlets to the limited public forum site.

Speech that does no more than propose a commercial transaction shall not occur in connection with the event.

College facilities may not be used for commercial sales, solicitations, advertising or promotional activities, unless:

- Such activities serve educational purposes of the college; and
- Such activities are under the sponsorship of a college department or office or officially chartered student club.

The limited public forum used by the group should be cleaned up and left in its original condition and may be subject to inspection by a representative of the college after the event. Reasonable charges may be assessed against the spon-

soring organization for the costs of extraordinary clean-up or for the repair of damaged property.

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 for purposes of first amendment activities conducted pursuant to this policy.

The event must not obstruct vehicular, bicycle, pedestrian or other traffic or otherwise interfere with ingress or egress to the college, or to college buildings or facilities, or to college activities or events.

The event must not create safety hazards or pose unreasonable safety risks to college students, employees or invitees to the college.

The event must not interfere with educational 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 event must not materially infringe on the rights and privileges of college students, employees or invitees to the college.

The event must also be in accordance with any other applicable college policies and regulations, regulations and policies of Bellevue Community College, local ordinances and/or state or federal laws.

[Statutory Authority: RCW 28B.50.140. WSR 12-24-044, § 132H-142-030, filed 11/29/12, effective 12/30/12; WSR 05-07-069, § 132H-142-030, filed 3/14/05, effective 4/14/05.]

**WAC 132H-142-040 Additional requirements for noncollege groups.** The limited public forum may not be used on the same date as any previously scheduled college event or activity at the site (aside from regularly scheduled classes) where it is reasonably anticipated that more than five hundred people will attend the college event or activity.

College buildings, rooms, and athletic fields may be rented by noncollege groups in accordance with the college's facilities use policy. Noncollege groups may otherwise use college facilities as identified in this policy.

The college designates the following area(s) as the sole limited public forum area(s) for use by noncollege groups for first amendment activities on campus:

- Building C courtyard area for groups less than thirty; and
- Southern courtyard, just north of Carlson Theater if over thirty participants are expected.

[Statutory Authority: RCW 28B.50.140. WSR 12-24-044, § 132H-142-040, filed 11/29/12, effective 12/30/12; WSR 05-07-069, § 132H-142-040, filed 3/14/05, effective 4/14/05.]

**WAC 132H-142-050 The role of the president in first amendment decisions.** The president of the college may authorize first amendment activities which are reasonably determined not to cause disruption of college activities despite a literal violation of this policy statement. Such determinations shall be made without consideration of the content or message of the first amendment activities.

The president of the college or designee may at any time, terminate, cancel or prohibit the event if it is determined, after proper inquiry, that the event does constitute or will

constitute a clear and present danger to the college's orderly operation.

[Statutory Authority: RCW 28B.50.140. WSR 05-07-069, § 132H-142-050, filed 3/14/05, effective 4/14/05.]

**WAC 132H-142-060 Criminal trespass.** Any person determined to be violating these regulations is subject to an order from the college public safety department to leave the college campus. Persons failing to comply with such an order to leave the college campus are subject to arrest for criminal trespass.

[Statutory Authority: RCW 28B.50.140. WSR 05-07-069, § 132H-142-060, filed 3/14/05, effective 4/14/05.]

**WAC 132H-142-070 Posting of a bond and hold harmless statement.** When using college buildings or athletic fields, an individual or organization 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 policy.

When the college grants permission to a college group or noncollege group to use its facilities it is with the express understanding and condition that the individual or organization assumes full responsibility for any loss or damage.

[Statutory Authority: RCW 28B.50.140. WSR 05-07-069, § 132H-142-070, filed 3/14/05, effective 4/14/05.]

**WAC 132H-142-075 Trespass.** Noncollege groups who violate these regulations will be advised of the specific nature of the violation, and if they persist in the violation, will be requested by the campus president or designee to leave the college property. Such a request will be deemed to withdraw the license or privilege to enter onto or remain upon any portion of the college facilities of the person or group of persons requested to leave, and subject such individuals to arrest under provisions of chapter 9A.52 RCW or municipal ordinance.

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.

Persons who violate a district policy or rule may have their license or privilege to be on district property revoked and be 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.

[Statutory Authority: RCW 28B.50.140. WSR 12-24-044, § 132H-142-075, filed 11/29/12, effective 12/30/12.]