

**Chapter 495A-140 WAC
USE OF COLLEGE FACILITIES**

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WAC

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WAC 495A-140-010 Use of college facilities. Bates Technical College, District No. 28, serves Pierce and other counties by providing continued educational opportunities for its citizens. 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.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 19-20-048, § 495A-140-010, filed 9/25/19, effective 10/26/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-140-010, filed 5/26/92, effective 6/26/92.]

WAC 495A-140-020 Facility use aligns with college mission. (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;

(b) Cultural, educational, or recreational activities of the students, faculty, or staff;

(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 sponsorship of the college or its departments;

(d) Public events of a cultural or professional nature brought to the campus at the request of college departments or committees, official sponsorship, and active participation; or

(e) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies, civic groups, or community organizations whose activities are of widespread public service and of a character appropriate to the college.

(2) College facilities shall be assigned to student organizations for regular business meetings, social functions and for programs open to the public. Any recognized campus student organization may invite

speakers from outside the college community to speak on campus subject to the availability of facilities and compliance with college policies and procedures. The appearance of an invited speaker on campus does not represent an endorsement by the college, its students, faculty, administration, or the board of trustees, implicitly or explicitly, of the speaker's views.

(3) Recognized student organizations have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with college policies and procedures.

(4) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to insure 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. Arrangements by both organizations and individuals must be made through the designated administrative officer. 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.

(5) 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 college facilities. Charges may be imposed for damage 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.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 19-20-048, § 495A-140-020, filed 9/25/19, effective 10/26/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-140-020, filed 5/26/92, effective 6/26/92.]

WAC 495A-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.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-140-030, filed 5/26/92, effective 6/26/92.]

WAC 495A-140-040 General policies limiting use. (1) 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 forums.

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

(3) 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 recognized student groups using college facilities.

(6) Handbills, leaflets, newspapers, and similar materials except those which are commercial, obscene, or unlawful may be distributed only in designated areas on the campus where, and at times when, such distribution will not interfere with the orderly administration of the college 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 the board of trustees.

(a) Materials may be distributed free of charge by any student(s), by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the office of student services or designee.

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

(c) All nonstudents will register with the office of student services prior to the distribution of any handbill, leaflet, newspaper, or related matter.

(d) Any person or persons who violate provisions of (a), (b), or (c) of this subsection will be subject to disciplinary action or have their materials removed from the college premises.

(7) Use of audio or sound amplifying equipment is permitted only in locations and at times which 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.

(8) No person or group may use or enter onto college facilities having in their possession firearms, even if licensed to do so, except in the manners outlined in WAC 495A-121-041(9).

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

cer, 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 students although remedies might be available through local law enforcement agencies.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 19-20-048, § 495A-140-040, filed 9/25/19, effective 10/26/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-140-040, filed 5/26/92, effective 6/26/92.]

WAC 495A-140-045 Use of facilities for expressive activities.

Expressive activity includes, but is not limited to, informational picketing, petition circulation, distribution of information leaflets or pamphlets, speech-making, demonstrations, rallies, appearances of speakers in outdoor areas, protests, meetings to display group feelings or sentiments, and other types of assemblies to share information, perspective, or viewpoints.

Students, student organizations, and the general public may use prespecified locations on Bates Technical College, District No. 28, 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 under the following conditions:

(1) There will be no overnight camping on college facilities or premises between the hours of 10:00 p.m. and 7:00 a.m. Camping is defined to include sleeping, cooking activities, storing personal belongings, personal habitation, or the erection of tents or other shelters or structures used for purposes of personal habitation.

(2) College groups are encouraged to contact campus safety and facilities no later than forty-eight hours in advance of the activity. However, if an expressive activity does not displace other activities occurring at the college, the college group may be permitted to make a last minute request to set up an activity.

(3) All sites used for expressive activities should 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 extraordinary cleanup or for the repair of damaged property.

(4) All college and noncollege groups must comply with fire, safety, sanitation, or special regulations specified for the activity. The college cannot and will not provide utility connections or hookups for purposes of expressive activities conducted pursuant to this policy.

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

(6) The expressive activities do not pose hazards or safety risks to the employees, students, or other college visitors.

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

(8) Noncollege groups may use college facilities for expressive activity as identified in this procedure provided space is available and college regulations are followed.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 19-20-048, § 495A-140-045, filed 9/25/19, effective 10/26/19.]

WAC 495A-140-050 Administrative control. The board hereby delegates to the president authority to set up administrative procedures for the use of college facilities; and to establish rental schedules where appropriate. The college reserves the right to determine if an infraction of these rules has been committed.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 19-20-048, § 495A-140-050, filed 9/25/19, effective 10/26/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-140-050, filed 5/26/92, effective 6/26/92.]

WAC 495A-140-060 Trespass. (1) Individuals who are not students or members of the faculty or staff 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 or designee 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 persons shall be subject to arrest under the provisions of chapter 9A.52 RCW.

(2) Students, faculty, and staff members of the college who do not comply with these regulations will be reported to the appropriate college office or official for action in accordance with these rules.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 19-20-048, § 495A-140-060, filed 9/25/19, effective 10/26/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-140-060, filed 5/26/92, effective 6/26/92.]

WAC 495A-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 obviously under the influence of intoxicants, unlawful drugs or narcotics while in college facilities are subject to disciplinary action.

(2) The use of tobacco is prohibited in accordance with college, local, state, and federal laws.

(3) Destruction of property is also prohibited by state law in reference to public institutions.

(4) College facilities will not be used for commercial sales, solicitation, advertising, or promotional activities except when said activities:

- (a) Clearly serve the educational objectives of the college;
- (b) Display of books are of interest to the academic community;
- (c) Display or demonstration of technical or research equipment serve the interest of the college;
- (d) Said solicitation activities must not interfere with or operate to the detriment of conducting college affairs; and
- (e) Are conducted under the sponsorship or at the request of:
 - (i) A college department or official; or

(ii) An officially chartered student club or the associated students of the college.

(5) Activities must not be conducted in such a manner as to obstruct vehicular, bicycle, pedestrian, other traffic, or interfere with ingress or egress to the college, college buildings or facilities, or college activities.

(6) No person or group may use or enter onto college facilities having in their possession firearms, even if licensed to do so, except commissioned police officers as prescribed by law or described in WAC 495A-121-041(9).

(7) The activity must not create safety hazards or pose safety risks to others.

(8) The activity must not substantially interfere with educational activities inside or outside any college building or prevent the college from fulfilling its mission and achieving its primary purpose of providing an education to its students. The activity must not substantially infringe on the rights and privileges of college students, employees, or visitors to the college.

(9) College buildings, rooms, and facilities may be rented by noncollege groups in accordance with the college's facilities use policy. When renting college buildings or rooms, an individual or organization may be required to post a bond and 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 use its facilities, it is with the expressed understanding and condition that the individual or organization assumes full responsibility for any loss or damage.

(10) Restrictions on dangerous weapons include:

(a) Individuals participating in expressive activities must not bring any firearms, explosives, dangerous chemicals or other dangerous weapons that could be used to inflict bodily harm or to damage real or personal property on the college grounds; and

(b) Certified law enforcement officer may enter the campus in lawful possession of firearms while conducting official law enforcement duties.

(11) Restrictions on alcohol and drugs include:

(a) Individuals participating in expressive activities do not possess, use, or consume alcohol or intoxicants, prohibited drugs including not medically prescribed, or tobacco on campus property; and

(b) Prohibited drugs include those defined in chapter 69.41 RCW or any controlled substance under chapter 69.50 RCW, except as prescribed for medical use by the individual's licensed practitioner.

(12) College facilities may not be used for commercial sales, solicitations, advertising, or promotional activities.

(a) Such activities serve educational purposes of the college; and

(b) Such activities are under the sponsorship of an officially chartered student club, college department, or college office.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 19-20-048, § 495A-140-070, filed 9/25/19, effective 10/26/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-140-070, filed 5/26/92, effective 6/26/92.]

WAC 495A-140-080 Control of pets in college facilities. Pets are not permitted in campus buildings or on the grounds except for guide or service animals as noted in WAC 162-022-100.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 19-20-048, § 495A-140-080, filed 9/25/19, effective 10/26/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-140-080, filed 5/26/92, effective 6/26/92.]

WAC 495A-140-090 Basis of fee assessment. (1) 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 college. The board of trustees delegates to the president the authority to set an appropriate fee schedule. A current fee schedule is available to interested persons from the office of the executive director of facilities and operations.

(2) 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.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 19-20-048, § 495A-140-090, filed 9/25/19, effective 10/26/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-140-090, filed 5/26/92, effective 6/26/92.]

WAC 495A-140-100 Application procedures. (1) At least seven working days prior to the 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 the executive director of facilities and operations.

The college policies and procedures must be followed accordingly.

(2) The college reserves the right to make pricing changes without prior written notice.

(3) Use of a facility is limited to the facilities specified on the agreement.

(4) The priorities for facility use place primary emphasis on regular college events and activities. The president or designee reserves 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.

(5) 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.

(6) Any admission charge is to be specified and preapproved by the college.

(7) Organizations using Bates Technical College's facilities shall conduct all activities in accordance with applicable local, state, and federal laws including all rules adopted by the board of trustees.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 19-20-048, § 495A-140-100, filed 9/25/19, effective 10/26/19. Statutory

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WAC 495A-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 president reserves the right to require a staff member represent the college at any activity on college facilities. Said service shall be paid at the current rate, by the organization requesting use of the facility and does not relieve the organization from safeguarding the college's property.

(2) The security staff or some other authority of the college will open and lock all rented facilities. Keys to buildings or facilities will not be issued or loaned on any occasion to any organization renting facilities from the college.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 19-20-048, § 495A-140-110, filed 9/25/19, effective 10/26/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-140-110, filed 5/26/92, effective 6/26/92.]